



Equality

The New Legal
Framework

BOB HEPPLE

Equality

The New Legal Framework

Bob Hepple



• H A R T •
PUBLISHING

OXFORD AND PORTLAND, OREGON

2011

Published in the United Kingdom by Hart Publishing Ltd
16C Worcester Place, Oxford, OX1 2JW
Telephone: +44 (0)1865 517530
Fax: +44 (0)1865 510710
E-mail: mail@hartpub.co.uk

Website: <http://www.hartpub.co.uk>
Published in North America (US and Canada) by
Hart Publishing
c/o International Specialized Book Services
920 NE 58th Avenue, Suite 300
Portland, OR 97213-3786
USA
Tel: +1 503 287 3093 or toll-free: (1) 800 944 6190
Fax: +1 503 280 8832
E-mail: orders@isbs.com
Website: <http://www.isbs.com>

© Bob Hepple 2011

Bob Hepple has asserted his right under the Copyright, Designs and Patents Act 1988,
to be identified as the author of this work.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system,
or transmitted, in any form or by any means, without the prior permission of Hart Publishing,
or as expressly permitted by law or under the terms agreed with the appropriate reprographic rights
organisation. Enquiries concerning reproduction which may not be covered by the above should be
addressed to Hart Publishing Ltd at the address above.

British Library Cataloguing in Publication Data
Data Available

ISBN: 978-1-84946-107-8

Typeset by Hope Services, Abingdon
Printed and bound in Great Britain by
TJ International Ltd, Padstow, Cornwall

EQUALITY

The Equality Act 2010 is a major landmark in the long struggle for equal rights. This book tells the story of how and why it came to be enacted, what it means, what changes it can bring about in British society, and – no less important – what the Act will not do.

The Act is the outcome of over 13 years of research, public debate and campaigning, starting with the publication of *Equality: a new framework. Report of the Independent Review of the Enforcement of UK Anti-Discrimination Legislation* by Bob Hepple, Mary Coussey and Tufyal Choudhury (Hart Publishing, 2000). The aim of this book is to examine the aims and structure of the new legal framework and to assess the Act against goals of reform set by the earlier review: harmonising and extending the law on status equality; widening the areas of unlawful conduct; changing organisational policy and behaviour including positive duties to advance equality; and improving enforcement of the law.

The book will be essential reading for anyone who wants to understand the Act and the wider context of equality law, including students of law and social sciences, human rights activists and lawyers, as well as the general reader.

Foreword

This is no ordinary law book, and its author is no ordinary lawyer. The book, like the Equality Act 2010 which it describes and discusses, is a major landmark in the long struggle for effective legal protection of equal rights and equal treatment without direct or indirect discrimination. It places the law in its political, economic and social context and traces its often contested and controversial history.

Sir Bob Hepple QC FBA is the leading academic authority in equality law in this country and beyond. He was born and raised in turbulent times in South Africa, where he became actively involved in the anti-apartheid struggle in the 1950s and 60s, and acted as a lawyer for ANC leaders including Nelson Mandela. He came to Britain in 1963 as an asylum-seeker, the year I was called to the English Bar. Our work for equal rights soon brought us together. In 1964, after reporting on racial justice in the American South, following the 'long hot summer', I became involved in the Campaign Against Racial Discrimination, lobbying for civil rights legislation. In 1968 Bob published his book on *Race, Jobs and the Law in Britain*, and in 1972 Geoffrey Bindman and I published *Race and Law*.

Much of our work for almost half a century has been in parallel or in collaboration. Bob became a leading scholar and served as a chair of industrial tribunals and member of the Commission for Racial Equality; I left the Bar to help the Home Secretary (Roy Jenkins) to fashion the Sex Discrimination Act 1975 and the Race Relations Act 1976, and on my return to the Bar, argued equality cases here and in the European courts.

As Bob recalls in the preface, he and I came together in 1997, attempting in vain to persuade the New Labour Government to create a single Equality Act and Equality Commission, a companion to a Human Rights Act that would give direct effect to the European Convention on Human Rights. The history of our efforts and those of many others is summarised in the book.

I would emphasise that Bob played a key role to which I pay tribute. Working together with his wife, Mary Coussey, in 2000 he published what became known as the Hepple Report. (It is referred to in this book simply as the *Cambridge Review*.) I introduced a single Equality Bill in 2003 as a Private Member's Bill to give effect to the Report.

