Equal Opportunities & Equal Treatment Directive 2006/54/EC
Art1 – Directive purpose is to ensure equal opportunities & treatment of men & women

Art 2 – Discrimination includes:
- instruction to discriminate on grounds of sex
- any less favourable treatment of women related to pregnancy or maternity within the meaning of Directive 92/85/EC

Positive discrimination in favour of Women in terms of access to work?
- Marschall v Land Nordrhein-Westfalen
  ▪ Act’s aim is to ensure that neither gender is treated less favourably

Armed Forces
- Schedule 9, Pt 1 para 4 allows armed forces to discriminate against women or transsexual to ensure combat effectiveness.

Dress Codes
Rules are set for
- Operational reasons eg. Safety & hygiene.
- ‘Professional image’ – sometimes different rules for men & women
  ▪ Courts appear willing to grant large discretion to employers here as long as neither gender is treated less favourably a whole.
- Burrett v West Birmingham Health Authority
  ▪ Female nurse complained of hat which men didn’t have to wear
  ▪ Had no practical purpose but held not treated less favourably than men
- Smith v Safeway plc (ponytail)
  ▪ Held: Employers entitled to lay down ‘reasonable’ requirements as to employee presentation when working in contact with the public.
- Department for Work & Pensions v Thompson
  ▪ Job Centre male required collar & tie despite no public contact
  ▪ Overarching requirement of dress in a ‘business-like’ way meant no less favourable treatment to males.
- Ministry of Defence v Jeremiah
  ▪ Factory overtime voluntary but male volunteers required to work in dirty environment requiring protective clothing & showers
  ▪ Overtime pay for showering time was irrelevant
  ▪ Requiring only men to do work in question was unlawful discrimination

Equal Pay

- Under Section 66 of the Equality Act 2010 every worker’s contract is deemed to include an ‘equality clause’