



# Employment Act 1989

## 1989 CHAPTER 38

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

#### **12 Protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets.**

(1) Where—

- (a) any person applies to a Sikh any [<sup>F1</sup>provision, criterion or practice] relating to the wearing by him of a safety helmet while he is [<sup>F2</sup>at a workplace], and
- (b) at the time when he so applies the [<sup>F1</sup>provision, criterion or practice] that person has no reasonable grounds for believing that the Sikh would not wear a turban at all times when [<sup>F3</sup>at such a workplace],

then, for the purpose of determining whether the application of the [<sup>F1</sup>provision, criterion or practice] to the Sikh constitutes an act of discrimination falling within [<sup>F4</sup>section 19 of the Equality Act 2010 (indirect discrimination), the provision, criterion or practice is to be taken as one in relation to which the condition in subsection (2)(d) of that section (proportionate means of achieving a legitimate aim) is satisfied]

- (2) Any special treatment afforded to a Sikh in consequence of section 11(1) or (2) above shall not be regarded for the purposes of [<sup>F5</sup>section 13 of the Equality Act 2010 as giving rise to discrimination against any other person]
- (3) [<sup>F6</sup>Subsections (6A) to (10)] of section 11 above shall apply for the purposes of this section as they apply for the purposes of that section.

#### **Annotations:**

##### **Amendments (Textual)**

- F1** Words in s. 12(1) substituted (1.10.2010) by [Equality Act 2010 \(c. 15\), s. 216\(3\), Sch. 26 para. 15\(2\)](#) (with ss. 6(4), 205); [S.I. 2010/2317, art. 2\(15\)\(e\)\(ii\)](#) (with arts.arts. 4-2515Schs. 1-8) (as amended (1.10.2010) by [S.I. 2010/2337, art. 2](#))
- F2** Words in s. 12(1)(a) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 6\(12\)\(a\), 115\(7\)](#); [S.I. 2015/994, art. 11\(b\)](#) (with art. 12(2))

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**Changes to legislation:** There are currently no known outstanding effects for the Employment Act 1989, Section 12. (See end of Document for details)

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- F3** Words in s. 12(1)(b) substituted (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 6(12)(b)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(2))
- F4** Words in s. 12(1) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 15(3)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(ii) (with arts.arts. 4-2515Schs. 1-8) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F5** Words in s. 12(2) substituted (1.10.2010) by Equality Act 2010 (c. 15), s. 216(3), **Sch. 26 para. 15(4)** (with ss. 6(4), 205); S.I. 2010/2317, art. 2(15)(e)(ii) (with arts.arts. 4-2515Schs. 1-8) (as amended (1.10.2010) by S.I. 2010/2337, art. 2)
- F6** Words in s. 12(3) substituted (1.10.2015) by Deregulation Act 2015 (c. 20), **ss. 6(13)**, 115(7); S.I. 2015/994, art. 11(b) (with art. 12(2))

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1989, Section 12.