There was a false start by the government in 2003, followed by the major error of creating the Equality and Human Rights Commission prematurely. It took almost seven years for the government's own Bill to be introduced by Harriet Harman MP, building on the Bill which Bob and I had shaped. I had the good fortune to assist the passage of the Bill on behalf of the Liberal Democrats in the Lords, in the nick of time, on the eve of the general election in May 2010.

This wise and well-informed book is much more than a traditional legal textbook. The government's Explanatory Notes on the Act are so clear and compre-

hensive that they serve in themselves as a practical guide on the policy and contents of the Act.¹ But the book goes well beyond providing an explanation and commentary on the new equality law. As its author explains, equality law is shaped by and has an important practical impact upon the lives of ordinary men and women. It can be properly understood only by understanding its political and social context and the values upon which its principles are based. Civil rights and economic, social and cultural rights cannot be put in separate watertight compartments. They overlap and are inter-dependent.

The 2010 Act is comprehensive and harmonises, rationalises and simplifies a mass of previous equality legislation in a single statute. It also extends the law and gives greater emphasis to positive duties to be performed by public authorities to have regard to the need to eliminate direct and indirect discrimination and advance equality of opportunity. At the time of writing most of the 2010 Act has been brought into force. But it will operate at a time of severe cuts in public expenditure, including a reduction in the funding of the Equality and Human Rights Commission (EHRC).

The book concludes that the EHRC ‘can speak with a strong voice on the basis of an over-arching modern principle of transformative equality that recognizes the need to develop the capabilities of individuals and groups if they are to enjoy genuine human rights in the civil, social and economic spheres. This is not the end of the struggle for equality, but it is a new beginning.’

At the time of writing, the Coalition Government has introduced the Public Bodies Bill that would empower Ministers by subordinate legislation to encroach on the EHRC’s independence by modifying the present constitutional and funding arrangements and to transfer some of its functions to Whitehall. In my view, what are needed are administrative measures to ensure greater efficiency, effectiveness and economy in the exercise of the EHRC’s functions, rather than legislation authorising Ministerial interference.

The book examines critically the strengths and weaknesses in the 2010 Act, for example, the serious omission to include a requirement to undertake employment and pay equity reviews. It locates the subject within its EU and wider international context. It is forward-looking and indicates the ways in which further law reform is needed, and where EU equality legislation is likely to be developed. It deserves to be read, as its author hopes, by students of social sciences as well as the law, and by human rights activists, lawyers and others who will shape the law in the future, not only in this country but across the world. I have benefitted greatly from the wise judgment and scholarship underpinning the book, and have great pleasure in commending it to a wide audience.

Anthony Lester
(*Lord Lester of Herne Hill QC*)
Blackstone Chambers
Temple, London EC4Y 0BW
1 November 2010

¹ Explanatory Notes [EN] Equality Act 2010, c 15 (rev ed, August 2010).

Preface

Equality law is a socially important and intellectually challenging subject. It is important because it seeks to use law as a means of changing entrenched attitudes, behaviour and institutions in order to secure the fundamental human right to equality. The subject is a challenging one because it involves the construction and development of novel legal concepts and procedures. It is necessary to understand these concepts and the technical structure of the law in order to appreciate their social significance, and to use them effectively in the struggles for equal rights. One cannot simply skirt around the hard professional core of the law and procedure. But equality law is not an intellectual game played in courts by clever barristers or in universities by philosophers and academic lawyers. It is shaped by and has a vital impact on people in their everyday lives. One has to understand the historical and social contexts and the values on which the law is based.

I have written this book for anyone who wants to understand the Equality Act 2010 in those contexts. This is not a legal practitioners' textbook, but I hope it will be read by students of law and social sciences, human rights activists, lawyers and others who will use and shape the law in future, and that it will also be comprehensible to the general reader who wants to know more about the subject. With that in mind I have tried, wherever possible, to explain the law without digressing into too much technical detail.

