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Our Employment Law Newsletters usually focus on forthcoming changes to employment law with the purpose of keeping our readers informed. As there are no more relevant employment law changes scheduled for the remainder of 2013 this newsletter will focus on the outcome of a recent employment tribunal;

[Race Discrimination](#)

The case is one of race discrimination. Race discrimination is when a person is treated in a less favourable way in comparison to others because of their race.

[Dr Aham Abegaze vs. Shropshire College](#)

Dr Aham Abegaze applied for a lectureship at Shropshire College in 1999 but was not successful on the grounds of his race. He then went on to initiate a claim against the college and it was confirmed to him, based on what had happened during the recruitment process, that he was in a position to claim race discrimination.

However Dr Abegaze was suffering from depression due to the experience and was too ill at the time to proceed with his claim. By 2006 the courts struck out his claim saying that too much time had passed for there to be a fair trial and therefore it could not proceed.

Dr Abegaze appealed this decision stating that it was his subsequent illness that had prevented him from proceeding further with the case at the time, and in 2009 the Court of Appeal upheld his opinion, meaning that the case was open once more. This then lead to an 8 day trial in January of 2012 in which Dr Abegaze was awarded a sum of £25,787 for the discrimination he had experienced, the potential loss of earnings, the damage to his feelings, and the ‘loss of life expectation’. Dr Abegaze unfortunately remains unsatisfied and thought he should be entitled to at least one million due to the “devastating impact on his career and health”. The presiding Judge declined this and said the pay-out was “just and equitable” whilst acknowledging that Dr Abegaze is likely to appeal his decision.

The case of Abegaze vs. Shropshire College is the UK’s longest running race discrimination claim that looks set to continue.

### What This May Mean For You

From looking at this case we can see that an employer can be found to have discriminated over ten years after the alleged discriminatory act/s. This new case law shows us how important it is to always act with caution and ensure that all decisions have been made for the right reasons and not due to any personal prejudices. By ensuring your company uses a structured, competency based approach to recruitment, which includes legally compliant application forms, pre-screening forms, interview scripts and an objective approach to decision making, with up to date and legally compliant policies and procedures you will reduce the risk of falling foul to a similar claim.

### How We Can Help

If this newsletter leaves you concerned about your current approach to recruitment, please contact us for a confidential ‘no obligation’ chat. We will be happy to review your current approach, provide you with feedback and support you with improving and updating associated documents and procedures.

If you have any queries relating to any of the subjects raised within this newsletter then please don’t hesitate to contact us at [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk)

For clarification of any of the above updates or for advice and guidance on any HR and/or Health and Safety Concerns contact us by emailing [hradvice@hasslefreehr.co.uk](mailto:hradvice@hasslefreehr.co.uk) or by calling 02476 664092.

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