

The proportionality test in discrimination

The Court of Appeal said that the concept that 'not working on a Sunday is not core to Christian belief' is irrelevant for Tribunals working out whether a Christian's belief that she should not be required to work on Sundays for faith reasons should be granted.

John McCririck loses age discrimination claim

It was widely publicised before Christmas that John McCririck, horse-racing pundit, lost his age discrimination claim against Channel 4. The Tribunal appears to have found that the decision to dismiss Mr McCririck was not age-related but due to his sexist views, unpalatable presenting style and controversial appearances on reality TV shows. That said, the Tribunal judgment stands up poorly under legal scrutiny and the factual basis for the decision is not entirely clear.

Paying older workers larger redundancy payments is

discriminatory but justified

In order to establish discrimination, a Claimant must establish that they have been treated differently to a comparator whose circumstances are materially the same to their own (with the only difference being a protected characteristic such as age, race, disability etc). In *Lockwood v. DWP*, an age discrimination case, the Court of Appeal gave short shrift to the suggestion that there was a material difference between groups of workers (and therefore no comparator) on the basis of circumstances intrinsically linked to age.

Paying for an employee's private counselling can be a reasonable adjustment

In *Croft Vets Ltd v Butcher*, the Employment Appeal Tribunal found that an employer should have agreed to pay for private psychiatric counselling for an employee who was suffering from work-related stress to help her return to work.

Successful internal appeal

cancelled out earlier allegation of indirect discrimination

Ms Little worked as a full time sales executive for Richmond Pharmacology. Richmond required all its sales executives to work full time to provide high customer service.

Obesity is not a disability (well not for now at least)

Obesity does not, of itself, render someone disabled and trigger a duty to make reasonable adjustments on the part of an employer. However, if as a result of someone's obesity there are substantial and long term effects on an employees' ability to carry out normal day-to-day activities (such as lack of mobility) this could mean that an employee is deemed "disabled" pursuant to the Equality Act legislation.

What happens when a disabled employee goes on sick leave a

lot?

What is interesting about this case – HMRC v Whiteley – is not the judgement but the guidance given by the Employment Appeal Tribunal relating to disabled employees who exceed the number of days permitted under a sickness absence policy.

B&B owner discriminated when refused to allow homosexual couple to share a room

In Black v Wilkinson, Mrs Wilkinson, a Christian, ran a B&B from her family home. Her policy provided that only heterosexual married couples were allowed to share a room and so in March 2010, she refused to accommodate a homosexual couple.

Knowledge of disability is essential

In Patel v Lloyds Pharmacy Ltd, the Employment Appeal Tribunal struck out Mr Patel's claim for direct disability discrimination because there was no evidence that the manager accused of discrimination was aware of his disability.

Shareholder's homophobic comment gave rise to a discrimination claim

A shareholder of a Romanian football club commented to a journalist that he would prefer to close the football club than hire a homosexual player, in response to the suggestion that a player who was due to transfer to the club was homosexual.

Dismissal for bringing discrimination claim against former employer is victimisation

In *Bouabdillah v Commerzbank AG*, an Employment Tribunal found that Commerzbank had victimised one of its employees when it dismissed her for bringing a claim against her former employer, Deutsche Bank.

How far do you have to go to prove 'reasonable adjustments'?

Mrs Wade worked for Sheffield Hallam University. Mrs Wade suffered from allergies which, for the purpose of disability discrimination legislation, amounted to a disability.