For me this is the conclusion of a project which began shortly before the general election in 1997, in the gardens of the Middle Temple, when Anthony Lester and I were watching the planting of a tree in commemoration of Mahatma Gandhi. He casually suggested to me that what we should do for the advancement of equal rights in this country was to initiate a campaign for a single Equality Act and single commission. This would run alongside the campaign for a Human Rights Act for which he had long fought. The story of how that equality campaign developed over the next 13 years is briefly told in chapter 1. Here I want to pay tribute to Anthony, with whom I have collaborated in pursuit of equal rights over the past 45 years. I very much doubt whether the single Act and Commission would have come about without his skills as an advocate and politician, based on a deep practical understanding of the law, and his willingness to press and persuade hesitant and reluctant Ministers and parliamentarians at every turn. I pay tribute, too, to the dedicated team of civil servants in the Government Equalities Office who produced an outstanding Bill and Explanatory Notes, and worked tirelessly to see the measure enacted. Not all the aspirations of human rights and equality organisations, who were the main political force behind the reforms, were realised, but the unity which they achieved in working for the Act will provide a springboard for future progress.

I am grateful to Catherine Barnard, Sandra Fredman, Mary Stacey, Christopher Edwards and Joshua Hepple, for reading and commenting on drafts of parts of the book. The usual disclaimers apply. I also wish to thank Melanie Field, Stephen Levinson and David Howarth for helpful information, and Peter Henson for his editorial assistance. My greatest debt of all is to my wife, Mary Coussey, who has been an equal participant in this project from the start. She inspired and encouraged me to write the book, and gave me the benefit of her enormous practical knowledge and experience of equal opportunities.

The book is dedicated to all those working for equal rights.

*Clare College
Cambridge*

1 November 2010.

Commencement

This book has been written as if all Parts of the Equality Act 2010 are in force. In fact, the reader needs to check whether particular sections are operative, and whether any regulations, codes of practice and guidance have been issued (see www.equalities.gov.uk and www.equalityhumanrights.com). The main provisions on employment, equal pay, services, public functions, associations, and education came into force on 1 October 2010. At the time of writing the Government was consulting on the implementation of the public sector equality duty (which may start from April 2011), and was still considering other provisions, including dual discrimination, diversity reporting by political parties, and age protection outside the workplace. After the book went to press, the Government announced that it will not be implementing the socio-economic duty on public bodies (s 1), and the gender pay reporting measures (s 78). The provision for positive action in recruitment (s 159) will be brought into force in April 2011. The Government's *Equality Strategy – Building a Fairer Britain* was published in December 2010.

The Public Bodies Bill, introduced by the Coalition Government on 29 October 2010, would empower Ministers to modify the constitutional and funding arrangements of the EHRC and to transfer some of its functions to central government. As a result of the comprehensive spending review on 20 October 2010, and an earlier cut by the Coalition Government, the annual budget of the EHRC has been reduced from £70 million to £32 million (55 per cent).

List of Abbreviations

ACAS	Advisory, Conciliation and Arbitration Service
ADR	alternative dispute resolution
BME	Black and Minority Ethnic
BSL	British Sign Language
CABx	Citizens Advice Bureaux
CARD	Campaign Against Racial Discrimination
CBI	Confederation of British Industry
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEHR	Commission for Equality and Human Rights (now EHRC)
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CFA	conditional fee agreement
CFR	Code of Federal Regulations
CLS	Community Legal Service
CMD	Case Management Discussion (mediation)
CRC	Community Relations Commission
CRE	Commission for Racial Equality
CRPWD	Convention on the Rights of Persons with Disabilities
DBA	damages-based agreement
DDA	Disability Discrimination Act 1995
DRC	Disability Rights Commission
EA	Equality Act (note: 'EA' refers to the 2010 Act except where specified, eg EA 2006)
EAT	Employment Appeal Tribunal
ECHR	European Convention on Human Rights
ECJ	Court of Justice of the European Union
ECNI	Equality Commission for Northern Ireland
EEC	European Economic Community
EHRC	Equality and Human Rights Commission
EN	Explanatory Notes to the Equality Act 2010 (rev edn August 2010)
EOC	Equal Opportunities Commission
EOR	Equal Opportunities Review
EqLR	Equality Law Reports
ERA	Employment Rights Act 1996
ERT	Equal Rights Trust
ESC	European Social Charter 1961 (rev 1996)
EU	European Union

