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£160,000 settlement in disability discrimination case

A sales advisor has settled his disability discrimination case against his former employer, Telefonica Ltd, for £160,000. The case was supported by the Equality Commission for Northern Ireland.

Eamon Bowen worked in an O2 store for a number of years. In 2014, he was diagnosed with Spondylolisthesis, a degenerative disc disease which causes him chronic pain, exhaustion, sleep and mobility issues.

Due to his health condition, Eamon had to take periods of sick leave. These were followed by referrals to Occupational Health, who made various recommendations to help him back to work. Eamon was keen to work, he managed his condition and worked from home during the pandemic.

Eamon returned to work in-store following lockdown in June 2020. However, he found this difficult as he spent most of his working day on his feet. Eamon took more sick leave which led to further referrals to Occupational Health. They again made recommendations to help him work including a phased return to work, reduced working hours and use of a support chair on the shop floor. Eamon says the recommendations weren't implemented appropriately.

He made repeated efforts to discuss Occupational Health's recommendations with his employer. In the end he felt he had no option but to submit his resignation and left his job in November 2021.

Eamon Bowen said: "I enjoyed my job, I wanted to work. Occupational Health made recommendations time and time again to help me to return to and remain in work, but these were not fully implemented. In the end, without these supports and adjustments it became impossible for me to continue working. I believe their failure to fully implement Occupational Health's recommendations and to talk to me about my needs as a disabled person cost me my job. I'm grateful to the Equality Commission for helping me to challenge how I was treated."

Geraldine McGahey, Chief Commissioner, Equality Commission for Northern Ireland said: "This case was settled for a significant amount of money and the company has lost an experienced employee. It is essential that employers carefully consider all recommendations made by Occupational Health and communicate with the person with a disability to ensure they understand their needs. It's also important that all staff, particularly line managers, know that the law says reasonable adjustments have to be considered," concluded Ms McGahey.

In settling the case, Telefonica acknowledged and apologised to Eamon for the significant upset, distress and injury to feelings that he experienced. The company also affirmed its commitment to the principles of equality in employment and to ensuring that they comply

with equality law. They have agreed to work with the Commission to review the policies, practices and procedures. The case was settled with no admission of liability.