ERA

5 NOVEMBER 2012

‘REMEDIES & SANCTIONS’

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INTRODUCTION

- AIMS OF THE LEGISLATION
- WORKPLACE CONSIDERATIONS
  - ECONOMIC SENSE
  - HUMAN DIGNITY
LEGAL FRAMEWORK

• ARTICLE 9 ‘DEFENCE OF RIGHTS’
• ARTICLE 11 ‘VICTIMISATION’
• ARTICLE 16 ‘COMPLIANCE’
• ARTICLE 17 ‘SANCTIONS’
CASE LAW

• *Unibet (London) Ltd. v Justitiekanslern Case No. 432/05*
  - PRINCIPLES OF EQUIVALENCE & EFFECTIVENESS

• *Marshall (No. 2) v Southampton and South-West Hampshire Area Health Authority Case No. 271/91*
  - REAL EQUALITY OF OPPORTUNITY

• *Coote v Granada Hospitality Ltd. Case no. 185/97*
  - EFFECTIVE VICTIMISATION PROVISIONS
THE UNITED KINGDOM EXPERIENCE

• IMPLEMENTATION – THE EMPLOYMENT TRIBUNAL / ACAS

• ASSISTANCE – EQUALITY & HUMAN RIGHTS COMMISSION

• SANCTIONS
  • DECLARATION
  • FINANCIAL COMPENSATION
  • RECOMMENDATION
DISCUSSION

• EXPERIENCES IN OTHER EU JURISDICTIONS:

  • IMPLEMENTATION –
    • CIVIL / CRIMINAL?
    • TYPE OF COURT

  • REMEDIES & SANCTIONS

  • OTHER TYPES OF ACTION
    • POSITIVE ACTION / PUBLIC SECTOR DUTIES / MEDIATION
CONCLUSIONS

• DISCRIMINATION IS HARMFUL
  • ECONOMICALLY / MORALLY

• INCUMBENT ON MEMBER STATES TO HAVE:
  • EFFECTIVE PROTECTION
  • EFFECTIVE REMEDIES & SANCTIONS

THANK YOU FOR LISTENING