



Race Relations Act 1976 (Repealed)

1976 CHAPTER 74

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Modifications etc. (not altering text)

C1 Part II extended by [Employment Protection Act 1975 \(c. 71\), s. 122\(2\)](#)

Discrimination by employers

4 Discrimination against applicants and employees.

- (1) It is unlawful for a person, in relation to employment by him at an establishment in Great Britain, to discriminate against another—
 - (a) in the arrangements he makes for the purpose of determining who should be offered that employment; or
 - (b) in the terms on which he offers him that employment; or
 - (c) by refusing or deliberately omitting to offer him that employment.
- (2) It is unlawful for a person, in the case of a person employed by him at an establishment in Great Britain, to discriminate against that employee—
 - (a) in the terms of employment which he affords him; or
 - (b) in the way he affords him access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (c) by dismissing him, or subjecting him to any other detriment.
- (3) Except in relation to discrimination falling within section 2, subsections (1) and (2) do not apply to employment for the purposes of a private household.
- (4) Subsection (2) does not apply to benefits, facilities or services of any description if the employer is concerned with the provision (for payment or not) of benefits, facilities

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or services of that description to the public, or to a section of the public comprising the employee in question, unless—

- (a) that provision differs in a material respect from the provision of the benefits, facilities or services by the employer to his employees; or
- (b) the provision of the benefits, facilities or services to the employee in question is regulated by his contract of employment; or
- (c) the benefits, facilities or services relate to training.

Modifications etc. (not altering text)

- C2** S. 4 modified by S.I. 1989/901, art. 3, **Sch.**
 S. 4 modified (E.W.)(2.3.1998) by S.I. 1998/218, art. 3, **Sch.**
 S. 4 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.** (which S.I. is revoked (E.) (1.9.2003) by S.I. 2003/1964, **art. 1(3)** and (W.) (12.5.2006) by S.I. 2006/1073, **art. 1(3)**)

VALID FROM 19/07/2003

4A Exception for genuine occupational requirement

- (1) In relation to discrimination on grounds of race or ethnic or national origins—
 - (a) section 4(1)(a) or (c) does not apply to any employment; and
 - (b) section 4(2)(b) does not apply to promotion or transfer to, or training for, any employment; and
 - (c) section 4(2)(c) does not apply to dismissal from any employment; where subsection (2) applies.
- (2) This subsection applies where, having regard to the nature of the employment or the context in which it is carried out—
 - (a) being of a particular race or of particular ethnic or national origins is a genuine and determining occupational requirement;
 - (b) it is proportionate to apply that requirement in the particular case; and
 - (c) either—
 - (i) the person to whom that requirement is applied does not meet it, or
 - (ii) the employer is not satisfied, and in all the circumstances it is reasonable for him not to be satisfied, that that person meets it.

5 Exceptions for genuine occupational qualifications.

- (1) In relation to racial discrimination—
 - (a) section 4(1)(a) or (c) does not apply to any employment where being of a particular racial group is a genuine occupational qualification for the job; and
 - (b) section 4(2)(b) does not apply to opportunities for promotion or transfer to, or training for, such employment.
- (2) Being of a particular racial group is a genuine occupational qualification for a job only where—

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- (a) the job involves participation in a dramatic performance or other entertainment in a capacity for which a person of that racial group is required for reasons of authenticity; or
 - (b) the job involves participation as an artist's or photographic model in the production of a work of art, visual image or sequence of visual images for which a person of that racial group is required for reasons of authenticity; or
 - (c) the job involves working in a place where food or drink is (for payment or not) provided to and consumed by members of the public or a section of the public in a particular setting for which, in that job, a person of that racial group is required for reasons of authenticity; or
 - (d) the holder of the job provides persons of that racial group with personal services promoting their welfare, and those services can most effectively be provided by a person of that racial group.
- (3) Subsection (2) applies where some only of the duties of the job fall within paragraph (a), (b), (c) or (d) as well as where all of them do.
- (4) Paragraph (a), (b), (c) or (d) of subsection (2) does not apply in relation to the filling of a vacancy at a time when the employer already has employees of the racial group in question—
- (a) who are capable of carrying out the duties falling within that paragraph; and
 - (b) whom it would be reasonable to employ on those duties; and
 - (c) whose numbers are sufficient to meet the employer's likely requirements in respect of those duties without undue inconvenience.

Modifications etc. (not altering text)

- C3** S. 5 modified by S.I. 1989/901, art. 3, **Sch.**
S. 5 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.**
S. 5 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.** (which S.I. is revoked (E.) (1.9.2003) by S.I. 2003/1964, **art. 1(3)**) and (W.) 12.5.2006 by S.I. 2006/1073, **art. 1(3)**)

6 Exception for employment intended to provide training in skills to be exercised outside Great Britain.

—Nothing in section 4 shall render unlawful any act done by an employer for the benefit of a person not ordinarily resident in Great Britain in or in connection with employing him at an establishment in Great Britain, where the purpose of that employment is to provide him with training in skills which he appears to the employer to intend to exercise wholly outside Great Britain.

