

Equality Commission Statement re Tribunal Decision

13 Feb 2015

The Equality Commission is disappointed that a decision of the Industrial Tribunal has found aspects of the Commission's career break policy to be indirectly discriminatory.

The Commission defended the claim in good faith and on the basis of legal advice and is currently giving careful consideration to the Tribunal's decision.

While the Tribunal considered that a breach of the Sex Discrimination Order had occurred, it held that this was unintentional.

An unlawful deduction of wages claim and a redundancy claim were dismissed.

The Tribunal awarded the claimant £7,500 in relation to injury to feelings and recommended that the Commission review the operation and wording of its career break policy and its contractual redundancy policy. It also recommended that the Commission determine the implications of the proper application of these policies for the claimant.

The career break policy was agreed with the employees' trade union in 2001. It was a policy aimed at providing greater flexibility for employees. Since then a considerable number of employees have benefited from the policy. The changing financial position and staffing reductions over the past five years resulted in difficulties for the Commission in facilitating a return to work for staff at the end of the career breaks.