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PRESS RELEASE

Denied the opportunity to work: £18,886 award in Disability Discrimination case

A Tribunal has found that an advice giving service in North Belfast – the Ardoyne Association - discriminated against a woman who worked for them as an advisor, contrary to the Disability Discrimination Act 1995. The Tribunal awarded Maria McKeith, who was supported by the Equality Commission, £18,886 in compensation.

Ms McKeith had, since 2010, worked as a paid advisor for the Ardoyne Association for 16 hours per week, on four mornings. She has a disabled daughter, is responsible for her care, and a friend looked after her daughter while she was at work.

Ms McKeith was dismissed at the end of March 2015. The Tribunal found that there was evidence from which it could conclude that the dismissal was associative direct discrimination within the terms of the Disability Discrimination Act 1995 because she was the primary carer for her disabled daughter. It found that the Ardoyne Association “*did not put forward any convincing or coherent explanation for its decision.*” It also found that she had been unfairly dismissed.

Ms McKeith had been sent home from work for two extended periods during the months before her dismissal, even though she had not asked for extended leave on these occasions. The Tribunal considered that, in her manager’s minds, “*because the claimant had a disabled child, her position was not properly in the workplace. Her daughter was ‘her priority’.*”

The Tribunal held: “*That is not the legal position. People who are disabled themselves, or who are the primary carer of a disabled person, have a right to work within the protection afforded by the 1995 Act.*”

The Tribunal’s finding of disability discrimination was appealed by the Ardoyne Association. The appeal was dismissed in a decision given by the Court of Appeal in Northern Ireland on 29 November 2016. It stated that there was such evidence that, “*in the absence of an adequate explanation, a Tribunal could conclude that the employer*

committed an unlawful act of associative disability discrimination.” It concluded: “We are not satisfied on any of the appellant’s grounds of appeal. The appeal is dismissed.”

The matter returned to the Tribunal for a hearing on remedies for Ms McKeith. The Tribunal awarded her £10,000 for injury to feelings, £6,760 for loss of earnings, and a total of £2,126 in interest.

Maria McKeith said: “I did not ask for any special treatment and I did not welcome it. I enjoyed coming to work, meeting people and being able to advise and help them and I knew my daughter was being cared for while I was at work. It was a real shock to me when I was made redundant. I’m very pleased by the decisions of the Tribunal and of the Court of Appeal, and grateful for the help of the Equality Commission through this stressful process. But most of all, I hope that this will help make sure that other people in my position are not treated in this way.”

Dr Michael Wardlow, Chief Commissioner of the Equality Commission, said: “The Disability Discrimination Act protects people against discrimination because of their disability. It also protects people in Maria McKeith’s position, who have a role as primary carer for a disabled person. In this case, Ms McKeith was denied the opportunity to work as a result of her daughter’s disability. The law makes such discrimination unlawful.

“It is important also, as was referenced in these proceedings, to highlight that the purpose of the law is to assist disabled people and their primary carers to obtain work and to integrate them in to the workplace. That is not a matter simply of money, but the dignity of, and the respect due to, the people concerned.”

- [Court of Appeal Decision](#) (pdf)