



Monday 10 Nov  
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**Morgan Russell Solicitors** is a niche firm of specialist commercial and employment lawyers, providing legal advice and assistance to the independent community and independent contractors in London.

Morgan Russell offer Business Law and Employment Law advice where we provide **commercial law (company commercial and commercial property), employment, intellectual property and international legal services**. Our London can also benefit from a number of specialist advice including corporate governance and compliance and international law.

**Melanie Smith** is a partner in Morgan Russell Solicitors. She is a qualified solicitor and has been a member of the Employment Department since 1992. She has extensive experience in handling complex employment and commercial law. She is also experienced in handling the employment law aspects of the business. She is a member of the London Law Society, the Employment Law Society and the Association of Professional Employment Lawyers. She is also a member of the London Law Society, the Employment Law Society and the Association of Professional Employment Lawyers.

#### Practice areas:

- Non-competition employment
- Competition employment
- Employment aspects of merger & acquisition
- Employment in the construction industry
- Commercial law

#### Disclaimer

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#### Morgan Russell

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## 1. Introduction

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practice and proceed, the, conduct and police, by and enforce  
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the eye face of the new edition.

- Prohibition on non-discriminatory employment and  
discrimination;
- Equal pay for equal work; no discrimination in  
benefits of a discriminatory nature;
- Equal pay for equal work; no discrimination in  
benefits of a discriminatory nature;
- Prohibition of discrimination on the basis of  
employee race or color beyond the workplace;
- Elimination of the pay gap for non-discriminatory  
and non-discriminatory pay; no discrimination in  
benefits of a discriminatory nature;
- Elimination of the pay gap for non-discriminatory  
and non-discriminatory pay; no discrimination in  
benefits of a discriminatory nature;

- A defence here is the one which is put forward by the accused.
- A defence is the one which is put forward by the accused.

The defence is the one which is put forward by the accused.

Experience is the one which is put forward by the accused.

## 2. Scope of the Regulations

The regulations apply to all employees of the Government.

Excluded from the regulations are the members of the staff of the Government.

The regulations do not apply to the members of the staff of the Government.

The regulations do not apply to the members of the staff of the Government.

The regulations do not apply to the members of the staff of the Government.

## 3. A bit of legal jargon (only a bit!) / Key Concepts

The regulations do not apply to the members of the staff of the Government.

to have in mind, and of one of the key concepts, the  
 idea of the fundamental concept of direct and indirect  
 discrimination, and define the two.

### 3.1 Direct Discrimination

Direct discrimination is where an individual is treated  
 differently on the basis of a protected characteristic, and  
 there is no objective justification for the difference in  
 proportion of the population of the country.

An example of direct discrimination is a policy of only  
 employing men, or a policy of only employing  
 women.

### 3.2 Indirect Discrimination

Indirect discrimination is where a provision, criterion or  
 practice which appears neutral, but which has a  
 disproportionate impact on a particular group of people.

Does not concern employer or the more distance on the matter  
the defendant is from the place where the harm has been  
for the claimant

### 3.4 Harassment

The definition of harassment follows the meaning of the word  
disturbance on the one hand and the frequency of the conduct on the other  
The conduct must be of a nature which is intended to cause the claimant  
distress or alarm or to cause him or her to believe that the defendant  
will do so, or to cause him or her to believe that the defendant will do so

The defendant must be the person who is causing the harassment  
The claimant must be the person who is being harassed  
The conduct must be of a nature which is intended to cause the claimant  
distress or alarm or to cause him or her to believe that the defendant  
will do so, or to cause him or her to believe that the defendant will do so

An example of conduct which is harassment is the following  
The defendant is a man who is a member of a club which has a policy  
of harassment of women and the defendant is a member of that club  
and he is harassing the claimant

### 3.5 Victimisation

Claimant someone for whom the defendant has done something  
claimant someone for whom the defendant has done something

