

The Enterprise and Regulatory Reform Act became law yesterday, 25 April 2013. It contains a raft of discrimination and employment law changes – some of which will apply directly to police officers – to be introduced over the following months. There is a great deal of confusion over exactly when these provisions will be enacted (see the government's press release and spin for the current level of detail available on <https://www.gov.uk/government/news/enterprise-and-regulatory-reform-bill-receives-royal-assent>)

The following are some of the more important things that will affect police officers. I'll keep you informed of the implementation dates as I get them.

Coming into force on 25 June 2013:

Whistleblowing: A disclosure will not be protected unless the whistleblower reasonably believes that it is made in the public interest. Disclosures no longer need to be made "in good faith", although where a disclosure is not made in good faith, the employment tribunal can reduce compensation by up to 25%. The Act also introduces vicarious liability for the employer where a worker is subjected to a detriment by a co-worker for making a protected disclosure. The employer has a defence where it took all reasonable steps to prevent the detriment.

Some procedural changes in employment tribunal cases: No details as yet provided

Coming into force in October 2013 or April 2014.

Third-party harassment: s.40(2) to (4) of the Equality Act 2010 is to be repealed. This made an employer liable for harassment by a third party.

Questionnaire procedure in discrimination cases: The questionnaire procedure under the Equality Act 2010 is to be repealed. This allowed a potential claimant in a discrimination case to ask for information about the claim from their employer on a set form. (This does not prevent an applicant asking for the information in another format)

Equal Pay Audits: Tribunals are to be given a power to order an employer to conduct an equal pay audit where that employer has breached the equal pay provisions of the Equality Act 2010.

Caste discrimination: "caste" is to be added to the definition of "race" under the Equality Act 2010.

Further procedural changes in employment tribunal cases: No details as yet provided