



Equality News - Quarter three 2021

We have a packed edition for you this quarter and we hope that for those of you lucky enough to be getting a break soon, there will be some interesting holiday reading and listening.

Menopause is highly topical at the moment and we have an article and a podcast covering what employers need to know as well as podcasts on injury to feelings in discrimination claims and the latest instalment in the Asda Equal Pay cases. We also cover the eagerly awaited decision of the Employment Appeal Tribunal in the *Forstater* case covering the issue of whether gender critical beliefs are protected under the Equality Act 2010.

Following on from our feature on Shared Parental Leave in our last edition, we look at whether men have less protection from discrimination in relation to childcare responsibilities. We also look at two cases on remedies for discrimination, whether interim relief is available and whether injury to feelings should be awarded for indirect discrimination cases.

We also cover two recent cases, one involving discrimination arising from disability and the other looking at sex discrimination in relation to payments during maternity leave. Finally, June has been a month full of fantastic events celebrating Pride month and we end it by sharing the reflections of Morton Fraser's HR Director, Martin Glover, on what it means for him to work somewhere with a progressive and inclusive culture.

INSIGHT

Gender critical beliefs protected

The EAT finds that the belief that sex is immutable is a protected philosophical belief. The claimant successfully argued that her gender-philosophical views constituted a protected philosophical belief under the Equality Act 2010.

[READ HOW](#)



INSIGHT

Protection against discrimination

Should gender play a part in protection from discrimination arising from caring responsibilities?

[THE FULL ARTICLE](#)



PODCASTS

Our latest E&D podcasts

Our employment team produce a weekly podcast. Our latest episodes cover [Menopausal symptoms and disability](#), [How does an employment tribunal value injury to feelings in discrimination claims?](#) and the [Asda Equal Pay](#).

You can find our podcast by searching for Morton Fraser podcasts in your podcast app.



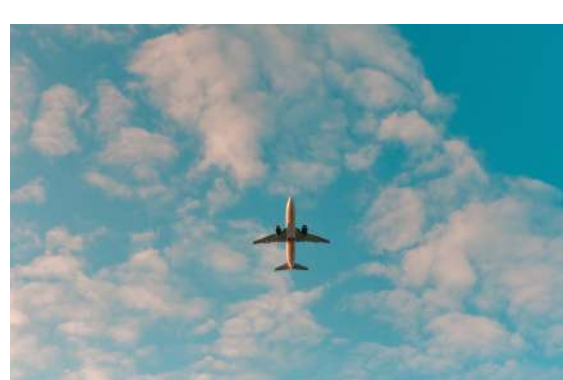
TRIBUNAL OUTCOME

Menopausal symptoms found to be disability

Menopause, a condition which affects almost all women at some point during their careers has been found to be a disability in a recent case. We've summarised the outcome of this case and what employers need to know.

We also explore this case in a new podcast which you can listen to [here](#).

[READ MORE](#)



Disability discrimination & dismissal

Could dismissal for a trip to Pakistan amount to disability discrimination? A recent EAT decision has highlighted the importance of employers being clear about the reasons for a dismissal.

[READ THE FULL ARTICLE](#)



Position on interim relief clarified

Court of Appeal rules that Tribunals cannot grant interim relief in discrimination claims.

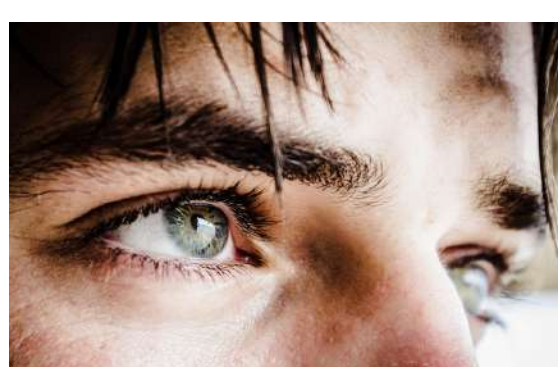
[READ THE FULL ARTICLE](#)



Unintentional indirect discrimination

The Court of Appeal has ruled that compensation for injury to feelings can be awarded for unintentional indirect discrimination. In this case, the Claimant suffers from a defective colour vision condition which affects more men than women and argued that the requirement to pass certain colour vision tests to remain authorised for his duties unlawfully discriminated against men on the ground of sex.

[READ THE JUDGEMENT](#)



What's new in equality law

Let us keep you up to date with wider equality, diversity and inclusion developments in What's new in Equality Law?

[READ THE FULL ARTICLE](#)



Employment tribunal round-up

Read the latest Employment Tribunal decisions in our Employment Tribunal Discrimination Round-up.

[READ THE FULL ARTICLE](#)



IN CASE YOU MISSED IT

We highlight some of the most important discrimination cases and news reports that have appeared in our monthly Employment Law E-News: [Which philosophical beliefs are worthy of protection from discrimination?](#)

If you missed our free training webinar in May you can catch up with our top tips here: [Equality & Diversity Webinar - Protecting Your Organisation From Liability](#).



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