

# Liability for discrimination by employees

## Employment Law Plus

- Practical and commercial solutions to HR challenges

**[jkelly@employmentlawplus.com](mailto:jkelly@employmentlawplus.com)**

**01235 861919**

## **Jill Kelly**

- Graduated from Oxford University
- Trained and qualified in London
- Partner at Thomson Snell & Passmore in Kent
- Partner at Clarkslegal, Reading
- 2005 Appointed Employment Judge
- 2006 Set up Employment Law Plus

## What Chambers Legal Directory has said about Jill:

- *a vastly experienced practitioner who is "deserving of her status." She advises both business and individuals and also sits as a part-time employment judge*
- *received special praise for her "straightforward" and "excellent" approach*

- **Avoiding liability for discrimination by your employees**

# Liability for discrimination by employees

- **Is the employer liable for?**
  - **Manager made sexual comments to employee at office Christmas party.**
  - **They both had lift home from office Christmas party in colleague's car. In back of car, manager tried to kiss the employee, put his hands up her skirt and feel her breasts.**
  - **Employee A reported to Employer that Employer B was stealing from it. Employee B attacked Employee A.**

# Liability for discrimination by employees

- **Unless took all reasonable steps to prevent the discriminatory treatment**
- **What are the reasonable steps which your organisation takes to prevent discriminatory harassment and other discriminatory treatment?**

# Liability for discrimination by employees

- **Examples of reasonable steps (Equality & Human Rights Commission)**
  - **Equality policy**
  - **Publicise it**
  - **Review it**
  - **Disciplinary offences in policy**
  - **Managers receive training**
  - **Deal with complaints effectively**
  - **Discipline employees contravening policy**

# Liability for discrimination by employees

- **How Employment Law Plus can help**
  - **Provide equality and disciplinary policies – template or bespoke**
  - **Provide manager training**
  - **Advise on how to make employees aware of policy**
  - **Advise on how to deal with complaints of discrimination**
  - **Represent employers in defending discrimination complaints**