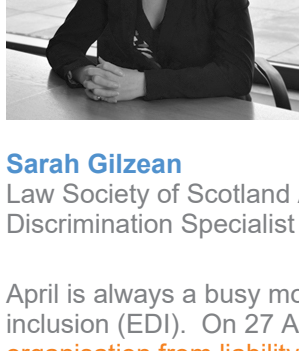




Equality News Quarter two 2021

Welcome to the second edition of Equality News, our regular bulletin focusing on equality, diversity and inclusion issues.



Sarah Gilzean
Law Society of Scotland Accredited
Discrimination Specialist

April is always a busy month and this year is no exception in the world of equality, diversity and inclusion (EDI). On 27 April we will be running a free webinar for employers [Protecting your organisation from liability](#), which will look at the lessons of recent case law on keeping equality policies and training up to date. This will be followed by a more in-depth session in June which we are limiting to 20 places only. See [below](#) for further details on our June webinar.

In this issue we look at the issue of [Covid 'Passports'](#) and the concerns that have been expressed about potential discrimination in light of the recent UK Government consultation. We also catch up with the [latest instalment](#) in the multi-million pound equal pay case against Asda and [look at guidance recently issued by the Employment Appeal Tribunal](#) in determining substantial adverse effect in disability discrimination cases.

There is a focus on Shared Parental Leave in this issue, and in particular we look at the difference in treatment that men can face in comparison to women on maternity and [adoption leave](#). We are also delighted to discuss this issue in more depth with leading QC, Rachel Crasnow in our [podcast](#) on Shared Parental Leave.

We also keep you up to date with wider developments in EDI in [What's new in Equality Law?](#) and you can read some recent Employment Tribunal decisions in our [Employment Tribunal Discrimination Round-up](#).

And, 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. Readers should note that since the last edition of Equality News, the [enforcement of gender pay gap reporting has been suspended](#) again until 5 October 2021.

Equality and Diversity - Establishing the reasonable steps defence to protect your organisation



Equality & Diversity Training

Establishing the reasonable steps defence to protect your organisation

Thursday 3 June | 10:00 - 12:00

Equality & Diversity Training - Establishing the reasonable steps defence to protect your organisation - 2 hour paid for training session - restricted to 20 people

Claims for discrimination are uncapped with six and even seven figure sums having been awarded by Employment Tribunals in the past few years. Employers who can show that they have taken "all reasonable steps" to avoid discrimination through appropriate training on equality issues may be able to use this statutory defence against certain discrimination claims arising from the acts of their employees. Recent cases highlight the issues caused by lack of training, "stale" training and the absence of refreshing training regularly.

Sarah Gilzean is a leading discrimination expert and an accredited specialist in discrimination law. Karen McGill has many years of experience advising both employers and employees in relation to discrimination matters. Sarah and Karen have designed this training course to help employers establish a "reasonable steps" defence in the event that a harassment claim is raised against them. In this course they will cover:-

- The protected characteristics under the Equality Act 2010
- Different types of discrimination
- Harassment and the dangers of workplace "banter"
- Recent cases and Employment Tribunal awards
- Practical tips and red flags
- The reasonable steps defence and how to ensure that you can argue it
- Cascading training down through the workforce

This training is applicable to the legal position in Scotland, England and Wales and is suitable for HR professionals, managers, employees and in-house lawyers who wish to update their training and also for managers and employees who have limited prior knowledge of the topic. The attendees will be limited to 20 to ensure that the session is as engaging as possible and to allow sufficient time for questions. Attendees will receive a copy of the Powerpoint slides, a detailed handout, a certificate of attendance and a recording of the training. It is intended that this training can be referred to as part of any reasonable steps defence.

- Cost: £125 plus VAT per person
- Cost for charity employees and trustees: £110 plus VAT

To register click [here](#).

COVID Passports: COVID-status certification could discriminate against some groups



The Equality and Human Rights Commission (EHRC) warns that the introduction of Covid 'passports' may be discriminatory and could create a "two-tier society".

[Find out why](#)

Women working in stores can compare their pay with male comparators in distribution centres



Supreme Court rules that women working in stores can compare their pay with male comparators in distribution centres.

[Read More](#)

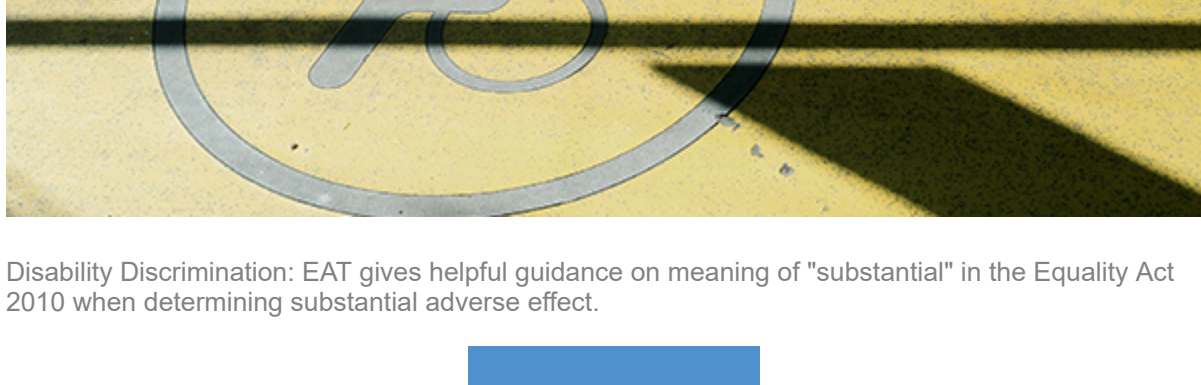
Male employee on Shared Parental Leave could not compare his treatment with a female on Adoption Leave



The EAT finds that a man on Shared Parental Leave could not complain of sex discrimination by comparing his treatment to a woman on Adoption Leave.

