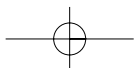
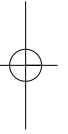
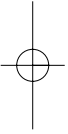


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STATUTES

EQUAL PAY ACT 1970 (1970, c. 41)

1 Requirement of equal treatment for men and women in same employment

- (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—
 - (i) 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 a term;
 - (b) where the woman is employed on work rated as equivalent with that of a man in the same employment—
 - (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.
 - (c) where a woman is employed on work which, not being work in relation to which paragraph (a) or (b) above applies, is, in terms of the demands made on her (for instance under such headings as effort, skill and decision), of equal value to that of a man in the same employment—
 - (i) 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 a term.
 - (d) where—
 - (i) any term of the woman's contract regulating maternity-related pay provides for any of her maternity-related pay to be calculated by reference to her pay at a particular time,
 - (ii) after that time (but before the end of the statutory maternity leave period) her pay is increased, or would have increased had she not been on statutory maternity leave, and
 - (iii) the maternity-related pay is neither what her pay would have been had she not been on statutory maternity leave nor the difference between what her pay would have been had she not been on statutory maternity leave and any statutory maternity pay to which she is entitled,if (apart from the equality clause) the terms of the woman's contract do not provide for the increase to be taken into account for the purpose of calculating the maternity-related pay, the term mentioned in sub-paragraph (i) above shall be treated as so modified as to provide for the increase to be taken into account for that purpose;

- (e) if (apart from the equality clause) the terms of the woman's contract as to—
- (i) pay (including pay by way of bonus) in respect of times before she begins to be on statutory maternity leave,
 - (ii) pay by way of bonus in respect of times when she is absent from work in consequence of the prohibition in section 72(1) of the Employment Rights Act 1996 (compulsory maternity leave), or
 - (iii) pay by way of bonus in respect of times after she returns to work following her having been on statutory maternity leave,
- do not provide for such pay to be paid when it would be paid but for her having time off on statutory maternity leave, the woman's contract shall be treated as including a term providing for such pay to be paid when ordinarily it would be paid;
- (f) if (apart from the equality clause) the terms of the woman's contract regulating her pay after returning to work following her having been on statutory maternity leave provide for any of that pay to be calculated without taking into account any amount by which her pay would have increased had she not been on statutory maternity leave, the woman's contract shall be treated as including a term providing for the increase to be taken into account in calculating that pay.
- (3) An equality clause falling within subsection (2)(a), (b) or (c) above 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 factor which is not the difference of sex and that factor—
- (a) in the case of an equality clause falling within subsection (2)(a) or (b) above, must be a material difference between the woman's case and the man's; and
 - (b) in the case of an equality clause falling within subsection (2)(c) above, may be such a material difference.
- (4) A woman is to be regarded as employed on like work with men if, but only if, her work and theirs is of the same or a broadly similar nature, and the differences (if any) between the things she does and the things they do are not of practical importance in relation to terms and conditions of employment; and accordingly in comparing her work with theirs regard shall be had to the frequency or otherwise with which any such differences occur in practice as well as to the nature and extent of the differences.
- (5) A woman is to be regarded as employed on work rated as equivalent with that of any men if, but only if, her job and their job have been given an equal value, in terms of the demand made on a worker under various headings (for instance effort, skill, decision), on a study undertaken with a view to evaluating in those terms the jobs to be done by all or any of the employees in an undertaking or group of undertakings, or would have been given an equal value but for the evaluation being made on a system setting different values for men and women on the same demand under any heading.
- (5A) For the purposes of subsection (2)(d) to (f) above—
- (a) 'maternity-related pay', in relation to a woman, means pay (including pay by way of bonus) to which she is entitled as a result of being pregnant or in respect of times when she is on statutory maternity leave, except that it does not include any statutory maternity pay to which she is entitled;
 - (b) 'statutory maternity leave period', in relation to a woman, means the period during which she is on statutory maternity leave;
 - (c) an increase in an amount is taken into account in a calculation if in the calculation the amount as increased is substituted for the unincreased amount.
- (5B) For the purposes of subsections (2)(d) to (f) and (5A) above, 'on statutory maternity leave' means absent from work—
- (a) in exercise of the right conferred by section 71(1) or 73(1) of the Employment Rights Act 1996 (ordinary or additional maternity leave), or
 - (b) in consequence of the prohibition in section 72(1) of that Act (compulsory maternity leave).
- (6) Subject to the following subsections, for purposes of this section—
- (a) 'employed' means employed under a contract of service or of apprenticeship or a contract personally to execute any work or labour, and related expressions shall be construed accordingly;
 - (b) ...

