

IDS Diversity at Work aims to provide timely, accurate and high quality information on workplace diversity, equal opportunities and discrimination law. It will help increase your understanding of and compliance with the law, and supply the information and the tools you need to realise the benefits of good practice.

News

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- Further detail on Equality Bill proposals
- Councils face 'thousands of new equal pay claims'
- Carers protected against disability discrimination
- Microsoft 'paying for diversity performance'
- More ambitious approach to tackling inequality needed, says EHRC
- No victim required for there to be discrimination
- EHRC calls for radical rethink on parental rights
- Maternity distinction removed
- New Civil Service diversity strategy
- Over a third of cases to Acas concern equal pay

Plus news in brief: *Forces complacency – Recruitment costs – EU discrimination – Barclays 'Face Equality' – Flexible working – LA equality framework – Women in the unions – Working parents – Prayer room guide – Roadmap to the board – Mental health – Apprentice pay – Women's priorities – Promotion barriers – Diversity Champion – £14bn bullying cost*

Focus 12

Pregnancy and maternity leave – recent cases

Family-friendly rights have become commonplace in many workplaces, yet each year more than 200,000 women in Britain face discrimination at work because of pregnancy or maternity. In this article, we consider the statutory protection afforded to pregnant women at work and those on maternity leave before examining recent case law in the area. In particular, we examine an employer's obligations in relation to permitting time off for antenatal care and to carrying out health and safety risk assessments, and consider the circumstances in which incidents of detriment, unfair dismissal and unlawful acts of discrimination against pregnant women and those on maternity leave are particularly prevalent.

Case Watch – Appeals 21

'Disability-related' comparator test overruled

Mayor and Burgesses of the London Borough of Lewisham v Malcolm: In a landmark decision, the House of Lords overrules the long-standing comparator test in 'disability-related' discrimination cases laid down in the Court of Appeal decision in *Novacold* and holds that the correct approach is to compare the treatment of the complainant with that of a non-disabled person who is otherwise in the same circumstances – so, for example, contrary to *Novacold*, a disabled employee dismissed for disability-related absence is not discriminated against if a non-disabled person with the same amount of absence would also be dismissed.

Case Watch – Tribunals 23

Religious discrimination:
Age discrimination:

Christian registrar refused to conduct civil partnerships
64-year-old 'retired' after knee operation

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