7 Discrimination against contract workers.

- (1) This section applies to any work for a person ("the principal") which is available for doing by individuals ("contract workers") who are employed not by the principal himself but by another person, who supplies them under a contract made with the principal.
- (2) It is unlawful for the principal, in relation to work to which this section applies, to discriminate against a contract worker—
- (a) in the terms on which he allows him to do that work; or

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- (b) by not allowing him to do it or continue to do it; or
 - (c) in the way he affords him access to any benefits, facilities or services or by refusing or deliberately omitting to afford him access to them; or
 - (d) by subjecting him to any other detriment.
- (3) The principal does not contravene subsection (2)(b) by doing any act in relation to a person not of a particular racial group at a time when, if the work were to be done by a person taken into the principal's employment, being of that racial group would be a genuine occupational qualification for the job.
- (4) Nothing in this section shall render unlawful any act done by the principal for the benefit of a contract worker not ordinarily resident in Great Britain in or in connection with allowing him to do work to which this section applies, where the purpose of his being allowed to do that work is to provide him with training in skills which he appears to the principal to intend to exercise wholly outside Great Britain.
- (5) Subsection (2)(c) does not apply to benefits, facilities or services of any description if the principal is concerned with the provision (for payment or not) of benefits, facilities or services of that description to the public, or to a section of the public to which the contract worker in question belongs, unless that provision differs in a material respect from the provision of the benefits, facilities or services by the principal to his contract workers.

Modifications etc. (not altering text)

- C4** S. 7 modified by S.I. 1989/901, art. 3, **Sch.**
 S. 7 modified (E.W.) (2.3.1998) by S.I. 1998/218, art. 3, **Sch.**
 S. 7 modified (1.9.1999) by S.I. 1999/2256, art. 3, **Sch.** (which S.I. is revoked (E.) (1.9.2003) by S.I. 2003/1964, **art. 1(3)**) and (W.) 12.5.2006 by S.I. 2006/1073, **art. 1(3)**)

8 Meaning of employment at establishment in Great Britain.

- (1) For the purposes of this Part ("the relevant purposes"), employment is to be regarded as being at an establishment in Great Britain unless the employee does his work wholly ^{F1} . . . outside Great Britain.
- ^{F2}(2)
- (3) In the case of employment on board a ship registered at a port of registry in Great Britain (except where the employee does his work wholly outside Great Britain) the ship shall for the relevant purposes be deemed to be the establishment.
- (4) Where work is not done at an establishment it shall be treated for the relevant purposes as done at the establishment from which it is done or (where it is not done from any establishment) at the establishment with which it has the closest connection.
- (5) In relation to employment concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources, Her Majesty may by Order in Council provide that subsections (1) to (3) shall have effect as if in both subsection (1) and subsection (3) the last reference to Great Britain included any area for the time being designated under section 1(7) of the ^{M1}Continental Shelf Act 1964, except an area or part of an area in which the law of Northern Ireland applies.

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- (6) An Order in Council under subsection (5) may provide that, in relation to employment to which the Order applies, this Part is to have effect with such modifications as are specified in the Order.
- (7) An Order in Council under subsection (5) shall be of no effect unless a draft of the Order has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

- F1** Words in s. 8(1) omitted (16.12.1999) by virtue of S.I. 1999/3163, reg. 3
F2 S. 8(2) omitted (16.12.1999) by virtue of S.I. 1999/3163, reg. 3

Modifications etc. (not altering text)

- C5** S. 8(1)–(3) extended by S.I. 1987/929, art. 2
C6 S. 8(5) extended by Employment (Continental Shelf) Act 1978 (c. 46), s. 1(2)

Marginal Citations

- M1** 1964 c. 29.

9 Exception for seamen recruited abroad.

- (1) Nothing in section 4 shall render unlawful any act done by an employer in or in connection with employment by him on any ship in the case of a person who applied or was engaged for that employment outside Great Britain.
- (2) Nothing in section 7 shall, as regards work to which that section applies, render unlawful any act done by the principal in or in connection with such work on any ship in the case of a contract worker who was engaged outside Great Britain by the person by whom he is supplied.
- (3) Subsections (1) and (2) do not apply to employment or work concerned with exploration of the sea bed or subsoil or the exploitation of their natural resources in any area for the time being designated under section 1(7) of the ^{M2}Continental Shelf Act 1964, not being an area or part of an area in which the law of Northern Ireland applies.
- (4) For the purposes of subsection (1) a person brought to Great Britain with a view to his entering into an agreement in Great Britain to be employed on any ship shall be treated as having applied for the employment outside Great Britain.

Marginal Citations

- M2** 1964 c. 29.