- (c) Two employers are to be treated as associated if one is a company of which the other (directly or indirectly) has control or if both are companies of which a third person (directly or indirectly) has control, and men shall be treated as in the same employment with a woman if they are men employed by her employer or any associated employer at the same establishment or at establishments in Great Britain which include that one and at which common terms and conditions of employment are observed either generally or for employees of the relevant classes.
- (6A) This section applies to—
- (a) the holding of an office or post to which persons are appointed to discharge functions personally under the direction of another person, and in respect of which they are entitled to remuneration, or
 - (b) any office or post to which appointments are made by (or on the recommendation of or subject to the approval of) a Minister of the Crown, a government department, the National Assembly of Wales or any part of the Scottish Administration, as it applies to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of appointment, and as if references to the employer included references to the person responsible for paying any remuneration that a holder of the office or post is entitled to in respect of the office or post.
- (6B) For the purposes of subsection (6A) the holder of an office or post—
- (a) is to be regarded as discharging her functions under the direction of another person if that other person is entitled to direct her as to when and where she discharges those functions;
 - (b) is not to be regarded as entitled to remuneration merely because she is entitled to payments—
 - (i) in respect of expenses incurred by her in carrying out the functions of the office or post, or
 - (ii) by way of compensation for the loss of income or benefits she would or might have received from any person had she not been carrying out the functions of the office or post.
- (6C) For the purposes of subsection (6A)—
- (a) 'office or post' does not include a political office (see section 1A), and
 - (b) appointment to an office or post does not include election to an office or post.
- (7) ...
- (8) This section shall apply to—
- (a) service for purposes of a Minister of the Crown or government department, other than service of a person holding a statutory office, or
 - (b) service on behalf of the Crown for purposes of a person holding a statutory office or purposes of a statutory body,
- as it applies to employment by a private person, and shall so apply as if references to a contract of employment included references to the terms of service.
- (9) ...
- (10) In this section 'statutory body' means a body set up by or in pursuance of an enactment (including an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament), and 'statutory office' means an office so set up; and service 'for purposes of' a Minister of the Crown or government department does not include service in any office in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975 as for the time being in force.
- ...
- (11) For the purposes of this Act it is immaterial whether the law which (apart from this subsection) in the law applicable to a contract is the law of any part of the United Kingdom or not.
- ...
- (13) Provisions of this section and sections 2 to 2A below framed with reference to women and their treatment relative to men are to be read as applying equally in a converse case to men and their treatment relative to women.

1A Meaning of 'political office' in section 1(6C)(a)

The following are political offices for the purposes of section 1(6C)(a)—

- (a) any office of the House of Commons held by a member of it,

- (b) a life peerage within the meaning of the Life Peerages Act 1958, or any office of the House of Lords held by a member of it,
- (c) any office mentioned in Schedule 2 (Ministerial offices) to the House of Commons Disqualification Act 1975,
- (d) the offices of Leader of the Opposition, Chief Opposition Whip or Assistant Opposition Whip within the meaning of the Ministerial and other Salaries Act 1975,
- (e) any office of the Scottish Parliament held by a member of it,
- (f) a member of the Scottish Executive within the meaning of section 44 of the Scotland Act 1998, or a junior Scottish Minister within the meaning of section 49 of that Act,
- (g) any office of the National Assembly for Wales held by a member of it,
- (h) in England, any office of a county council, a London borough council, a district council or a parish council held by a member of it,
- (i) in Wales, any office of a county council, a county borough council or a community council held by a member of it,
- (j) in relation to a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or a community council established under section 51 of the Local Government (Scotland) Act 1973, any office of such a council held by a member of it,
- (k) any office of the Greater London Authority held by a member of it,
- (l) any office of the Common Council of the City of London held by a member of it,
- (m) any office of the Council of the Isles of Scilly held by a member of it, and
- (n) any office of a political party.

