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## STATUTORY INSTRUMENTS

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# 1976 No. 1042

## Sex Discrimination (Northern Ireland) Order 1976

### PART II

#### DISCRIMINATION TO WHICH ORDER APPLIES

##### [<sup>F1</sup><sup>F2</sup>Direct discrimination] on the grounds of gender reassignment

**4A.**—(1) A person ("A") discriminates against another person ("B") in any circumstances relevant for the purposes of—

(a) any provision of Part III; <sup>F3</sup> . . .

[ Article 30, 31 or 32, except in so far as it relates to an excluded matter, or]  
<sup>F4</sup>(aa)

(b) any provision of Part IV, so far as it applies to vocational training, if [<sup>F5</sup>A] treats B less favourably than [<sup>F5</sup>A] treats or would treat other persons, and does so on the ground that B intends to undergo, is undergoing or has undergone gender reassignment.

(2) Paragraph (3) applies to arrangements made by any person in relation to another's absence from work or from vocational training.

(3) For the purposes of paragraph (1), B is treated less favourably than others under such arrangements if, in the application of the arrangements to any absence due to B undergoing gender reassignment—

(a) [<sup>F6</sup>B] is treated less favourably than [<sup>F6</sup>B] would be if the absence was due to sickness or injury; or

(b) [<sup>F6</sup>B] is treated less favourably than [<sup>F6</sup>B] would be if the absence was due to some other cause and, having regard to the circumstances of the case, it is reasonable for [<sup>F7</sup>B] to be treated no less favourably.

(4) In paragraphs (2) and (3) "arrangements" includes terms, conditions or arrangements on which employment or vocational training is offered.

(5) For the purposes of paragraph (1), a provision mentioned in that paragraph framed with reference to discrimination against women shall be treated as applying equally to the treatment of men with such modifications as are requisite.]

**F1** SR 1999/311

**F2** Words in art. 4A heading substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), regs. 1(1), **6(2)**

**F3** Word in art. 4A(1)(a) omitted (6.4.2008) by virtue of [Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), regs. 1(1), 2(2), **Sch. 2 para. 2(a)**

**F4** Art. 4A(1)(aa) inserted (6.4.2008) by [Sex Discrimination \(Amendment of Legislation\) Regulations 2008 \(S.I. 2008/963\)](#), regs. 1(1), 2(2), **Sch. 2 para. 2(b)**

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**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 4A is up to date with all changes known to be in force on or before 07 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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- F5** Word in art. 4A(1)(b) substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), regs. 1(1), **6(3)**
- F6** Word in art. 4A(3) substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), regs. 1(1), **6(4)(a)**
- F7** Word in art. 4A(3)(b) substituted (2.5.2016) by [The Sex Discrimination Order 1976 \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/191\)](#), regs. 1(1), **6(4)(b)**

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 4A is up to date with all changes known to be in force on or before 07 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.

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**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](#)