



# Discrimination 2019 – latest cases

A talk for IER – Autumn 2019, Liverpool and London

By  
Paul Scholey  
Senior Partner  
Morrish Solicitors LLP



# Agenda

- ❑ Sex, Death and Vegetables
- ❑ Race
- ❑ Disability
- ❑ Religion and Belief
- ❑ And more...



# In the course of employment

- ❑ Sex & Death **Xavier X v TSO**
- ❑ Contrast: **Forbes v LHR Airport Ltd**



# Harassment by message?

- **Raj v Capita Business Services Ltd and anor**
- Harassment by conduct of a sexual nature or related to sex?



# Discrimination in the news

- ❑ House of Commons' Women and Equalities Committee Report
- ❑ Wider enforcement powers
- ❑ Exemplary Damages
- ❑ Recommendations (not so new...)



# Disability and constructive knowledge

- **A Ltd v Z** (28 March 2019)
- Did the employers know – or ought they to have?
- What if the employee hides the fact of disability?
- Some welcome guidance



# Religion, Belief and Vegetables

- ❑ **Conisbee v Crossley Farms Ltd and others**
- ❑ The test for protection for R&B
- ❑ Cf. veganism?



# Perceived Disability

- ❑ **Chief Constable of Norfolk v Coffey**
- ❑ A condition short of a disability
- ❑ But a perception of progressive deterioration
- ❑ Was perception enough?





# Religion: adoption

- Page v NHS Trust Development Authority
- Director with faith-based objection to adoption by same sex couples
- Warnings
- Belief or approach?
- Mackereth v The Department for Work and Pensions and Advanced Personnel Management Group (UK) Ltd (Oct 7th)



# Religion: cohabitation before marriage

- ❑ **Gan Menachem Hendon Ltd v Ms Zelda De Groen**
- ❑ Orthodox Jewish school
- ❑ Dismissal following concerns expressed by parents
- ❑ Sex discrimination?
- ❑ Religion/Belief
- ❑ Application of the SC's decision in **Asher's Baking?**



# Injury to feelings

- ❑ **Base Childrenswear Ltd v Otshudi**
- ❑ Single act of discrimination
- ❑ Appropriate award?
- ❑ I2F, Agg Damages & PI together





**Any Questions?**

**[www.morrishsolicitors.com](http://www.morrishsolicitors.com)**