...

2 Disputes as to, and enforcement of, requirement of equal treatment

- (1) Any claim in respect of the contravention of a term modified or included by virtue of an equality clause, including a claim for arrears of remuneration or damages in respect of the contravention, may be presented by way of a complaint to an employment tribunal.
- (1A) Where a dispute arises in relation to the effect of an equality clause the employer may apply to an employment tribunal for an order declaring the rights of the employer and the employee in relation to the matter in question.
- (2) Where it appears to the Minister that there may be a question whether the employer of any women is or has been contravening a term modified or included by virtue of their equality clauses, but that it is not reasonable to expect them to take steps to have the question determined, the question may be referred by him as respects all or any of them to an employment tribunal and shall be dealt with as if the reference were of a claim by the women or woman against the employer.
- (3) Where it appears to the court in which any proceedings are pending that a claim or counterclaim in respect of the operation of an equality clause could more conveniently be disposed of separately by an employment tribunal, the court may direct that the claim or counterclaim shall be struck out; and (without prejudice to the foregoing) where in proceedings before any court a question arises as to the operation of an equality clause, the court may on the application of any party to the proceedings or otherwise refer that question, or direct it to be referred by a party to the proceedings, to an employment tribunal for determination by the tribunal, and may stay or sist the proceedings in the meantime.
- (4) No determination may be made by an employment tribunal in the following proceedings—
 - (a) on a complaint under subsection (1) above,
 - (b) on an application under subsection (1A) above, or
 - (c) on a reference under subsection (2) above,
 unless the proceedings are instituted on or before the qualifying date (determined in accordance with section 2ZA below).
- (5) A woman shall not be entitled, in proceedings brought in respect of a contravention of a term modified or included by virtue of an equality clause (including proceedings before an employment tribunal), to be awarded any payment by way of arrears of remuneration or damages—
 - (a) in proceedings in England and Wales, in respect of a time earlier than the arrears date (determined in accordance with section 2ZB below), and
 - (b) in proceedings in Scotland, in respect of a time before the period determined in accordance with section 2ZC below.

(5A) In this section 'employer', in relation to the holder of an office or post to which section 1 above applies by virtue of subsection (6A) of that section, shall be construed in accordance with that subsection.

(6), (7) ...

2A Procedure before tribunal in certain cases

(1) Where on a complaint or reference made to an employment tribunal under section 2 above, a dispute arises as to whether any work is of equal value as mentioned in section 1(2)(c) above the tribunal may either—

- (a) proceed to determine that question; or
- (b) require a member of the panel of independent experts to prepare a report with respect to that question;

...

(1A) Subsections (1B) and (1C) below apply in a case where the tribunal has required a member of the panel of independent experts to prepare a report under paragraph (b) of subsection (1) above.

(1B) The tribunal may—

- (a) withdraw the requirement, and
- (b) request the member of the panel of independent experts to provide it with any documentation specified by it or make any other request to him connected with the withdrawal of the requirement.

(1C) If the requirement has not been withdrawn under paragraph (a) of subsection (1B) above, the tribunal shall not make any determination under paragraph (a) of subsection (1) above unless it has received the report.

(2) Subsection (2A) below applies in a case where—

- (a) a tribunal is required to determine whether any work is of equal value as mentioned in section 1(2)(c) above, and
- (b) the work of the woman and that of the man in question have been given different values on a study such as is mentioned in section 1(5) above.

