

New
A Level
Economics

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DISCRIMINATION IN THE WORKPLACE

Teacher Instructions

The aim of this resource is to stimulate discussion about discrimination in the workplace and to use real life examples (case studies) as the basis of this discussion.

The A level specifications relating to discrimination centres on the availability of equal pay and requires that students give real examples. In the UK, the Equality Act 2010, enshrined in law the need for employers to treat workers equally and not to discriminate on the grounds of gender, race, age, disability, religion or belief or sexual orientation.

Evidence on unequal pay is available, especially between men and women. It is estimated that pay gap between the genders (undertaking like for like occupations) remains at approximately 19% (September 2015). It is argued that, if you take this unequal pay into account, women work for free during the months of November and December each year in comparison to their male counterparts.

Despite the law being in place, and anti-discriminatory laws being in place for decades in the UK, very few cases brought on the grounds of unequal pay are successful (approximately 20% of cases of discrimination are proven successfully). Most of the case studies here relate to employers' discriminatory behaviour and not the lack of equal pay.

How to use the case studies

The case studies can be given out to students purely for reference purposes as examples to be used on discriminatory behaviour.

Follow on questions that could be used:

- Why do you think that so many of the cases are against public bodies such as councils or the police?
- What might have made it difficult to prove that unequal pay between genders was taking place?
- Why is anti-discriminatory legislation important to the UK economy?
- Do any of the cases sound as if the employer's behaviour had some justification?





CASE AGAINST UNIVERSITY OF WALES, TRINITY ST DAVID 2015

18 male workers at UWTSD won their case to have a pay enhancement. The men worked in a number of manual occupations (such as carpentry, plumbers and caretakers) and argued successfully that they should earn the same wage as the secretaries and administrative staff (who were primarily women).



CASE AGAINST BIRMINGHAM CITY COUNCIL 2012

170 female former employees of Birmingham City Council won their case proving that they had received lower pay than male counterparts. The women worked primarily as cooks, cleaners and carers and the High Court found that they deserved equal pay as refuse collectors, street cleaners, road workers and grave diggers (who were primarily men).



CASE AGAINST ASDA SUPERMARKET 2014 AND ONGOING

Up to 19,000 Asda supermarket employees (mainly women) are claiming they have been discriminated against. Their case centres around the higher pay levels given to staff working in distribution centres (mainly men) – the argument is that the shop floor workers undertaking duties such as cashiers and shelf stacking should be paid the same as the workers in the distribution centre.

If the case is successfully won by the Asda employees it could cost the supermarket millions of pounds in compensation and open up similar action for other major supermarkets.



CASE AGAINST NORTH CUMBRIA NHS TRUST 2005

Up to 1,500 women working in 14 different job types (from nurses to catering assistants, domestics, clerical officers, porters and telephonists) won their case that they were being paid less than men undertaking jobs of a similar nature.

Their victory meant that the Hospital Trust had to give retrospective compensation payments going back up to 14 years. It was estimated that some employees might be able to claim up to £250,000 in compensation.



CASE AGAINST DUMFRIES AND GALLOWAY COUNCIL 2013

This case was brought by more than 200 women working as teaching assistants, learning support assistants and nursery teachers against their employer. They claimed discrimination on the grounds that male manual workers such as leisure attendants and groundsmen earned more. They considered the jobs as equal in status and difficulty and should therefore receive the same wage.

The case continues to bring attention (September 2015) as some workers claim they have yet to receive their compensation.



CASE AGAINST WILTSHIRE POLICE FORCE 2015

Black police constable Ronnie Lungu won a tribunal against his employers, Wiltshire Police, when he proved racial discrimination had taken place.

The evidence presented to the tribunal showed that PC Lungu had been passed over for promotion after his internal assessments were secretly downgraded. This same action had not taken place with white colleagues.

His employer was found to have acted with racial discrimination – they deliberately did not promote him because of the colour of his skin.



CASE AGAINST MANCHESTER UNIVERSITY NHS FOUNDATION TRUST 2012

Manchester University NHS Foundation trust were found guilty of racial discrimination in a case brought by a former manager, Elliott Browne.

A tribunal found that he had been unfairly harassed following an action plan that was put into place to address overspending within his department.

The NHS Trust acted in such a way as to reduce Mr Browne's dignity and cause him undue stress to the point where he quit his job and ended his 34 year career in healthcare. The tribunal found that the same methods were not used with Mr Browne's white colleagues.



CASE AGAINST GILLINGHAM FOOTBALL CLUB 2012

Gillingham Football Club was found guilty of racial discrimination in 2012 against black footballer Mark McCammon. The Club also had their appeal against the verdict thrown out in 2013.

The original tribunal found that Mr McCammon was unfairly treated when compared to white team-mates. The club refused to pay for private medical bills when the footballer was injured and docked his wages when he failed to attend practice during a period of heavy snow (whilst white colleagues were not required to attend). Mr McCammon was dismissed following a disciplinary hearing and was unable to find another football club.

CASE AGAINST DEPARTMENT OF SOCIAL DEVELOPMENT (NORTHERN IRELAND) 2012

The Northern Irish Department of Social Development was found guilty of discriminating on the grounds of disability in a case involving civil servant Margaret Mary O'Neill.

A court ruled that her treatment had been unfair as it failed to make reasonable adjustments to accommodate Mrs O'Neill's disability.

Mrs O'Neill has severe arthritis and had made a request to work in an office closer to her home (as this would improve her ability to get to work and reduce the pain that she suffered). She was not offered the transfer whilst non-disabled colleagues on a 'surplus staff' list were transferred to assist with redeployment from offices that were over-staffed.

CASE AGAINST CANADIAN IMPERIAL BANK OF COMMERCE 2009

The City of London branch of the Canadian Imperial Bank of Commerce were found guilty of age discrimination in a case brought by former employee Achim Beck.

A tribunal found that the bank had discriminated against Mr Beck when it had sacked him during the banking crisis of 2008 and then replaced him with a younger employee.

The case rested on a memo which indicated that the bank were searching for 'younger' staff without an actual age being specified.

Mr Beck's replacement was 38 years old.

CASE AGAINST AIR TRAFFIC CONTROL SERVICE (NATS) 2009

A tribunal ruled that NATS were discriminating on account of age when recruiting trainees for its air traffic control programme.

The case was brought by Peter Baker, 51, who complained when he was told that he was too old to apply for a trainee position. NATS only allowed people under the age of 35 to apply and argued that this was because of the cost of training (estimated at £600,000 per person) and the relative performance of older people in a vital and stressful occupation.

The tribunal found that this policy was discriminatory and was irrational and arbitrary.

CASE AGAINST FUTURE ARTS 2013

A tribunal in Leeds awarded compensation in favour of Paula Temple and Stefani Boulila against their employer Future Arts for discrimination on the grounds of their sexual orientation.

Both successfully argued that Future Arts (a not-for-profit organisation) had treated them unfairly and that Temple had been constructively dismissed. Their argument centred on a number of allegations including that they were told that funding may be withdrawn due to their sexuality.