

Disabled Worker Wins Case for Wrongful Dismissal against Abercrombie & Fitch

A student who accused Abercrombie & Fitch of ‘hiding’ her in a stockroom¹ at its London store because her prosthetic arm² didn’t fit with the firm’s ‘look policy’ today won her case for wrongful dismissal against the US retail giant.

Riam Dean, a 22-year-old law student who was paid £6.50 an hour by A&F, was removed from the shop floor at the firm’s Savile Row branch when management became aware of her disability, the employment tribunal heard.

She was awarded £7,800 compensation for injury to her feelings, £1,077 for loss of earnings, and £136 damages.

Dean, from Greenford, west London, who was born without her left forearm, told A&F about her disability after getting the job, and the company agreed she could wear a cardigan to cover the link between her prosthesis and her upper arm.

Shortly afterwards, she was told she could not work on the shop floor³ unless she took off the cardigan as she was breaking the firm’s ‘look policy’. She told the tribunal that someone in the A&F head office suggested she stay in the stockroom ‘until the winter uniform arrives’.

The tribunal ruled that she had been wrongfully dismissed and unlawfully harassed⁴, but did not uphold⁵ her claim for disability discrimination.

The ruling⁶ stated: ‘The tribunal is satisfied that the reason for the claimant’s dismissal was her breach⁷ of the look policy on 4 July in wearing a cardigan... It is clear that this policy was applied and enforced in relation to all members of staff.’ The tribunal added that Dean’s dismissal was a consequence of unlawful harassment arising ‘not from treating the claimant differently from non-disabled associates (in enforcing the ‘look policy’), but in treating her the same in circumstances where it should have made an adjustment’.

Her mother, May, said her daughter was ‘very, very pleased’ at the outcome.

Dean, who started working at the flagship A&F store⁸ on 11 June last year, told the tribunal: ‘I had been bullied out⁹ of my job. It was the lowest point... in my life.’

A female A&F manager used the ‘look policy’ and the wearing of the cardigan as an excuse to hide me away in the stockroom. Her words pierced right through the armour¹⁰ of 20 years of building up personal confidence... that I am much more than a girl with only one arm.’

Before starting at A&F in May 2007 Dean took a psychiatric assessment to support an application for disability support funding. The psychiatrist described her as ‘socially isolated’, with an anxiety disorder that reached ‘phobic levels’ relating to a fear of travelling on public transport.

This was dismissed by A&F’s barrister¹¹, Akash Nawbatt, who suggested she may have exaggerated her medical problems.

A&F’s policy states that all employees ‘represent Abercrombie & Fitch with natural, classic American style’. Workers must wear a ‘classic hairstyle’ with nails ‘no more than a quarter inch beyond the tip of the finger’. They are urged to ‘look great while exhibiting individuality’.

Alexandra Topping, *The Guardian*, September 13, 2009

1. **stockroom:** magazzino.
2. **prosthetic arm:** protesi al braccio.
3. **shop floor:** (qui) negozio.
4. **harassed:** vessata.
5. **uphold:** confermò.
6. **ruling:** delibera.
7. **breach:** infrazione, violazione.
8. **flagship... store:** il negozio più importante.
9. **bullied out:** licenziata con prepotenza.
10. **pierced... through the armour:** (fig.) hanno fatto breccia nella corazza.
11. **barrister:** avvocato.

► Understanding the text

1 Answer these questions.

1. Where did Riam Dean work until recently?
2. What was different about her?
3. Describe where she was working in the store and why she was moved.
4. How much did she earn?
5. Her employers suggested a solution. What was it and why did it not work?
6. From what you can infer, what do you think the 'look policy' was during the summer months?
7. How much did the retailer have to pay in compensation? Does it seem a lot?
8. What kind of style does Abercrombie & Fitch expect its employees to exhibit?

► Beyond the text

2 Why do you think that a company would introduce a 'look policy' for their staff? Do you think that it is reasonable? Why / why not?

3 The text states that the Savile Row branch of Abercrombie & Fitch is one of its 'flagship stores'. Find some more information about this address and explain why it could be so important to a clothing retailer.