FEC	Fair Employment Commission (Northern Ireland)
GAD	Government Actuary's Department
GEO	Government Equalities Office
HC	House of Commons
HL	House of Lords
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IRLR	Industrial Relations Law Reports
JCHR	House of Commons and House of Lords Joint Committee on Human Rights
NDPB	non-departmental government body
OCR	Office of the Chief Rabbi of the United Hebrew Congregation of the Commonwealth
ODI	Office for Disability Issues
ONS	Office for National Statistics
PBC (EB)	House of Commons Public Bill Committee (Equality Bill)
PEP	Political and Economic Planning
RRA	Race Relations Act 1976
RRB	Race Relations Board
SDA	Sex Discrimination Act 1975
TCNs	Third Country Nationals
TFEU	Treaty on the Functioning of the European Union
TUC	Trades Union Congress
UNCRC	UN Convention on the Rights of the Child
UNDHR	Universal Declaration of Human Rights

Table of Cases

Abbey Life Assurance v Tansell [2000] IRLR 387	87
Abrahamsson v Fogelqvist (Case C-407/98) [2000] ECR I-5539, ECJ ...	129, 131
Allen v GMB [2008] IRLR 690, CA	71-72
Allonby v Accrington and Rossendale College (Case C-256/01) [2004] IRLR 224, ECJ	86, 101
Amnesty International v Ahmed [2009] IRLR 884, EAT	57-58
Armstrong v Newcastle upon Tyne NHS Hospital Trust [2006] IRLR 12 ...	103-4
Arnold v Beecham Group Ltd [1982] IRLR 307	102
Azmi v Kirklees Metropolitan BC [2007] IRLR 484	42-43
Badeck v Hessische Ministerpräsident (Case C-158/97) [2000] ECR I-1875, ECJ	129
Bahl v Law Society [2004] EWCA Civ 1070; [2004] IRLR 799	61
Barber v Guardian Royal Exchange Assurance Group (Case C-262/88) [1990] ECR I-1899, ECJ	98
BBC Scotland v Souster [2001] IRLR 150, CS	39
Bebb v Law Society [1914] 1 Ch 286, CA	178
Bent's Brewery Co Ltd v Hogan [1945] 1 All ER 570	106
Bilka-Kaufhaus v Weber von Hartz (Case 170/84) [1986] IRLR 317, ECJ	103
Birmingham Schools see R v Birmingham City Council, ex parte EOC	
Briheche (Serge) v Ministre de l'éducation nationale et Ministre de la justice (Case C-319/03) [2004] ECR I-8807, ECJ	129
British Airways plc v Starmar [2005] IRLR 862, EAT	67
British Coal Corp v Smith [1996] IRLR 404, HL	100
British Gas v Sharma [1991] IRLR 530, CA	172
Burton v De Vere Hotels Ltd [1996] IRLR 596	81-82
Cadman v HSE [2004] IRLR 971	103
Canniffe v East Riding of Yorkshire Council [2006] IRLR 555, EAT	125
Cheshire & Wirral NHS Trust v Abbott [2006] IRLR 546, CA	102
Chief Constable of West Yorkshire Police v Khan [2001] UKHL 48; [2001] ICR 1065	82
Christian Institute, Application for Judicial Review [2007] NIQB 66; [2008] IRLR 36	81
Clark v Novacold [1999] EWCA Civ 1091; [1999] ICR 951	73
Clarke v Redcar & Cleveland BC [2006] IRLR 324, EAT	169
Coleman v Attridge Law (Case C-303/06) [2008] ECR I-5603; [2008] IRLR 722, ECJ	60
Coloroll Pension Trustees v Russell (Case C-200/91) [1993] ECR I-4389	55

