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## DISABILITY DISCRIMINATION

### IMPORTANCE OF CONSIDERING ADJUSTMENTS

An employer was recently found to have breached its duty to make reasonable adjustments for a disabled employee, even though there were no adjustments that could have been made because the employee refused to take their medication.

The Appeal Court agreed with the Tribunal and said that an employer can be in breach of the duty to make reasonable adjustments, even if no adjustments could have worked. The key issue is whether the employer addressed its mind to making those adjustments.

The lesson to be learned is that even if the gut feeling is that no adjustments will work it is necessary to be able to demonstrate that careful thought has been given before coming to such a conclusion. Had the employer done that they would not have been ordered to pay damages for the individual's injury to feelings.

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