



Race Relations Act 1976

1976 CHAPTER 74

PART II

DISCRIMINATION IN THE EMPLOYMENT FIELD

Discrimination by other bodies

10 Partnerships

- (1) It is unlawful for a firm consisting of six or more partners, in relation to a position as partner in the firm, to discriminate against a person—
 - (a) in the arrangements they make for the purpose of determining who should be offered that position ; or
 - (b) in the terms on which they offer him that position; or
 - (c) by refusing or deliberately omitting to offer him that position; or
 - (d) in a case where the person already holds that position—
 - (i) in the way they afford him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them; or
 - (ii) by expelling him from that position, or subjecting him to any other detriment.
- (2) Subsection (1) shall apply in relation to persons proposing to form themselves into a partnership as it applies in relation to a firm.
- (3) Subsection (1)(a) and (c) do not apply to a position as partner where, if it were employment, being of a particular racial group would be a genuine occupational qualification for the job.
- (4) In the case of a limited partnership references in this section to a partner shall be construed as references to a general partner as defined in section 3 of the Limited Partnerships Act 1907.

11 Trade unions etc.

- (1) This section applies to an organisation of workers, an organisation of employers, or any other organisation whose members carry on a particular profession or trade for the purposes of which the organisation exists.
- (2) It is unlawful for an organisation to which this section applies, in the case of a person who is not a member of the organisation, to discriminate against him—
 - (a) in the terms on which it is prepared to admit him to membership; or
 - (b) by refusing, or deliberately omitting to accept, his application for membership.
- (3) It is unlawful for an organisation to which this section applies, in the case of a person who is a member of the organisation, to discriminate against him—
 - (a) in the way it affords him access to any benefits, facilities or services, or by refusing or deliberately omitting to afford him access to them ; or
 - (b) by depriving him of membership, or varying the terms on which he is a member; or
 - (c) by subjecting him to any other detriment.

12 Qualifying bodies

- (1) It is unlawful for an authority or body which can confer an authorisation or qualification which is needed for, or facilitates, engagement in a particular profession or trade to discriminate against a person—
 - (a) in the terms on which it is prepared to confer on him that authorisation or qualification ; or
 - (b) by refusing, or deliberately omitting to grant, his application for it; or
 - (c) by withdrawing it from him or varying the terms on which he holds it.
- (2) In this section—
 - (a) " authorisation or qualification" includes recognition, registration, enrolment, approval and certification;
 - (b) " confer " includes renew or extend.
- (3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 17 or 18.

13 Vocational training bodies

- (1) It is unlawful for a person to whom this subsection applies, in the case of an individual seeking or undergoing training which would help to fit him for any employment, to discriminate against him—
 - (a) in the terms on which that person affords him access to any training courses or other facilities; or
 - (b) by refusing or deliberately omitting to afford him such access; or
 - (c) by terminating his training.
- (2) Subsection (1) applies to—
 - (a) industrial training boards established under section 1 of the Industrial Training Act 1964 ;
 - (b) the Manpower Services Commission, the Employment Service Agency, and the Training Services Agency ;

- (c) any association which comprises employers and has as its principal object, or one of its principal objects, affording their employees access to training facilities ;
 - (d) any other person providing facilities for training for employment, being a person designated for the purposes of this paragraph in an order made by the Secretary of State.
- (3) Subsection (1) does not apply to discrimination which is rendered unlawful by section 17 or 18.

14 Employment agencies

- (1) It is unlawful for an employment agency to discriminate against a person—
- (a) in the terms on which the agency offers to provide any of its services; or
 - (b) by refusing or deliberately omitting to provide any of its services; or
 - (c) in the way it provides any of its services.
- (2) It is unlawful for a local education authority or an education authority to do any act in the performance of its functions under section 8 of the Employment and Training Act 1973 which constitutes discrimination.
- (3) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.
- (4) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person in question.
- (5) An employment agency or local education authority or an education authority shall not be subject to any liability under this section if it proves—
- (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (4), its action would not be unlawful; and
 - (b) that it was reasonable for it to rely on the statement.
- (6) A person who knowingly or recklessly makes a statement such as is referred to in subsection (5)(a) which in a material respect is false or misleading commits an offence, and shall be liable on summary conviction to a fine not exceeding £400.

15 Manpower Services Commission etc.

- (1) It is unlawful for any of the following bodies to discriminate in the provision of facilities or services under section 2 of the Employment and Training Act 1973—
- (a) the Manpower Services Commission ;
 - (b) the Employment Service Agency ;
 - (c) the Training Services Agency.
- (2) This section does not apply in a case where—
- (a) section 13 applies; or
 - (b) the body is acting as an employment agency.