(2A) The tribunal shall determine that the work of the woman and that of the man are not of equal value unless the tribunal has reasonable grounds for suspecting that the evaluation contained in the study—

- (a) was (within the meaning of subsection (3) below) made on a system which discriminates on grounds of sex, or
- (b) is otherwise unsuitable to be relied upon.

(3) An evaluation contained in a study such as is mentioned in section 1(5) above is made on a system which discriminates on grounds of sex where a difference, or coincidence, between values set by that system on different demands under the same or different headings is not justifiable irrespective of the sex of the person on whom those demands are made.

(4) In this section a reference to a member of the panel of independent experts is a reference to a person who is for the time being designated by the Advisory, Conciliation and Arbitration Service for the purposes of that paragraph as such a member, being neither a member of the Council of that Service nor one of its officers or servants.

6 Exclusion from ss 1 to 5 of pensions etc.

(1) An equality clause shall not operate in relation to terms—

- (a) affected by compliance with the laws regulating the employment of women, or
- (b) affording special treatment to women in connection with pregnancy or childbirth.

(1AA) Subsection (1)(b) does not affect the operation of an equality clause falling within section 1(2)(d), (e) or (f).

(1A) ...

(1B) An equality clause shall not operate in relation to terms relating to a person's membership of, or rights under, an occupational pension scheme, being terms in relation to which, by reason only of any provision made by or under sections 62 to 64 of the Pensions Act 1995 (equal treatment), an equal treatment rule would not operate if the terms were included in the scheme.

(1C) In subsection (1B), 'occupational pension scheme' has the same meaning as in the Pension Schemes Act 1993 and 'equal treatment rule' has the meaning given by section 62 of the Pensions Act 1995.

(2) ...

7B Questioning of employer

- (1) For the purposes of this section—
 - (a) a person who considers that she may have a claim under section 1 above is referred to as 'the complainant', and
 - (b) a person against whom the complainant may decide to make, or has made, a complaint under section 2(1) or 7A(3) above is referred to as 'the respondent'.
- (2) With a view to helping a complainant to decide whether to institute proceedings and, if she does so, to formulate and present her case in the most effective manner, the Minister shall by order prescribe—
 - (a) forms by which the complainant may question the respondent on any matter which is or may be relevant, and
 - (b) forms by which the respondent may if he so wishes reply to any questions.
- (3) Where the complainant questions the respondent (whether in accordance with an order under subsection (2) above or not), the question and any reply by the respondent (whether in accordance with such an order or not) shall, subject to the following provisions of this section, be admissible as evidence in any proceedings under section 2(1) or 7A(3) above.
- (4) If in any proceedings under section 2(1) or 7A(3) above it appears to the employment tribunal that the complainant has questioned the respondent (whether in accordance with an order under subsection (2) above or not) and that—
 - (a) the respondent deliberately and without reasonable excuse omitted to reply within such period as the Minister may by order prescribe, or
 - (b) the respondent's reply is evasive or equivocal,
 it may draw any inference which it considers it just and equitable to draw, including an inference that the respondent has contravened a term modified or included by virtue of the complainant's equality clause or corresponding term of service.
- (5) Where the Minister questions an employer in relation to whom he may decide to make, or has made, a reference under section 2(2) above, the question and any reply by the employer shall, subject to the following provisions of this section, be admissible as evidence in any proceedings under that provision.
- (6) If in any proceedings on a reference under section 2(2) above it appears to the employment tribunal that the Minister has questioned the employer to whom the reference relates and that—
 - (a) the employer deliberately and without reasonable excuse omitted to reply within such period as the Minister may by order prescribe, or
 - (b) the employer's reply is evasive or equivocal,
 it may draw any inference which it considers it just and equitable to draw, including an inference that the employer has contravened a term modified or included by virtue of the equality clause of the woman, or women, as respects whom the reference is made.
- (7) The Minister may by order—
 - (a) prescribe the period within which questions must be duly served in order to be admissible under subsection (3) or (5) above, and
 - (b) prescribe the manner in which a question, and any reply, may be duly served.
- (8) This section is without prejudice to any other enactment or rule of law regulating interlocutory and preliminary matters in proceedings before an employment tribunal, and has effect subject to any enactment or rule of law regulating the admissibility of evidence in such proceedings.
- (9) Power to make orders under this section is exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) An order under this section may make different provision for different cases.