### 3.6 Vicarious Liability

An employer is liable for the conduct of his employee if the  
defence of the employer is not available on the basis of the  
defence of the employee The defence of the employee is not available  
for the purpose of the claimant's claim if the defendant is a member  
of the club which has a policy of harassment of women and the  
defendant is a member of that club and he is harassing the claimant

### 3.7 Burden of Proof

The burden of proof is placed on the claimant and the defendant  
The claimant must prove that the defendant is liable for the  
defence of the employee The defendant must prove that the  
defence of the employee is not available on the basis of the  
defence of the employee

If the employee proves that the defendant is liable for the  
defence of the employee then the burden of proof is placed on the  
defendant to prove that the defence of the employee is not available  
on the basis of the defence of the employee

An example of the effect of the employee's position on the effectiveness of the feedback is the no feedback condition. The effectiveness of the feedback was measured by the number of correct responses on the test. The results showed that the effectiveness of the feedback was significantly higher in the feedback condition than in the no feedback condition. This suggests that the feedback was effective in improving the employee's performance.

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 nd e h e o ey on c e o de e op h e e ope n  
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 h e y o e fed

...they of the kind of men can be fed on economic food, food of dignity, the efficiency of any other food provided the need can be honored (the mere "doped" proper and necessary proportion) here the lack of dependence on, however they of the olden hyperperiod here the hope of the on men since the employer. No other men free see Article of the Decree) of definition proper, the





## Is this discriminatory?

see Appendix 1 for  $\chi^2$  and  $\phi$  coefficients.

## 5. The Recruitment Stage

## 5.1 The Recruitment Process

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 yo n e: e d e: c o d m e n o d c\_m n on h o h h e  
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From O'Connor v. Ladd and Smith v. C- 2004/12)

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present time of your experience. They should directly  
 discuss only with someone who has been involved in your  
 experience. They should be in the order of: 1. Your  
 history of previous employment and training. 2. Your  
 experience. 3. Employer's evaluation of your performance. 4. The  
 experience of your reference on the kind of experience and the  
 kind of experience needed for the job. Here you may have  
 been for 10-20 years of experience. You may have no  
 been for 10-20 years of experience of a person. If you are of  
 experience in the order of 10-20 years, you may have more complex  
 experience.

The person who is directly involved in your experience  
 should be in the order of: 1. Your history of previous employment  
 and training. 2. Your experience. 3. Employer's evaluation of your  
 performance. 4. The experience of your reference on the kind of  
 experience and the kind of experience needed for the job. Here you  
 may have been for 10-20 years of experience. You may have no  
 been for 10-20 years of experience of a person. If you are of  
 experience in the order of 10-20 years, you may have more complex  
 experience.

### Practical Tips:-

1. Are the other people directly involved in your experience?
2. The other people who are directly involved in your experience?

- 1. Check proposed order of direct experience and proposed  
 order of direct experience.
- 2. Consider the order of direct experience and proposed  
 order of direct experience. The person who is directly involved in  
 your experience should be in the order of: 1. Your history of  
 previous employment and training. 2. Your experience. 3. Employer's  
 evaluation of your performance. 4. The experience of your reference  
 on the kind of experience and the kind of experience needed for the  
 job. Here you may have been for 10-20 years of experience. You  
 may have no been for 10-20 years of experience of a person. If you  
 are of experience in the order of 10-20 years, you may have more  
 complex experience.
- 3. The person who is directly involved in your experience should  
 be in the order of: 1. Your history of previous employment and  
 training. 2. Your experience. 3. Employer's evaluation of your  
 performance. 4. The experience of your reference on the kind of  
 experience and the kind of experience needed for the job. Here you  
 may have been for 10-20 years of experience. You may have no  
 been for 10-20 years of experience of a person. If you are of  
 experience in the order of 10-20 years, you may have more complex  
 experience.

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and information on recording procedures.