Discrimination by other bodies

10 Partnerships.

- (1) It is unlawful for a firm consisting of six or more partners, in relation to a position as partner in the firm, to discriminate against a person—
 - (a) in the arrangements they make for the purpose of determining who should be offered that position; or

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- (b) in the terms on which they offer him that position; or
 - (c) by refusing or deliberately omitting to offer him that position; or
 - (d) in a case where the person already holds that position—
 - (i) in the way they afford him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (ii) by expelling him from that position, or subjecting him 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 of a particular racial group would be a genuine occupational qualification for the job.
- (4) In the case of a limited partnership references in this section to a partner shall be construed as references to a general partner as defined in section 3 of the ^{M3}Limited Partnerships Act 1907.

Marginal Citations

M3 1907 c. 24.

11 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 person who is not a member of the organisation, to discriminate against him—
- (a) in the terms on which it is prepared to admit him to membership; or
 - (b) by refusing or deliberately omitting to accept, his application for membership.
- (3) It is unlawful for an organisation to which this section applies, in the case of a person who is a member of the organisation, to discriminate against him—
- (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (b) by depriving him of membership, or varying the terms on which he is a member; or
 - (c) by subjecting him to any other detriment.

12 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 person—
- (a) in the terms on which it is prepared to confer on him that authorisation or qualification; or
 - (b) by refusing, or deliberately omitting to grant, his application for it; or
 - (c) by withdrawing it from him or varying the terms on which he holds it.

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- (2) In this section—
 - (a) “authorisation or qualification” includes recognition, registration, enrolment, approval and certification;
 - (b) “confer” includes renew or extend.
- (3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 17 or 18.

[^{F3}13 Persons concerned with provision of vocational training.

- (1) It is unlawful, in the case of an individual seeking or undergoing training which would help fit him for any employment, for any person who provides, or makes arrangements for the provision of, facilities for such training to discriminate against him—
 - (a) in the terms on which that person affords him access to any training course or other facilities concerned with such training; or
 - (b) by refusing or deliberately omitting to afford him such access; or
 - (c) by terminating his training; or
 - (d) by subjecting him to any detriment during the course of his training.
- (2) Subsection (1) does not apply to—
 - (a) discrimination which is rendered unlawful by section 4(1) or (2) or section 17 or 18; or
 - (b) discrimination which would be rendered unlawful by any of those provisions but for the operation of any other provision of this Act.]

Textual Amendments

F3 S. 13 substituted by [Employment Act 1989 \(c. 38, SIF 43:1, 106:1\), s. 7\(2\)](#)

14 Employment agencies.

- (1) It is unlawful for an employment agency to discriminate against a person—
 - (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.
- [^{F4}(2) It is unlawful for a local education authority or education authority or any other person to do any act in providing services in pursuance of arrangements made, or a direction given, under section 10 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 person in question.
- (5) An employment agency or local education authority [^{F5}, education authority or other person] shall not be subject to any liability under this section if it proves—

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- (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 [^{F6}level 5 on the standard scale].

Textual Amendments

F4 S. 14(2) substituted (1.4.1994 for E. and S. and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 9(a)**; S.I. 1993/2503, art. 2(3), **Sch. 3**.

F5 Words in s. 14(5) substituted (1.4.1994 for E. and S. and 1.4.1995 for all other purposes) by 1993 c. 19, s. 49(2), **Sch. 8 para. 9(b)**; S.I. 1993/2503, art. 2(3), **Sch. 3**.

F6 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G**

15 Manpower Services Commission etc.

[^{F7}(1) It is unlawful for the [^{F8}Secretary of State ^{F9}. . .] to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973]

[^{F10}(1A) It is unlawful for Scottish Enterprise or Highlands and Islands Enterprise to discriminate in the provision of facilities or services under such arrangements as are mentioned in section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (arrangements analogous to arrangements in pursuance of section 2 of the said Act of 1973).]

- (2) This section does not apply in a case where—
- (a) section 13 applies; or
 - (b) the [^{F11}Secretary of State] is acting as an employment agency.

Textual Amendments

F7 S. 15(1) substituted by Employment and Training Act 1981 (c. 57, SIF 43:1), s. 9, **Sch. 2 para. 20**

F8 Words substituted by Employment Act 1988 (c. 19, SIF 43:5), s. 33, **Sch. 3 Pt. II para. 12(2)**

F9 Words repealed by Employment Act 1989 (c. 38, SIF 43:1), s. 29(4), **Sch. 7 Pt. I**

F10 S. 15(1A) inserted (S.) (1.4.1991) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), **s. 18**

F11 Words substituted by Employment Act 1989 (c. 38, SIF 43:1, 106:1), s. 29(3), **Sch. 6 para. 15**

Police

^{F12}16

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Textual Amendments

F12 S. 16 repealed (2.4.2001) by 2000 c. 34, s. 9(2), **Sch. 3** (with s. 10(5)); S.I. 2001/566, **art. 2(1)**

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Changes to legislation:

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