

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 as long as neither gender is treated less favourably as a whole.
- *Burrett v West Birmingham Health Authority*
 - Female nurse complained of hair 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

Equal Pay previously contained in Equal Pay Act 1970 & Sex Discrimination Act 1975. Now under EqA under 'equality of terms'. Relate to differences in pay between men & women. These are separate & in addition to sex discrimination provisions.

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