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LEGISLATION

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EMPLOYMENT (EQUALITY) ORDINANCE 2013

An Ordinance to provide for equal treatment in relation to race and other protected characteristics in employment

J. S. WRIGHT
DEPUTY ADMINISTRATOR

4th February 2013.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

PART 1

Preliminary

1. Short title and commencement

This Ordinance may be cited as the Employment (Equality) Ordinance 2013 and comes into force on 1 March 2013.

2. Interpretation

(1) In this Ordinance—

“age” in relation to the protected characteristic of age is a reference to a person of a particular age group;

“age group” is a group of persons defined by reference to their age whether by reference to a particular age or a range of ages;

“belief” means any religious or philosophical belief and a reference to belief includes a reference to a lack of belief;

“Chief Inspector” and “inspector” mean those persons who may be appointed as such under section 18;

“the Crown” means Her Majesty in right of Her Government in the United Kingdom and in right of Her Administration of the Areas;

“direct discrimination” has the meaning given by section 4(1);

“dismissal” means the termination of employment by the employer including—

- (a) a resignation by the employee because of the conduct of the employer;
- (b) the expiry of a fixed term contract;

“employment” means employment under a contract of employment, a contract of apprenticeship or a contract personally to do work;

“harassment” has the meaning given by section 5;

“indirect discrimination” has the meaning given by section 4(3);

“less favourable treatment” has the meaning given by section 6;

“normal retirement age” in relation to an employee, means the age at which employees in the employer’s undertaking who hold, or have held, employment under the same or similar terms as the employee are normally required to retire;

“positive act” is an act which, even though it may appear to be discriminatory,—

- (a) is carried out by or on behalf of the employer for the purpose of achieving equality in the workplace for all individuals employed by the employer who have one or more protected characteristics;
- (b) affords specific assistance in relation to training for work or encourages such individuals to take advantage of opportunities for doing the work; and
- (c) is a proportionate and legitimate means of preventing or compensating for disadvantages on the grounds of that or those protected characteristics;

“protected characteristics” has the meaning given by section 3;

“race” includes ethnic origin but does not include nationality;

“religion” means any religion and a reference to religion includes a reference to a lack of religion;

“relevant organisation” means—

- (a) a trades union,
- (b) an organisation representing the interests of employees,
- (c) an organisation whose purpose is the promotion or the protection of one or more protected characteristics;

“sexual orientation” means a person’s sexual orientation towards persons—

- (a) of the same sex,
- (b) of the opposite sex, or
- (c) of either sex;

“Tribunal” means the Industrial Disputes Tribunal established under section 16 of the Annual Holidays with Pay Ordinance 1973(a).

- (2) A reference to an employer or employee is to be read by reference to the definition of employment in subsection (1).
- (3) A person holding personal or public office is an employee for the purpose of this Ordinance and the person responsible for paying that person is an employer.

3. Protected characteristics

The following are protected characteristics—

- (a) race;
- (b) age;
- (c) religion or belief; and
- (d) sexual orientation.

4. Discrimination

- (1) A person (A) discriminates against another (B) if, because of a protected characteristic of B, A treats B less favourably than A treats or would treat others.
- (2) If the protected characteristic is age, there is no direct discrimination if A can show A's treatment of B is a proportionate means of achieving a legitimate aim.
- (3) A person (A) discriminates against another (B) if A applies to B, who has a protected characteristic, a provision, criterion or practice which A applies or would apply to other persons with whom B does not share the protected characteristic but—
 - (a) which places or would place persons with whom B shares the protected characteristic at a particular disadvantage when compared with persons who do not share the characteristic;
 - (b) which places B, or would place B, at that disadvantage; and
 - (c) which A cannot show is a proportionate means of achieving a legitimate aim.
- (4) In relation to a person who is not a recognised resident or who does not lawfully reside in the Republic, this section does not apply to any difference of treatment, which would otherwise be discriminatory, relating to the person's legal status or conditions with regard to entry or residence.
- (5) For the purpose of this section, a "recognised resident" has the meaning given in the Control (Entry, Settlement and Commercial Enterprises) Ordinance 1960**(b)**.

