

Discrimination



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Universal Declaration of Human Rights 1948:
«everyone is entitled to all rights and freedoms without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or status»

The Equality Act 2010 protects against discrimination on basis of nine protected characteristics:

1. Age;
2. Disability;
3. Gender reassignment;
4. Marriage and civil partnership;
5. Pregnancy and maternity;
6. Race;
7. Religion or belief;
8. Sex;
9. Sexual orientation.



Age



√ Live Nations (Venues) UK Ltd & Hussain (2008) UKEAT 02034/08

Disability



- √ Goodwin & Patent Office (1999) IRLR 4
- √ Dunham & Ashford Windows (2005) IRLR 608
- √ J & DLA Piper UK LLP (2010) IRLR 936
- √ SCA Packaging & Boyle (2009) UKHL 37
- √ Richmond Adult Community College & McDougall (2008) IRLR 227
- √ Walker & Sita Information Networking Computing Ltd (2013)

Gender reassignment



Marriage and civil partnership



✓ Bick & School for the Deaf (1976) IRLR 326

✓ Turner & Stephen Turner (2005) 138 EOR 31

Pregnancy and maternity

Childbearing -
деторождение

Childbirth -
роды

Miscarriage -
выкидыш



Race



- √ *Mandla & Dowell Lee* (1983) 2 AC 548
- √ *Commission for Racial Equality & Dutton* (1989) IRLR 122
- √ *Dawkins & Department of Environment* (1993) IRLR 284

Religion or belief



√ Redfearn & UK (2012) ECHR 1878

√ Saini & All Saints Haque Centre (2009) IRLR 74

√ Grainger & Nicolson (2010) IRLR 5

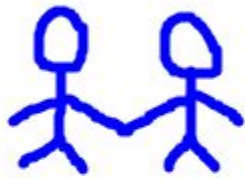
Sex



Sexual orientation



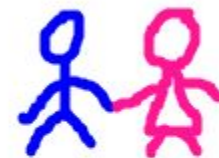
heterosexual



homosexual



bisexual



PANSEXUAL???

Burden of proof

Burden of proof shifts to the employer once the claimant has established a prima facie case of discrimination



Many thanks for your attention!



“I see you’ve been an outstanding performer ...
so I won’t even mention the beard.”