



# Equal Pay Act 1970

## 1970 CHAPTER 41

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

- (1) The provisions of this section shall have effect with a view to securing that employers give equal treatment as regards terms and conditions of employment to men and to women, that is to say that (subject to the provisions of this section and of section 6 below)—
- (a) for men and women employed on like work the terms and conditions of one sex are not in any respect less favourable than those of the other; and
  - (b) for men and women employed on work rated as equivalent (within the meaning of subsection (5) below) the terms and conditions of one sex are not less favourable than those of the other in any respect in which the terms and conditions of both are determined by the rating of their work.

The following provisions of this section and section 2 below are framed with reference to women and their treatment relative to men, but are to be read as applying equally in a converse case to men and their treatment relative to women.

- (2) It shall be a term of the contract under which a woman is employed at an establishment in Great Britain that she shall be given equal treatment with men in the same employment, that is to say 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 class.
- (3) Where a woman is employed at an establishment in Great Britain otherwise than under a contract which includes (directly or by reference to a collective agreement or otherwise) a term satisfying subsection (2) above, the terms and conditions of her employment shall include an implied term giving effect to that subsection.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.
- (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) a person is to be regarded as employed at an establishment if he is employed to work in the establishment or, in the case of a person employed to work otherwise than in an establishment, if his employment is carried out from the establishment;
  - (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.
- (7) A person is not to be regarded for purposes of this section as employed at an establishment in Great Britain if his employment is wholly or mainly outside Great Britain; but—
- (a) employment on aircraft or hovercraft registered in Great Britain shall not be regarded as employment outside Great Britain, unless it is wholly outside Great Britain;
  - (b) persons employed to work on board a ship registered in Great Britain, unless the employment is wholly outside Great Britain, are to be regarded as employed at an establishment in Great Britain, and the ship shall be deemed to be the establishment.
- (8) This section shall apply to persons employed under or for purposes of a Minister of the Crown or government department, otherwise than as members of the naval, military or air forces of the Crown or of any women's service administered by the Defence Council, as it would apply if they were employed by a private person.