5. Harassment

- (1) A person (A) harasses another (B) if—
 - (a) A engages in unwanted conduct related to a protected characteristic; and
 - (b) the conduct has the purpose or effect of—
 - (i) violating B's dignity; or
 - (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
- (2) In deciding whether conduct has the purpose or effect referred to in subsection (1)(b), each of the following must be taken into account—
 - (a) the perception of B;
 - (b) the other circumstances of the case; and
 - (c) whether it is reasonable for the conduct to have that effect.

6. Less favourable treatment

- (1) A person (A) treats another (B) less favourably if A subjects B to a detriment because—
 - (a) B does a protected act; or
 - (b) A believes that B has done a protected act.
- (2) Each of the following is a protected act—
 - (a) bringing proceedings under this Ordinance;
 - (b) giving evidence or information in connection with proceedings under this Ordinance;
 - (c) doing any other thing for the purposes of or in connection with this Ordinance;
 - (d) making an allegation (whether or not express) that A or another person has contravened this Ordinance.
- (3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

PART 2

Equal Treatment in Employment

7. Field of application

Subject to sections 26 and 27, this Ordinance applies to employees or applicants for employment in the private or public sectors.

8. Employment: discrimination

- (1) An employer (A) must not subject a person (B) to direct or indirect discrimination—
 - (a) in the arrangements A makes for deciding to whom to offer employment;
 - (b) as to the terms on which A offers B employment; or
 - (c) by not offering B employment.
- (2) An employer (A) must not subject A's employee (B) to direct or indirect discrimination—
 - (a) as to B's terms of employment;
 - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
 - (c) by dismissing B; or
 - (d) by subjecting B to any other detriment.
- (3) Subsection (2)(c) does not apply if, immediately after the dismissal, the employment is renewed on the same terms.
- (4) This section is subject to Part 3.
- (5) Subject to section 24, an employer who contravenes subsection (1) or (2) commits an offence and, on conviction, is liable to a fine not exceeding €3,417.

9. Employment: harassment

- (1) An employer (A) must not, in relation to employment by A, subject a person to harassment—
 - (a) who is an employee of A's; or
 - (b) who has applied to A for employment.
- (2) Subject to section 24, an employer who contravenes subsection (1) commits an offence and, on conviction, is liable to a fine not exceeding €3,417.

10. Protection of employees

- (1) An employer (A) must not subject a person (B) to less favourable treatment —
 - (a) in the arrangements A makes for deciding to whom to offer employment;
 - (b) as to the terms on which A offers B employment; or
 - (c) by not offering B employment.
- (2) An employer (A) must not subject A's employee (B) to less favourable treatment —
 - (a) as to B's terms of employment;
 - (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for any other benefit, facility or service;
 - (c) by dismissing B; or
 - (d) by subjecting B to any other detriment.
- (3) Subsection (2)(c) does not apply if, immediately after the dismissal, the employment is renewed on the same terms.
- (4) Subject to section 24, an employer who contravenes subsection (1) or (2) commits an offence and, on conviction, is liable to a fine not exceeding €3,417.

11. Membership of an organisation

- (1) An employer (A) must not discriminate against, harass or subject A's employee (B) to less favourable treatment because of B's membership of, or involvement in (including access to benefits)—
 - (a) an organisation of employees or employers; or
 - (b) an organisation whose members carry on a particular profession.
- (2) Subject to section 24, an employer who contravenes subsection (1) commits an offence and, on conviction, is liable to a fine of €3,417.

12. Unenforceable terms and provisions

- (1) Subject to section 14, the terms and provisions specified in subsection (2) have no effect in so far as they promote or provide for treatment which is contrary to this Ordinance.
- (2) The terms and provisions referred to in subsection (1) are terms and provisions —
 - (a) in a contract (including a contract of employment);
 - (b) in a collective agreement;
 - (c) in rules of an undertaking including, but not limited to, the rules of an organisation representing employers or employees.

PART 3

Exceptions

CHAPTER 1

Exceptions on limited grounds

13. Positive act

An employer does not contravene section 8 if the employer carries out a positive act.

14. Race exception on national security and other grounds

The Ordinance does not prevent any measures being taken on the grounds of race which are provided for by legislation and which are necessary for safeguarding—

- (a) national security;
- (b) public order;
- (c) the prevention of criminal conduct;
- (d) the protection of health; or
- (e) the rights and freedoms of others.

15. Genuine and determining occupational requirement

An employer does not contravene section 8 if—

- (a) due to the nature of the work or the framework within which it is carried out, a protected characteristic constitutes a genuine and determining occupational requirement; and
- (b) it is a proportionate means of achieving a legitimate aim.

