



Large Print Edition

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- . New guidance on fostering supplier diversity has recently been published by the Commission for Racial Equality (CRE) to help organisations look at the way they approach procurement and to see if they are making the most of the rich diversity of businesses in Britain today.
- . Problems with language and a poor grasp of the culture in British workplaces means that migrant workers may need extra help



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from employers and unions to stay safe at work, according to the TUC. In a new safety guide the TUC warns that some rogue employers are cutting corners and risking the health of their migrant workforce.

- In last month's newsletter we warned readers about the dangers of anti-ginger harassment and just after going to press, a waitress who was sexually taunted at work over her red hair, when male staff wanted to know if the colour of her hair matched the rest of her body, was awarded £17,618 compensation by an employment tribunal.
- The U.S. Equal Employment Opportunity Commission (EEOC) has settled two discrimination lawsuits, involving allegations of racial harassment, for a combined total of \$840,000. The racism involved a worker in one firm allegedly saying "If I had my way I'd gas them [Black employees] like Hitler did the Jews" and workers in another firm



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displaying Klu Klux Klan graffiti in work areas.

- In *Murtagh v Longford County Council*, the Equality Tribunal in Dublin found that Mr Murtagh was discriminated against on grounds of age when he was not offered an engineer's post at the Council. In awarding €8,000 in compensation, the Equality Officer found it impossible to identify a logical reasoning behind the award of the marks in the interview process and as the employer could offer no explanation, discrimination could be inferred.
- Lehman Brothers, the global investment bank, has won the UK Disability Excellence Award, supported by the Employers' Forum on Disability (EFD), for the second consecutive year. The Award recognised the firm's achievement in promoting positive attitudes to disability, which include educating staff about disability etiquette and having a disability site on their Intranet.



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- . Despite major advances in fighting discrimination at work, mounting inequalities in income and opportunities and significant and persistent forms of workplace discrimination are causing growing concern, according to a new report by the International Labour Office (ILO), *Equality at work: Tackling the challenges*.
- . In *Butler v The Chief Constable of Hertfordshire Police*, a probationary police officer was awarded £93,000 in compensation after a tribunal found that the Hertfordshire Police discriminated against her on grounds of pregnancy having made no real efforts to accommodate her when she became pregnant during her training period and on her return from maternity leave.



'Purity' ring case in High Court

A 16-year-old girl has gone to the High Court to accuse her school of discriminating against Christians by banning the wearing of "purity rings".

Lydia Playfoot was told by Millais School in Horsham, West Sussex, to remove her ring, which symbolises chastity, or face expulsion.

The school denies breaching her human rights, insisting the ring is not an essential part of the Christian faith. Judgement in the case was reserved to a future date.

A group of girls at the school were wearing the rings as part of a movement called the "Silver Ring Thing" (SRT). Originating in America, SRT promotes abstinence among young people. It is now spreading to the UK as part of a wider protest by traditionalist Christians against what they see as the secularisation of society.



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The rings are inscribed with a reference to the biblical verse I Thessalonians 4:3-4, which translates as: "God wants you to be holy, so you should keep clear of all sexual sin. Then each of you will control your body and live in holiness and honour."

Miss Playfoot's school said her ring broke uniform rules and ordered her to remove it. When she refused, she was taken out of lessons and made to study on her own.

In a written statement to Deputy Judge Michael Supperstone QC, Miss Playfoot said young girls faced a "moral and ethical crisis" and that other teenage girls at her school had become pregnant. She said other pupils regularly broke the uniform code with nose rings, tongue studs, badges and dyed hair and that Sikh and Muslim pupils can wear bangles and headscarves in class.



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The case is being funded through individual donations gathered by a group called Christian Concern for our Nation.

Fostering Supplier Diversity – A CRE Guide

New guidance on fostering supplier diversity has recently been published by the Commission for Racial Equality (CRE) to help organisations look at the way they approach procurement and to see if they are making the most of the rich diversity of businesses in Britain today.

The Guide sets out the benefits of a supplier diversity programme as:

- It encourages competition by allowing more suppliers to compete for contracts.
- Organisations have greater choice and can select contractors who offer the right mix of well-priced services, flexibility, innovative products and quality.