Commission of the European Communities v UK (Case 61/81) [1982]	
ECR 578, ECJ.....	95
Commission for Racial Equality v Dutton [1989] IRLR 8, CA	38
Coventry City Council v Nicholls [2009] IRLR 345, EAT	104
Da'Bell v National Society for the Prevention of Cruelty to Children	
[2010] IRLR 19.....	171
Danfos (Case 109/89) [1989] IRLR 532, ECJ	103
Dawkins v Department of the Environment [1995] IRLR 284	38
Defenne v Sabena (Case 43/75) [1976] ECR 455, ECJ	95, 101
Dekker v Stichting Vormingscentrum voor Jonge Volwassen (VJV	
Centrum) Plus (Case C-177/88) [1990] ECR I-3941, ECJ.....	54
Department for Work and Pensions v Thompson [2004] IRLR 348, EAT	45
Dockers' Labour Club & Institute Ltd v Race Relations Board [1976]	
AC 285, HL.....	122
Ealing LBC v Race Relations Board [1972] AC 342, HL	39
Edwards v London Underground (No 2) [1999] IRLR 494, CA.....	65
Enderby v Frenchay Health Authority (Case C-127/92) [1993] IRLR 591,	
ECJ.....	103, 105
Equal Opportunities Commission v Secretary of State for Trade and	
Industry [2007] EWHC 483; [2007] IRLR 327	47
Equality and Human Rights Commission v Griffin [2010] EqLR 42, CC.....	123
Eweida v British Airways plc [2010] EWCA Civ 80; [2010] IRLR 322	65
Gill v El Vinos Co Ltd [1983] QB 425; [1983] IRLR 206, CA	47, 54
Goodwin v UK (2002) 35 EHRR 447, ECtHR.....	45
Grainger plc v Nicholson [2010] IRLR 4, EAT	42
Grant v South-West Trains (Case C-249/96) [1998] IRLR 206, ECJ	44
Harrods Ltd v Remick [1997] IRLR 583, CA.....	87
Hillingdon LBC v Commission for Racial Equality [1982] AC 779, HL	150
Hurley v Mustoe [1981] IRLR 208, EAT	54
Igen Ltd v Wong [2005] IRLR 258, CA	167
James v Eastleigh BC [1990] 2 AC 751; [1990] IRLR 288, HL.....	57–58
Jewish Free School see R (on the application of E) v Governing Body of JFS	
JFS see R (on the application of E) v Governing Body of JFS	
Johnston v Chief Constable of the Royal Ulster Constabulary [1987]	
1 QB 129	86
Jones v Tower Boot Co Ltd [1997] IRLR 168, CA.....	124
Kalanke v Frei Hansestadt Bremen (Case C-450/93) [1993] ECR I-3051,	
ECJ.....	128
KB v National Health Service Pensions Agency (Case C-117/01) [2004]	
IRLR 240	45
King v Great Britain China Centre [1991] IRLR 513, CA.....	160, 166
Kirby v Manpower Services Commission [1980] IRLR 229	82
Kudus v Chief Constable of Leicestershire Police [2001] UKHL 29;	
[2002] AC 122.....	171

Ladele v Islington LBC [2009] EWCA Civ 1357; [2010] IRLR 211	113–14
Lana v Positive Action Training in Housing (London) Ltd [2001] IRLR 501, EAT 125	
Laskey, Jaggard and Brown v UK (1997) 24 EHRR 39, ECtHR	51
Lawrence v Regent Office Care Ltd (Case C–320/00) [2002] IRLR 822, ECJ... 101	
Leverton v Clwyd CC [1980] AC 706; [1989] IRLR 28, HL.....	100
Levez v TH Jennings (Harlow Pools) Ltd (Case C–326/96) [1999] IRLR 36, ECJ	160
Lewisham LBC v Malcolm [2008] UKHL 45; [2008] IRLR 700	73–74, 77
Lister v Helsey Hall Ltd [2001] UKHL 22; [2001] IRLR 472	124
Lommers v Minister van Landbouw, Natuurbeheer en Visserij (Case C–476/99) [2002] ECR I–2891; [2002] IRLR 430, ECJ.....	129, 179
Maccarthys Ltd v Smith (Case 129/79) [1980] ECR 672, ECJ.....	99, 101
Macdonald v Ministry of Defence [2003] UKHL 34; [2003] IRLR 512	44, 79, 82
McFarlane v Relate Avon plc [2010] IRLR 196, EAT	42
McFarlane v Relate Avon Ltd [2010] EWCA Civ B1	113
MacLennan v Gypsy Traveller Education and Information Project, unreported, ET (Scot).....	38
Madrassay v Monura [2007] IRLR 258, CA	167
Malcolm see Lewisham LBC v Malcolm	
Mandla (Sewa Singh) v Dowell Lee [1983] AC 548; [1983] IRLR 209, HL.....	37–38, 60
Marschall v Land Nordrhein–Westfalen (Case C–405/95) [1997] ECR I–6363, ECJ	128
Marshall v Southampton and South West Area Health Authority (No 2) (Case C–271/91) [1993] ECR I–4367; [1993] IRLR 445, ECJ.....	170
Middlesborough BC v Surtees (No 2) [2007] IRLR 981, EAT.....	162
Ministry of Defence v Cannock [1994] IRLR 509	170
Ministry of Defence v De Bique [2010] IRLR 471, EAT	62
Ministry of Defence v Jeremiah [1980] 1 QB 87	54
Ministry of Defence v Wheeler [1998] IRLR 23	170
Moyhing v Barts & London NHS Trust [2006] IRLR 860, EAT.....	54
Nagarajan v London Regional Transport [2000] 1 AC 501, HL.....	57, 83
Nimz v Freie und Hansestadt Hamburg (Case C–184/89) [1991] IRLR 222, ECJ.....	103
Northern Joint Police Board v Power [1997] IRLR 610	39
O’Flynn v Adjudication Officer (Case C–237/94) [1996] ECR I–2617	66
O’Leary v Allied Domeq Inns Ltd, unreported, July 2000, CC.....	38
Ojutiku v Manpower Services Commission [1982] ICR 661	669
P: Unmarried Couple, Re [2008] UKHL 38	49
P and S v Cornwall CC (Case C–13/94) [1996] IRLR 347, ECJ.....	45
Palacios de la Villa v Coretefiel Servicios SA (Case C–411/05) [2007] IRLR 989, ECJ	92