16. Exception due to religion or belief

An employer does not contravene section 8 if there is any difference of treatment by an organisation which would otherwise be unlawful under this Ordinance but the difference of treatment is a proportionate means of achieving a legitimate aim and occurs—

- (a) as a result of the activities of the organisation; and
- (b) because of the organisation's beliefs or religious doctrines which are a fundamental requirement of the organisation.

CHAPTER 2

Age

17. Provisions and exceptions due to age

- (1) An employer does not contravene section 8 if the employer subjects an employee or an applicant for employment to a difference of treatment which—
 - (a) occurs due to a person's age; and
 - (b) is a proportionate means of achieving a legitimate aim.
- (2) A legitimate aim may be—
 - (a) an employment policy;
 - (b) labour market objectives;
 - (c) a vocational training objective; or
 - (d) another similar objective.
- (3) The difference in treatment may include—
 - (a) promoting the vocational integration or ensuring the protection of young or older persons and those who have caring responsibilities for young or older persons, by imposing special conditions on—
 - (i) access to employment;
 - (ii) vocational training;
 - (iii) remuneration; or
 - (iv) dismissal;
 - (b) conditions concerning a minimum age, professional experience or seniority with regard to—
 - (i) access to employment; or
 - (ii) certain advantages linked to employment;
 - (c) a requirement for a maximum age for recruitment which is based on—
 - (i) the training requirements for a post; or
 - (ii) the need for a reasonable period of employment before retirement.
- (4) An employer does not contravene section 8 if there is any difference of treatment which would otherwise be unlawful under this Ordinance but the difference of treatment occurs because—
 - (a) an employee has reached—
 - (i) normal retirement age; or
 - (ii) where there is no such age, the age of 65;
 - (b) the employee is dismissed; and
 - (c) the reason for the dismissal is retirement.
- (5) Provided that this does not result in discrimination on the grounds of sex, with regard to occupational social insurance schemes, an employer does not contravene section 8 if there is any difference of treatment which would otherwise be unlawful under this Ordinance but the difference of treatment is in respect of age requirements concerning admission to a scheme or entitlement to retirement or invalidity benefits, including—
 - (a) the fixing under these schemes of different ages for employees or groups or categories of employees; or
 - (b) the use of age criteria in actuarial calculations.

PART 4

Enforcement

CHAPTER 1

Inspectors

18. Appointment of Chief Inspector and inspectors

- (1) The Chief Officer may appoint a Chief Inspector and such other inspectors as the Chief Officer may consider necessary for the more effective application of this Ordinance.
- (2) The powers and duties of the Chief Inspector and inspectors may be prescribed by regulations.
- (3) The functions of the Chief Inspector and an inspector are general delegated functions for the purposes of the Delegation of Functions to the Republic Ordinance 2007(c) (irrespective of whether a Chief Inspector or an inspector is appointed under subsection (1)).

CHAPTER 2

Claims to a Tribunal

19. Jurisdiction of the Tribunal

- (1) Subject to subsection (2), the Tribunal has exclusive jurisdiction to determine any dispute of a civil nature (including any ancillary or incidental matter relating to such a dispute) arising from the provisions of this Ordinance.
- (2) Part 3 of the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960(d) applies to disputes of a civil nature arising from the provisions of this Ordinance, and for this purpose—
 - (a) proceedings in connection with such a dispute are to be treated as civil proceedings and, as appropriate, as an action or an appeal;
 - (b) the Tribunal is to be treated as a Court of the Areas, and the Industrial Disputes Court of the Republic is to be treated as a District Court of the Republic; and
 - (c) any corporation, company or other body corporate established in the Republic under the provisions of any Law of the Republic, is treated as a Cypriot.

20. Bringing a claim to the Tribunal

- (1) A claim in respect of a contravention of section 8(1), 8(2), 9(1), 10(1), 10(2), 11(1) or 12 may be brought to the Tribunal during employment or before or after the employment has ended and, where the claim relates to an offer of employment, irrespective of whether or not there is or was an employment relationship.
- (2) Proceedings on a claim to the Tribunal may not be brought after the end of the period of 12 months starting with the date of the act to which the claim relates.
- (3) For the purpose of subsection (2), conduct extending over a period is to be treated as done at the end of the period.