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- Using diverse suppliers will help organisations to understand their ethnic minority customers better, and open the door to previously inaccessible, but increasingly important and lucrative, markets.
- It will put an organisation in a better position to win large public sector contracts. Public authorities have a duty to promote race equality under the Race Relations Act 1976, and will look to make sure that the organisations they buy from also meet the requirements under the duty. Any private or voluntary organisation which is tendering for a public contract, and which has a supplier diversity programme, will have a competitive edge.
- It can help an organisation meet its corporate social responsibilities.
- It encourages local economic development. Ethnic minority businesses are a key part of local economies and a strong local economy creates greater opportunities to



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supply goods and services by boosting local purchasing power.

The guide also sets out the key steps in setting up a supplier diversity programme:

- Ensure commitment.
- Appoint a supplier diversity coordinator.
- Carry out a survey of suppliers.
- Review current procurement policies and procedures.
- Draw up new procurement policies and procedures.
- Communicate with staff and current contractors.
- Develop and implement a training programme.
- Develop contacts with ethnic minority businesses.
- Set targets and monitor the programme.

The Guide can be viewed at:

http://www.cre.gov.uk/gdpract/wwb_supplierdiversity.html



Migrant workers need urgent help – TUC

Problems with language and a poor grasp of the culture in British workplaces means that migrant workers may need extra help from employers and unions to stay safe at work, according to the TUC. In a new safety guide the TUC warns that some rogue employers are cutting corners and risking the health of their migrant workforce.

The Guide, 'Safety and migrant workers' says that due to the lack of a diverse, inclusive culture, many migrant workers are more vulnerable than UK workers to illness, injuries or even death at work due to a combination of a lack of safety training, non-existent or inadequate safety clothing and equipment, and poor English skills.

The guide for employers and unions says that the long hours worked by many migrant workers mean many risk accidents due to



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overtiredness, are denied sick pay so come into work when they are too ill to do so, and a lack of fluent English prevent many from grasping basic safety procedures at work.

TUC General Secretary Brendan Barber said: “Employers should be doing more to keep all their employees safe and well, wherever they come from. And in workforces with many migrant workers, where language difficulties pose potential problems, bosses need to make that extra effort to ensure everyone knows how to stay safe at work”.

The TUC advises that employers and unions work closely with migrant/UK workers to carry out risk assessments and follow formal accident and injury reporting procedures. Workers need access to first aid, fire safety plans need to be in place, and all workers must have free, suitable, protective clothing and know how to use it.



'Safety & migrant workers: A practical guide for safety representatives' is available at <http://www.tuc.org.uk/extras/safetymw.pdf>

Woman wins ginger taunts claim in tribunal

In last month's newsletter we warned readers about the dangers of anti-ginger harassment and just after going to press, a waitress who was sexually taunted at work over her red hair was awarded £17,618 compensation by an employment tribunal.

During a six-month period last year Ms Primmer had been subjected to a series of inappropriate comments by the night manager. When she was sacked, Ms Primmer claimed unfair dismissal and sexual harassment.

The tribunal was told that the night manager had apparently translated his comments into Turkish for the benefit of other members of



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staff. "They wanted to know if the colour of my hair matched the rest of my body," said Ms Primmer. "They thought it was quite funny to laugh about - they do not see many people with red hair."

The Exeter tribunal chairman, Christa Christensen, said the "regular sexual harassment and innuendo" suffered by Ms Primmer had affected her self-esteem. She described the harassment as "denigrating, highly personal and demeaning".

Ms Primmer was so upset when she was sacked, that she spent £90 every three months to keep her hair straight and blonde. "I am going to try and get it lighter and lighter, it is not nice to be ginger," she said after the hearing. "I was teased about my red hair at school and called coppernob and Duracell, but no-one had mentioned the colour of my hair to me for years."



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It hard to understand how such prejudice can exist, but this case shows the consequences if it is not addressed.

Racism still rife in the USA

The U.S. Equal Employment Opportunity Commission (EEOC) has settled two discrimination lawsuits involving allegations of racial harassment for a total of \$840,000.

