

Navigating the new norms of flexible working and reasonable adjustments

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In the recent case of *Pryce v Accountant in Bankruptcy*, a civil servant successfully argued that his employer's refusal to allow him to work from home full-time constituted discrimination against him due to his disability.

Background of the case

A civil servant, herein referred to as the claimant, had been working from home since the onset of the pandemic.

In April 2022, the employer changed their homeworking policy, requiring employees to spend a minimum of two days per week working in the office.

The claimant challenged his employer's decision to deny him the ability to work from home full-time. This request stemmed from his conditions, which include agoraphobia, claustrophobia, anxiety, and mysophobia (an extreme fear of germs).

The employer declined, citing 'disruption and non-financial cost' as reasons why it was not feasible for him to work from home permanently.

This decision sparked the legal battle on the grounds of discrimination due to disability.

Employment Tribunal's decision

The Employment Tribunal (ET) determined that, although the employer's concerns might be considered relevant to the question of reasonableness, in this instance they were deemed to be exaggerated.

Consequently, the ET held that the employer failed in its duty to make reasonable adjustments for the claimant. Interestingly, the claimant did not pursue any financial compensation.

Significance of the case

An increasing number of businesses are requiring employees to return to office-based work.

This case emphasises the evolving nature of workplace expectations and the legal obligations of employers in the context of disability discrimination.

Legal obligations and employer responsibilities

Whilst only a first instance decision, and therefore not binding on other Tribunals, this case acts as a critical reminder for employers of their legal obligations to support employees with disabilities. Ignoring the specific circumstances of each request may inadvertently contravene discrimination legislation even when such requests arise under a broader company policy.

Moreover, when denying such requests, employers must ensure that the rationale provided is substantiated with evidence and remains proportionate, keeping in mind their duty to support employees with disabilities.

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