

13 Future Employment Prospects

In *McCafferty* [1977], an award of £9150 for loss of salary due to premature retirement of a ballistics expert was upheld on appeal.

In *Bailey v ICI Ltd*, 1979, £1,500 damages were awarded under the *Smith v Manchester Corporation* rule for the possibility that future employment prospects might be worsened by handicap.

In *Heslop v Metalock*, 1981, Mr Justice Mustill thought it right to make some award for the chance of employment which would be closed to the Claimant because of his deafness but he could not put a figure greater than £750 on it: "A very unhappy state of affairs prevails in the North East. Persons can fall out of work without any fault of their own. Where even the fittest man will have difficulty finding employment, the relative disadvantage of the potentially disabled man is less."

In *Kellett v BRE*, 1984, the claim under *Smith v Manchester* was rejected altogether. The likelihood of the claimant obtaining another job was difficult if not impossible even if he were 100% fit. There were many volunteers for redundancy and British Rail could not guarantee his job until 65. The claimant would not have lost his job on account of his deafness.

Under the present economic climate, optimism based on this heading of claim is misplaced unless the claimant has very special circumstances.

The preponderance of political power is vested in those whose incomes are not dependent on their physical fitness. The need for sickness and injury compensation has not the same significance for those who shape the law (Ison, 1967). Statutory remedy is not likely.