



Sex Discrimination Act 1975

1975 CHAPTER 65

PART I

DISCRIMINATION TO WHICH ACT APPLIES

1 Sex discrimination against women

- (1) A person discriminates against a woman in any circumstances relevant for the purposes of any provision of this Act 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) If a person treats or would treat a man differently according to the man's marital status, his treatment of a woman is for the purposes of subsection (1)(a) to be compared to his treatment of a man having the like marital status.

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.

Status: This is the original version (as it was originally enacted).

3 Discrimination against married persons in employment field

- (1) A person discriminates against a married person of either sex in any circumstances relevant for the purposes of any provision of Part II if—
- (a) on the ground of his or her marital status he treats that person less favourably than he treats or would treat an unmarried person of the same sex, or
 - (b) he applies to that person a requirement or condition which he applies or would apply equally to an unmarried person but—
 - (i) which is such that the proportion of married persons who can comply with it is considerably smaller than the proportion of unmarried persons of the same sex who can comply with it, and
 - (ii) which he cannot show to be justifiable irrespective of the marital status of the person to whom it is applied, and
 - (iii) which is to that person's detriment because he cannot comply with it.
- (2) For the purposes of subsection (1), a provision of Part II 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.

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
 - (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
 - (c) otherwise done anything under or by reference to this Act or the Equal Pay Act 1970 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 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.

5 Interpretation

- (1) In this Act—
- (a) references to discrimination refer to any discrimination falling within sections 1 to 4; and

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- (b) references to sex discrimination refer to any discrimination falling within section 1 or 2,
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) A comparison of the cases of persons of different sex or marital status under section 1(1) or 3(1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.