

Employment law

The results of a review of discrimination law are due to be published soon

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Discrimination consolidation

In February 2005 the government launched a wide ranging review of discrimination law. The outcome of that review is the Equality Bill, soon to be published. The Bill forms the cornerstone of the Government's discrimination law review, and will introduce significant developments in this challenging and ever changing area of law.

While the main purpose of the Bill will be to harmonise existing discrimination legislation into one act, other diversity initiatives will also be covered. Proposals include:

- **Increasing transparency in the workplace.** Public sector employers will be required to publish data on "important equality areas", such as the gender pay gap, ethnic minority employment and the employment of disabled people.

This obligation will not extend to private sector employers though the Government has warned that it may use existing legislation to force private employers to disclose such information if they do not do so voluntarily. An equality "kite mark" scheme is to be developed.

"Gagging" clauses preventing employees discussing their remuneration will be outlawed.

The Equality and Human Rights Commission will investigate equality practices in the financial and professional services sector and the construction industry.

- **Extending positive discrimination.** The Government will allow employers to take into account any under-representation in their workforce when choosing between two equally qualified candidates for recruitment or promotion.

- **Increasing tribunal powers in discrimination cases.** Currently, recommendations can be made by tribunals in discrimination cases, but only in relation to the individual claimant. It is proposed that in future tribunals will be able to make recommendations to benefit the wider workforce and help prevent similar types of discrimination in the future.

- **Discrimination claims may be allowed to be brought on multiple grounds.** For example a black female may be able to allege that she suffered discrimination that a black man or white woman would not have suffered.

The full effects of these changes can only be guessed at, at this stage, but these measures represent a major development of discrimination law, that will require careful consideration by employers once on the statute book.



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