Panesar v Nestle Co Ltd [1980] ICR 144, CA.....	69
Pearce v Governing Body of Mayfield Secondary School see Macdonald v Ministry of Defence	
Perera v Civil Service Commission [1983] ICR 428, CA.....	65
Pothecary Witham Weld v Bullimore [2010] IRLR 572, EAT.....	167
Prague Airport see R (on the application of European Roma Rights Centre) v Immigration Officer at Prague Airport	
R v Birmingham City Council, ex parte EOC [1989] AC 1155, [1989] IRLR 173, HL.....	47, 56, 58
R v Commission for Racial Equality, ex parte Prestige Group Ltd [1984] ICR 473, HL.....	150–1
R v Commission for Racial Equality, ex parte Westminster City Council [1985] ICR 627, CA.....	56
R v Secretary of State for Employment, ex parte EOC [1994] IRLR 194, HL.....	71
R v Secretary of State for Employment, ex parte Seymour-Smith [1997] IRLR 315, HL.....	71
R v v Commission for Racial Equality, ex parte Amari Plastics [1982] QB 1194, CA.....	150
R (on the application of Age Concern) v Secretary of State for Business, Enterprise and Regulatory Reform (Case C–388/07) [2009] IRLR 373, ECJ.....	64, 92
R (on the application of Amicus – MSF section) v Secretary of State for Trade and Industry [2004] IRLR 430, HC.....	51, 90–91
R (on the application of Baker) v Secretary of State for the Environment [2008] EWCA Civ 141.....	137
R (on the application of Begum) v Head Teacher and Governors of Denbigh School [2006] UKHL 15; [2007] 1 AC 100.....	41
R (on the application of Boyejo) v Barnet LBC [2009] EWHC 3261 (Admin).....	138
R (on the application of Brown) v Secretary of State for Work and Pensions [2008] EWHC 3158 (Admin).....	137
R (on the application of Douglas) v North Tyneside Metropolitan BC [2003] EWCA Civ 1857; [2004] ELR 117.....	63
R (on the application of E) v Governing Body of JFS [2009] UKSC 15; [2010] IRLR 136.....	38–39, 58–59, 64, 70–71, 119, 137, 140, 175, 178
R (on the application of Eisai) v National Institute for Clinical Excellence [2007] EWHC 1941 (Admin).....	138
R (on the application of Elias) v Secretary of State for Defence [2006] EWCA Civ 1293; [2006] IRLR 934, CA.....	39, 64, 70–71, 137, 140, 175
R (on the application of European Roma Rights Centre) v Immigration Officer at Prague Airport [2004] UKHL 55; [2005] 2 AC 1 38, 55–56, 112, 178	
R (on the application of Gillan) v Commissioner of Police of Metropolis [2006] UKHL 12; [2006] 2 AC 307.....	56

