



Equal Pay Act 1970

1970 CHAPTER 41

3 Collective agreements and pay structures

- (1) Where a collective agreement made before or after the commencement of this Act contains any provision applying specifically to men only or to women only, the agreement may be referred, by any party to it or by the Secretary of State, to the Industrial Court constituted under Part I of the Industrial Courts Act 1919 to declare what amendments need to be made in the agreement, in accordance with subsection (4) below, so as to remove that discrimination between men and women.
- (2) Where on a reference under subsection (1) above the Industrial Court have declared the amendments needing to be made in a collective agreement in accordance with that subsection, then—
 - (a) in so far as the terms and conditions of a person's employment are dependent on that agreement, they shall be ascertained by reference to the agreement as so amended, and any contract regulating those terms and conditions shall have effect accordingly; and
 - (b) if the Industrial Court make or have made, under section 8 of the Terms and Conditions of Employment Act 1959 or any other enactment, an award or determination requiring an employer to observe the collective agreement, the award or determination shall have effect by reference to the agreement as so amended.
- (3) On a reference under subsection (1) above the Industrial Court may direct that all or any of the amendments needing to be made in the collective agreement shall be treated as not becoming effective until a date after their decision, or as having been effective from a date before their decision but not before the reference to them, and may specify different dates for different purposes; and subsection (2) above and any such contract, award or determination as is there mentioned shall have or be deemed to have had effect accordingly.
- (4) Subject to section 6 below, the amendments to be made in a collective agreement under this section shall be such as are needed—
 - (a) to extend to both men and women any provision applying specifically to men only or to women only; and

Status: This is the original version (as it was originally enacted).

- (b) to eliminate any resulting duplication in the provisions of the agreement in such a way as not to make the terms and conditions agreed for men, or those agreed for women, less favourable in any respect than they would have been without the amendments;

but the amendments shall not extend the operation of the collective agreement to men or to women not previously falling within it, and where accordingly a provision applying specifically to men only or to women only continues to be required for a category of men or of women (there being no provision in the agreement for women or, as the case may be, for men of that category), then the provision shall be limited to men or women of that category but there shall be made to it such amendments, if any, as are needed to secure that the terms and conditions of the men or women of that category are not in any respect less favourable than those of all persons of the other sex to whom the agreement applies.

- (5) For purposes of this section " collective agreement" means any agreement as to terms and conditions of employment, being an agreement between—
 - (a) parties who are or represent employers or organisations of employers or associations of such organisations; and
 - (b) parties who are or represent organisations of employees or associations of such organisations;

but includes also any award modifying or supplementing such an agreement.

- (6) Subsections (1) to (4) above (except subsection (2)(b) and subsection (3) in so far as it relates to subsection (2)(b)) shall have effect in relation to an employer's pay structure as they have effect in relation to a collective agreement, with the adaptation that a reference to the Industrial Court may be made by the employer or by the Secretary of State; and for this purpose " pay structure " means any arrangements adopted by an employer (with or without any associated employer) which ux common terms and conditions of employment for his employees or any class of his employees, and of which the provisions are generally known or open to be known by the employees concerned.
- (7) In this section the expression " employment " and related expressions, and the reference to an associated employer, shall be construed in the same way as in section 1 above, and section 1(8) shall have effect in relation to this section as well as in relation to that section.