SEX DISCRIMINATION ACT 1975
(1975, c. 65)

PART I
 DISCRIMINATION TO WHICH ACT APPLIES

1 Direct and indirect discrimination against women

- (1) In any circumstances relevant for the purposes of any provision of this Act, other than a provision to which subsection (2) applies, a person discriminates against a woman if—

- (a) on the ground of her sex he treats her less favourably than he treats or would treat a man, or
- (b) he applies to her a requirement or condition which he applies or would apply equally to a man but—
 - (i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it, and
 - (ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied, and
 - (iii) which is to her detriment because she cannot comply with it.
- (2) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if—
 - (a) on the ground of her sex, he treats her less favourably than he treats or would treat a man, or
 - (b) he applies to her a provision, criterion or practice which he applies or would apply equally to a man, but—
 - (i) which puts or would put women at a particular disadvantage when compared with men,
 - (ii) which puts her at that disadvantage, and
 - (iii) which he cannot show to be a proportionate means of achieving a legitimate aim.
- (3) Subsection (2) applies to—
 - (a) any provision of Part 2,
 - (aa) sections 29 to 31, except in so far as they relate to an excluded matter,
 - (b) sections 35A and 35B, and
 - (c) any other provision of Part 3, so far as it applies to vocational training.
- (4) ...

2 Sex discrimination against men

- (1) Section 1, and the provisions of Parts II and III relating to sex discrimination against women, are to be read as applying equally to the treatment of men, and for that purpose shall have effect with such modifications as are requisite.
- (2) In the application of subsection (1) no account shall be taken of special treatment afforded to women in connection with pregnancy or childbirth.

2A Discrimination on the grounds of gender reassignment

- (1) A person ('A') discriminates against another person ('B') in any circumstances relevant for the purposes of—
 - (a) any provision of Part II,
 - (b) section 35A or 35B, or
 - (c) any other provision of Part III, so far as it applies to vocational training,
 if he treats B less favourably than he treats or would treat other persons, and does so on the grounds that B intends to undergo, is undergoing or has undergone gender reassignment.
- (2) Subsection (3) applies to arrangements made by any person in relation to another's absence from work or from vocational training.
- (3) For the purposes of subsection (1), B is treated less favourably than others under such arrangements if, in the application of the arrangements to any absence due to B undergoing gender reassignment—
 - (a) he is treated less favourably than he would be if the absence was due to sickness or injury, or
 - (b) he is treated less favourably than he would be if the absence was due to some other cause and, having regard to the circumstances of the case, it is reasonable for him to be treated no less favourably.
- (4) In subsections (2) and (3) 'arrangements' includes terms, conditions or arrangements on which employment, a pupillage or tenancy or vocational training is offered.
- (5) For the purposes of subsection (1), a provision mentioned in that subsection framed with reference to discrimination against women shall be treated as applying equally to the treatment of men with such modifications as are requisite.

3 Discrimination against married persons and civil partners in employment field

- (1) In any circumstances relevant for the purposes of any provision of Part 2, a person discriminates against a person ('A') who fulfils the condition in subsection (2) if—
- (a) on the ground of the fulfilment of the condition, he treats A less favourably than he treats or would treat a person who does not fulfil the condition, or
 - (b) he applies to A a provision, criterion or practice which he applies or would apply equally to a person who does not fulfil the condition, but—
 - (i) which puts or would put persons fulfilling the condition at a particular disadvantage when compared with persons not fulfilling the condition, and
 - (ii) which puts A at that disadvantage, and
 - (iii) which he cannot show to be a proportionate means of achieving a legitimate aim.
- (2) The condition is that the person is—
- (a) married, or
 - (b) a civil partner.
- (3) For the purposes of subsection (1), a provision of Part 2 framed with reference to discrimination against women is to be treated as applying equally to the treatment of men, and for that purpose has effect with such modification as are requisite.

