



## Diversity, Discrimination and Equal Pay

We help clients create a legally compliant and diverse workforce. In turn, this helps our clients harness the benefits of being a proactive and fair employer.

Our focus is not simply on defending discrimination claims. That approach is reactive and does nothing to advocate the positive and essential contributions that all sections of the workforce can make.

The risks of not engaging properly with equality and diversity issues can be serious, with policy failings and other problems leading to claims, litigation, financial penalties and damage to corporate reputations and brands. Businesses that show they truly value diversity, encourage respect for individuals and promote equality through a methodical approach, are far better placed to recruit and retain the best talent, which is essential in times of both economic uncertainty and prosperity. It also ensures they are better placed to successfully defend any claims.

### KEY CONTACTS

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### CAPABILITIES

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Our services include:

- Advice and consultancy – including the business landscape and employee issues, impact assessments, potential problems, opportunities for progressive change
- Equality and diversity audits – across multiple locations, policies, systems and approaches, including past experiences, employee perceptions and future needs
- Benchmarking – accurate data collection, comparisons and benchmarking of data and remuneration packages across different companies, geographies, departments, functions, teams
- Policy development – pragmatic approach working alongside your people to deliver practical solutions that align business initiatives with a commitment to deliver
- Diversity and equality training – standard and bespoke programmes
- Internal communications and media relations – for employee understanding and engagement, plus stakeholder communications and crisis management
- Litigation – fast access to highly experienced and trusted individuals for individual and group action disputes

### EXPERIENCE

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- Undertaking diversity training for a wholesaler starting with the board of directors and then cascading the training to management and human resource business partners
- Managing workshops to a wide selection of US employers with relevant information on diversity and discrimination issues

relevant in the European and international jurisdictions in which they operated

- Advising a US client on the implications/practical ways of gathering sensitive employee data in several European jurisdictions in order to comply with equality monitoring obligations in the US
- Assisting a leading investment bank to defend a complaint brought by a senior executive in the UK's Equal Opportunities Commission
- Providing in-house training to a number of international employers in Hong Kong on the new Race Discrimination Ordinance. This included running an interactive case study session with over 80 lawyers and human resource managers in a global company
- Rolling out a 'managing our people better' programme to all personnel within a major retailer so all staff were aware of the equality and diversity obligations from the board to the shop floor

## INSIGHTS

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### Publications

#### **HK Government considers designating coronavirus as an “occupational disease” (Hong Kong)**

12 February 2020

On 10 February 2020, the Hong Kong Labour Department issued a press release clarifying the position on whether the coronavirus amounts to an “occupational disease” within the meaning of the Employees' Compensation Ordinance (ECO).

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#### **Hong Kong Government introduces mandatory quarantine measures**

11 February 2020

On 9 February 2020, the number of deaths due to the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

Numerous governments have been implementing restrictions barring entry to those with recent travel history through Mainland China, including Singapore, Japan, Australia and the United States. Following pressure from public health workers, the Hong Kong Government has now followed suit and has begun a mandatory two-week quarantine for anyone arriving from Mainland China.

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#### **How to resume business amid the coronavirus outbreak (China)**

11 February 2020

As reported in our previous article, China has extended its Chinese New Year holiday and work suspension period as a result of the novel coronavirus outbreak which has now infected more than 40,000 people around the world.

This is a summary of the Back to Work Day and compensation for working before Back to Work Day in key cities and provinces across China.

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#### **APAC employment issues arising out of the Coronavirus (AsiaPac)**

31 January 2020

On 29 January 2020, the number of confirmed cases of the rapidly spreading coronavirus in Mainland China officially surpassed the figure seen during the 2002/2003 SARS epidemic.