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- b) e n yo ne e no e h ch ho d de y, e  
con empq neo
- c) Non-d c m n d y o de c p on nd pe on  
pec f c on \_ h p o e ny p e mp on of  
d c m n on
- d) Con de h n p ne of ne e e r from d e e e  
c o nd

### Exceptions:-

### Normal Retirement Age (Regulation 7)

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 nd of e n f p employen he e excep on  
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 e e men e yo m no d c r n d e d h m / h e r o n h e e m  
 o f e m p l o y m e n u p a e e f o m e o n e a e y o r n o r m e e m e n e  
 c y p p e f o b y o c n e f e o r e c

e<sub>1</sub> e<sub>2</sub> e<sub>3</sub> h<sub>0</sub> a<sub>1</sub> e<sub>1</sub> h<sub>1</sub> u<sub>1</sub> except on only p<sub>1</sub> e<sub>1</sub> h<sub>1</sub> e<sub>1</sub> n<sub>0</sub> m<sub>1</sub> .  
 e<sub>1</sub> e<sub>1</sub> m<sub>1</sub> e<sub>1</sub>

employment 2. The purpose of the Commission is to ensure that the rights of workers are protected and that the interests of employers are also taken into account. The Commission is responsible for ensuring that the law is applied consistently and that the rights of workers are protected. The Commission is also responsible for ensuring that the interests of employers are taken into account. The Commission is responsible for ensuring that the law is applied consistently and that the rights of workers are protected. The Commission is also responsible for ensuring that the interests of employers are taken into account.

The Commission is responsible for ensuring that the law is applied consistently and that the rights of workers are protected. The Commission is also responsible for ensuring that the interests of employers are taken into account. The Commission is responsible for ensuring that the law is applied consistently and that the rights of workers are protected. The Commission is also responsible for ensuring that the interests of employers are taken into account. The Commission is responsible for ensuring that the law is applied consistently and that the rights of workers are protected. The Commission is also responsible for ensuring that the interests of employers are taken into account.

## 6. Terms and Conditions of Employment

### 6.1 Employment Related Benefits

An employer who is required to provide benefits to its employees must ensure that the benefits are provided in a fair and equitable manner. The employer must also ensure that the benefits are provided in a manner that is consistent with the law. The employer must also ensure that the benefits are provided in a manner that is consistent with the law. The employer must also ensure that the benefits are provided in a manner that is consistent with the law.

For example, if an employer offers a benefit to its employees, it must ensure that the benefit is provided in a fair and equitable manner. The employer must also ensure that the benefit is provided in a manner that is consistent with the law. The employer must also ensure that the benefit is provided in a manner that is consistent with the law. The employer must also ensure that the benefit is provided in a manner that is consistent with the law.

One of the problems for many employers is that they do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law.

A common problem for many employers is that they do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law. They do not understand the law.

(a) Justification – ‘a proportionate means of achieving a legitimate aim’

The Commission has found that the law is applied consistently and that the rights of workers are protected. The Commission has also found that the interests of employers are taken into account. The Commission has found that the law is applied consistently and that the rights of workers are protected. The Commission has also found that the interests of employers are taken into account. The Commission has found that the law is applied consistently and that the rights of workers are protected. The Commission has also found that the interests of employers are taken into account.

movable employee. An employer shall have the right to hire or discharge an employee on proportionate basis.

Where any employee is an employer, the employee shall be entitled to a proportionate benefit on the basis of contribution made by him to the fund for the purpose of the benefit.

**(b) Exceptions - Provisions for benefits based upon length of service (Regulations 32 and 33)**

Where there is a specific exemption from employment benefits, the employee shall be entitled to a proportionate benefit on the basis of contribution made by him to the fund for the purpose of the benefit.

1. A specific exemption shall be provided to any employee of a year or more exempted from the benefit provided by:-

- the employer shall have the right to hire or discharge an employee on proportionate basis.

2. A general exemption shall be provided to:-

- the employer shall have the right to hire or discharge an employee on proportionate basis.
- the employer shall have the right to hire or discharge an employee on proportionate basis.

Where an employee of a year or more is exempted from the benefit, the employee shall be entitled to a proportionate benefit on the basis of contribution made by him to the fund for the purpose of the benefit.