21. Burden of proof

- (1) This section applies to proceedings relating to a contravention of this Ordinance except proceedings relating to a criminal offence.
- (2) If there are facts from which the Tribunal could decide, in the absence of any other explanation, that the employer (A) contravened the provision concerned, the Tribunal must hold that the contravention occurred.
- (3) Subsection (2) does not apply if A proves that A did not contravene the provision.

22. Powers of the Tribunal

- (1) Where the Tribunal upholds a claim, the Tribunal must make such of the following orders as it considers just and equitable—
 - (a) an order declaring the rights of the claimant in relation to the act to which the claim relates;
 - (b) an order requiring the employer to pay compensation to the claimant of such amount as the Tribunal considers just and equitable in the circumstances having regard to—
 - (i) the act complained of; and
 - (ii) any loss sustained by the claimant which is attributable to that act.
- (2) Interest determined in accordance with section 16A of the Annual Holidays with Pay Ordinance 1973(e) is payable by the respondent on any compensation awarded by the Tribunal under subsection (1)(b).
- (3) An award made by the Tribunal or by the Industrial Disputes Court of the Republic under the provisions of this Ordinance is recoverable as a civil debt.

CHAPTER 3

Relevant organisations

23. Representation by a relevant organisation

- (1) Subject to subsection (2), a relevant organisation may, on behalf of an employee alleging a contravention of this Ordinance,—
 - (a) bring a claim to the Tribunal in the name of the employee under section 20(1); and
 - (b) represent the employee—
 - (i) during the investigation of the complaint; or
 - (ii) in proceedings before the Tribunal.
- (2) The employee must consent to the relevant organisation doing an act specified in subsection (1).

PART 5

General

24. Offences

- (1) Where an offence under this Ordinance is committed by a body corporate it is liable, on conviction, to a fine not exceeding €6,834.
- (2) If an offence committed by a body corporate is committed with the consent of, or is attributable to the negligence of, an officer of that body corporate, the officer also commits an offence and is liable, on conviction, to a fine not exceeding €3,417.

25. Regulations

- (1) The Administrator may make regulations as a public instrument for the more effective application of the provisions of this Ordinance.
- (2) Regulations made under this section may contain such provision as may be made by this Ordinance.
- (3) Without prejudice to the generality of subsection (1), the Administrator may make provision in relation to the basis on which any positive act may be taken in accordance with this Ordinance, the type of act to be permitted and the duration of such act.

26. Application to the Crown

- (1) Subject to the provisions of this section, this Ordinance applies to the Crown.
- (2) In relation to race, as regards the Crown, this Ordinance does not affect—
 - (a) the United Kingdom’s rights and obligations as a party to the Treaty of Establishment; or
 - (b) the application of section 5(1)(f) of the Employment (Termination) Ordinance 2010~~(f)~~.
- (3) This Ordinance does not apply to the Crown in relation to—
 - (a) service of a member of Her Majesty’s Forces;
 - (b) its employment of a member of the Civilian component as defined in paragraph 1(b) of section 1 of Annex C of the Treaty of Establishment; or
 - (c) a person enjoying the rights and facilities of members of Her Majesty’s Forces by virtue of paragraph 3 of section 9 of Part 2 of Annex B of the Treaty of Establishment, other than as a dependent.
- (4) Proceedings for a criminal offence may not be brought against—
 - (a) the Crown;
 - (b) an employee of the Crown acting in the course of employment for the Crown; or
 - (c) a member of Her Majesty’s Forces acting in the course of service to the Crown.

27. Application to Authorised Service Organisations and contractors

- (1) In relation to race, as regards Authorised Service Organisations and contractors working for the Crown, this Ordinance does not affect any obligations imposed on them, the purpose of which is to give effect to the United Kingdom’s rights and obligations as a party to the Treaty of Establishment.
- (2) This Ordinance does not apply to Authorised Service Organisations in relation to their employment of a member of the Civilian component.
- (3) In this section Civilian component has the same meaning given in section 26(3)(b).

Notes

- (a) Ordinance 10/73 to which there are amendments but they are not relevant to the definition of Tribunal.
- (b) Ordinance 5/60, this definition was inserted by section 2 of Ordinance 11/82 and amended by section 3 of Ordinance 13/09.
- (c) Ordinance 17/07.
- (d) Ordinance 6/60.
- (e) Ordinance 10/73, section 16A was inserted by section 2 of Ordinance 40/02.
- (f) Ordinance 3/10 to which there are amendments but they are not relevant.

