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NEWS REPORT

Country:	United Kingdom
Title:	Court of Appeal ruling on disability discrimination; [2018] EWCA Civ 1105
Date:	18 May 2018
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<u>Context</u>	
Issue at stake:	Does the employer need to be aware of the link between disability and less favourable treatment?
Ground of discrimination:	Disability
Source:	National court decision, City of York Council v Grosset [2018] EWCA Civ 1105
Field:	Employment
Applicable law:	Equality Act 2010

Content

Case: The Claimant was a teacher employed by the respondent. He has cystic fibrosis and was employed by the respondent with their knowledge of his condition, and with reasonable adjustments to accommodate his disability. He began to experience stress at work due to an increase in his work load which led to conduct which resulted in dismissal for gross misconduct. He had shown an 18 rated film to a class of 15-16-year-old students. The claimant accepted that this was the result of an error of judgement resulting from stress which was linked to his disability. The respondent did not accept that the misjudgement was due to stress or disability and so dismissed the claimant. The respondent claimed that the dismissal could not amount to disability discrimination because the employer was not aware that the disability was linked to the misconduct and had therefore not dismissed because of disability. The employment tribunal accepted that the claimant's disability meant that the time and energy available to enable him to adapt to significant increases in workload was reduced, which led to an increase in his stress. The dismissal was due to an error of judgment that had occurred as a result of his impaired mental state that had been caused by stress. The Employment Tribunal found that the dismissal was an act of disability related discrimination, a decision confirmed by the Employment Appeal Tribunal.

Decision of the Court: The Court of Appeal (CA) confirmed the finding of the Employment Tribunal that the decision to dismiss was clearly an act of unfavourable treatment and that this was causally linked to the disability. The treatment was therefore less favourable treatment arising in connection to the disability and amounted to disability discrimination.

Key points of analysis: The case confirms that the employer does not need to be aware of the link between disability and misconduct. As long as there is a causal link between

the unfavourable treatment of the claimant and disability, a disability discrimination claim may arise.

Internet link source: <http://www.bailii.org/ew/cases/EWCA/Civ/2018/1105.html>

Accessed 16 May 2018.