- Loyalty
- Motivation
- Experience

Where any employee is an employer, the employee shall be entitled to a proportionate benefit on the basis of contribution made by him to the fund for the purpose of the benefit.

employer is expected to demonstrate that when considering whether or not the employer could pay the employee the need and why they needed to do so effectively they do not need, therefore, some evidence of how the employee is on the

## 6.2 National Minimum Wage

The purpose of the National Minimum Wage is to ensure that employers pay their employees at least a minimum wage. The purpose of the National Minimum Wage is to ensure that employers pay their employees at least a minimum wage. The purpose of the National Minimum Wage is to ensure that employers pay their employees at least a minimum wage.

Other than the normal rule on overtime, the following apply:

National Minimum Wage is from 1 October 2008:

- **Adult Minimum Wage** \$9.50  
(those aged 22 and over)
- **Workers aged 18-21** \$4.40  
(those aged 18-21 and under 22, not in secondary or post-secondary education)
- **16 and 17 year olds** \$0.00  
(those aged 16-17, not in school or college)

For those aged 18-21, the rate is \$4.40 per hour. For those aged 18-21, the rate is \$4.40 per hour. For those aged 18-21, the rate is \$4.40 per hour.

For those aged 18-20, the rate is \$4.40 per hour. For those aged 18-20, the rate is \$4.40 per hour. For those aged 18-20, the rate is \$4.40 per hour.

## 6.3 Insured Health Benefits

Health insurance is a requirement for all employers. Health insurance is a requirement for all employers. Health insurance is a requirement for all employers.

Employers are required to provide health insurance for their employees. Employers are required to provide health insurance for their employees. Employers are required to provide health insurance for their employees.

Benefit schemes may also be employer concerned.

1. Medical insurance



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~~Per~~men...he...ance, income protection...ance  
nd on...-...d...y...enef...;

4. ~~C~~...ne...ance;

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## Justification

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...o...ny...employee

## Alternative Solutions

### 1. Payment in lieu of benefits

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n...red...enef...h...e...come...pro...h...ey...expen...e...for...he...ode...  
or...er...

...he...pro...em...h...c...ren...y...nce...he...he...h...e...per...m...e  
nde...he...e...on...m...o...n...o...e...f...o...r...e...e...men...for  
ode...or...er...h...hey...o...d...no...rece...e...he...c...enef...nd  
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d...c...m...d...o...y...m...p...c...h...n...m...p...y...no...p...a...d...he...enef...

## 2. Flexible Benefits Scheme

A. But no evidence here of a decision from the union. The finding of the hearing is that the employer's employee is exactly the same money as the employer's employee. The hearing is the same hearing. The hearing is the same hearing.

## 6.4 Occupational Pensions

## 6.5 Personal Pension Schemes

18

employer can make her contract on. An employer may make different contracts on here they're the difference in pay. Contract is normally based on percentage of salary.

## 7. Age Discrimination on Termination of Employment

### 7.1 Calculation of Statutory Redundancy Pay and the basic award

The calculation is on the basis of the employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service.

For employees aged 41 and over, the basic award is calculated on the basis of the employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service.

The one-year typical period is the period of service.

### 7.2 Enhanced Redundancy Pay

There are specific exceptions to the basic award for enhanced redundancy pay. The basic award is calculated on the basis of the employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service.

1. The employee's age and the length of service.

2. The employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service.

Apply the basic award to the employee's age and the length of service.

### 7.3 Retirement

(a) Retirement as a fair reason to dismiss and the statutory upper age limit for bringing an unfair dismissal claim will no longer apply.

The employee's age and the length of service.

The one-year typical period is the period of service.

The employee's age and the length of service. The basic award is calculated on the basis of the employee's age and the length of service.

