

Equalities Act - Case Studies 1

- Tina, a member of your team, plays the piano to a high standard, and often takes part in public performances. She has developed carpal tunnel syndrome in her wrists, an impairment that adversely affects manual dexterity. She can continue to play the piano, but not to such a high standard, and she has to take frequent breaks to rest her arms. However, her condition does not affect her in any other way. Would Tina be protected under the Act?
- Would your answer be different if Tina, as a result of her condition, also found it difficult to operate a computer keyboard and could not use her PC to send e-mails or write letters?

Equalities Act - Case Studies 2

- Kris has a 60-year-old manager working in his team, Tom. Due to Kris's personal family experiences he believes that people's memory deteriorates with age. Kris thinks that Tom can no longer be relied on to undertake his role competently because of this. An opportunity for promotion arises, which he does not mention to Tom. Would Tom be protected under the Act?

Equalities Act - Case Studies 3

- A worker receives a telephone call informing him that his civil partner has been involved in an accident. The worker has been recorded as next of kin on his civil partner's medical notes and needs to go to the hospital. The employer has a policy that only allows emergency leave to be taken where a spouse, child or parent is affected and refuses the worker's request for leave. Would he be protected under the Act?

Equalities Act - Case Studies 4

- Your Maintenance Team, which is an all-male team does not recruit a woman for a vacant post she had applied for. The main reason for the decision not to recruit her is because the Maintenance Manager is genuinely concerned that she would feel unhappy and uncomfortable in an all-male environment. Could this amount to discrimination? If so what type?

Equalities Act - Case Studies 5

- You offer 'death in service' benefits to the spouses and civil partners of their staff members. A worker who lives with her partner, but is not married to him, wants to nominate him for death in service benefits. She is told she cannot do this as she is not married. She comes to you to complain and tells you that she thinks this amounts to discrimination. Would she be able to bring a claim against you? If so on what grounds and what type of discrimination would it be?

Equalities Act - Case Studies 6

- You introduce a policy of not employing under-18s on your more hazardous building sites. The aim behind this policy is to protect young people from health and safety risks associated with their lack of experience and less developed physical strength. This aim is supported by accident statistics for younger workers on building sites. Would imposing an age threshold of 18 amount to discrimination? Do you think Frank, who is 17, and issues a claim against you would be successful in the Employment Tribunal?

Equalities Act - Case Studies 7

- Anita works in your Asset Management team. You decide to withdraw her appraisal duties while her male colleagues at the same grade continue to carry out appraisals. She was not demoted and does not suffer any financial disadvantage however, she feels demeaned in the eyes of those she managed and in the eyes of her colleagues. The removal of her appraisal duties is connected to the fact that you want Anita to concentrate on strategic leadership and operational delivery of all asset management functions which the management feel is her strength. Are there any risks to you in taking the decision to withdraw Anita's appraisal duties? Is there anything you can do to minimise those risks?

Equalities Act - Case Studies 8

- You are going through a redundancy process and have two employees in a pool for selection. One of the employees is on maternity leave. The other is a man. You decide to give the female employee a national score for what performance they would have achieved if they had not been on maternity leave. What claims might result, if any?

Equalities Act - Case Studies 9

- A management decision is made to require all staff to work a full day on Fridays. This is solely as a cost-saving measure so that customer orders can all be processed on the same day of the week. A Jewish worker complains to you that in the winter months the policy prevents him from going home early to observe the Sabbath. Could this policy amount to discrimination? Can it be objectively justified?

Equalities Act - Case Studies 10

- You engage an occupational health (OH) adviser to provide you with information about one of your engineer's, Mike. The OH adviser becomes aware of Mike's disability and Mike consents to this information being disclosed to you. However, the OH adviser does not pass that information on to you Human Resources or you as Mike's line manager. Would you be able to defend a claim for disability discrimination from Mike on the basis that you did not know about Mike's disability?

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- You decide to set up a specific project which would involve working with older residents from the Somali community. You want to appoint a person of Somali origin to work on the project because it involves visiting elderly people in their homes and you believe it is therefore necessary for the post-holder to have a good knowledge of the culture and language of the potential clients. Would you be able to advertise and recruit a worker of Somali origin?

Equalities Act - Case Studies 12

- You consider that the significant Somali community in your area are at a disadvantage when it comes to accessing your services. You therefore advertise free English lessons for Somalians. You receive a complaint from an Indian tenant whose wife does not speak English who wants to access the service. Is this unlawful discrimination

Equalities Act - Case Studies 13

- Mr Brown who is heterosexual has been called a “faggot” because he went to Boarding School and lives in Brighton. He has brought a claim for discrimination on the grounds of sexual orientation. He has previously circulated organisation wide emails full of sexual innuendo and ageist comments. Will his claim succeed?

Equalities Act

Case Studies

- Look at each case study
- Work in groups
- In each case say whether or not you think the individual is protected under any of the Equality legislation including the Equality Act.