

ET: Menopause is a disability

An employment tribunal has ruled that an employee was unfairly dismissed when her employer failed to consider her conduct was due to the symptoms of her menopause. It held that the symptoms of menopause were a disability.

- The employee in question, Ms Davis, was initially dismissed from her role as a court officer in 2017 following an incident of misconduct;
- Ms Davis experienced substantial medical problems relating to her menopause, including heavy bleeding, stress, anxiety, memory loss and fatigue;
- Ms Davis was taking a soluble drug to deal with these symptoms which she routinely added to her water jug. However on one such occasion she returned from an adjournment to find two male individuals drinking from this jug;
- She was invited to a disciplinary meeting where it was ruled she breached Health & Safety rules by not securing her medication and was dismissed as a result;
- The ET ruled her employer failed to take into account her actions occurred as a result of the symptoms of her menopause which were considered a disability under the Equality Act 2010;
- Ms Davis was awarded £19,000 in compensation as a result.

Rise in ET cases causes judicial hiring spree

HM Judiciary has announced plans to recruit 54 full-time employment law judges in response to the rise in employment tribunal cases. This represents the first time the fee-paid employment law judges have been sought for more than five years.

Did you know?

Following the abolition of fees in July 2017 the number of tribunal cases has grown significantly. The number of claims received in the 3 months leading up to Dec 2017 was 90% higher when compared with the same quarter in 2016.

Scheme encourages firms to hire ex-offenders

The government's new 'inmate education and employment strategy' will offer tax breaks to organisations who employ former prisoners. The New Futures Network will be set up to help businesses identify potential job roles and take advantage of this opportunity.

Did you know?

Under this new scheme prison governors will be encouraged to work with employers to create training programs which meet with the needs of the local job market. Supporters of the scheme believe this will be a useful way to tackle a post Brexit skills shortage.

Police chief wins £870,000 in sex discrimination pay-out

An employment tribunal ruled that a decorated police chief with over 20 years' service was discriminated against and hounded out of his job by a female boss who was determined to remove a perceived macho culture amongst his department.

Did you know?

The court heard how deputy assistant commissioner punished Denby for various conduct related incidents as well as placing him under internal investigation, whilst no action was taken against a female colleague in a similar position.

The case above highlights that care should always be taken when investigating conduct allegations to analyse whether the conduct is linked to a disability. If it is, the employees will be protected by the Equality Act 2010. It also highlights the importance of medical advice to establish whether a condition is to be classed as a disability. Expert analysis is essential in this situation; as is Croner's dedicated team of medical capability and disability advisers.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.