



# Employment Act 1989

## 1989 CHAPTER 38

### *Removal of restrictions and other requirements relating to employment*

#### **11 Exemption of Sikhs from requirements as to wearing of safety helmets [<sup>F1</sup>at workplaces].**

- (1) Any requirement to wear a safety helmet which (apart from this section) would, by virtue of any statutory provision or rule of law, be imposed on a Sikh who is [<sup>F2</sup>at a workplace] shall not apply to him at any time when he is wearing a turban.
- (2) Accordingly, where—
  - (a) a Sikh who is [<sup>F3</sup>at a workplace] is for the time being wearing a turban, and
  - (b) (apart from this section) any associated requirement would, by virtue of any statutory provision or rule of law, be imposed—
    - (i) on the Sikh, or
    - (ii) on any other person,in connection with the wearing by the Sikh of a safety helmet, that requirement shall not apply to the Sikh or (as the case may be) to that other person.
- (3) In subsection (2) “associated requirement” means any requirement (other than one falling within subsection (1)) which is related to or connected with the wearing, provision or maintenance of safety helmets.
- (4) It is hereby declared that, where a person does not comply with any requirement, being a requirement which for the time being does not apply to him by virtue of subsection (1) or (2)—
  - (a) he shall not be liable in tort to any person in respect of any injury, loss or damage caused by his failure to comply with that requirement; and
  - (b) in Scotland no action for reparation shall be brought against him by any person in respect of any such injury, loss or damage.
- (5) If a Sikh who is [<sup>F4</sup>at a workplace]—

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- (a) does not comply with any requirement to wear a safety helmet, being a requirement which for the time being does not apply to him by virtue of subsection (1), and
- (b) in consequence of any act or omission of some other person sustains any injury, loss or damage which is to any extent attributable to the fact that he is not wearing a safety helmet in compliance with the requirement,

that other person shall, if liable to the Sikh in tort (or, in Scotland, in an action for reparation), be so liable only to the extent that injury, loss or damage would have been sustained by the Sikh even if he had been wearing a safety helmet in compliance with the requirement.

(6) Where—

- (a) the act or omission referred to in subsection (5) causes the death of the Sikh, and
- (b) the Sikh would have sustained some injury (other than loss of life) in consequence of the act or omission even if he had been wearing a safety helmet in compliance with the requirement in question,

the amount of any damages which, by virtue of that subsection, are recoverable in tort (or, in Scotland, in an action for reparation) in respect of that injury shall not exceed the amount of any damages which would (apart from that subsection) be so recoverable in respect of the Sikh's death.

[<sup>F5</sup>(6A) This section does not apply to a Sikh who—

- (a) works, or is training to work, in an occupation that involves (to any extent) providing an urgent response to fire, riot or other hazardous situations, and
- (b) is at the workplace—
  - (i) to provide such a response in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
  - (ii) to receive training in how to provide such a response in circumstances of that kind.

(6B) This section also does not apply to a Sikh who—

- (a) is a member of Her Majesty's forces or a person providing support to Her Majesty's forces, and
- (b) is at the workplace—
  - (i) to take part in a military operation in circumstances where the wearing of a safety helmet is necessary to protect the Sikh from a risk of injury, or
  - (ii) to receive training in how to take part in such an operation in circumstances of that kind.]

(7) In this section—

<sup>F6</sup> ...

...

[<sup>F7</sup>Her Majesty's forces " has the same meaning as in the Armed Forces Act 2006; ]

"injury" includes loss of life, any impairment of a person's physical or mental condition and any disease;

"safety helmet" means any form of protective headgear; and

"statutory provision" means a provision of an Act or of subordinate legislation.

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[<sup>F8</sup>“workplace” means any premises where work is being undertaken, including premises occupied or normally occupied as a private dwelling; and “premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft,
- (b) any installation (including a floating installation or one resting on the seabed or its subsoil or on other land covered with water or its subsoil), and
- (c) any tent or moveable structure.]

(8) In this section—

- (a) any reference to a Sikh is a reference to a follower of the Sikh religion; and
- (b) any reference to a Sikh being [<sup>F9</sup>at a workplace] is a reference to his being there whether while at work or otherwise.

(9) This section shall have effect in relation to any [<sup>F10</sup>relevant workplace] within the territorial sea adjacent to Great Britain as it has effect in relation to any [<sup>F11</sup>workplace] within Great Britain.

(10) In subsection (9) [<sup>F12</sup>“relevant workplace” means any workplace where work is being undertaken if the premises and the activities being undertaken there are premises and activities to which the Health and Safety at Work etc. Act 1974 applies by virtue of the Health and Safety at Work etc. Act 1974 (Application outside Great Britain) Order 2013.]

#### Annotations:

##### Amendments (Textual)

- F1** Words in s. 11 sidenote substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(10)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F2** Words in s. 11(1) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(2)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F3** Words in s. 11(2)(a) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(3)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F4** Words in s. 11(5) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(4)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F5** S. 11(6A)(6B) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(5)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F6** Words in s. 11(7) omitted (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(6)(a)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F7** Words in s. 11(7) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(6)(b)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F8** Words in s. 11(7) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(6)(c)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F9** Words in s. 11(8)(b) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(7)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F10** Words in s. 11(9) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(8)(a)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F11** Word in s. 11(9) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(8)(b)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))
- F12** Words in s. 11(10) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 6(9)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(1))

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1989, Section 11.