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STATUTORY RULES OF NORTHERN IRELAND

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**2006 No. 439**

**The Equality Act (Sexual Orientation)  
Regulations (Northern Ireland) 2006**

**Discrimination and harassment on grounds of sexual orientation**

**3.—(1)** For the purposes of these Regulations, a person (“A”) discriminates against another person (“B”) if —

- (a) on grounds of sexual orientation, A treats B less favourably than he treats or would treat other persons; or
- (b) A applies to B a provision, criterion or practice which he applies or would apply equally to persons not of the same sexual orientation as B; but —
  - (i) which puts or would put persons of the same sexual orientation as B at a particular disadvantage when compared with other persons;
  - (ii) which puts B at a disadvantage; and
  - (iii) which A cannot show to be a proportionate means of achieving a legitimate aim; or
- (c) A applies to B a requirement or condition which he applies or would apply equally to persons not of the same sexual orientation as B; but —
  - (i) which is such that the proportion of persons of the same sexual orientation as B who can comply with it is considerably smaller than the proportion of persons not of that sexual orientation who can comply with it; and
  - (ii) which he cannot show to be justifiable irrespective of the sexual orientation of the person to whom it is applied; and
  - (iii) which is to the detriment of B because he cannot comply with it.

(2) A comparison of B’s case with that of another person under paragraph (1) must be such that the relevant circumstances in the one case are the same, or not materially different, in the other.

(3) A person (“A”) subjects another person (“B”) to harassment in any circumstances relevant for the purposes of any provision referred to in these Regulations where, on the ground of sexual orientation, A engages in unwanted conduct which has the purpose or effect of —

- (a) violating B’s dignity; or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

(4) Conduct shall be regarded as having the effect specified in sub-paragraphs (a) and (b) or paragraph (1) only if, having regard to all the circumstances, including, in particular, the perception of B, it should reasonably be considered as having that effect.