

## Liverpudlian not a protected characteristic

**An employment tribunal in Scotland has found that a bus driver from Liverpool was unable to claim race discrimination on the basis that being Liverpudlian is not a nationality, race or ethnic origin. We look at the implications of this case for employers.**

- The Claimant said he was told to "calm down, calm down" by the HR Manager during a meeting. The Claimant went on to state the "words/phrase was formerly used by the comedian Harry Enfield in the 1990s". He claimed that this was an act of direct discrimination as he was "born and grew up" in Liverpool and that the "Liverpudlian accent was mocked" by the HR Manager.
- However, the employment tribunal found that the Claimant was not able to claim race discrimination because the offensive comment he complained of related to him being from Liverpool, not England.
- As there was no protected characteristic on which the Claimant could claim, the employment tribunal exercised its powers to strike out the case on the basis it had no reasonable prospect of success.
- This case gives some comfort to employers that employees cannot claim discrimination on the basis that they are from a particular town, city or region. However, employers should still be mindful that negative, stereotypical or derogatory comments about an employee's regional origins or mocking an employee's regional accent could still amount to bullying and give the employee grounds to resign and claim constructive unfair dismissal.

### Potential new Covid restrictions for Wales

The First Minister of Wales has said that tougher measures will be brought back if Covid cases do not drop. Wales currently has the highest rate of cases in the UK. Self-isolation rules have changed and the Covid pass entry system will be extended to cinemas, theatres and concert halls from 15 November 2021. Covid passes may also be extended to hospitality such as pubs, cafés and restaurants.

#### Did you know?

In Wales Covid passes are already compulsory in nightclubs and at larger indoor and outdoor events. Covid passes could be introduced in England under the government's 'Plan B' if cases continue to rise.

### New scheme to recruit ex-offenders

A new scheme has been introduced to recruit ex-prisoners and low-level offenders, to alleviate labour shortages in HGV driving and hospitality industries. The 'New Futures Network' is a specialist part of the prison service and acts as a go between for prisons and employers, helping to identify the best options. It's hoped that this will let businesses bounce back in the run up to Christmas.

#### Did you know?

Hiring ex-offenders can help to demonstrate an organisation's commitment to improving its corporate social responsibility by giving opportunities to those in society who are often overlooked.

### Support for a football club a philosophical belief?

A sub-contractor has brought a discrimination claim in the employment tribunal on the basis that his support for Rangers Football Club is a philosophical belief and therefore, a protected characteristic under the Equality Act 2010. He claims he was not given work because he is a Rangers fan. The tribunal will decide at a preliminary hearing whether the case can proceed.

#### Did you know?

It is important to highlight that if this case succeeds it will not automatically mean that support for football teams amounts to a philosophical belief, each case will be evaluated on its individual merits.

Employers should implement a robust Equality and Diversity policy that discourages stereotyping in the workplace to reduce the risk of employment tribunal claims. Contact our 24-hour Advisory Service for up-to-date guidance on this and more.

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