Professional Transit Management will pay \$450,000, to be divided between six claimants. The EEOC's lawsuit alleged that the firm maintained a racially hostile work environment for minority workers. In particular, several employees, including supervisors, routinely used outrageously bad ethnic slurs for African Americans, Hispanics, and Asians in the workplace. On one occasion, a co-worker commented that it should not be against the law to shoot Mexican men, women and children or to shoot African Americans and Chinese



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people. This employee also allegedly stated, “If I had my way I’d gas them [referring to Black employees] like Hitler did the Jews.”

In addition to paying the compensation, the Company will be required to implement equal opportunities training for non-supervisory employees, supervisory employees, and human resource employees that will ensure that the entire work force receives the training required.

Pemco Aeroplex, the major supplier of aircraft maintenance to the US government and military forces, will pay \$390,000 and modify its policies on workplace discrimination. The law suit brought by the EEOC was based upon 36 separate discrimination charges in that Pemco had engaged in a pattern or practice of race discrimination against its black employees by subjecting them to a racially hostile work environment.



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The EEOC said this hostile environment included racially offensive graffiti, the display of nooses, swastikas and Klu Klux Klan graffiti in work areas, as well as racial slurs and epithets.

In addition to a fund of \$390,000 to be distributed to aggrieved Pemco workers, the settlement requires Pemco to revamp its policies concerning workplace racial harassment and retaliation -- including implementing a new internal complaint procedure, annual training on the company's equal employment opportunity policies and investigative procedures, and other preventative measures.

“Despite what some may think, overt racial harassment of African Americans still occurs in workplaces more than 40 years after passage of the landmark Civil Rights Act,” said EEOC Chair Naomi C. Earp. “In addition to the severe types of race discrimination



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witnessed in these cases, the EEOC also is seeing more subtle forms of bias against people of colour.”

In 2006, the EEOC received 27,238 charges alleging race-based discrimination, accounting for 36 percent of the agency's private sector caseload. Historically, race-based charges have been the most frequent type of filing with EEOC offices nationwide.

Failing to engineer the right outcome

In *Murtagh v Longford County Council*, the Equality Tribunal in Dublin found that Mr Murtagh was discriminated against on grounds of age when he was not offered an engineer's post at the Council. In awarding €8,000 in compensation, the Equality Officer found it impossible to identify a logical reasoning behind the award of the marks in the interview process and as the employer could offer no explanation, discrimination could be inferred.



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Mr Murtagh was 60 when he applied for a senior engineer post with the Council. There were 11 candidates and he was the only one to already hold the post of Senior Executive Engineer. Following preliminary interviews, four candidates were selected for final interview, with Mr Murtagh being one of those rejected in the first round. Those applicants that did reach round two were aged in their late twenties or early thirties.

Mr Murtagh made a request to the Council under the Freedom of Information Act stating that, in view of the fact that he already held an equivalent post to that advertised, he was ostensibly qualified and he asked on what criteria the Board considered him unsuitable for the post.

In response, Mr Murtagh received his interview marking sheet and he argued that, apart from the marks given for qualifications, the marks given in each of the other



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categories could not be a true representation of his skills, knowledge or experience.

Having considered the evidence the Equality Officer was satisfied that the marks of the unsuccessful candidates had the appearance of being awarded in a cursory fashion, without adequate or appropriate consideration. In fact, it was impossible to identify a logical reasoning behind the award of the marks at all apart from one category.

In the absence of any form of adequate explanation by the Council , the Equality Officer was satisfied that Mr Murtagh had raised a prima facie case of discrimination on the ground of age which the employer had failed to rebut. The Equality Officer, therefore found that the Council discriminated against Mr Murtagh on grounds of his age and ordered that the Council: (i) pay the sum of €8,000 in compensation for the effects of the discrimination; and (ii) introduce open and transparent record keeping for Interview



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Boards so that the reasons by which they reach their decisions can be clearly identified.

The full case report can be viewed at:
<http://www.equalitytribunal.ie/index.asp?locID=120&docID=1540>

Lehman Brothers wins disability excellence award

Lehman Brothers, the global investment bank, has won the UK Disability Excellence Award, supported by the Employers' Forum on Disability (EFD), for the second consecutive year. The Award recognised the firm's achievement in promoting positive attitudes to disability in the workplace.

