



# **IER Equalities Conference - Liverpool**

Equality & the Law – recent cases  
and precedents

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# Introduction

- Overview of current position on Equality Act 2010
- Recent developments in case law
- Insight into approaches an ET will take under the Equality Act

# Equality Act (1)– Current Position

- Main provisions came into force on 1 October 2010
- All not as it seems:-
  - 17 September 2010 – socio-economic duty
  - 2 December 2010 – gender pay gap reporting
  - 17 March 2010 – specific public sector equality duties
  - 23 March 2010 – dual discrimination
  - What next for third party harassment?

# Equality Act (2)

- Safe in our hands?



- v -



# Associative Discrimination

- Direct discrimination under s.13
  - “*a person is subject to direct discrimination if they are treated less favourably because of a protected characteristic*”
- Associative discrimination and disability - *EBR Attridge Law and ors –v- Coleman*
- Does it apply to other protected characteristics?
  - *Kulikaoskas –v- MacDuff Shellfish & anor*

# Direct Discrimination and the Comparator Test

- S.23 - Not materially different circumstances
- Disability – comparator = Someone who does not have a disability

What about behaviour connected to disability?

- *Aitken –v- Commissioner of Police of the Metropolis EAT*
- *Aylott –v- Stockton-on-Tees Borough Council CA*

# Perception Discrimination

- *English –v- Thomas Sanderson Blinds EAT*
  - Test is, what is the reason for the treatment?
  - Does this apply to disability discrimination?
- *Aitken –v- Commissioner of Police of the Metropolis EAT*
- *J –v- DLA Piper EAT*

# Indirect Discrimination

- S.19 –
  - where a PCP puts those who share a PC at a particular disadvantage, the worker is put at a disadvantage and the PCP cannot be justified
- Maternity – returning to work part time
- *Hacking and Paterson and anor –v- Wilson EAT*



# Dual Discrimination

- *Ministry of Defence –v- DeBique EAT*
- Justification
  - Is it just a matter of cost?
- *Woodcock v Cumbria Primary Care Trust EAT*

# Third Party Harassment

- Will the employer be able to escape liability?
- *Weeks –v- Commissioner of Police for Metropolis ET Case*
- *Gravell –v- London Borough of Bexley EAT*
- *Lisboa –v- Realpubs Ltd and ors EAT*

# Conclusion

- What lies ahead?