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DRAFT STATUTORY INSTRUMENTS

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**2003 No.**

**The Employment Equality (Religion  
or Belief) Regulations 2003**

**PART IV**

**GENERAL EXCEPTIONS FROM PARTS II AND III**

**Exception for national security**

**24.** Nothing in Part II or III shall render unlawful an act done for the purpose of safeguarding national security, if the doing of the act was justified by that purpose.

**Exceptions for positive action**

**25.**—(1) Nothing in Part II or III shall render unlawful any act done in or in connection with—

- (a) affording persons of a particular religion or belief access to facilities for training which would help fit them for particular work; or
- (b) encouraging persons of a particular religion or belief to take advantage of opportunities for doing particular work,

where it reasonably appears to the person doing the act that it prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief doing that work or likely to take up that work.

(2) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with—

- (a) affording only members of the organisation who are of a particular religion or belief access to facilities for training which would help fit them for holding a post of any kind in the organisation; or
- (b) encouraging only members of the organisation who are of a particular religion or belief to take advantage of opportunities for holding such posts in the organisation,

where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by those of that religion or belief holding such posts or likely to hold such posts.

(3) Nothing in Part II or III shall render unlawful any act done by a trade organisation within the meaning of regulation 15 in or in connection with encouraging only persons of a particular religion or belief to become members of the organisation where it reasonably appears to the organisation that the act prevents or compensates for disadvantages linked to religion or belief suffered by persons of that religion or belief who are, or are eligible to become, members.

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

**26.**—(1) Where—

- (a) any person applies to a Sikh any provision, criterion or practice 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 provision, criterion or practice 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 purposes of regulation 3(1)(b)(iii), the provision, criterion or practice shall be taken to be one which cannot be shown to be a proportionate means of achieving a legitimate aim.

(2) Any special treatment afforded to a Sikh in consequence of section 11(1) or (2) of the Employment Act 1989<sup>(1)</sup> (exemption of Sikhs from requirements as to wearing of safety helmets on construction sites) shall not be regarded as giving rise, in relation to any other person, to any discrimination falling within regulation 3.

(3) In this regulation—

“construction site” means any place in Great Britain where any building operations or works of engineering construction are being undertaken, but does not include any site within the territorial sea adjacent to Great Britain unless there are being undertaken on that site such operations or works as are activities falling within Article 8(a) of the Health and Safety at Work etc Act 1974 (Application outside Great Britain) Order 2001<sup>(2)</sup>; and

“safety helmet” means any form of protective headgear.

(4) In this regulation—

- (a) any reference to a Sikh is a reference to a follower of the Sikh religion; and
- (b) any reference to a Sikh being on a construction site is a reference to his being there whether while at work or otherwise.

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(1) 1989 c. 38.  
(2) S.I.2001/2127.