



10 July 2024

Sales Rep Settles Disability Discrimination Case for £20k

A sales representative has settled his disability discrimination case against Haldane Fisher Ltd for £20,000. The case was supported by the Equality Commission for Northern Ireland. The case was settled through mediation and without any admission of liability by Haldane Fisher Ltd.

Mark Graham worked for Haldane Fisher Ltd for 28 years. In 2017, Mark was diagnosed with a brain tumour. Following a period of sick leave, he returned to work and was then diagnosed with Meniere's Disease which affected his hearing.

In October 2019, Mark was offered the position of Area Merchant Sales Representative for the Republic of Ireland.

In May 2021, following Covid, the company indicated they wished all external sales representatives to be back out on the road. Due to ongoing restrictions in the Republic of Ireland and his vulnerable person status, Mark had planned to resume in person meetings at the end of that month.

Over the following months, Mark's employer held two sets of meetings with him which included an investigation into Mark not being out on the road, but no disciplinary action was taken. This experience left Mark feeling very distressed, he then took a period of sick leave. Mark lodged a grievance, but this was not upheld.

Mark asked for a reasonable adjustment to his working pattern. He requested to work three days per week meeting customers and two days working from home. Mark says this was declined and he was offered four days on the road and one day in the office on a trial basis for one month. However, if sales figures fell, he was to revert to five days on the road.

At the end of this month-long trial, Mark alleged that there was no review of the arrangement. By October 2022 he felt that he had no alternative but to resign due to the impact on his health of the amount of time he was on the road.

Mark Graham said: "This has been a very difficult time and I'm disappointed that after 28 years service, my career ended as it did. I needed my employer to support me to remain in a job I enjoyed and was very good at. I believe they did not fully understand my disability. I felt that I was considered a burden and that I could not be trusted."

Eoin O'Neill, Director of Legal Services, Equality Commission for Northern Ireland said: "Employees with disabilities should be supported in the workplace. The legislation requires employers to fully consider requests for reasonable adjustments

to help their disabled employees to remain in work and this might include offering alternative working patterns. Failure to do so, can make employers subject to challenge through the courts.”

As part of the settlement, Haldane Fisher Ltd has reaffirmed its strong commitment to the principle of equality of opportunity in employment and agreed to liaise with the Equality Commission to review its policies and procedures to ensure they conform to the requirements of the Disability Discrimination Act.

The case was settled without admission of liability in November 2023.