
STATUTORY INSTRUMENTS

1988 No. 1303

The Sex Discrimination (Northern Ireland) Order 1988

Discrimination as to retirement, etc.

4.—(1) In Article 2 of the principal Order (interpretation), after paragraph (2) there shall be inserted the following paragraph—

“(2A) In this Order references to the dismissal of a person from employment or to the expulsion of a person from a position as partner include references—

- (a) to the termination of that person’s employment or partnership by the expiration of any period (including a period expiring by reference to an event or circumstance), not being a termination immediately after which the employment or partnership is renewed on the same terms; and
- (b) to the termination of that person’s employment or partnership by any act of his (including the giving of notice) in circumstances such that he is entitled to terminate it without notice by reason of the conduct of the employer or, as the case may be, the conduct of the other partners.”.

(2) In Article 8 of the principal Order (unlawful discrimination against women in the employment field), at the end of paragraph (4) (exemption for provision in relation to death or retirement) there shall be added the words

“except in so far as, in their application to provision in relation to retirement, they render it unlawful for a person to discriminate against a woman—

- (a) in such of the terms on which he offers her employment as make provision in relation to the way in which he will afford her access to opportunities for promotion, transfer or training or as provide for her dismissal or demotion; or
- (b) in the way he affords her access to opportunities for promotion, transfer or training or by refusing or deliberately omitting to afford her access to any such opportunities; or
- (c) by dismissing her or subjecting her to any detriment which results in her dismissal or consists in or involves her demotion.”

(3) In Article 14 of the principal Order (unlawful discrimination against a woman in relation to a position as a partner), at the end of paragraph (4) (exemption for provision in relation to death or retirement) there shall be added the words

“except in so far as, in their application to provision made in relation to retirement, they render it unlawful for a firm to discriminate against a woman—

- (a) in such of the terms on which they offer her a position as partner as provide for her expulsion from that position; or
- (b) by expelling her from a position as partner or subjecting her to any detriment which results in her expulsion from such a position.”

(4) In section 6 of the Equal Pay Act (Northern Ireland) 1970(1) (exclusion of sections 1 to 5)—

- (a) at the end of subsection (1A)(b) (terms related to, or provision in connection with, death or retirement), there shall be added the words “other than a term or provision which, in

relation to retirement, affords access to opportunities for promotion, transfer or training or provides for a woman's dismissal or demotion"; and

- (b) at the end of subsection (2) (meaning of retirement) there shall be added the words "and the reference in subsection (1A) to a woman's dismissal shall be construed in accordance with Article 2(2A) of the Sex Discrimination (Northern Ireland) Order 1976 as a reference to her dismissal from employment".