



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mrs M Saafan**

**v**

**BT Plc**

**Heard at:** Birmingham

**On:** 15 April 2021

**Before:** Employment Judge Broughton

**Members:** Mr Liburd  
Mr Morrison

## JUDGMENT ON RECOMMENDATIONS

1. The Claimant's claim of indirect disability discrimination succeeded as did her claims of discrimination arising from disability in relation to the internal recruitment, talent entry and one of the talent acquisition roles.
2. Recommendations were requested by the claimant at the remedy hearing and, having reviewed the parties submissions, we recommend the following:-
  - 2.1 That, to the extent they have not done so already, the respondent provides, within 12 months, disability awareness, discrimination and reasonable adjustment training to all of the following groups of employees who may have interactions with the claimant:
    - a. ER Managers
    - b. HR managers
    - c. Recruiters
    - d. Hiring Managers
    - e. Mr Graham, Ms Cuthbert, Mr Thompson and Ms Coles
  - 2.2 That, to the extent they have not done so already, the respondent provides a copy of our judgment and reasons on liability to their HR Director and the board within 28 days.
3. The claimant's other requests for recommendations are refused. Our powers for making recommendations are limited under s124 Equality Act 2010 to those which would obviate or reduce the adverse effects on the claimant of any matters to which her proceedings related.

4. Many of the claimant's requests
  - 4.1 went far wider than obviating the adverse effects on her personally and / or
  - 4.2 related to matters that were not previously before us and / or
  - 4.3 which had occurred subsequently and / or
  - 4.4 which were otherwise outside our jurisdiction or powers and / or
  - 4.5 were little more than a restatement of the law and / or
  - 4.6 where our judgment itself obviated the adverse effect

5. We would, however, observe the following:-

5.1 Our judgment made clear that a blanket reliance on the respondent's hub strategy, without consideration of individual circumstances and the need to justify their actions, left them at risk of successful claims such as those brought by the claimant.

5.2 If the respondent were to subject the claimant to any detriment, such as failing to consider her for alternative roles, as a result of her bringing these proceedings then that would be a breach of s27 Equality Act 2010.

5.3 When considering the claimant for alternative roles, the respondent would be wise to offer her an interview unless

5.3.1 there is a justifiable requirement which she cannot meet or which cannot be adjusted reasonably

5.3.2 her skills and experience do not meet those required of the role or those of other candidates invited for interview

5.4 For the avoidance of doubt, the matters referred to in this point 5 are not recommendations under the Equality Act 2010.

**Signed by: Employment Judge Broughton**

**Signed on: 15 April 2021**