

SCHEDULES

SCHEDULE 9

WORK: EXCEPTIONS

PART 1

OCCUPATIONAL REQUIREMENTS

General

- 1 (1) A person (A) does not contravene a provision mentioned in sub-paragraph (2) by applying in relation to work a requirement to have a particular protected characteristic, if A shows that, having regard to the nature or context of the work—
- (a) it is an occupational requirement,
 - (b) the application of the requirement is a proportionate means of achieving a legitimate aim, and
 - (c) the person to whom A applies the requirement does not meet it (or A has reasonable grounds for not being satisfied that the person meets it).
- (2) The provisions are—
- (a) section 39(1)(a) or (c) or (2)(b) or (c);
 - (b) section 41(1)(b);
 - (c) section 44(1)(a) or (c) or (2)(b) or (c);
 - (d) section 45(1)(a) or (c) or (2)(b) or (c);
 - (e) section 49(3)(a) or (c) or (6)(b) or (c);
 - (f) section 50(3)(a) or (c) or (6)(b) or (c);
 - (g) section 51(1).
- (3) The references in sub-paragraph (1) to a requirement to have a protected characteristic are to be read—
- (a) in the case of gender reassignment, as references to a requirement not to be a transsexual person (and section 7(3) is accordingly to be ignored);
 - (b) in the case of marriage and civil partnership, as references to a requirement not to be married or a civil partner (and section 8(2) is accordingly to be ignored).
- (4) In the case of a requirement to be of a particular sex, sub-paragraph (1) has effect as if in paragraph (c), the words from “(or” to the end were omitted.