

SCHEDULES

SCHEDULE 2

AMENDMENTS

The Employment (Miscellaneous Provisions) (Northern Ireland) Order 1990 (NI 2)

5. After Article 13 (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) insert—

“Protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets

13A.—(1) Where—

- (a) any person applies to a Sikh any requirement or condition relating to the wearing by him of a safety helmet while he is on a construction site; and
- (b) at the time when he so applies the requirement or condition that person has no reasonable grounds for believing that the Sikh would not wear a turban at all times when on such a site,

then, for the purpose of determining whether the application of the requirement or condition to the Sikh constitutes an act of discrimination falling within Article 3(1)(b) of the Race Relations (Northern Ireland) Order 1997 (indirect racial discrimination), the requirement or condition shall be taken to be one which cannot be shown to be justifiable as mentioned in Article 3(1)(b)(ii) of that Order.

(2) Any special treatment afforded to a Sikh in consequence of Article 13(1) or (2) shall not be regarded for the purposes of the Race Relations (Northern Ireland) Order 1997 as giving rise, in relation to any other person, to any discrimination falling within Article 3 of that Order.

(3) Paragraphs (7) and (8) of Article 13 shall apply for the purposes of this Article as they apply for the purposes of that Article.”.