3A Discrimination on the ground of pregnancy or maternity leave

- (1) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if—
- (a) at a time in a protected period, and on the ground of the woman's pregnancy, the person treats her less favourably; or
 - (b) on the ground that the woman is exercising or seeking to exercise, or has exercised or sought to exercise, a statutory right to maternity leave, the person treats her less favourably.
- (2) In any circumstances relevant for the purposes of a provision to which this subsection applies, a person discriminates against a woman if, on the ground that section 72(1) of the Employment Rights Act 1996 (compulsory maternity leave) has to be complied with in respect of the woman, he treats her less favourably.
- (3) For the purposes of subsection (1)—
- (a) in relation to a woman, a protected period begins each time she becomes pregnant, and the protected period associated with any particular pregnancy of hers ends in accordance with the following rules—
 - (i) if she is entitled to ordinary but not additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of ordinary maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
 - (ii) if she is entitled to ordinary and additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of additional maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
 - (iii) if she is not entitled to ordinary maternity leave in respect of the pregnancy, the protected period ends at the end of the 2 weeks beginning with the end of the pregnancy;
 - (b) where a person's treatment of a woman is on grounds of illness suffered by the woman as a consequence of a pregnancy of hers, that treatment is to be taken to be on the ground of the pregnancy;
 - (c) a 'statutory right to maternity leave' means a right conferred by section 71(1) or 73(1) of the Employment Rights Act 1996 (ordinary and additional maternity leave).
- (4) In subsection (3) 'ordinary maternity leave' and 'additional maternity leave' shall be construed in accordance with sections 71 and 73 of the Employment Rights Act 1996.
- (5) Subsections (1) and (2) apply to—
- (a) any provision of Part 2,
 - (b) sections 35A and 35B, and
 - (c) any other provision of Part 3, so far as it applies to vocational training.

4 Discrimination by way of victimisation

- (1) A person ('the discriminator') discriminates against another person ('the person victimised') in any circumstances relevant for the purposes of any provision of this Act if he treats the person victimised less favourably than in those circumstances he treats or would treat other persons, and does so by reason that the person victimised has—
- (a) brought proceedings against the discriminator or any other person under this Act or the Equal Pay Act 1970 or sections 62 to 65 of the Pensions Act 1995, or
 - (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act or the Equal Pay Act 1970 or sections 62 to 65 of the Pensions Act 1995, or
 - (c) otherwise done anything under or by reference to this Act or the Equal Pay Act 1970 or sections 62 to 65 of the Pensions Act 1995 in relation to the discriminator or any other person, or
 - (d) alleged that the discriminator or any other person has committed an act which (whether or not the allegation so states) would amount to a contravention of this Act or give rise to a claim under the Equal Pay Act 1970 or under sections 62 to 65 of the Pensions Act 1995,
- or by reason that the discriminator knows the person victimised intends to do any of those things, or suspects the person victimised has done, or intends to do, any of them.
- (2) Subsection (1) does not apply to treatment of a person by reason of any allegation made by him if the allegation was false and not made in good faith.
- (3) For the purposes of subsection (1), a provision of Part II or III framed with reference to discrimination against women shall be treated as applying equally to the treatment of men and for that purpose shall have effect with such modifications as are requisite.

