



Sex Discrimination Act 1975 (repealed)

1975 CHAPTER 65

PART II

[^{F1}EMPLOYMENT FIELD]

Discrimination by employers

8 [^{F1} Equal Pay Act 1970.]

(1) In section 1 of the ^{M1}Equal Pay Act 1970, the following are substituted for subsections (1) to (3)—

“(1) If the terms of a contract under which a woman is employed at an establishment in Great Britain do not include (directly or by reference to a collective agreement or otherwise) an equality clause they shall be deemed to include one.

(2) An equality clause is a provision which relates to terms (whether concerned with pay or not) of a contract under which a woman is employed (the “woman’s contract”), and has the effect that—

(a) where the woman is employed on like work with a man in the same employment—

(ii) if (apart from the equality clause) any term of the woman’s contract is or becomes less favourable to the woman than a term of a similar kind in the contract under which that man is employed, that term of the woman’s contract shall be treated as so modified as not to be less favourable, and

(ii) if (apart from the equality clause) at any time the woman’s contract does not include a term corresponding to a term benefiting that man included in the contract under which he is employed, the woman’s contract shall be treated as including such;

(b) where the woman is employed on work rated as equivalent with that of a man in the same employment—

Status: Point in time view as at 01/01/2010. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Section 8. (See end of Document for details)

- (i) if (apart from the equality clause) any term of the woman's contract determined by the rating of the work is or becomes less favourable to the woman than a term of a similar kind in the contract under which that man is employed, that term of the woman's contract shall be treated as so modified as not to be less favourable, and
 - (ii) if (apart from the equality clause) at any time the woman's contract does not include a term corresponding to a term benefiting that man included in the contract under which he is employed and determined by the rating of the work, the woman's contract shall be treated as including such a term.
- (3) An equality clause shall not operate in relation to a variation between the woman's contract and the man's contract if the employer proves that the variation is genuinely due to a material difference (other than the difference in sex) between her case and his."
- (2) Section 1(1) of the ^{M2}Equal Pay Act 1970 (as set out in subsection (1) above) does not apply in determining for the purposes of section 6(1)(b) of this Act the terms on which employment is offered.
- (3) Where a person offers a woman employment on certain terms, and if she accepted the offer then, by virtue of an equality clause, any of those terms would fall to be modified, or any additional term would fall to be included, the offer shall be taken to contravene section 6(1)(b).
- (4) Where a person offers a woman employment on certain terms, and subsection (3) would apply but for the fact that, on her acceptance of the offer, section 1(3) of the ^{M3}Equal Pay Act 1970 (as set out in subsection (1) above) would prevent the equality clause from operating, the offer shall be taken not to contravene section 6(1)(b).
- (5) An act does not contravene section 6(2) if—
- (a) it contravenes a term modified or included by virtue of an equality clause, or
 - (b) it would contravene such a term but for the fact that the equality clause is prevented from operating by section 1(3) of the ^{M4}Equal Pay Act 1970.
- (6) The Equal Pay Act 1970 is further amended as specified in Part I of Schedule 1, and accordingly has effect as set out in Part II of Schedule 1.
- [^{F2}(7) In its application to any discrimination falling within section 2A, this section shall have effect with the omission of subsections (3), (4) and (5)(b).]

Textual Amendments

- F1** Ss. 7A, 7B inserted (1.5.1999) by S.I. 1999/1102, reg. 4(1)
- F2** S. 8(7) inserted (1.5.1999) by S.I. 1999/1102, reg. 3(2)

Modifications etc. (not altering text)

- C1** The text of ss. 8(1)(6), 18(2), 21(2), Sch. 1 Pt. I paras. 1–5, 6(1), Sch. 1 Pt. II, Sch. 3 para. 16(1)(2), Sch. 5 para. 1 and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Changes to legislation: There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Section 8. (See end of Document for details)

Marginal Citations

M1 1970 c. 41.

M2 1970 c. 41.

M3 1970 c. 41.

M4 1970 c. 41.

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Changes to legislation:

There are currently no known outstanding effects for the Sex Discrimination Act 1975 (repealed), Section 8.