EXPLANATORY NOTE

(This note is not part of the Ordinance)

Introduction

1. This explanatory note relates to the Employment (Equality) Ordinance 2013. It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. It does not form part of the Ordinance.

2. The note should be read in conjunction with the Ordinance. It is not, and is not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance brings into effect protective measures for employees and other workers in relation to race, ethnic origin, age, religion, belief and sexual orientation. It broadly replicates the Republican Equal Treatment in Employment and Occupation Law (58(I)2004) (“the Republican Law”) and imposes similar duties on employers.

4. Subject to two exceptions, the Ordinance applies to all employers in the Areas. The first exception is that although the Ordinance applies to the Crown, it does not apply to service personnel or UK based civilians. The second exception is that it does not apply to any UK based civilians employed by authorised service organisations.

5. Although the effect and extent of legislation is, in the main, similar to the Republican Law, the meanings of some of the key concepts are derived from the UK Equality Act 2010.

6. Part 1: This part defines terms used in the Ordinance and establishes key concepts on which the Ordinance is based including the characteristics which are protected (race, ethnic origin, age, religion, belief and sexual orientation) and the definitions of direct and indirect discrimination, harassment and less favourable treatment.

7. Examples of some of the protected characteristics are age which can be people of the same age (for example, 21 year olds), or a group of people who are not of the same age but, for the purposes of a particular scenario, are of a particular range of ages which mean that they share the same characteristics of age.

8. Sexual orientation is defined as being a person’s sexual orientation towards people of the same sex as him or her (in other words the person is a gay man or a lesbian); people of the opposite sex from him or her (the person is heterosexual); or people of both sexes (the person is bisexual).

9. Section 4: Discrimination. Discrimination and indirect discrimination are defined. If a person treats another less favourably because the other person has one or more of the protected characteristics or is treated less favourably because of a characteristic directly attributable to the protected characteristic, then this is direct discrimination. For age, different treatment that is justified as a proportionate means of reaching a legitimate aim, is not direct discrimination.

10. Indirect discrimination occurs when a policy which applies in the same way for everybody has an effect which causes a disadvantage to people with a protected characteristic. Where a particular group is disadvantaged in this way, a person is indirectly discriminated against if he or she is put at that disadvantage unless the person applying the policy can show that it is a proportionate means of achieving the aim. Indirect discrimination can also occur when a policy would put a person at a disadvantage if it were applied.

11. Section 5: Harassment. Harassment is defined as unwanted conduct which is related to a relevant characteristic and has the purpose or effect of creating a degrading, humiliating or offensive environment for the complainant or violating the complainant’s dignity.

12. Section 6: Less favourable treatment. This section defines what conduct amounts to less favourable treatment under the Ordinance. It provides that less favourable treatment is when one person treats another badly because he or she in good faith had done, or is suspected of having done a “protected act”.

13. Part 2: Equal treatment in employment. This Part makes it unlawful for an employer to discriminate against, harass or treat less favourably employees and individuals seeking work in respect of anything done in the course of a person’s employment or in relation to the offer of employment.

