

# The Sex Discrimination Act

The Sex Discrimination Act 1975 makes it generally unlawful for an employer to discriminate directly or indirectly against women or men on grounds of sex or being married. References to a woman apply equally to a man.

Direct discrimination: where an employer treats a woman, on the ground of her sex, less favourably than he or she treats, or would treat, a man.

Examples

- Not interviewing or appointing a woman because it is felt that, because of her sex, she would not fit in.
- Sexual harassment of a woman at work.

There are only limited exceptions to the rule of no discrimination. These include where an employer seeks applicants for a job where being a woman, or a man, is a genuine occupational qualification for the job, for example where considerations of decency or privacy require the job to be held by a man or woman (e.g. a job as a changing room attendant).

Indirect discrimination: when an employer applies a requirement or condition equally to men and women, but a considerably smaller proportion of women than men can comply with it, and it cannot be justified as necessary for the job.

Examples

- Insisting on unnecessary height requirements.
- Requiring a person to be willing to work evenings when this is not operationally necessary.
- Automatically refusing training or promotion to part-timers if most part-time jobs are done by women but most full-timers are men.

Similar provisions relate to direct and indirect discrimination against a married person compared with an unmarried person.

## The Equal Pay Act 1970

The Equal Pay Act requires equal pay for men and women doing the same sort of work or work of equal value for the same or linked employers. 'Pay' means any sort of remuneration, including pensions.

### Like work

If a job done by a woman is the same as that done by a man, except that the man has very

occasional extra duties, the woman can claim equal pay if she can show that the man's extra duties make no difference of practical importance.

Example

- A Company employs female domestic cleaners who have the same duties as male labourers, except that the men have some additional duties such as sweeping leaves and snow. The women are paid less than the men. The women may have a claim to equal pay if the men's additional duties are seasonal tasks which make no practical difference to their usual run of duties.

## Work of equal value

Even two very different jobs will have 'equal value' if they place on workers equal demands in terms of factors like effort, skill and decision. The employer must not give undue value to typically male qualities (like physical strength) at the expense of typically female qualities (like manual dexterity).

Example

- A female canteen cook was held by an industrial tribunal to be employed on work of equal value with that of male painters, thermal insulation engineers and joiners working for the same employer. The jobs were assessed under five headings: physical demands; environmental demands; planning and decision making; skills and knowledge; and responsibility. The overall scores of the jobs were found to be equal.
- The above is an extract from Equality pays - How Equal Opportunities can benefit your business - A guide for small employers.

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