

This Week in Employment Law

Male Firearms Officer Suffers Discrimination for Refusing to Shave Moustache

In this Northern Ireland case, a police officer was transferred out of his unit for failing to shave his moustache. We take a look at how this resulted in discrimination in more detail below:

- The unit's policy dictated that officers had to be clean-shaven for health and safety reasons. It also stated that hair should be cut short or secured above the collar.
- The claimant had shaved his beard but refused to shave his moustache; he was transferred as a result of this breach.
- Contrary to the policy, two female officers did not secure their hair above their collar, instead wearing it in a ponytail. However, they were not subject to a transfer.
- As a result, the male officer brought a claim for sex discrimination which was upheld by the Industrial Tribunal.
- The Tribunal found that he had been treated less favourably than the female officers; the employer could have required them to cut their hair to comply with the health and safety rules or face a transfer, but did not.
- Despite this being a Northern Ireland case, laws on discrimination are very similar to those in Great Britain.
- This case shouldn't deter employers from implementing rules to secure the health and safety of their staff, however, should encourage them to think twice about whether men and women are treated differently.

Bank of England: small firms must report gender pay gap

The Bank of England has suggested widening the gender pay gap reporting requirement to include businesses that employ 30 people or more. They insist this change is required if the UK is to successfully address the existing gender bias seen in wages and salaries.

Did you know?

Although this suggestion may not carry much political sway, it is a warning that changes may occur in the future. Currently it is only mandatory for businesses with 250+ employees to publish a gender pay gap report. However, there have been calls from various sources to reduce this threshold.

Debate surrounds banning out of hours emails

Banning staff from accessing emails outside office hours could harm their wellbeing, according to the University of Sussex. In contrast, companies such as Volkswagen have looked at restricting email access outside of contractual hours to encourage a greater work-life balance.

Did you know?

Employers need to be careful if they discover staff are regularly sending emails outside of their working hours. Whilst an outright ban may not be appropriate for every employer, any obligation on staff to complete extra work at home could breach the Working Time Regulations 1998.

'Right to creative work' is not a philosophical belief

An ex-Mulberry employee has had her claim for discrimination dismissed, after the Court of Appeal found that her view that she ought to have "ownership of her own creative work" did not qualify for philosophical belief protection under the Equality Act 2010.

Did you know?

Employees may try to claim that they have been treated unfairly due to a philosophical belief. However, a belief will only be protected under the Equality Act 2010 if it meets a number of requirements, which includes attaining a certain level of logic, seriousness, structure and importance.

Although employers may feel they are being fair by introducing workplace policies that appear to provide equal treatment to male and female staff, it is important that the rules of any policy are able to stand up to scrutiny. Therefore, for expert guidance on ensuring any new policies are free from the risk of discrimination give our Advisory Team a call.

Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this publication.