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Multinationals with local operations around the APAC region have been significantly affected. As staff return to the office following the Chinese New Year holiday period, businesses are now considering what they can do to minimise any risk to health and safety and support staff through this challenging period where anxiety and uncertainty is rife, whilst at the same time complying with their employment obligations and maintaining business continuity. Putting in place detailed business and contingency plans and ensuring careful communications with staff to address key topics and concerns is key, as is keeping such plans and communications under frequent review given the fluidity of the current situation.

This alert considers some of the key issues that HR and business leaders should be considering across the APAC region.

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### **Harsher penalties on discriminatory employment practices in Singapore**

29 January 2020

The Fair Consideration Framework was updated in January 2020 to impose harsher penalties on employers found to be engaging in discriminatory practices such as by favouring the hiring of foreigners over Singaporeans.

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### **China extends holidays for workers amid coronavirus outbreak (China)**

28 January 2020

Learn about how the widely publicised corona virus outbreak affects business in Greater China.

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### **Global Employment Law Quiz 2019**

11 JAN 2019

The annual quiz about global developments and trends in employment law.

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### **Be Aware: Government consultation on mandatory ethnicity pay reporting**

12 OCT 2018

A consultation has been launched asking employers to contribute their views on implementing mandatory ethnicity pay reporting. It sets out options and asks questions on what ethnicity pay information should be reported.

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### **Be Aware: Supreme Court rules that it was not unlawful discrimination for a bakery to refuse to supply a cake supportive of gay marriage**

12 OCT 2018

The Supreme Court has held in *Lee v Ashers Baking Company Ltd and ors*, that it is not unlawful discrimination for a bakery to refuse to supply a cake iced with the message 'Support Gay Marriage'.

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### **Be Aware: Supreme Court decides "self-employed" plumber has worker status**

13 JUN 2018

The Supreme Court has handed down judgment today in the case of *Pimlico Plumbers v Smith*, the latest case dealing with the hot topic of worker status. The court dismissed Pimlico's appeal, agreeing with the employment tribunal, EAT and Court of Appeal.

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### **Be Aware: Disparate pay for maternity and shared parental leave may be indirect discrimination**

7 MAY 2018

The EAT's recent ruling, in *Capita Customer Management Limited v Ali*, that a father who wished to take shared parental leave was not directly discriminated against in not being entitled to the higher maternity pay rate.

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### **Be Aware: Employers do not discriminate by paying more for maternity leave than shared parental leave**

13 APR 2018

The EAT has confirmed in *Capita Customer Management Limited v Ali* that a father who took shared parental leave was not directly discriminated against in not being entitled to the higher maternity pay rate which the employer paid to employees taking maternity leave.

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## **NEWS**

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### **DLA Piper advises Heidelberger Druckmaschinen on package of measures to increase profitability**

20 March 2020

DLA Piper has advised Heidelberger Druckmaschinen AG on the comprehensive package of measures to increase its profitability which has been announced by the company. The aim is to reduce structural costs at short notice and to sustainably improve the company's profitability. This will significantly improve Heidelberg's financial stability.

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### **DLA Piper lawyers named Acritas Stars**

10 March 2020

Acritas has named over 200 DLA Piper lawyers as 2020 Acritas Stars. Now in its fourth year, Acritas Stars highlights the stand-out lawyers in private practice as nominated by clients around the world. More than 3,000 senior in-house counsel feed into the nomination process to give a comprehensive view of highly recommended lawyers across the globe.

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### **DLA Piper announces management changes in Spain**

25 February 2020

DLA Piper has appointed Jesús Zapata as its new Country Managing Partner in Spain, with effect from 1 May 2020. Jesús succeeds Pilar Menor who, after completing eight years as managing partner, will become International Group Head of the Employment practice group.

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### **DLA Piper advises Guala Closures Group on the acquisition of the assets of Germany's Closurelogic**

6 January 2020

DLA Piper has advised the Guala Closures Group, one of the world leaders in the production of security closures for spirits and aluminium closures for wines, as well as one of the major world producer and distributor of aluminium closures for the beverage industry, on the acquisition of the activities of Closurelogic GmbH, the German producer specialised in the aluminium closures.

