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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>Discrimination on the ground of pregnancy or maternity leave**

**5A.**—(1) In any circumstances relevant for the purposes of a provision to which this paragraph applies, a person discriminates against a woman if—

- (a) at a time in a protected period, and on the ground of the woman's pregnancy, the person treats her less favourably <sup>F2</sup>. . . ; or
- (b) on the ground that the woman is exercising or seeking to exercise, or has exercised or sought to exercise, a statutory right to maternity leave, the person treats her less favourably <sup>F3</sup>. . . .

(2) In any circumstances relevant for the purposes of a provision to which this paragraph applies, a person discriminates against a woman if, on the ground that Article 104(1) of the Employment Rights (Northern Ireland) Order 1996 (compulsory maternity leave) has to be complied with in respect of the woman, he treats her less favourably <sup>F4</sup>. . . .

(3) For the purposes of paragraph (1)—

- (a) in relation to a woman a protected period begins each time she becomes pregnant, and the protected period associated with any particular pregnancy of hers ends in accordance with the following rules—
  - (i) if she is entitled to ordinary but not additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of ordinary maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
  - (ii) if she is entitled to ordinary and additional maternity leave in connection with the pregnancy, the protected period ends at the end of her period of additional maternity leave connected with the pregnancy or, if earlier, when she returns to work after the end of her pregnancy;
  - (iii) if she is not entitled to ordinary maternity leave in respect of the pregnancy, the protected period ends at the end of the 2 weeks beginning with the end of the pregnancy;
- (b) where a person's treatment of a woman is on grounds of illness suffered by the woman as a consequence of a pregnancy of hers, that treatment is to be taken to be on the ground of the pregnancy;
- (c) a “statutory right to maternity leave” means a right conferred by Article 103(1) or 105(1) of the Employment Rights (Northern Ireland) Order 1996 (ordinary and additional maternity leave).

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**Changes to legislation:** *Sex Discrimination (Northern Ireland) Order 1976, Section 5A is up to date with all changes known to be in force on or before 15 May 2024. 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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(4) In paragraph 3 “ordinary maternity leave” and “additional maternity leave” shall be construed in accordance with Articles 103 and 105 of the Employment Rights (Northern Ireland) Order 1996.

(5) Paragraphs (1) and (2) apply to—

- (a) any provision of Part III, and
- (b) any provision of Part IV, so far as it applies to vocational training.]

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| <b>F1</b> | SR 2005/426   |
| <b>F2</b> | Words in art. 5A(1)(a) omitted (6.4.2008) by virtue of <a href="#">Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/159)</a> , <b>reg. 2(2)</b> |
| <b>F3</b> | Words in art. 5A(1)(b) omitted (6.4.2008) by virtue of <a href="#">Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/159)</a> , <b>reg. 2(3)</b> |
| <b>F4</b> | Words in art. 5A(2) omitted (6.4.2008) by virtue of <a href="#">Sex Discrimination Order 1976 (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/159)</a> , <b>reg. 2(4)</b>    |

**Changes to legislation:**

Sex Discrimination (Northern Ireland) Order 1976, Section 5A is up to date with all changes known to be in force on or before 15 May 2024. 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](#)