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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>Contract workers]

**12** <sup>F2</sup>—(1) This Article applies to any work [<sup>F1</sup> at an establishment in Northern Ireland,] for a person (“the principal”) which is available for doing by individuals (“contract workers”) who are employed not by the principal himself but by another person, who supplies them under a contract made with the principal.

(2) It is unlawful for the principal, in relation to work to which this Article applies, to discriminate against a woman who is a contract worker—

- (a) in the terms on which he allows her to do that work, or
- (b) by not allowing her to do it or continue to do it, or
- (c) in the way he affords her access to any benefits, facilities or services or by refusing or deliberately omitting to afford her access to them, or
- (d) by subjecting her to any other detriment.

[<sup>F1</sup>(2A) It is unlawful for a principal, in relation to contract work at an establishment in Northern Ireland, to subject a contract worker to harassment.]

(3) [<sup>F3</sup>Subject to paragraph (3A),] the principal does not contravene paragraph (2)( b) by doing any act in relation to a woman at a time when if the work were to be done by a person taken into his employment being a man would be a genuine occupational qualification for the job.

[<sup>F3</sup>(3A) Paragraph (3) does not apply in relation to discrimination falling within [<sup>F4</sup>Article 4A or 4B] .

(3B) In relation to discrimination falling within [<sup>F5</sup>Article 4A or 4B] , the principal does not contravene paragraph (2)(a), (b), (c) or (d) by doing any act in relation to a woman if—

- (a) he does it at a time when, if the work were to be done by a person taken into his employment—
  - (i) being a man would be a genuine occupational qualification for the job; or
  - (ii) being a woman would be a genuine occupational qualification for the job; and
- (b) he can show that the act is reasonable in view of the circumstances relevant for the purposes of sub-paragraph (a) and any other relevant circumstances.

(3C) In relation to discrimination falling within [<sup>F6</sup>Article 4A or 4B] , the principal does not contravene paragraph (2)(b) by doing any act in relation to a woman at a time when, if the work

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**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 12 is up to date with all changes known to be in force on or before 15 July 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*

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were to be done by a person taken into his employment, there would be a supplementary genuine occupational qualification for the job.]

[<sup>F7</sup>(3D) Paragraphs (3B) and (3C) do not apply in relation to discrimination against a person whose gender has become the acquired gender under the Gender Recognition Act 2004.]

(4) Paragraph (2)(c) does not apply to benefits, facilities or services of any description if the principal 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 to which the woman belongs, unless that provision differs in a material respect from the provision of the benefits, facilities or services by the principal to his contract workers.

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| <b>F1</b> | SR 2005/426   |
| <b>F2</b> | mod. SR 1991/127  |
| <b>F3</b> | SR 1999/311   |
| <b>F4</b> | Words in art. 12(3A) substituted (2.5.2016) by <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>13(a)</b> |
| <b>F5</b> | Words in art. 12(3B) substituted (2.5.2016) by <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>13(b)</b> |
| <b>F6</b> | Words in art. 12(3C) substituted (2.5.2016) by <a href="#">The Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2016 (S.R. 2016/191)</a> , regs. 1(1), <b>13(c)</b> |
| <b>F7</b> | 2004 c.7  |

**Changes to legislation:**

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[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](#)