



Sex Discrimination Act 1975

1975 CHAPTER 65

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Discrimination by other bodies

11 Partnerships

- (1) It is unlawful for a firm consisting of six or more 5 partners, in relation to a position as partner in the firm, to discriminate against a woman—
 - (a) in the arrangements they make for the purpose of determining who should be offered that position, or
 - (b) in the terms on which they offer her that position, or
 - (c) by refusing or deliberately omitting to offer her that position, or
 - (d) in a case where the woman already holds that position—
 - (i) in the way they afford her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (ii) by expelling her from that position, or subjecting her to any other detriment.
- (2) Subsection (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.
- (3) Subsection (1)(a) and (c) do not apply to a position as partner where, if it were employment, being a man would be a genuine occupational qualification for the job.
- (4) Subsection (1)(b) and (d) do not apply to provision made in relation to death or retirement.
- (5) In the case of a limited partnership references in subsection (1) to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907.

Status: This is the original version (as it was originally enacted).

12 Trade unions etc.

- (1) This section applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.
- (2) It is unlawful for an organisation to which this section applies, in the case of a woman who is not a member of the organisation, to discriminate against her—
 - (a) in the terms on which it is prepared to admit her to membership, or
 - (b) by refusing, or deliberately omitting to accept, her application for membership.
- (3) It is unlawful for an organisation to which this section applies, in the case of a woman who is a member of the organisation, to discriminate against her—
 - (a) in the way it affords her access to any benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (b) by depriving her of membership, or varying the terms on which she is a member, or
 - (c) by subjecting her to any other detriment.
- (4) This section does not apply to provision made in relation to the death or retirement from work of a member.

13 Qualifying bodies

- (1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a woman—
 - (a) in the terms on which it is prepared to confer on her that authorisation or qualification, or
 - (b) by refusing or deliberately omitting to grant her application for it, or
 - (c) by withdrawing it from her or varying the terms on which she holds it.
- (2) Where an authority or body is required by law to satisfy itself as to his good character before conferring on a person an authorisation or qualification which is needed for, or facilitates, his engagement in any profession or trade then, without prejudice to any other duty to which it is subject, that requirement shall be taken to impose on the authority or body a duty to have regard to any evidence tending to show that he, or any of his employees, or agents (whether past or present), has practised unlawful discrimination in, or in connection with, the carrying on of any profession or trade.
- (3) In this section—
 - (a) "authorisation or qualification" includes recognition, registration, enrolment, approval and certification,
 - (b) "confer" includes renew or extend.
- (4) Subsection (1) does not apply to discrimination which is rendered unlawful by section 22 or 23.

14 Vocational training bodies

- (1) It is unlawful for a person to whom this subsection applies, in the case of a woman seeking or undergoing training which would help to fit her for any employment, to discriminate against her—
 - (a) in the terms on which that person affords her access to any training courses or other facilities, or
 - (b) by refusing or deliberately omitting to afford her such access, or
 - (c) by terminating her training.
- (2) Subsection (1) applies to—
 - (a) industrial training boards established under section 1 of the Industrial Training Act 1964;
 - (b) the Manpower Services Commission, the Employment Service Agency, and the Training Services Agency;
 - (c) any association which comprises employers and has as its principal object, or one of its principal objects, affording their employees access to training facilities;
 - (d) any other person providing facilities for training for employment, being a person designated for the purposes of this paragraph in an order made by or on behalf of the Secretary of State.
- (3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 22 or 23.

15 Employment agencies

- (1) It is unlawful for an employment agency to discriminate against a woman—
 - (a) in the terms on which the agency offers to provide any of its services, or
 - (b) by refusing or deliberately omitting to provide any of its services, or
 - (c) in the way it provides any of its services.
- (2) It is unlawful for a local education authority or an education authority to do any act in the performance of its functions under section 8 of the Employment and Training Act 1973 which constitutes discrimination.
- (3) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.
- (4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the woman.
- (5) An employment agency or local education authority or an education authority shall not be subject to any liability under this section if it proves—
 - (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (4), its action would not be unlawful, and
 - (b) that it was reasonable for it to rely on the statement.
- (6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

Status: This is the original version (as it was originally enacted).

16 Manpower Services Commission etc.

- (1) It is unlawful for any of the following bodies to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973—
 - (a) the Manpower Services Commission ;
 - (b) the Employment Service Agency;
 - (c) the Training Services Agency.
- (2) This section does not apply in a case where—
 - (a) section 14 applies, or
 - (b) the body is acting as an employment agency.