

Belief in need for efficient use of money in public sector not a philosophical belief

A number of recent tribunal decisions have shown that in applying the test set out by the EAT in [Grainger plc v Nicholson](#) in paragraph 24 of the judgment as to what constitutes a 'philosophical belief' under the Equality Act 2010 (EA 2010), that particular protected characteristic has a very wide scope, e.g. a belief in the sanctity of life extending to anti-fox hunting; a belief that lying is always wrong.

In *Harron v Chief Constable of Dorset Police* ET/3101466/2013, an employment tribunal, applying the Grainger test, had to decide whether a police worker's "profound belief in the proper and efficient use of public money in the public sector" is a protected philosophical belief under the EA 2010, as a preliminary point before his direct and indirect discrimination claims could go ahead.

The tribunal accepted that H is genuinely driven by an aspiration to save money in the public sector. In addition, the fact that his belief is worthy of respect in a democratic society had not been challenged by the employer. However, H's belief is not a belief as to a weighty and substantial aspect of human life and behaviour and its level of cogency, seriousness, cohesion or importance relates only to the workplace, and is not about human life and behaviour in general. In the tribunal's judgment H's contended belief was not so much a belief, but a set of values that manifests itself as a goal or principle operating in the workplace. Therefore his belief was not protected by the EA 2010.

DWP guidance on employing disabled people and people with health conditions

The DWP has published guidance for employers '[Employing disabled people and people with health conditions](#)', providing a summary of information for employers to help them recruit and support disabled people in work. The guidance points out that nearly 7 million people of working age in the UK are disabled or have a health condition and encouraging applications from disabled people is good for business as it helps increase the number of high quality applicants available and creates a workforce that reflects the diverse range of customers a business serves and the community in which it is based. In addition, the benefits of retaining an experienced, skilled employee who has acquired an impairment are usually greater than recruiting and training new staff. The guidance provides advice on specific health conditions and has links to other resources to help employers.

CAB research shows employment tribunal costs 'putting people off' valid claims

New [research](#) from Citizens Advice shows 7 in 10 potentially successful cases are not pursued by people at Employment Tribunals, with cost being the principal reason. Only 14% with valid claims are definitely being taken forward. Gillian Guy, Chief Executive, Citizens Advice said: "People with strong employment claims are immediately defeated by high costs and fees." The new findings are from an analysis, carried out by Citizens Advice advisors, of 182 employment cases brought to bureaux between June and July this year. The advisors assessed the strength of the claim and how likely it would be pursued. The research also shows that the complexity of the process, stresses involved and fear of losing jobs also dissuaded people.

Government do not believe there should be a public holiday to mark Eid and Diwali

On Monday 21 July 2014, MPs took part in a general debate on an e-petition, which had nearly 123,000 signatures, on making Eid and Diwali public holidays. In response, Jenny Willott MP [stated](#) that although she appreciates a new public holiday may benefit some communities and sectors, MPs had also raised the issue of the cost to the economy, which remains considerable. For example, the additional holiday for the diamond jubilee shows that bank holidays across the UK as a whole cost employers around £1.2 billion and although the costs are partially offset by increased revenues for businesses in the leisure and tourism sectors and a boost in retail spending, it is not expected that additional bank holidays for Eid and Diwali will result in increased tourism, therefore the cost figure would be higher for each bank holiday. In addition to the business cost, there is the unquantified operational impact from staff absences in health, local authority and transport services. Therefore, the Government do not believe there should be a public holiday to mark these two particular occasions.

New Health and Work Service to be delivered by Health Management Limited from late 2014

The Government has [announced](#) that its new Health and Work Service in England and Wales will be delivered by Health Management Limited (HML) and will be launched in late 2014 with a phased roll-out coming to a close by the end of May 2015. Discussions will take place with HML to confirm the exact approach to, and timings of, the roll-out. The new service is designed to help employees and employers to manage sickness absence and follows the Government's concerns over statistics which showed that 960,000 employees were on sick leave for a month or more each year on average between September 2010 and October 2013. Employees on sick leave will be helped to return to work by providing them with an occupational health assessment when they reach, or are expected to reach, more than 4 weeks' sickness absence. Employees will normally be referred by their GPs. A resulting return to work plan will be shared with their employer and GP. More general health and work advice will be available to GPs, employers and employees via telephone and a website.

EHRC helps companies increase representation of women on boards

The Equality and Human Rights Commission has published new guidance, [Appointments to Boards and Equality Law](#), which advises companies, search firms and recruitment agencies about the full use of positive measures available under the Equality Act 2010 to improve gender representation on boards. The guidance makes clear that using women-only shortlists in order to increase gender representation is unlawful. The Commission has also launched a Great Britain-wide inquiry into the recruitment and appointment practices of the top 350 listed companies at board level. The aim is to identify recruitment practices which make a difference and deliver open, fair and merit based appointments.

Content

The aim is to provide summary information and comment on the subject areas covered. In particular, where employment tribunal and appellate court cases are reported, the information does not set out all of the facts, the legal arguments presented by the parties and the judgments made in every aspect of the case. Click on the links provided to access full details. Employment law is subject to constant change either by statute or by interpretation by the courts. While every care has been taken in compiling this information, SM&B cannot be held responsible for any errors or omissions. Specialist legal advice must be taken on any legal issues that may arise before embarking upon any formal course of action.