



EMPLOYMENT LAW NEWSFLASH E BULLETIN

DISABILITY UPDATE

A senior police officer has been held to fall within the protection of the Disability Discrimination Act 1995 due to his diagnosis as suffering from dyslexia. In this instance the police officer was diagnosed with minor dyslexia which meant that he should be permitted additional time in his examinations for a promotion. The condition was newly diagnosed, despite him not having previously encountered any difficulties with report writing or financial literacy.

The EAT ruled here in the case of *Patterson v Commissioner of Police for the Metropolis* that under the DDA it is necessary to look beyond a diagnosis of a particular condition, but to focus upon what the individual could or could not do in carrying out his day to day activities. It was stated that the important consideration is the comparison between what the individual can do with the impairment and what the individual would be able to do without the impairment.

The case is an important reminder that even minor impairments can attract the safeguards of the DDA. |

REDUNDANCY CONSULTATION

The EAT has considered the necessity for collective redundancy consultation in the case of *Optare Group v TGWU* and situations where an employer effects 20 or more redundancies.

The employer argued that by having made 17 compulsory redundancies after 3 voluntary redundancies they escaped having to comply with the collective procedures, on the basis that 3 employees leave of their own volition.

The Tribunal refused to accept this argument, stating that it was transparent that the employer was responsible for the redundancies and that having made 20 employees redundant within a 90 day period the collective consultation provisions were invoked. As a result a protective award was made to the employees.

UPDATE ON TRIBUNAL PROCEDURE

New legislation regarding Tribunal procedure was given Royal Assent last week. However, there is currently no indication of the date upon which it will take effect.

The Tribunals, Courts and Enforcement Act 2007 is a lengthy statute but most importantly brings about two changes of note:

1. Tribunal Chairman will become known as 'employment judges'
2. Enforcement action of Tribunal awards will become considerably more straightforward.

FALL IN NUMBER OF TRIBUNAL CLAIMS

ACAS has announced in its annual report that there has been a significant reduction in the number of claims issued in the Employment Tribunal.

Claims have dropped from 109,712 in 2005/06 to 84,039 cases in 2006/07. As usual unfair dismissal remains the most common area of dispute, with a total of 44,397 claims in the last year. However, only 739 claims involved age discrimination.

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