

## Redundancy Process was a Sham

Two male directors dismissed to improve the gender pay gap was found to be both unfair and discriminatory in nature in *Mr C Bayfield and Mr C Jenner v Wunderman Thompson (UK) Ltd and Others*.

In 2018, the advertising agency published a high gender pay gap of 44.7% and said in a statement that they wanted to "obliterate" their reputation for being full of "straight white men" at which point, and after a series of complaints regarding the comments, the company entered into a redundancy procedure.

Whilst the ET accepted that the desire to improve diversity and to reduce the gender pay gap was a legitimate response to their gender pay gap figures, the scoring of the two creative directors in the redundancy selection process was a "sham" and the decision to dismiss them was predetermined.

Consequently, the reason for their dismissals was their sex, which was discriminatory.

This is a prime example of how, in an attempt to take 'positive action' (a legal process), can easily turn into a process of 'positive discrimination' (an illegal process).