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NEWS REPORT

Date: 13 February 2015
Expert: Aileen McColgan
Title: Bickerstaff v Butcher
Country: United Kingdom
Context
Issue at stake: Whether obesity can amount to a disability under national law
Ground of discrimination: Disability
Source: Decision of Northern Ireland's Fair Employment Tribunal: [2015] 92/14 FET
Field: Employment
Legislative provisions: Disability Discrimination Act 1995 section 1

Content

Case: The Claimant had a BMI of 48.5 and suffered from sleep apnoea and gout. He was harassed by Mr Butcher, a work colleague, in connection with his weight. Mr Butcher said of him both that he was "so fat he could hardly walk" and that he was "so fat he would hardly feel a knife being stuck into him". He claimed that he had been subject to disability-related harassment contrary to the Disability Discrimination Act 1995 (which still applies in Northern Ireland, but whose relevant provisions are materially identical to those of the Equality Act 2010 which applies in Great Britain). Unusually, the claim was brought against Mr Butcher alone and not against the employer, which had dismissed Mr Butcher in connection with the behaviour of which the Claimant complained.

Decision of the Court: The Tribunal referred to the decision of the CJEU in the *Kaltoft* case (C-354/13) and ruled that the Claimant was disabled, rejecting the argument put for Mr Butcher that the condition was self-inflicted.

Internet link source and additional information:
this decision is not available except on commercial websites.