

SCHEDULES

SCHEDULE 5

EMPLOYMENT-RELATED SCHEMES FOR PENSIONS OR OTHER BENEFITS: EQUAL TREATMENT FOR MEN AND WOMEN

PART II

AMENDMENT OF ENACTMENTS RELATING TO EMPLOYMENT

Sex Discrimination Act 1975 (c. 65)

- 14 (1) In section 4(1) of the Sex Discrimination Act 1975 (victimisation of complainants etc)—
- (a) in paragraphs (a), (b) and (c) after the words “Equal Pay Act 1970” there shall be inserted the words “or Part I of Schedule 5 to the Social Security Act 1989”; and
 - (b) at the end of paragraph (d) there shall be added the words “or proceedings under Part I of Schedule 5 to the Social Security Act 1989”.
- (2) In section 6 of that Act, in subsection (4) (disapplication of certain provisions in relation to death or retirement) for the words from “except” to “retirement, they” there shall be substituted the words “except as provided in subsections (4A) and (4B) below.
- (4A) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to retirement in so far as those subsections”.
- (3) After subsection (4A) of that section there shall be inserted—
- “(4B) Subsection (4) does not prevent the application of subsections (1)(b) and (2) to provision in relation to death or retirement in so far as those subsections render it unlawful for a person to discriminate against a woman—
- (a) in such of the terms on which he offers her employment as make provision in relation to the way in which he will afford her access to any benefits, facilities or services under an occupational pension scheme; or
 - (b) in the way he affords her access to any such benefits, facilities or services; or
 - (c) by refusing or deliberately omitting to afford her access to any such benefits, facilities or services; or
 - (d) by subjecting her to any detriment in connection with any such scheme;
- but an act of discrimination is rendered unlawful by virtue of this subsection only to the extent that the act relates to a matter in respect of which an occupational pension scheme has to comply with the principle of equal

Status: This is the original version (as it was originally enacted).

treatment in accordance with Part I of Schedule 5 to the Social Security Act 1989.

(4C) In the application of subsection to discrimination against married persons of either sex, Part I of Schedule 5 to the Social Security Act 1989 shall be taken to apply to less favourable treatment of married persons on the basis of their marital status as it applies in relation to less favourable treatment of persons on the basis of sex, and references to persons of either sex shall be construed accordingly.”

(4) At the end of that section there shall be added—

“(8) In this section “occupational pension scheme” means an occupational pension scheme, within the meaning of the Social Security Pensions Act 1975, which is also an employment-related benefit scheme, within the meaning of Schedule 5 to the Social Security Act 1989.”