

# Asda Stores Ltd (Appellant) v Brierley and others (Respondents)

Case ID: UKSC 2019/0039

## Case summary

### Issue(s)

Whether employees in Asda's retail operations are entitled to compare themselves with employees in the distribution centres so that they can rely on section 79(4)(c) of the Equality Act 2010 ("2010 Act") or, as regards the period covered by the Equal Pay Act 1970 ("1970 Act"), so that they are in the "same employment" as defined in section 1(6) of the 1970 Act.

### Facts

The case concerns equal pay claims brought by supermarket employees of Asda ("Appellant"), nearly all women ("Respondents"). They are claiming equal pay with comparators employed in the distribution depots, jobs done overwhelmingly by men. A preliminary hearing took place in the Employment Tribunal to determine whether the Respondents are entitled to compare themselves for equal pay purposes with employees working in the Appellant's distribution operations. The Employment Tribunal allowed the claims to proceed on this basis. The Employment Appeals Tribunal and the Court of Appeal dismissed the Appellant's appeals. The Appellant now appeals to the Supreme Court.

### Judgment appealed

[\[2019\] EWCA Civ 44](#)

## Parties

### Appellant(s)

Asda Stores Ltd

### Respondent(s)

Ms S Brierley and others

## Appeal

### Justices

Lord Reed, Lord Hodge, Lord Lloyd-Jones, Lady Arden, Lord Leggatt

### Hearing start date

13 Jul 2020

### Hearing finish date

14 Jul 2020

### **Watch hearing**

13 Jul 2020 [Morning session](#) [Afternoon session](#)

14 Jul 2020 [Morning session](#) [Afternoon session](#)

## **Judgment details**

### **Judgment date**

26 March 2021

### **Neutral citation**

[2021] UKSC 10