1984 No. 16

SEX DISCRIMINATION

Equal Pay (Amendment) Regulations (Northern Ireland) 1984

Made . . . . . *20th January 1984*

Coming into operation . . . *15th March 1984*

The Department of Economic Development, being a Department designated for the purposes of section 2(2) of the European Communities Act 1972(**a**) in relation to measures to prevent discrimination between men and women as regards terms and conditions of employment (**b**), in exercise of the powers conferred by that section, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Equal Pay (Amendment) Regulations (Northern Ireland) 1984.

(2) These Regulations shall come into operation on 15th March 1984.

(3) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

New form of equality clause

2.—(1) In subsection (2) of section 1 of the Equal Pay Act (Northern Ireland) 1970(**d**) (equality clauses to be implied into contracts of employment), after paragraph (*b*) there shall be inserted the following paragraph:—

"(*c*) where a woman is employed on work which, not being work in relation to which paragraph (*a*) or (*b*) applies, is, in terms of the demands made on her (for instance under such headings as effort, skill and decision), of equal value to that of a man in the same employment—

(i) if (apart from the equality clause) any term of the woman's contract is or becomes less favourable to the woman than a term of a similar kind in the contract under which that man is employed, that term of the woman's contract shall be treated as so modified as not to be less favourable, and

(ii) if (apart from the equality clause) at any time the woman's contract does not include a term corresponding to a term benefiting that man included in the contract under which he is employed, the woman's contract shall be treated as including such a term.".

(2) For subsection (3) of the said section 1 (defence of genuine material difference) there shall be substituted the following subsection:—

"(3) An equality clause shall not operate in relation to a variation between the woman's contract and the man's contract if the employer proves that the variation is genuinely due to a material factor which is not the difference of sex and that factor—

(*a*) in the case of an equality clause falling within subsection (2)(*a*) or (*b*), must be a material difference between the woman's case and the man's; and

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(**a**) 1972 c. 68
(**b**) The European Communities (Designation) (No. 3) Order 1982 S.I. 1982/1675
(**c**) 1954 c. 33 (N.I.)
(**d**) 1970 c. 32 (N.I.); section 1 was amended by the Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15)) Article 11, Schedule 1 paragraph 1