

Transcript of Podcast

January 2007

Hello and welcome to this month's D&W Employment Vox, our regular podcast designed to update you on news and developments in the field of employment law. My name is Alasdair Anderson and in this D&W Vox, prepared by our employment team, we take a look at a selection of news highlights:

- **Pregnant women to receive employment guidance direct from their midwife**
- **Associated Discrimination. Can a mother argue that she has been discriminated against because of her son's disability?**
- **Flexible working for carers. The government has now published the revised guidance.**
- **Biblical concerns. Another airline faces a religious discrimination claim**

But first, employment guidance for pregnant women. Every pregnant woman in Scotland will soon receive employment guidance at her 12-week scan.

The initiative between the DTI and the Royal College of Midwives, recommended by the Equal Opportunities Commission will involve the distribution of the guidance document at a hospital visit.

Muriel Robison, Director of Legal Affairs at the EOC, Scotland explains

"Every pregnant woman in Scotland will be issued with this document on employment rights when they attend their 12-week scan. Many women simply don't know their rights and nor do their employers. The leaflet contains the full range of maternity rights including the employer's obligation to conduct a risk assessment and provide paid time-off for antenatal care, in addition to the various entitlements to maternity leave and statutory maternity pay. It also contains a section to give to the employer. Whilst most large organisations have detailed maternity policies, smaller employers will benefit from being given this information at an early stage of pregnancy. Although the DTI has published maternity guidance on their website for many years now, this scheme directly connects with the people who need the information, with the overall aim of reducing pregnancy discrimination at work."

Disability discrimination. Sharon Coleman, a secretary at a London law firm resigned after her employers allegedly failed to grant her flexible working request to take time off to care for her disabled son. She argued that she had been discriminated against on the grounds of her son's disability. The matter will now be referred to the European Court of Justice to determine whether the Disability Discrimination Act covers discrimination on the grounds of *somebody else's* disability.

And on a related theme, the DTI have published their guidance to accompany the changes which affect carers under the Flexible Working Regulations. Parents with children under 6 or under 18 if they have a disability, currently have the right to request flexible working. After the 6th of April the right will be extended to employees who care for certain adults. Many carers find themselves forced to give up work due to a lack of care services or flexible employment. A survey by Carers UK found that 7 out of 10 carers under 50 had given up work to care.

Exactly what constitutes care is not defined in the regulations, although the guidance provides some examples such as help with financial matters or help with personal care. Interestingly, employees are not required to produce proof of their caring responsibilities, although the guidance does make it clear that if an employer suspects that a request is not genuine they could request supporting evidence.

Religious Discrimination. The Daily Telegraph recently reported that the airline BMI, face a legal challenge from an employee who has been told not to take her bible to Saudi Arabia. The employee who is understood to have deep religious convictions, carries a bible with her at all times. BMI have said that the instruction not to carry a bible on flights into Saudi Arabia was based on information from the Foreign Office website. The website says that "The importation and use of narcotics, alcohol, pork products and religious books, apart from the Koran, and artefacts are forbidden". The issue has yet to be determined before an employment tribunal as the newspaper indicates that the religious discrimination claim was only raised recently. This case comes after BA hit the headlines over their uniformed dress policy which prevented crucifixes being worn openly above clothing. After 100 MP's and 14 bishops joined the campaign to support the employee, BA announced it would lift its ban on workers openly wearing small crosses.

And that's the D&W employment Vox news for January 2007.

Each month the employment team take an in depth review of a practical issue in their written bulletin. This month the topic is mobility clauses.

And if you want to find out how to access our bulletin or find out more about any of the issues covered in this D&W Vox please contact **Valerie Dougan** on **0131 200 7472**. Details on how to subscribe to our written bulletins can be found on our website at www.dundas-wilson.com. Each D&W employment Vox will also be archived on the website in case you want to listen again or tell a colleague about us. Our website also contains information on future events and seminars.

And that's all for this D&W Vox.

This podcast is correct to the best of our knowledge and belief at the time of going to press. It is however written as a general guide, so it is recommended that specific professional advice is sought before any action is taken. We are required by law to protect personal data.

If you would like any further information on any of these cases or news items, or any other Employment issue, please call the person at D&W with whom you normally liaise, or one of the following specialists:

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