

Session 702

**Comparative Employment
Law Review**

Russell Brimelow

Josef Hermes

Andrew Holmes

Christel Van Peteghem

Discrimination Law in the UK, USA and Europe

**Russell Brimelow
Lewis Silkin & Ius Laboris**

**ACC Europe 2007 Annual Conference: The Growing Role of In-house Counsel:
Lawyers as Business Partners**

**3-5 June 2007 Bayerischer Hof Hotel,
Munich, Germany**



Large numbers of discrimination claims in “Anglo Saxon” Jurisdictions



41,000 claims in 2005/06



76,000 claims in 2006

High awards



Largest award in 2005/6 =
€1.4 million

Largest award in 2006 =
\$61 million (reduced to
\$12 million on appeal)

Some reasons for the volume of cases in the UK

- Limited “unfair dismissal” rights – this is the biggest differentiator
- No “bullying” claims
- Limited co-determination/works councils
- Cultural

UK Claims

- Before employment tribunals
- Claims against individuals as well as employers
- Can last several days or even several weeks
- Significant management time/legal costs
- Reputational concerns

UK Media interest



Topical issues in the UK

Religion – dress codes

THE TIMES Saturday November 25 2006 zwc

BA responds to backlash by lifting ban on small crosses

► Uniform policy to be put under review

► Archbishop hails 'common sense'

Anthony Browne, Sam Coates and Ruth Gledhill

British Airways is to lift its ban on workers openly wearing

an Williams, told *The Times*: "This is a most welcome development and a victory for common sense."

Miss Eweida, who has begun a second appeal, issued a statement saying that she hoped that it would help her to win her case. "If they are going to review the policy and allow Christians their place in the workforce, it is a big relief."

The ban on Miss Eweida caused outrage because mem-

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zwc THE TIMES Saturday November 25 2006

School helper who refused to remove her veil is sacked

Andrew Norfolk

A teaching assistant who refused to remove her Muslim veil in the classroom has lost her job.

Aishah Azmi's dismissal from a Church of England primary school in Dewsbury, West Yorkshire, came after a lengthy period of suspension over her insistence on wearing the niqab in lessons led by a male teacher.

She had already failed to persuade an employment tribunal that she was a victim of religious discrimination and

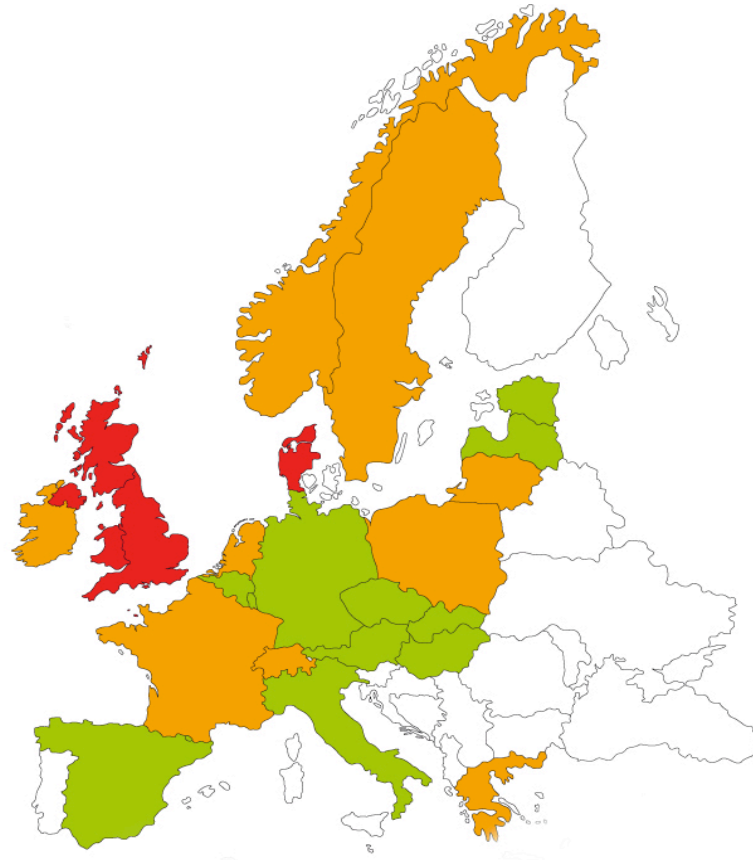
Cause célèbre



● October 5: Jack Straw says that he asks Muslim women to remove their veils

● October 13: It is revealed that Aishah Azmi has taken a Dewsbury primary school

Discrimination laws around Europe [to be amended]



Claims in Europe

- **Some:** Denmark, Netherlands, Sweden, Russia, Belgium, Czech Republic, Ireland, Greece, Poland
- **Minimal:** Finland, Slovakian Republic, Italy, Germany, France, Cyprus, Portugal, Spain

Other European Quirks...

- Hearings can be really short – Switzerland, Poland, Belgium and France are usually less than one day
- Fees and management time can be minimal
- Average awards are often low....
- Media attention can be scant... but is growing
- Settlement figures vary widely

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"You're not so bad for
someone who's different."



THANK YOU