

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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- Scrap the Equal Pay Act, says EHRC
- Diversity measures risk falling foul of the law
- Nacro named Britain's top gay-friendly employer
- Scope achieves target for disabled staff
- Statutory dispute resolution procedures to be repealed
- Leaders must play greater role in diversity agenda
- Women must wait until 2065 for boardroom parity
- Home Office on course to meet most race targets
- Reducing the cost of mental health at work
- Role of fathers not valued enough by society
- Increase in Catholic share of NI employment

Plus news in brief: *Pay target to hit women – BME mentor scheme – Flexible working – New Year's Honours – Caring costs – Equality reps rights call – Disability factsheet – ODI annual report 2007 – Arthritis guides – Disability bias – Apprenticeships – EU gender inequality – Women in SET*

Appeals cases round-up 10

Appeal cases round-up 2007 – part one

This is the first in a two-part series rounding up key decisions made by the appellate courts during the past 12 months. In this article, we focus on appellate decisions in the sex discrimination and equal pay fields, as well as maternity rights. These cover a range of issues including:

Sex discrimination

- direct discrimination (the prohibited ground; correct comparator; actual not potential treatment; and burden of proof)
- indirect discrimination (failure to objectively justify)
- victimisation ('by reason that' the employee had brought proceedings; allegedly for referring union members to a 'no-win, no-fee solicitor'; and allegedly for bringing equal pay claims)

Equal pay

- comparators (same employment; multiple comparators; and comparators on lower grades)
- equal value (challenging the independent expert)
- genuine material factor defence (bonus schemes; collective bargaining; and protected pay)
- back pay (period pre-dating implementation of a job evaluation scheme)
- time limits (transfer of undertakings; and where employed on short-term contracts)
- statutory dispute procedures (modified procedure; and no compensation uplift because 'exceptional case')

Maternity rights

- 'same job'
- EC Pregnant Workers Directive

The article also highlights key judicial review decisions covering harassment, pregnancy and sexual orientation discrimination. In part two, which will appear in *IDS Diversity at Work* No.45, we look at the key appellate decisions in the age, disability, race and religion discrimination areas, as well as in the field of part-timers' rights.

Case Watch – Tribunals 24

Age discrimination:

Applicant rejected because of age

Diversity at Work

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