14. Section 11: An employer also must not discriminate, harass or treat less favourably an employer who is a member of or is involved in a trades union or other similar organisation.
15. Section 12: Unenforceable terms and provisions. Provisions in agreements which exclude or limit rights under the Ordinance are unenforceable.
16. Part 3 deals with exceptions.
17. Section 13: Positive act. An employer will not have discriminated if, in the context of providing training or encouragement to take advantage of opportunities, he or she assists a group of people who have one or more of the protected characteristics and the assistance is a proportionate means of compensating for their disadvantages.
18. Section 14: Race exception on national security and other grounds. A legislative measure which is necessary for national security, defence of order, prevention of criminal activities, protection of health or the rights of freedoms of others is not unlawful if it is discriminatory on the grounds of race.
19. Section 15: Genuine and determining occupational requirement. Direct discrimination is not unlawful if, because of the nature of a particular type of work, a particular characteristic is a determining requirement and it is a proportionate means of achieving a legitimate aim. An example of this is where the director of a play casts actors of a particular sex or race where their sex or race is important for the play's authenticity.
20. Section 16: Exception due to religion or belief. This provision allows a church or other similar organisation, where a religion or belief is fundamental to the organisation, to discriminate if it is a proportionate means of achieving a legitimate aim in order to avoid conflicting with the strongly held religious or philosophical doctrines of the organisation. For example, this exception would apply to a requirement that a Roman Catholic priest is a man and unmarried.
21. Section 17: Exceptions due to age. This provision allows employers to discriminate on the grounds of age if it is a proportionate means of achieving fairly wide-ranging employment-related objectives. Specific examples of these objectives are given. The provision also allows an employer to dismiss, because of retirement, those employees who have reached the normal retirement age or, if there is none, the age of 65.
22. Section 18: Appointment of Chief Inspectors and inspectors. The function to appoint inspectors by the Chief Officer is delegated under the Delegation of Functions to the Republic Ordinance 2007. The powers and duties of inspectors may be made by way of regulations. At the date of commencement of this Ordinance no Regulations have been brought into force. This is because the Republican Ordinance also contains a regulation-making power but no secondary legislation has been made.
23. Sections 19 to 22 address claims to a Tribunal.
24. Section 19: Jurisdiction of the Tribunal. As well as the SBA's Industrial Disputes Tribunal, civil proceedings may be brought in the Republican Industrial Disputes Court if all parties to the proceedings are Cypriot and where the criteria in Part 3 of the Citizens of the Republic (Jurisdiction of Courts) Ordinance 1960 apply, in particular, that the respondent or respondents want the case to be heard in a Republican court.
25. Section 20: Bringing a claim to the Tribunal. A person may commence a claim in the SBA's Industrial Disputes Tribunal on the basis that one or more of the provisions of this Ordinance have been contravened. The claim must be started within 12 months of the act which the person believes caused the contravention. However, where the claim relates to conduct extending over a period of time, all conduct is treated as being done at the end of the period.
26. Burden of proof. Section 21 applies a reverse burden of proof. Where a claimant proves facts from which, in the absence of any other explanation, the Tribunal could conclude that there has been a contravention of the Ordinance, the Tribunal must uphold a claim.
27. Section 22: Powers of the Tribunal. If the Tribunal upholds a complaint, it can make a declaration of the claimant's rights and order compensation together with interest where appropriate.
28. Section 23: Representation by organisations. This provision addresses assistance with disputes by relevant organisations such as trades unions.
29. Section 24: Offences. There are criminal offences for contravening provisions in the Ordinance but they do not apply to the Crown.

30. Section 26: Application to the Crown. The Ordinance applies to the Crown except where it conflicts with the United Kingdom's obligations under the Treaty of Establishment or with a specified provision in the Employment (Termination) Ordinance 2010. It also does not apply to those Crown servants who are afforded similar protection under the UK's legislation, the principal categories being military personnel and UK-based civil servants.

31. Section 27: Application to Authorised Service Organisations and contractors. Similar provisions in relation to Authorised Service Organisations and contractors apply in relation to race with regard to Treaty commitments. SSAFA is an Authorised Service Organisation.

Transposition table

Section	Equal Treatment in Employment and Occupation Law (58(I)/2004)	Section	Equal Treatment (Race Etc.) Ordinance
1	Short title	1	Short title and commencement
2	Interpretation	2 3 4 5	Interpretation Protected characteristics Discrimination Harassment
3	Purpose		Not replicated
4	Field of application	7	Field of application
5	Exceptions	4(3) 15 14	Discrimination Genuine and determining occupational requirement Race exception on national security and other grounds
6	Prohibition to discriminate in employment	8 9	Employment:discrimination Employment:harassment
7	Exception discrimination due to religion or beliefs	16	Exception due to religion or belief
8	Exceptions due to age	17	Provisions and exceptions due to age
9	Positive action	13	Positive act
10	Protection against reprisals	6 10	Less favourable treatment Protection of employees
11	Court protection and burden of proof	20 21	Bringing a claim to the Tribunal Burden of proof
12	Competent court	19	Jurisdiction of the Tribunal
13	Out of court protection		Not replicated
14	Representation by organisations	23	Representation by a relevant organisation
15	Criminal sanctions	24	Offences
16	Revocation or invalidity of contrary regulations	12	Unenforceable terms and provisions
17	Submission of report to the Commission		Not replicated
18	Appointment of inspectors	18	Appointment of Chief Inspector and inspectors
19	Commencement	1	Short title and commencement