



## *This Week in Employment Law*

### Calls From Union Boss to Legalise Positive Discrimination

Positive discrimination could help increase the number of black, asian and minority ethnic (BAME) women in employment, according to suggestions by the head of the PCS trade union in Wales. Join us as we examine this claim in more detail, as well as exploring other options to increase diversity at work:

- Positive discrimination occurs when an individual is treated more favourably on the grounds of a protected characteristic under the Equality Act 2010 e.g. race, gender or sexual orientation.
- Using this as the sole basis for recruitment decisions is unlawful and could result in costly discrimination claims.
- However, employers can lawfully offer employment to an individual on the basis of a protected characteristic, providing they are equally matched with other suitable candidates and belong to a group that is underrepresented within the organisation - this is known as positive action.
- Using a candidate scoring sheet during interviews can help grade employees fairly on pre-determined criteria, enabling employers to justify the use of positive action.
- Alternatively, blind recruitment, which involves removing individuals' personal information from job applications, can reduce the potential of unconscious bias influencing recruitment decisions.
- Taking these steps can remove any potential barriers to employment and increase diversity amongst the workforce.

#### Tesco staff appeal to EU Court over equal pay dispute

Tesco shop workers have asked the EU's Court of Justice to clarify equal pay law, specifically whether they have a right to claim that they are unfairly paid less than warehouse staff despite different people controlling the terms and conditions of each party.

##### **Did you know?**

Tesco, along with supermarket rivals Asda, Sainsbury's and Morrisons are all facing similar equal pay claims from shop workers, who are predominately female. Leigh Day, who are representing the claimants in each case, suggest that the total compensation on offer to the workers could be over £8billion.

#### FTSE 100 companies reduce CEO pension gap

Shareholder pressure has resulted in one fifth of Britain's largest public companies bringing their pension payments for executives in line with the majority of their workforce, according to independent research into pension practices by the Investment Association.

##### **Did you know?**

Employers with 250 or more employees will be required to include their CEO pay ratio in directors' remuneration reports from 1 January 2020. This will detail the difference in pay between executives and workers and follows an ongoing campaign to reduce excessive salaries and bonuses.

#### Google issue staff with communication guidelines

Google have issued an internal guidance document on how to communicate at work. These 'community guidelines', urge staff not to insult one another or make misleading comments about the company as well as to raise concerns about any suspected misconduct

##### **Did you know?**

Communication is seen as integral to creating a positive company culture and employers should be on guard for any offensive language at work. Well intended banter can often lead to claims of discrimination and employers should be prepared to take action, regardless of how it was intended.

A diverse workforce can pay dividends for an organisation and help to create a inclusive and welcoming company culture. However, employers will need to be careful when recruiting to avoid claims of positive discrimination. For further assistance when it comes to recruitment give Croner a call using our expert 24 Hour Advisory Service.

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