

**Issued on behalf of the Employment Lawyers Group Northern Ireland**

**13 October 2011**

## **NORTHERN IRELAND ANTI-DISCRIMINATION LAW FALLS BEHIND GB**

- **Local Employment Lawyers recommend action to improve industrial tribunal system**

Northern Ireland, which once led the way in anti-discrimination legislation, has fallen behind the rest of the United Kingdom, according to Michael Rubenstein, editor of Equality Law Reports and publisher of Equal Opportunities Review.

Speaking in Belfast, as a guest of the Employment Lawyers Group Northern Ireland and the Equality Commission, on key upcoming employment and discrimination law cases, Mr Rubenstein points out that the failure to enact legislation comparable to the Equality Act 2010 in Great Britain has meant that there are significant gaps between Northern Ireland and Great Britain in the level of protection being offered to employers and employees

"The Great Britain legislation, for example, provides a freestanding right to complain about harassment across a number of grounds, includes a wider and more effective definition of disability discrimination, prohibits perceived and associative discrimination, outlaws age discrimination in provision of goods and services, and imposes a wider equality duty on public authorities," he explains.

Speaking on behalf of the profession here, Barrister Mark McEvoy from the Bar Library, Chairman of the Employment Lawyers Group Northern Ireland warns that the current mismatch in the legislation is making it confusing and increasingly more difficult for tribunal chairmen and judges in Northern Ireland to apply the case law that is being developed by the courts in Great Britain.

"As practitioners working daily in the tribunals, we would strongly encourage the government here to adopt a similar approach and implement a single equality bill. At a time where jobs are hard to come by, employment protections are extremely important. Legislation should be both simple and practical both for Tribunals to implement and for employers and employees to be clearly aware of their respective rights and responsibilities".

One option for improving the current system is to provide a more efficient and cost effective appeal mechanism.

At the moment, anyone appealing an Industrial or Fair Employment Tribunal decision can only go directly to the Court of Appeal at great financial cost.

In Great Britain, the Employment Appeal Tribunal exists as an intermediate tier where matters on appeal are dealt with quickly and effectively by those experienced in the specialist field of employment law. The benefit is that the Court of Appeal is not being tied up by misconceived appeals and the long term savings and improvements in the delivery and quality of justice to parties involved in employment disputes would be tangibly and measurably improved.

In Northern Ireland an Employment Appeals Tribunal would also be a cost effective solution. It could be created and maintained using largely existing resources and personnel and the long term savings and improvements in the delivery and quality of justice to parties involved in employment disputes could be tangibly and measurably improved even in the short term.

**-ENDS-**

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#### **Notes to editor**

Michael Rubenstein is publisher, Equal Opportunities Review and General Editor, Equality Law Reports  
He is available for interview by arrangement with Sheila Davidson

<b>Speaker</b>	Michael Rubenstein General Editor of Equality Law Reports. Publisher of Equal Opportunities Review. Editor of Industrial Relations Law Reports.
<b>Title</b>	"Key Employment and Discrimination Cases for 2011-12: "A Preview"
<b>Date</b>	Thursday 13 <sup>th</sup> October 2011
<b>Time</b>	12.30pm to 2.00pm.
<b>Venue</b>	The Inns of Court, Royal Courts of Justice, Chichester Street, Belfast.