



# Sex Discrimination Act 1975

## 1975 CHAPTER 65

### PART VII

#### ENFORCEMENT

##### *Enforcement in employment field*

#### **63 Jurisdiction of industrial tribunals**

- (1) A complaint by any person ("the complainant") that another person ("the respondent")
- (a) has committed an act of discrimination against the complainant which is unlawful by virtue of Part II, or
  - (b) is by virtue of section 41 or 42 to be treated as having committed such an act of discrimination against the complainant,
- may be presented to an industrial tribunal.
- (2) Subsection (1) does not apply to a complaint under section 13(1) of an act in respect of which an appeal, or proceedings in the nature of an appeal, may be brought under any enactment.

#### **64 Conciliation in employment cases**

- (1) Where a complaint has been presented to an industrial tribunal under section 63, or under section 2(1) of the Equal Pay Act 1970, and a copy of the complaint has been sent to a conciliation officer, it shall be the duty of the conciliation officer—
- (a) if he is requested to do so both by the complainant and the respondent, or
  - (b) if, in the absence of requests by the complainant and the respondent, he considers that he could act under this subsection with a reasonable prospect of success,
- to endeavour to promote a settlement of the complaint without its being determined by an industrial tribunal.

- (2) Where, before a complaint such as is mentioned in subsection (1) has been presented to an industrial tribunal, a request is made to a conciliation officer to make his services available in the matter by a person who, if the complaint were so presented, would be the complainant or respondent, subsection (1) shall apply as if the complaint had been so presented and a copy of it had been sent to the conciliation officer.
- (3) In proceeding under subsection (1) or (2), a conciliation officer shall where appropriate have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (4) Anything communicated to a conciliation officer in connection with the performance of his functions under this section shall not be admissible in evidence in any proceedings before an industrial tribunal except with the consent of the person who communicated it to that officer.

## **65 Remedies on complaint under section 63**

- (1) Where an industrial tribunal finds that a complaint presented to it under section 63 is well-founded the tribunal shall make such of the following as it considers just and equitable—
  - (a) an order declaring the rights of the complainant and the respondent in relation to the act to which the complaint relates;
  - (b) an order requiring the respondent to pay to the complainant compensation of an amount corresponding to any damages he could have been ordered by a county court or by a sheriff court to pay to the complainant if the complaint had fallen to be dealt with under section 66;
  - (c) a recommendation that the respondent take within a specified period action appearing to the tribunal to be practicable for the purpose of obviating or reducing the adverse effect on the complainant of any act of discrimination to which the complaint relates.
- (2) The amount of compensation awarded to a person under subsection (1)(b) shall not exceed the amount for the time being specified in paragraph 20(1)(b) of Schedule 1 to the Trade Union and Labour Relations Act 1974.
- (3) If without reasonable justification the respondent to a complaint fails to comply with a recommendation made by an industrial tribunal under subsection (1)(c), then, if they think it just and equitable to do so—
  - (a) the tribunal may increase the amount of compensation required to be paid to the complainant in respect of the complaint by an order made under subsection (1)(b), or
  - (b) if an order under subsection (1)(b) could have been made but was not, the tribunal may make such an order.