

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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- Bullied City worker awarded £850k
- EOC funding cut prior to gender equality duty launch
- DRC calls for wider definition of 'disability'
- Law firms should do more to encourage diversity
- NI Council failed to comply with own Equality Scheme
- EC single sex equality Directive

**Plus news in brief:** *DCLG equalities post – Gay pay – Independent experts – Maternity Regs – New disability body – Disabled graduates – Diversity at Brent – Diversity heroes call – Age Regs guide – Bank equality commitment – Magistrates' ethnicity*

### Case Study

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#### Employers come out in support of LGB workers

Accenture and the London Fire Brigade are very different organisations – one a modern, global management consultancy; the other a uniformed service with roots in the military – and each began from a very different starting point when it came to addressing sexual orientation issues at work. Nevertheless, both organisations have learned that, in order to create a gay-friendly workplace, employers need to be open and confident in expressing their support for the gay community. We look at how each organisation has reached out to lesbian, gay and bisexual (LGB) people, and the reaction their initiatives have had from LGB employees and the wider workforce.

### Focus

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#### Flexible working - part two

In the second of our two articles on flexible working we focus on the remedies available to employees whose requests for flexible working arrangements have been turned down by their employers. We note that the scope for challenge under the flexible working law is limited and that employers should be alive to the fact that employees may also bring claims under the sex discrimination legislation, which imposes no statutory limit on the amount of compensation that may be awarded.

### Case Watch – Appeals

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#### Liability for employees' breach of Harassment Act

**Majrowski v Guy's and St Thomas's NHS Trust** – The House of Lords rules that employers can be held vicariously liable under the Protection from Harassment Act 1997 for their employees' acts of harassment. This opens up a new legal channel for bringing claims of harassment or bullying. The 1997 Act provides a remedy for bullying without requiring the objectionable behaviour to be linked to one of the prohibited grounds under the discrimination legislation; nor does it require the employee to take the drastic step of resigning his or her employment and claiming constructive dismissal. Additionally, whereas the discrimination legislation provides an employer with a defence where it can show that it took 'such steps as were reasonably practicable' to prevent the harassment taking place, the 1997 Act provides no such defence.

### Statistics

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#### Rise in discrimination claims

The number of discrimination claims increased in all discrimination fields apart from disability last year, with the number of equal pay claims doubling, mainly as a result of multiple claims involving local authorities and the NHS, according to the latest annual report from the Employment Tribunals Service. Overall, the number of claims increased by 42%. Total compensation awarded also increased, with tribunals awarding £5.5m in sex, race and disability discrimination claims compared with £5.1m in the previous years. We look at the latest statistics in detail.

### Diversity at Work

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