4A Harassment, including sexual harassment

- (1) For the purposes of this Act, a person subjects a woman to harassment if—
- (a) he engages in unwanted contact that is related to her sex or that of another person and has the purpose or effect—
 - (i) of violating her dignity, or
 - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her,
 - (b) he engages in any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect—
 - (i) of violating her dignity, or
 - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for her, or
 - (c) on the ground of her rejection of or submission to unwanted conduct of a kind mentioned in paragraph (a) or (b), he treats her less favourably than he would treat her had she not rejected, or submitted to, the conduct.
- (2) Conduct shall be regarded as having the effect mentioned in sub-paragraph (i) or (ii) of subsection (1)(a) or (b) only if, having regard to all the circumstances, including in particular the perception of the woman, it should reasonably be considered as having that effect.
- (3) For the purposes of this Act, a person ('A') subjects another person ('B') to harassment if—
- (a) A, on the ground that B intends to undergo, is undergoing or has undergone gender reassignment, engages in unwanted conduct that has the purpose or effect—
 - (i) of violating B's dignity, or
 - (ii) of creating an intimidating, hostile, degrading, humiliating or offensive environment for B, or
 - (b) A, on the ground of B's rejection of or submission to unwanted conduct of a kind mentioned in paragraph (a), treats B less favourably than A would treat B had B not rejected, or submitted to, the conduct.
- (4) Conduct shall be regarded as having the effect mentioned in sub-paragraph (i) or (ii) of subsection (3)(a) only if, having regard to all the circumstances, including in particular the perception of B, it should reasonably be considered as having that effect.
- (5) Subsection (1) is to be read as applying equally to the harassment of men, and for that purpose shall have effect with such modifications as are requisite.
- (6) For the purposes of subsections (1) and (3), a provision of Part 2 or 3 framed with reference to harassment of women shall be treated as applying equally to the harassment of men and for that purpose will have effect with such modifications as are requisite.

5 Interpretation

- (1) In this Act—
- (a) references to discrimination refer to any discrimination falling within sections 1 to 4; and
 - (b) references to sex discrimination refer to any discrimination falling within section 1, 2, 3A or 3B,
- and related expressions shall be construed accordingly.
- (2) In this Act—
- ‘woman’ includes a female of any age, and
- ‘man’ includes a male of any age.
- (3) Each of the following comparisons, that is—
- (a) a comparison of the cases of persons of different sex under section 1(1) or (2),
 - (b) a comparison of the cases of persons required for the purposes of section 2A, and
 - (c) a comparison of the cases of persons who do and who do not fulfil the condition in section 3(2),
- must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.
- (4) In this Act, references to an excluded matter must be construed in accordance with section 35ZA.

PART II EMPLOYMENT FIELD

Discrimination by employers

6 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 a woman—
- (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 her that employment, or
 - (c) by refusing or deliberately omitting to offer her that employment.
- (2) It is unlawful for a person, in the case of a woman employed by him at an establishment in Great Britain, to discriminate against her—
- (a) in the way he affords her access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
 - (b) by dismissing her, or subjecting her to any other detriment.
- (2A) It is unlawful for an employer, in relation to employment by him at an establishment in Great Britain, to subject to harassment—
- (a) a woman whom he employs, or
 - (b) a woman who has applied to him for employment.
- (2B) For the purposes of subsection (2A), the circumstances in which an employer is to be treated as subjecting a woman to harassment shall include those where—
- (a) a third party subjects the woman to harassment in the course of her employment, and
 - (b) the employer has failed to take such steps as would have been reasonably practicable to prevent the third party from doing so.
- (2C) Subsection (2B) does not apply unless the employer knows that the woman has been subject to harassment in the course of her employment on at least two other occasions by a third party.
- (2D) In subsections (2B) and (2C), ‘third party’ means a person other than—
- (a) the employer, or
 - (b) a person whom the employer employs,
- and for the purposes of those subsections it is immaterial whether the third party is the same or a different person on each occasion.
- (3) ...
- (4) Subsections (1)(b) and (2) do not render it unlawful for a person to discriminate against a woman in relation to her membership of, or rights under, an occupational pension scheme in such a way that, were any term of the scheme to provide for discrimination in that way, then, by reason only of any provision made by or under sections 62 to 64 of

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