[Read More](#)

Disability Discrimination - Substantial Adverse Effect



Disability Discrimination: EAT gives helpful guidance on meaning of "substantial" in the Equality Act 2010 when determining substantial adverse effect.

[Get the guidance](#)

Employment Tribunal Discrimination Round-up

Catch up on the most recent Employment Tribunal decisions in discrimination law.

[Read More](#)

What's new in Equality Law?

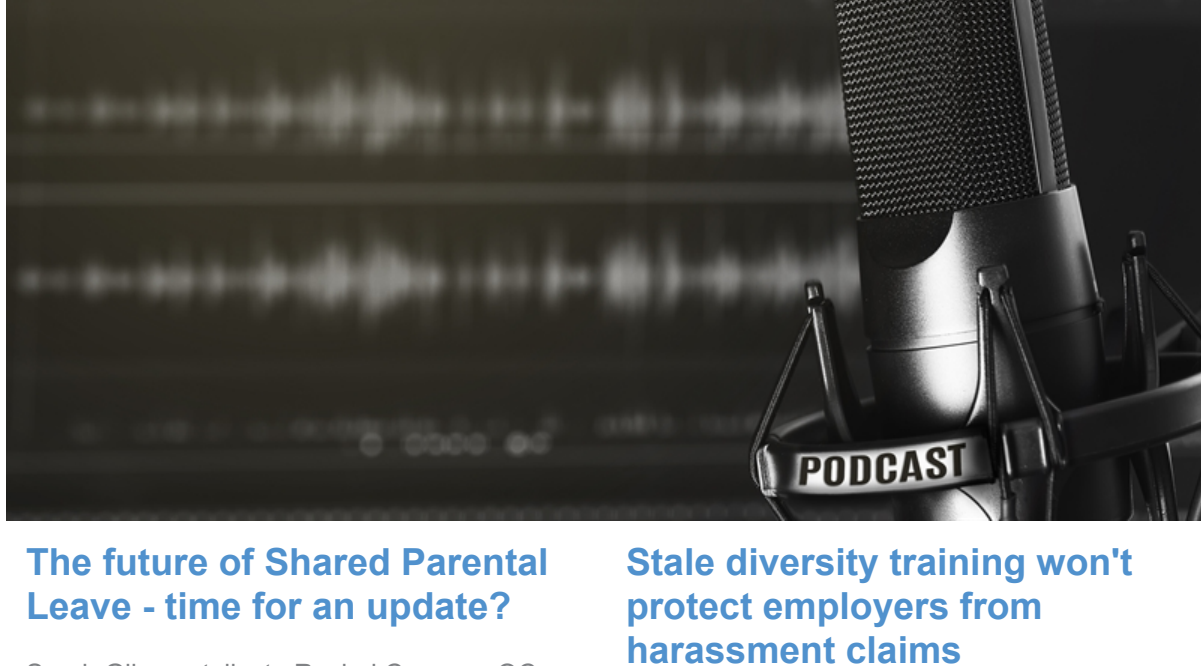
We look at the latest news including the first report from the Commission on Race and Ethnic Disparities and the latest ruling of the Advocate General regarding the wearing of headscarves in the workplace.

[Read More](#)

In case you missed it

- [Stale diversity training won't protect employers from harassment claims](#)
- [Removal of lay magistrate for opposition to same sex adoption not religious discrimination](#)
- [EHRC announces six month suspension of enforcement action on gender pay gap reporting](#)
- [Updated Guidance on Injury to Feelings Awards](#)

The podcast corner



The future of Shared Parental Leave - time for an update?

Sarah Gilzean talks to Rachel Crasnow QC about what the future may hold for Shared Parental Leave, the impact of recent case law and the case for reform of the statutory scheme, which is currently only used by 2% of those eligible.

[Listen](#)

Stale diversity training won't protect employers from harassment claims

David Hossack talks to Sarah Gilzean about a recent case where it was found that the employer's diversity training had gone 'stale' and that they should have done refresher training in order to defend the claim.

[Listen](#)

Pregnant employee's rights during the COVID Pandemic

David Hossack and Hayley Johnson look at the obligations employers owe any pregnant members of staff during the COVID pandemic and what steps employers and pregnant employees should take to best protect their position.

[Listen](#)

Vaccine Passport to Pimlico

David Hossack talks to Sarah Gilzean about whether employers can compel staff to be vaccinated against Covid-19 and whether it might be discriminatory to do so.

[Listen](#)

Contact us

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

EDINBURGH
[Sarah Gilzean](#) on 0131 247 1157 / sarah.gilzean@morton-fraser.com

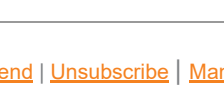
GLASGOW
[Lindsey Cartwright](#) on 0141 274 1141 / lindsey.cartwright@morton-fraser.com

If you don't already subscribe to **our monthly employment law updates** then **contact us at employment@morton-fraser.com to receive it**. As well as providing updates on key employment law developments, our monthly e-news also provides details of **free employment law webinars** that we run throughout the year.

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