

# Editorial

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**Daniel Barnett:**  
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**Q.** What do you call a single woman with a mop and a bucket?

**A.** An undertaking.

The TUPE industry will keep going strong once the new draft TUPE regulations come into force, currently anticipated by the Department of Trade and Industry to be in October 2005. In this month's *Briefing*, John McMullen examines the detail of the changes being made and considers some of the practical implications and loopholes of the first, but probably not the last, draft of the new regulations. ELA's legislative and policy sub-committee, chaired by James Davies, will be responding to the DTI's consultation paper.

Articles on the new information and consultation regulations tend to focus on a black-letter recital of what the regulations require, immediately followed by an anodyne suggestion that it is better for employers to seek a voluntary recognition agreement than be forced into the default agreement. From page 60, we summarise discussions about the regulations which took place at a recent ELA think tank session. This provides a refreshing analysis of some of the practical problems that unions, workplaces and lawyers may encounter when dealing with recognition requests, as well as highlighting some potential uncertainties within the regulations and suggesting how they are best dealt with.

Among our other articles, Eleanor Williams of Capital Law provides a detailed analysis of the new cause of action under the Disability Discrimination Act 1995, explaining the practical differences between the fairly complex concepts of direct disability discrimination and disability-related discrimination. This is important reading for all practitioners, as (among other things) skilful drafting of a Claim Form may now deprive the respondent of a justification defence.

At the time of writing, we are three weeks away from the general election. As the BBC reports (or, perhaps, overstates) on its website, "the issues of work-life balance and childcare provide us with a rare glimpse of clear blue water between the two main political parties." Labour promises 12 months' paid maternity leave. The Liberal Democrats offer six months, but at £170 per week (rather than the current £106). And the Conservatives promise to give mothers a choice between six months at (about) £170, or nine months at (about) £106. Labour is in favour of the combined Commission for Equality and Human Rights. So are the Liberal Democrats, and they also want to introduce a single Equality Act. The Conservatives are unlikely to pursue the combined CEHR since they regard it as unduly bureaucratic.

Turning back to ELA matters, the publishing committee is setting up a sub-committee to review and develop the ELA website. If anybody with experience of website development would like to assist, please contact the chairman of the sub-committee at marc.jones@turbervilles.co.uk.

Finally, I would like to thank Sean Nesbitt of Taylor Wessing, who is stepping down after many years' service on the editorial committee. He has been a dedicated contributor to the *Briefing* and the committee wishes to express its gratitude. He is replaced by Simeon Spencer of Morrison & Foerster.

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