Lehman Brothers received the disability award at the Best Workplaces to Work 2007 ceremony, where it was also listed in the Top 50 Best Workplaces in the UK for the third year in a row. The Great Place to Work



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Institute's annual survey selects the best companies in the country based on their employees' perceptions of their organisation.

Lehman Brothers innovative practices led by EFD have included:

- educating staff about disability etiquette
- hosting industry awareness-raising sessions
- placements with disability organisations
- a disability site on intranet

Since 2004, Lehman Brothers' Disability Working Forum has ensured support for employees with a disability and it encourages high calibre disabled candidates to apply to Lehman Brothers. Most importantly, the firm has recognised that disability confidence is a core business value and has communicated the importance of this both externally and internally.



New ILO Global Report on Equality

Despite advances in fighting discrimination at work, mounting inequalities in income and opportunities and significant and persistent forms of workplace discrimination are causing growing concern, according to a new report by the International Labour Office (ILO).

In its most comprehensive report on discrimination to date, the ILO's 'Equality at work: Tackling the challenges' provides a global picture of job-related discrimination, citing both progress and failures in the struggle to fight discrimination ranging from traditional forms such as sex, race or religion, to newer forms based on age, sexual orientation, HIV/AIDS status and disability.

A major theme of the Report is the persistence of gender gaps in employment and pay and the need for integrated policies



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addressing sex discrimination in remuneration and occupational segregation by sex, while reconciling work and family responsibilities. For example, the report states that throughout the EU, the difference in average gross hourly earnings between women and men across the economy throughout all establishments has remained high at 15 per cent.

It also says the need to combat discrimination at work is more urgent than it was four years ago "in the face of a world that appears increasingly unequal, insecure and unsafe" and highlights the emergence of worrying new forms of discrimination that penalise persons with a genetic predisposition to developing certain diseases or those who have lifestyles considered unhealthy or because of the way people look.

For example, the report describes how employers have used genetic screening to establish if employees have a predisposition



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to a condition that could affect their capacity to work, such as Huntington's disease. In several countries, being overweight or a smoker can affect someone's employment chances. You can download the report from: http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---webdev/documents/publication/wcms_082607.pdf

£93,000 for pregnancy-related discrimination

In *Butler v The Chief Constable of Hertfordshire Police*, a probationary police officer was awarded £93,000 in compensation after a tribunal found that the Hertfordshire Police discriminated against her on grounds of pregnancy having made no real efforts to accommodate her when she became pregnant during her training period and on her return from maternity leave.



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Ms Butler became pregnant during the first stage of her basic training. The Police Force did not undertake a risk assessment to see how her pregnancy could be accommodated while in the probationary training unit (PTU), but just placed her on "light duties" to cover for a sick colleague in the community safety unit (CSU), which meant she was unable to complete her training. Following her return to work, Ms Butler successfully completed her training, but the Force insisted this should take 10 weeks, rather than the usual time of 5 weeks.

She was posted to the "intervention" team and was required to work 24-hour rotating shifts, which she tried, but found very difficult and a transfer request was refused. She was off sick several times and was referred to the occupational health unit. A subsequent reference from her sergeant in relation to her application to join West Midlands Police Force was negative in tone, referred to her pregnancy early in her training period and



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identified "extended periods of absence", but not that this was pregnancy/maternity related.

While on sick leave with post-natal depression, Ms Butler put forward various suggestions for alternative work patterns, but the Police Force were not willing to accommodate her request to work flexibly on a permanent basis. She resigned and claimed unlawful discrimination.

The employment tribunal upheld Ms Butler's complaint that the Force discriminated against her on grounds of pregnancy by failing to consult her or investigate alternative work she could do at while in the PTU and requiring her to spend 10 weeks rather than five weeks in completing training. Her sergeant's negative reference was a further act of sex discrimination as was the requirement to work a 24-hour rotating shift, which was unlawful indirect discrimination disadvantaging women in general and Ms



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Butler personally, but which the Force had failed to justify

Ms Butler's resignation in response to a breach of the implied term of trust and confidence evidenced by the Force's discriminatory acts also constituted an act of sex discrimination.

Contact us

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