



Bah Humbug: Christmas bonus! (but not if you're sick)

According to recent press reports a note was circulated to agency staff at Argos' warehouse in Basildon offering them an extra 80p per hour if they don't take time off sick. The note which is said to have begun with the words '*Great news starting this Sunday!*' reportedly told the agency workers that they would get the 80p per hour premium, but would lose it for the entire week if they "*go sick or don't attend for work*" on any day during that week.

Great news for some. But what about agency staff who have to take days off sick because of a disability and so are unable to qualify for the bonus for that reason?

Argos released a statement saying that this attendance bonus is to help it meet demand during its peak Christmas period and stressed that it does not tolerate discrimination.

Although it's too early to know if any staff will bring disability discrimination claims challenging this scheme, it is important to remember that where these kinds of schemes could discriminate against staff with disabilities, companies need to be able to justify the scheme and the reasons for it. They must also be able to show that the policy being applied is proportionate and that, where staff have disabilities, they have taken their individual circumstances into consideration before excluding them from the scheme.