



January 2020

Ethical veganism – a protected philosophical belief?

In *Casamitjama v League Against Cruel Sports* (“LACS”) an Employment Tribunal (ET) has ruled at a preliminary hearing that ethical veganism is capable of amounting to a philosophical belief under the Equality Act 2010.

Mr Casamitjama, a Zoologist, believed that he was sacked unfairly by LACS, an animal welfare charity, after he raised concerns with colleagues that its pension fund invested in companies involved in animal testing. However, LACS maintained that Mr Casamitjama was dismissed for gross misconduct which had nothing to do with his philosophical belief in ethical veganism.

At the preliminary hearing the ET held that Mr Casamitjama’s belief was genuinely held and more than just an opinion or viewpoint, having a substantial effect on his everyday life and behaviour. As such, the ET stated that ethical veganism satisfied the tests required for it to be a philosophical belief protected under the Equality Act 2010, including being worthy of respect in a democratic society, being incompatible with human dignity and not conflicting with the rights of others.

The case will now proceed to the main hearing which will determine whether or not Mr Casamitjama was dismissed for gross misconduct for a reason connected with his protected philosophical belief.

BBC lose equal pay claim

In *Ahmed v BBC ET2206858/2018*, an ET considered whether the work done by male and female presenters on the BBC was like, or of equal work to, each other for the purposes of an equal pay claim.

Ms Ahmed was a presenter on the BBC’s “Newswatch” programme and paid £440 per episode to present a 15 minute television programme designed to allow viewers to discuss and debate views on the BBC News. She discovered that Her chosen comparator, Jeremy Vine, was a presenter on Points of View and paid £3,000 per episode to present a similar programme where viewers discuss views on any of the BBC programmes. Ms Ahmed brought an equal pay claim arguing that she undertook the same or broadly similar work to Mr Vine.

The BBC claimed this was not the case and that the programmes and presenters roles were not comparable for various reasons, including the profile of the programmes and presenters as well as alleged differences in market rates and pressures.

Rejecting the BBC's claims, the ET held that both were 15 minute pre-recorded programmes with a magazine style format discussing viewer's opinions and there was no difference in the skills or experience required to present the programme. Given the ET's finding that the work was sufficiently similar, the burden then shifted to the BBC to show that there was a non-discriminatory reason for the difference in pay between the two presenters. However, on the evidence provided by the BBC, the ET held that the BBC had been unable to rebut the presumption and justify that the pay disparity was not on the grounds of sex. Ms Ahmed 's claim therefore succeeded which could see her being awarded up to £700k in compensation.

WHAT TO LOOK OUT FOR

Sexual harassment and harassment at work: technical guidance

Technical guidance has been published by the Equality and Human Rights Commission on Sexual Harassment and Harassment at Work.

Claiming to be the "authoritative and comprehensive guide to the law and best practice in tackling harassment", the guidance offers a legal explanation together with practical examples of how to tackle and respond effectively to harassment, including sections on;

- the scale and effect of harassment in the workplace;
- definitions and examples of "harassment" and "victimisation";
- employer's obligations and liabilities; and
- what steps can be taken to prevent and respond to harassment.

The technical guidance can be viewed [here](#).

New statutory right to two weeks' bereavement leave

Under a new law due to come into force on 6 April 2020, parents who lose a child under the age of 18 or suffer a stillbirth after 24 weeks of pregnancy will be entitled to two weeks' paid bereavement leave.

As the law currently stands, there is no automatic right to paid time off for bereavement. Known as "Jacks law", in memory of Jack Herd whose mother Lucy has been campaigning for reform since he drowned aged 23 months in 2010, the new law will make the UK the only country to have this right to time off.

Under the Parental Bereavement Leave Regulations 2020 parents will be able to take leave as either a single block of two weeks or as two separate blocks of one week each. Furthermore, under the Statutory Parental Bereavement Pay (General) Regulations 2020, parents who have been employed for at least 26 weeks and who meet minimum earnings criteria will also be entitled to be paid, with effect from April 2020, up to £151.20 a week or 90% of weekly earnings if lower.

Statutory Rate Increases Proposed

With effect from 5 April 2020 the following increased rates are expected to apply:

- Statutory sick pay – increasing from £94.25 to £95.85 per week

- Statutory maternity, paternity, shared parental and adoption pay as well as maternity allowance – increasing from £148.68 to £151.20 per week.

Employment Law changes taking effect on 6 April 2020

A number of employment law changes are set to come into effect on 6 April 2020 relating to the following areas:

- written statements of employment (known as a “section 1 statement”);
- IR35;
- Agency workers;
- holiday pay;
- termination payments;
- parental bereavement leave; and
- a new Employment Bill.

We will be publishing a special Employment Update providing more detail on these changes so watch this space!

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