

Compensation to a police woman for the reassignment of her police dog: Keohane vs. Commissioner of Police for the Metropolis ET/3300265/2011 & ET/3300293/2012 19 September 2012.

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In September, an English employment tribunal awarded compensation for an "injury to feelings" when a police department took a police dog away from its handler, a policewoman who was on maternity leave, and reassigned the dog to another officer.

All narcotics police dog handlers, such as the complainant Woman Police Constable (WPC) Keohane, are expected to keep their dogs with them at home and to use their own vehicles to transport the dog to work. The police department pays an allowance for the cost of keeping the dog. Narcotics dog handlers are also encouraged, but not required, to take a second dog, which WPC Keohane did and when she was allocated a second dog (named Nunki Pippin) she bought a new car that was suitable for carrying two dogs. The police department has a policy on the "retention, reallocation or withdrawal of police dogs", and the section of the policy dealing with pregnant officers states that there should be a risk assessment when the officer informs the force that she is pregnant, followed by a review to decide what should happen to the police dog.

WPC Keohane had two pregnancies. When she informed her employer about her first pregnancy, in April 2009, the police department decided that she should keep both dogs. She then returned from maternity leave in February 2010. In October 2010, she announced that she was again pregnant. The police department determined that other officers could use Nunki Pippin and she gave up the dog on 1 November 2010

The written reasons for the decision noted that this was "the second occasion within 17 months" that she had given notice and been placed on maternity leave, and that the dog was inactive for nine months during WPC Keohane's first pregnancy. WPC Keohane appealed the decision as "inherently discriminatory" because the reallocation of Nunki Pippin would adversely affect her role as a narcotics dog handler upon her return to work. The appeal was denied. When Nunki Pippin became available again in October 2011 WPC Keohane asked if the dog could be returned to her - and after she was asked if she was returning to work her request was denied and the dog assigned to another officer. WPC Keohane brought claims of direct pregnancy and maternity discrimination and indirect sex discrimination to the employment tribunal. The tribunal awarded £9,000 compensation for injury to feelings. Sec. 119(4) of the UK's Equality Act 2010 specifically provides that "[a]n award of damages may include compensation for injured feelings whether or not it includes compensation on any other basis". In

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making this award, the tribunal distinguished between the emotional consequences of reallocating the dog (which could not lead to compensation) and injury to feelings for discrimination (which could lead to compensation under the Act), and the tribunal also awarded over £2,500 for loss of opportunities to do overtime.

See *Keohane v Commissioner of Police for the Metropolis* ET/3300265/2011 & ET/3300293/2012 19 September 2012.