(b) Genuine Reason – The Burden of Proof



1      ep 1 – No ce y he employee nd Con d y o dform

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no more h n 12 mon h nd no e h n mon h efore e e men  
d e nd of he employee r h o m e e e  
o con d e o r d on e r he pen y for f e o no fy  
mon h d d nce p o e e p y)

f he employee h u no dformed he employee e x  
mon h d d nce he h n on o p o n o dform n  
p o o e e efore he d m A f e o do o m e  
he d m o m c y nf e n e he employee e dy  
ne y o e e efore he d m of he r h o m e  
e e nd he d ended e e men d e)

2      ep 2 – Employee r h o e e no o e e e d

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more h n mon h nd no e h n mon h efore e e men  
d e he mon h de d e doe no ppy f he employee  
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ep – Employee d y o con d e r ch e e

n he d r f e n he employee e e d o con d e r  
he e e y he employee no e e

## a) Appeal – Appeal

The employee has the right to appeal the employer's decision and to be notified of the decision. If the employee does not appeal the decision within the prescribed time (usually 3 months), the employer may then treat the employee as having accepted the decision and the employee will not be able to appeal.

Not all decisions are subject to appeal. For example, the decision to hire or fire an employee is not subject to appeal. However, the decision to promote or demote an employee is subject to appeal.

Not all decisions are subject to appeal. For example, the decision to hire or fire an employee is not subject to appeal. However, the decision to promote or demote an employee is subject to appeal.

## (e) Working beyond Retirement Age

If an employee works beyond the retirement age, the employer may not be able to claim that the employee is not fit for work.

The employer has the right to require an employee to retire at the retirement age. However, the employer must not discriminate against an employee on the basis of age.

The employer has the right to require an employee to retire at the retirement age. However, the employer must not discriminate against an employee on the basis of age.

You may not be able to claim that an employee is not fit for work if the employee is not fit for work.

## 8. Remedies

### Age Discrimination

- Decision of the court
- Award of compensation
- Recommendation of the court to the employer

### Unfair Dismissal

- Basic award
- Compensation award
- 10 - 20 weeks' pay (if the employee is over 40 years old)

### Failure to Notify

- 10 per cent of the population have been infected by 2000

## 9. Learning from the US Experience

reported by the publication of the findings on the basis of one of the key experiences in American federal education. The Commission on the Future of the Nation's Schools, created by President Carter in 1976, was the first to report on the results of a study of the future of the nation's schools. The Commission's report, "The Future of the Nation's Schools," was published in 1978. It was the first of a series of reports by the Commission, which was created by President Carter in 1976. The Commission's report, "The Future of the Nation's Schools," was published in 1978. It was the first of a series of reports by the Commission, which was created by President Carter in 1976. The Commission's report, "The Future of the Nation's Schools," was published in 1978. It was the first of a series of reports by the Commission, which was created by President Carter in 1976.

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For the 10-year-old Minimum Decorum, the employee's performance is only prompted by the

### Advice

In the case of your employee's performance, the employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance.

## 10. Other areas to watch out for

The employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance.

## 11. Additional Issues Affecting Partnerships

### Retirement

The employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance. The employee's performance is only prompted by the employee's performance.

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### Recommendation

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### Remuneration

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## Appendix 1

### Case Scenario

The following are the hypotheticals considered in our opinion. The  
 central question is:

1. May the employer's policy in order to ensure  
 they are able to have the best of the

2. no evidence of the need of the employer's policy to  
 ensure the

Could the employer have checked the employee's  
 disciplinary record prior to hiring?

- Could the employer have been provided with  
 information on the need of the

- Consider the length of time the employer has  
 employed

- Consider the cost of the

4. Can the employer's policy be justified?

- What does the employer have to show?

- Has the employer acted proportionately?

***The data contained within this document is for general information only. No responsibility can be accepted for inaccuracies. Readers are also advised that the law and practice may change from time to time. This document is provided for information purposes only and does not constitute legal advice. Professional legal advice should be obtained before taking or refraining from any action as a result of the contents of this document. This and other briefing notes and articles can now be accessed on our updated website [www.morganrussell.co.uk](http://www.morganrussell.co.uk) Morgan Russell is the trading name of Morgan Russell LLP a limited liability partnership***

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