

Byron: Illegal working and employers' duties

In the wake of events at Byron Hamburgers, BDBF's Paul McAleavey considers employers' competing legal obligations to prevent illegal working while also maintaining the trust and confidence of their employees. Originally published in the Solicitors' Journal on 16 August 2016.

What to expect in equality law

BDBF considers some of the bigger changes expected in the coming months and years to equality law.

Race discrimination may not include mistreatment due to immigration status

Domestic workers who are mistreated because of their vulnerable immigration status may not pursue race discrimination claims against their employers.

Expectation that disabled employee would work late could be discriminatory

In a workplace where everyone works late, does the expectation of long working hours discriminate against disabled employees who struggle to comply?

Is it lawful to ban a Muslim woman from wearing her headscarf at work?

Did G4S's policy against wearing religious symbols at work discriminate against a Muslim employee who wanted to wear her headscarf?

Excluding pupil with ADHD for having sex on school premises

was not discriminatory

It was not discriminatory for a school to exclude a pupil with ADHD for having sex at school, as her ADHD was not serious enough to be a disability.

Is it discriminatory to dismiss a Christian for standing by her paedophile husband?

A school decided to dismiss an employee for standing by her husband, who had committed child sex offences. Was this decision discriminatory because of the employee's Christian beliefs?

Lord Chief Justice intervenes in judge's race discrimination claim against MoJ

Lord Thomas has written a letter to say that judge Peter Herbert's comments about racism in the judiciary should be

investigated by a disciplinary panel.

Was it discriminatory to sack a wheelchair user for using racial slurs when complaining about accessibility?

A wheelchair user alleged that it was discriminatory for his employer to dismiss him for using racial slurs when he complained about an inaccessible meeting venue.

Employers have a duty to make reasonable adjustments to sickness absence policies

Employers are under a duty to make reasonable adjustments to the way in which they apply their sickness absence policies.

Instruction not to speak native language at work was not discriminatory

It is not discriminatory on grounds of race for an employer to ask its employees not to speak their native language at work in circumstances where there are legitimate security concerns.

Negative reference can be discriminatory regardless of referee's motive

The EAT has found that it is not necessary to show a referee's motive when bringing a disability discrimination claim following a negative reference, which is based partly on an individual's frequent absences.