What to expect in equality law

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Equality Law is an area which can change rapidly. Below is a summary of some of the bigger changes expected in the coming months and years.

Equal Pay

A class-action claim has been brought by Asda's female shop floor staff, who argue that their pay should be the same as

male workers in the company's distribution centres. The claim is expected to be heard by the Employment Tribunal this year, at which point it would need to consider whether the claimants and their male colleagues do work of equal value. Whilst this claim is not the only one of its type given that Sainsbury's staff have already brought a similar claim, a win could encourage yet more supermarket workers to seek legal redress.

In large firms with over 250 staff (Sainsbury's and Asda included), data will need to be published regarding the gender pay gap. Whilst companies' first reports are not due until April 2018, employers would be wise to review their pay practices now and ensure that they are able to comply with reporting requirements.

Discrimination at work

The Court of Justice of the European Union has heard cases on whether an employer's decision to prohibit female Muslim staff from wearing headscarves at work amounts to religious discrimination (*Bougnaoui v Micropole Univers* and *Achbita v G4S Secure Solutions*).

The Advocate General's view in *Achbita* was surprising, finding that outward symbols of religion could effectively be 'left at the door', such that a policy prohibiting them did not discriminate. It will be interesting to see if the CJEU follows this decision (either in *Achbita* or in *Bougnaoui*).

Discrimination in services

The well-publicised 'gay cake' case, *Ashers Baking Co v Lee*, will go before the courts again. The bakery has appealed against the judgment that it discriminated against a potential customer by refusing on religious grounds to bake a cake bearing a pro-gay marriage message. Whilst the Northern Irish courts' decisions do not bind courts and Tribunals in England, the decision will still be persuasive when faced with similar cases.

In England, the Supreme Court must consider the rights of wheelchair users on buses. An appeal has been instituted against the Court of Appeal’s decision that it was not disability discrimination for a bus company to ask – but not to require – that other passengers move to make room for a wheelchair user.

Family-friendly rights

It may only have been in place for a year, but the government is expected to be simplifying the rules on shared parental leave in the near future. A consultation will also be launched into whether the rules should permit leave to be split with grandparents as well as between the parents.

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