

T THOMPSONS SOLICITORS
STANDING UP FOR YOU

Equality: workplace rights under attack
IER 22 January 2014
Victoria Phillips

Government agenda **T THOMPSONS SOLICITORS**
STANDING UP FOR YOU

Coalition Government agenda
Language of equal treatment- Equality Act 2010
But...
"Red Tape", "Goldplating", "burdens on business"
Narrative around vexatious claims (based on anecdote)
Equality an expensive luxury

Standing up for you

Reality **T THOMPSONS SOLICITORS**
STANDING UP FOR YOU

Enterprise and Regulatory Reform Act 2013
Repeals
Third party harassment - sections 40 (2)-(4)
Equality Act questionnaires – section 138
Introduction of ET fees – 29th July 2013
£250 issue fee, £950 hearing fee total **£1,200** (all discrimination claims)
Complicated and stringent **remission** system
ACAS Early Conciliation Scheme 2014 – must use to bring claim

Standing up for you


Rights without remedies ?

 THOMPSONS SOLICITORS
STANDING UP FOR YOU

EHRC cuts in funding – impact on ability to provide advice
Wider recommendations power – to be repealed (Deregulation Bill 2013)
Public Sector Equality Duty review/ Judicial Review to be made more expensive/ difficult
Signal to employers about value of rights?
EU derived rights preserved – “protected characteristics” but UK derived rights (unfair dismissal being watered down?)

Standing up for you

Impact in workplaces

 THOMPSONS SOLICITORS
STANDING UP FOR YOU

Austerity agenda- equality rights too expensive
Outsourcing – dilutes terms and conditions + two tier workforce issues
TUPE changes April 2014 – Allow renegotiation of terms derived from collective agreements one year after transfer provided that overall the change is no less favourable to the employee
Redundancies vs cuts in terms and conditions
Low pay- non compliance with NMW and WTR
Family friendly/maternity rights = “expensive luxury”

Standing up for you


Options for collective bargaining

 THOMPSONS SOLICITORS
STANDING UP FOR YOU

Review all terms and conditions and equality policies in light of current law
Ensure ts&cs no less favourable now than statutory minimum and entrench as far as possible
Include equality provisions in collective agreements – equal pay audits etc
Low pay – Living wage, payment for travel time /holiday pay
Historic role of trade unions in advancing workers rights

Standing up for you

Conclusions (1)

 THOMPSONS SOLICITORS
STANDING UP FOR YOU

Very real danger that Government policy will see return to contract only rights.

Vital to be prepared to protect most vulnerable workers including women and other minorities who most dependent on contractual rights which are better than statutory minimum.

Only since 1971 that there have been statutory rights, what Parliament has given it can take away.

European underpinning fairly minimal.

Vital for trade unions and their members to hang on to their better than statutory contractual rights.

Standing up for you

Conclusions (2)

 THOMPSONS SOLICITORS
STANDING UP FOR YOU

Recruitment opportunity?

- Fees
- Attack on workers rights
- Non traditional groups adversely affected by attacks on equality

Labour and Employment Law Review
www.Thompsons.law.co.uk
@ThompsonsLaw
@Vicky_Phillips1

Standing up for you
