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£8k settlement in disability discrimination case against chip shop

A chip shop worker with autism has settled his disability discrimination case for £8000 against Mak's Plaice, in Magheralin, County Armagh. The case was supported by the Equality Commission for Northern Ireland.

Oisín McKerr was a school pupil, when he applied for his first part-time job at the takeaway shop. He says that he declared that he lives with autism on his application. He was delighted to be offered the job.

In January 2023, a few months after starting, Oisín was told it was a quiet time for the shop, and he might get more hours in March. The next week Oisín received a text message to pick up his final pay cheque and return his uniform.

The message confused Oisín, he did not know he had been dismissed from his job.

Mary Kitson, Senior Legal Officer, Equality Commission for Northern Ireland said: "Employees with autism have protections under the Disability Discrimination Act. Employers are required to make reasonable adjustments to remove barriers to the recruitment and employment of people with disabilities.

"Oisín says that his employer did not talk to him about his autism or raise any issues about his performance. Nor did they inform him that he was being dismissed. Oisín deserved to be treated with dignity and respect at all stages of his employment.

"Oisín's employer should have identified support measures to try and address any issues of performance at work and discussed these with him. Good support from any employer is key to successful employment for a person with autism and effective communication is central to this support. If this approach had been taken, Oisín may have had the opportunity to keep his job."

Oisín McKerr said: "I was really pleased to get the job in the chip shop. I thought I was doing well. I didn't know there were any problems, nobody told me. I didn't know I had been dismissed. I was really upset when I realised I wouldn't be working there anymore and saw they were recruiting new people.

"I wish they had spoken to me and explained it. I would have listened; I would have done as they asked. I wasn't given the chance to explain my autism and to improve. I'm glad this is all over now and I've found a new job where I do feel supported and valued."

The case was settled without admission of liability and the company affirmed its commitment to the principle of equality of opportunity in employment and agreed to liaise with the Equality Commission for Northern Ireland to review its equal opportunities policies, procedures and practices. The company regrets any injury to feelings, distress or upset felt by Oisín.