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STATUTORY INSTRUMENTS

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**1976 No. 1042**

**Sex Discrimination (Northern Ireland) Order 1976**

PART III

[<sup>F1</sup>EMPLOYMENT FIELD]

*Discrimination by employers*

[<sup>F1</sup>Applicants and employees]

**8** <sup>F2</sup>.—(1) It is unlawful for a person, in relation to employment by him at an establishment in Northern Ireland, to discriminate against a woman—

- (a) in the arrangements he makes for the purpose of determining who should be offered that employment, or
- (b) in the terms on which he offers her that employment, or
- (c) by refusing or deliberately omitting to offer her that employment.

(2) It is unlawful for a person, in the case of a woman employed by him at an establishment in Northern Ireland, to discriminate against her—

- (a) in the way he affords her access to opportunities for promotion, transfer or training, or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford her access to them, or
- (b) by dismissing her, or subjecting her to any other detriment.

[<sup>F1</sup>(2A) It is unlawful for an employer, in relation to employment by him at an establishment in Northern Ireland, to subject to harassment—

- (a) a woman whom he employs, or
- (b) a woman who has applied to him for employment.]

[<sup>F3</sup>(2B) For the purposes of paragraph (2A), the circumstances in which an employer is to be treated as subjecting a woman to harassment shall include those where—

- (a) a third party subjects the woman to harassment in the course of her employment, and
- (b) the employer has failed to take such steps as would have been reasonably practicable to prevent the third party from doing so.

(2C) Paragraph (2B) does not apply unless the employer knows that the woman has been subject to harassment in the course of her employment on at least two other occasions by a third party.

(2D) In paragraphs (2B) and (2C), “third party” means a person other than—

- (a) the employer, or
- (b) a person whom the employer employs,

and for the purposes of those paragraphs it is immaterial whether the third party is the same or a different person on each occasion.]

**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 8 is up to date with all changes known to be in force on or before 04 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Para. (3) rep. by 1988 NI 13*

[<sup>F4</sup>(4) Paragraphs (1)(b) and (2) do not render it unlawful for a person to discriminate against a woman in relation to her membership of, or rights under, an occupational pension scheme in such a way that, were any term of the scheme to provide for discrimination in that way, then, by reason only of any provision made by or under Articles 62 to 64 of the Pensions (Northern Ireland) Order 1995 (equal treatment), an equal treatment rule would not operate in relation to that term.

(4A) In paragraph (4), “occupational pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993 and “equal treatment rule” has the meaning given by Article 62 of the Pensions (Northern Ireland) Order 1995.]

(5) Subject to Article 11(3), paragraph (1)(b) does not apply to any provision for the payment of money which, if the woman in question were given the employment, would be included (directly<sup>F5</sup> . . . or otherwise) in the contract under which she was employed.

(6) Paragraph (2) does not apply to benefits consisting of the payment of money when the provision of those benefits is regulated by the woman's contract of employment.

(7) Paragraph (2) does not apply to benefits, facilities or services of any description if the employer is concerned with the provision (for payment or not) of benefits, facilities or services of that description to the public, or to a section of the public comprising the woman in question, unless—

- (a) that provision differs in a material respect from the provision of the benefits, facilities or services by the employer to his employees, or
- (b) the provision of the benefits, facilities or services to the woman in question is regulated by her contract of employment, or
- (c) the benefits, facilities or services relate to training.

[<sup>F6</sup>(8) In its application to any discrimination falling within [<sup>F7</sup>Article 4A or 4B] , this Article shall have effect with the omission of paragraphs (4) to (6).]

**F1** SR 2005/426

**F2** mod. SR 1991/127

**F3** Art. 8(2B)-(2D) inserted (6.4.2008) by [Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/159\)](#), **reg. 4**

**F4** 1995 NI 22

**F5** 1988 NI 13

**F6** SR 1999/311

**F7** Words in [art. 8\(8\)](#) substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), **regs. 1(1), 9**

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 8 is up to date with all changes known to be in force on or before 04 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Instrument am. (prosp.) by [1998 c. 17 s.50Sch.4 para.13](#)
- Instrument am. (prosp.) by [1998 c. 32 s.74\(1\)Sch.4 para.12](#)
- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 46 s. 22](#)
- Act amended by [1996 c. 46 s. 22](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch.3 rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(4\). Sch.15](#)
- Sch.6 para.2 rev. (prosp.) by [1998 c. 47 s. 100\(2\)Sch.15](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.19(6)(aa) added (prosp.) by [1997 c. 50 s.134\(1\)Sch.9 para.37](#)
- art.54(2)(3)(4) rev. (prosp.) by [1998 c. 47 ss .99 100\(2\) Sch.13 para.2\(3\)\(b\). Sch. 15](#)