

Corporate bodies can be victims of discrimination

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A recent decision has confirmed that it is possible for a corporate body to be the victim of discrimination within the meaning of the Equality Act 2010.

Mr Abrams was a member of EAD Solicitors LLP. He set up a limited company of which he was the sole director and

principal shareholder. For tax reasons, Mr Abrams arranged for his company to take his place in EAD. When Mr Abrams reached the age of 62 (which was the age at which he would normally have retired if he were still a member of the LLP), the LLP objected to his company remaining a member of, and providing services to, it. Mr Abrams brought a claim alleging that his company had been discriminated against on grounds of age. The LLP objected, stating that a company was not entitled to make a claim given that it was not a natural person possessing the protected characteristic of age.

The Employment Appeal Tribunal disagreed on two bases. Firstly, it is a long-standing principle that a person may bring a claim of discrimination on the basis of treatment they received which is caused by a protected characteristic held by someone else. That nullifies the argument that a claimant may only bring claims which relate to characteristics they hold themselves. Secondly, the legal definition of a “person” includes corporate bodies and there is nothing in the Equality Act 2010 to suggest an alternative definition should be used.

EAD Solicitors LLP and others v Abrams UKEAT/0054/15

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