

A DISABLED EMPLOYEE COULD NOT RELY ON HER MISTAKEN BELIEF ABOUT WHAT ADJUSTMENTS NEED TO BE MADE

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Ms Wood worked for iforce Ltd, a logistics company, at one of its warehouses packing items at a fixed workbench. She had osteoarthritis, a degenerative condition and a disability, which worsened in damp, cold weather. In 2016, the company changed its working practices so that Ms Wood would need to move between benches and “follow the work”, rather than stay at one bench throughout.

Ms Wood, however, refused to work at the end benches near the loading doors as she believed that it would be colder and damper there; hence, making her condition worse. Yet,

following intensive investigations by iForce, it was found that there was no material difference in temperature, humidity or wind chill factor throughout the warehouse. The company concluded that Ms Wood's refusal to follow instructions was unreasonable and issued her with a final written warning (downgraded on appeal to a written warning).

Ms Wood issued proceedings in the employment tribunal, complaining of disability discrimination. The EAT held that in order for her to succeed there had to be some causal connection between the refusal to work at benches near the loading doors and her disability. That connection had not been established. The tribunal had not found that that iForce was requiring Ms Wood to work in colder and damper conditions that might impact upon her disability. In fact, it had found that Ms Wood was mistaken in her belief of this. The tribunal's reasoning had found no basis for finding a causal connection between Ms Woods' disability and the erroneous belief that had led to her to refuse instructions.

iForce Ltd v Wood UKEAT/0167/18

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