



Equality Bulletin - Winter 2024

Welcome to our Winter Equality Bulletin. A lot has happened in equality law since our Autumn bulletin. Judgments have been handed down by the Court of Session on the case considering the definition of a woman under the Equality Act 2010 and also on the Scottish Government's challenge to the UK Government using the Scotland Act 1998 to prevent the Gender Recognition Reform (Scotland) Bill receiving Royal Assent (becoming law). With the new duty on employers to prevent sexual harassment, we consider whether time is finally up for harassment in the workplace, and also consider a recently heard case that should provide clarity to universities on exactly what their obligations are to disabled students.

You can also scroll down to find out more details on our upcoming free webinars, recent podcasts and the equality and diversity training we can offer your organization.

SARAH GILZEAN

Partner, Employment and Equality Law



ESSENTIAL EMPLOYMENT LAW WEBINARS

Our next essential employment law webinar, on 8 February, looks at workplace equality for transgender individuals. This covers who is protected, practical issues and managing conflicting beliefs in the workplace. You can register for this and our other employment law essential webinars by clicking on the links below. Our webinars last for approximately 50 minutes and are free to attend.

- [Transgender equality in the workplace](#) - 8 February 2024
- [Carer's leave - what employer's need to know](#) - 14 March 2024

Our webinars are applicable to the law of Scotland, England and Wales. If you can't attend on the day please register anyway and we will send you a recording of the webinar.

Feedback from recent attendees at these seminars include "really great content and delivery, well paced and informative", "all the speakers were very practical as well as knowledgeable", and "very interesting, relevant content and accessible".

For links to our recent essential employment law webinars, including the new laws on preventing sexual harassment in the workplace, see [Employment Law Training](#).

EQUALITY AND DIVERSITY TRAINING

Do you provide training on equality and discrimination matters for your employees? Have you provided refresher training to your employees in the past year? If the answer to either of these questions is no then your organisation may be exposed to financial and reputational risk in the event that a claim is raised.

Sarah Gilzean runs training, to assist employers to improve equality and diversity within their organisation and to help employers establish a "reasonable steps" defence. Contact Sarah at Sarah.Gilzean@MFMac.com or on 0131 247 1157 if you would like to arrange a session tailored for your organisation's needs.



HOT TOPIC

Can time finally be called on sexual harassment?

Will high compensation awards and the new duty to prevent sexual harassment finally make the workplace a safer place?

[READ MORE](#)

CASE UPDATE

Gender Recognition Certificate changes person's sex for purposes of Equality Act 2010

Court of Session upholds earlier judgment on this controversial issue.

[READ MORE](#)



CASE UPDATE

Court finds UK Government "veto" of Gender Recognition Reform (Scotland) Bill was lawful

Scottish Government's decision not to appeal means Bill will not now be enacted.

[READ MORE](#)

EQUALITY ACT - EDUCATION

Clarifying university duties to students under Equality Act 2010

High Court case considers duty of care and duty to make reasonable adjustments under the Equality Act 2010.

[READ MORE](#)



ROUND UP

Equality Law Round Up

Our quarterly review of the equality law related news you may have missed.

[READ MORE](#)

Our equality law podcasts

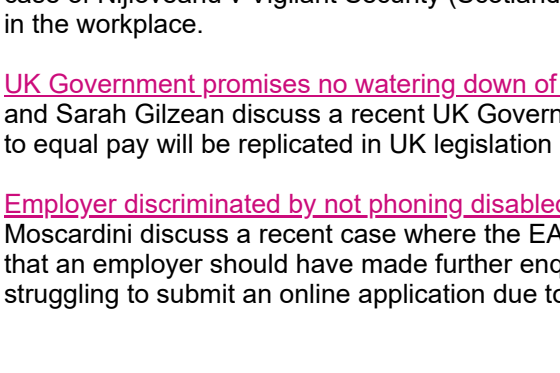
You can listen to our most recent equality law podcasts by clicking on the links below :-

[Indirect discrimination: same disadvantage](#) - David Hossack and Andrew Gibson discuss the introduction of the new Section 19A of the Equality Act on 1 January 2024 and the potential implications of this for employers and employees.

[Discrimination claims brought by employee following her refusal to wear a bracelet at a festival](#) - David Hossack and Fiona Meek look into the protected characteristic of religion and belief in the case of Nijjoveanu v Vigilant Security (Scotland) Ltd and discuss how far these protections extend in the workplace.

[UK Government promises no watering down of equal pay protection due to Brexit](#) - David Hossack and Sarah Gilzean discuss a recent UK Government announcement that EU protection in relation to equal pay will be replicated in UK legislation and discuss why this is important.

[Employer discriminated by not phoning disabled job applicant](#) - David Hossack and Nicole Moscardini discuss a recent case where the EAT held that employment tribunal was entitled to find that an employer should have made further enquiries by telephone where a job applicant was struggling to submit an online application due to disability.



Contact us

If you have any questions on the content of this bulletin or if you would like to discuss any other equality or discrimination issue then please contact our specialists.

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