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## **DLA Piper grows Incentives and Rewards offering in London with leading partner hire**

4 September 2019

DLA Piper announces the appointment of Nick Hipwell as a partner in its Employment practice, based in London.

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## **DLA Piper advises Wipro Limited on the acquisition of International TechneGroup Incorporated**

10 July 2019

DLA Piper has advised Wipro Limited on its acquisition of International TechneGroup Incorporated (ITI), a global digital engineering and manufacturing solutions company.

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## **DLA Piper advises Rolls-Royce on acquisition of Siemens' eAircraft business**

21 June 2019

DLA Piper has advised Rolls-Royce plc on the acquisition of Siemens' electric and hybrid-electric aerospace propulsion activities, eAircraft. The acquisition will accelerate the delivery of Rolls-Royce's electrification strategy and boost its ambition to play a major role in the "third era" of aviation. The completion of the transaction is expected in late 2019, following a period of employee consultation.

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## **New report finds retail sector leadership diversity deficit will affect future competitiveness**

5 JUN 2019

DLA Piper and executive recruitment and diversity consultancy Green Park today launch *The Retail Leadership 700* report, which reveals for the first time the extent of the lack of diversity within the leadership teams of the top US, UK and European retailers.

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## **DLA Piper announces partnership promotions for 2019**

1 APR 2019

DLA Piper is proud to announce that 77 lawyers have been promoted to its partnership. The promotions are effective as of April 1, 2019 in the United States and May 1, 2019 for EMEA and Asia Pacific. The promotions were made across many of the firm's practice areas in 43 different offices throughout 20 countries.

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## **Ciara McLoughlin joins DLA Piper's Employment practice in Dublin**

20 MAR 2019

DLA Piper announced today that Ciara McLoughlin has joined its Global Employment practice as a partner in the firm's newly opened Dublin office.

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## **DLA Piper partners Sandra Wallace and Richard Obank named in The Lawyer's Hot 100 list**

29 JAN 2019

DLA Piper's Joint Managing Director for the UK and Europe, Sandra Wallace, and veteran Restructuring partner Richard Obank have been included in The Lawyer's Hot 100 list, published today. The prestigious list, published by legal magazine The Lawyer, comprises 'the standout lawyers in the UK – the most daring, innovative and creative lawyers from in-house, private practice and the Bar.'

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### **DLA Piper expands new Dublin office with four-partner hire**

9 JAN 2019

DLA Piper today announces the appointment of four new partners from highly-regarded Irish firms to its newly opened Dublin office into four key practice areas of Finance and Projects (F&P), Corporate, Intellectual Property and Technology (IPT) and Employment. These hires follow the appointment of Corporate partner David Carthy as Ireland Country Managing Partner in May 2018.

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### **DLA Piper appoints two directors in South Africa**

12 SEP 2018

DLA Piper has strengthened its office in Johannesburg, South Africa with the appointment of two directors. Hendré Human joins the Corporate team from Webber Wentzel in Johannesburg, where he was a partner. Monique Jefferson joins the Employment team from Bowmans in Johannesburg, where she was a senior associate.

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### **DLA Piper named International Law Firm of the Year in Ukraine for fifth year running at The Legal Awards 2018**

24 MAY 2018

DLA Piper has been named International Law Firm of the Year in Ukraine at the 2018 Legal Awards, held by Yuridicheskaya Practika Publishing House. This is the fifth time the office has won the award.

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### **DLA Piper advises on Zurich's £2bn intermediated longevity swap deal with National Grid**

16 MAY 2018

DLA Piper has advised long-standing client, the Group Trustee of the National Grid Electricity Group of the Electricity Supply Pension Scheme, in relation to the completion by leading insurer Zurich of an intermediated longevity swap covering more than £2 billion of pensioner liabilities of the Group.

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