R (on the application of Kaur) v Ealing LBC [2008] EWHC 2062 (Admin)	137, 139
R (on the application of Lunt) v Liverpool City Council and EHRC (Intervener) [2009] EWHC 2356 (Admin)	138
R (on the application of Reynolds) v Secretary of State for Work and Pensions [2005] UKHL 37; [2006] 1 AC 173	63–64
R (on the application of Williamson) v Secretary of State for Education and Employment [2005] UKHL 15; [2005] 2 AC 245	41
Race Relations Board v Applin [1975] AC 259, HL	60
Redcar and Cleveland BC v Bainbridge (No 1) [2007] IRLR 984	102, 105
Rhys-Harper v Relaxion Group plc [2003] UKHL 33; [2003] IRLR 484	85
Robertson v DEFRA [2005] IRLR 363	101
Rolls-Royce plc v Unite Union [2009] IRLR 576	93
Seide v Gillette Industries Ltd [1980] IRLR 427	38
Seldon v Clarkson, Wright and Jakes [2010] EWCA Civ 809	93
Singh v Rowntree Mackintosh Ltd [1979] ICR 554	69
Smith v Safeway plc [1996] IRLR 456, CA	45
Social Science Research Council v Nassé [1979] 1 QB 144, CA	150
Southall Black Sisters see R (on the application of Kaur) v Ealing LBC	
Stec v UK (2005) 41 EHRR SE 18, ECtHR	63
Steel v Union of Post Office Workers [1978] ICR 181, EAT	69
Stewart v Cleveland Guest (Engineering) Ltd [1994] IRLR 440, EAT	78
Strathclyde Regional Council v Wallace [1998] IRLR 164, HL	103
Surtees v Middlesbrough BC, Redcar and Cleveland BC v Bainbridge (No 2) [2008] IRLR 776, CA	105
Tejani v Superintendent Registrar for the District of Peterborough [1986] IRLR 502, CA	39
Tele Danmark A/S v Handels- og Kontorfunktionernes Forbund i Danmarkt (Case C–109/00) [2001] IRLR 853, ECJ	54
Todorova v Bulgaria (Application 37193/05) unreported, 25 March 2010, ECtHR	110
Turley v Allders Department Store Ltd [1980] ICR 66, EAT	54
Vento v Chief Constable of West Yorkshire Police (No 2) [2003] IRLR 102, CA	171
Walker Ltd v Hussain [1996] IRLR 11, EAT	68
Weathersfield v Sargent [1999] IRLR 94	125
Webb v EMO Cargo (UK) Ltd (Case C–32/93) [1994] IRLR 482, ECJ	54
Webb v EMO Cargo (UK) Ltd (No 2) [1995] IRLR 645, HL	54
Wilson v HSE [2009] IRLR 282	103
Wippel v Peek & Coppenburg GmbH & Co KG (Case C–313/02) [2005] IRLR 211, ECJ	87
Zafar v Glasgow City Council [1998] IRLR 36, HL	166

Table of Legislation

UK STATUTES

Child Poverty Act 2010	143
Children and Young Persons Act 1933	32
Civil Partnership Act 2004	26, 49, 51, 114
Commonwealth Immigrants Act 1962	7–8
Disability Discrimination Act 1995	1, 9–11, 33, 72–77, 140
s 3A(1)	59
s 5(1)	73
s 6(1)	76
s 20(1)	73
s 21(1)	76
s 21F	122
Disability Discrimination Act 2005	33
Disability Rights Commission Act 1999	10
Disabled Persons (Employment) Act 1944	33
Educational (Additional Support for Learning) Act 2004	10
Employment Rights Act 1996	92
Pt 11	94
s 71	48
s 72	48
(1)	48
Employment Tribunals Act 1996	161
Equal Pay Act 1970	1, 8, 11, 94–97, 102–3
Equality Act 2006	4, 12, 15, 50, 80, 145–46, 178, 182
Pt 1	1, 7
Pt 2	1
s 3	12
s 8(1)	147
s 10	147
(1)	149
(2)	147, 149
(3)	149
s 11	148
s 12	148
s 14	148
s 15(4)	148
s 16	151

(2)(c)	151
(3)	151
(5)	151
s 20(2)	151
(4)	152
s 21	152
(3)	152
(4)	152
(6)	152
(9)	152
s 23	153
(1)(b)	153
(2)	153
(3)	153
s 24(1)	154
(2)	153
(3)	153
s 24A	154
(2)	154
(4)	154
s 27	169
(2)	169
(3)	169
s 28	163
(6)	164
(7)	164
(12)	163
(13)	163
s 29	164
s 30	154
s 31	152
s 32	152
s 44	40
s 45(3)	66
s 81	122
sched 1 para 1(2)	147
para 2	147
para 7	147
para 42(3)	145
paras 49–64	147
para 50(1)	147
sched 2 paras 2–5	151
para 3	152
paras 6–8	152