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COMPANIES CAN BRING CLAIMS FOR DISCRIMINATION

Steven Flynn acts for Claimant in landmark decision that opens the door for companies to bring claims for direct discrimination.

Langstaff P has confirmed the companies can bring claims under the Equality Act 2010 for direct discrimination. Sitting as President of the Employment Appeal Tribunal, Mr Justice Langstaff has confirmed that there is nothing in the Equality Act 2010 nor the originating European Directives that prevents a company from bring a claim for associative discrimination.

Whilst observing that he had not encountered a case where a limited company was the complaint, Langstaff P held that there was no reason in principle why an individual is any differently placed from a corporate body to complain about adverse treatment which he has suffered because of the protected characteristic of a third party. Extending the impact of this case beyond the employment law sphere, Langstaff P held that 'Person', as used throughout the Act, covers both natural and legal persons.

Prior to this decision, accepted wisdom was that only a natural person could bring a claim for discrimination. Langstaff P's decision opens up the possibility for companies to bring claims relating to: the provision of goods and services; disposal of premises; and unlawful contractual terms.

A full transcript of the judgment is now available.

For more information about this case, please contact rob.lang@stjohnsbuildings.co.uk