



Fair Employment (Northern Ireland) Act 1976

1976 CHAPTER 25

PART III

UNLAWFUL DISCRIMINATION

Acts of unlawful discrimination

17 Discrimination by employers

It shall be unlawful for an employer to discriminate against a person, in relation to employment in Northern Ireland.—'

- (a) where that person is seeking employment—
 - (i) in the arrangements the employer makes for the purpose of determining who should be offered employment, or
 - (ii) by refusing or deliberately omitting to offer that person employment for which he applies, or
 - (iii) in the terms on which he offers him employment ; or
- (b) where that person is employed by him—
 - (i) in the terms of employment which he affords him, or
 - (ii) in the way he affords him access to benefits or by refusing or deliberately omitting to afford him access to them, or
 - (iii) by dismissing him, or
 - (iv) by subjecting him to any other detriment.

18 Discrimination against contract workers

- (1) This section applies to any work for a person (" the principal ") which is available to be done by individuals (" contract workers ")—

Status: This is the original version (as it was originally enacted).

- (a) who are employed not by the principal himself but by another person, who supplies them under a contract made with the principal, and
 - (b) who, if they were instead employed by the principal to do that work, would be in his employment in Northern Ireland.
- (2) It shall be unlawful for the principal, in relation to work to which this section applies, to discriminate against a contract worker—
- (a) in the terms on which he allows him to do that work, or
 - (b) by not allowing him to do it or continue to do it, or
 - (c) in the way he affords him access to benefits or by refusing or deliberately omitting to afford him access to them, or
 - (d) by subjecting him to any other detriment.

19 Discrimination by persons with statutory power to select employees for others.

It shall be unlawful for a person who is empowered by virtue of an enactment to select or nominate another person for employment by a third person to discriminate against a person, in relation to employment in Northern Ireland.—

- (a) by refusing or deliberately omitting to select or nominate him for employment, or
- (b) where candidates are selected or nominated in order of preference, by selecting or nominating him lower in order than any other who is selected or nominated.

20 Discrimination by employment agencies

- (1) It shall be unlawful for an employment agency to discriminate against a person, in relation to employment in Northern Ireland.—
- (a) in the terms on which the agency offers to provide any of its services, or
 - (b) by refusing or deliberately omitting to provide any of its services, or
 - (c) in the way it provides any of its services.
- (2) References in subsection (1) to the services of an employment agency include guidance on careers and any other services related to employment.
- (3) This section does not apply if the discrimination only concerns employment which the employer could lawfully refuse to offer the person concerned.
- (4) An employment agency shall not be subject to any liability under this section if it proves—
- (a) that it acted in reliance on a statement made to it by the employer to the effect that, by reason of the operation of subsection (3), its action would not be unlawful, and
 - (b) that it was reasonable for it to rely on the statement.
- (5) A person who knowingly or recklessly makes a statement such as is referred to in subsection (4) (a) which in a material respect is false or misleading shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding £400.

21 Discrimination by vocational organisations

It shall be unlawful for a vocational organisation to discriminate against a person who is employed or is seeking employment in Northern Ireland, or who is engaged or is seeking to become engaged in an occupation in Northern Ireland.—

- (a) where that person is not a member of the organisation—
 - (i) by refusing or deliberately omitting to accept his application for membership, or
 - (ii) in the terms on which it is prepared to admit him to membership ; or
- (b) where that person is a member of the organisation—
 - (i) in the way it affords him access to benefits or by refusing or deliberately omitting to afford him access to them, or
 - (ii) by depriving him of membership, or varying the terms on which he is a member, or
 - (iii) by subjecting him to any other detriment.

22 Discrimination by persons providing training services

(1) It shall be unlawful for a person who provides services in connection with the training of persons for employment in any capacity, or for a particular employment or occupation, in Northern Ireland to discriminate against another person—

- (a) where that other person is seeking to obtain those services or they are sought to be obtained on his behalf—
 - (i) by refusing or deliberately omitting to provide those services, or
 - (ii) in the terms on which the person offers to provide those services ; or
- (b) where that other person is receiving those services—
 - (i) in the way the person provides those services, or
 - (ii) in the way he affords him access to benefits connected with the services or by refusing or deliberately omitting to afford him access to them, or
 - (iii) by withdrawing those services from him or varying the terms on which they are provided, or
 - (iv) by subjecting him to any other detriment.

(2) In subsection (1) "services", in relation to training for employment, means services provided otherwise than by the employer of the person who is seeking to obtain or is receiving the services.

23 Discrimination by persons with power to confer qualifications

It shall be unlawful for a person who has power to confer on another a qualification which is needed for, or facilitates, his engagement in employment in any capacity, or in a particular employment or occupation, in Northern Ireland to discriminate against him—

- (a) by refusing or deliberately omitting to confer that qualification on him on his application, or
- (b) in the terms on which the person is prepared to confer it, or
- (c) by withdrawing it from him or varying the terms on which he holds it.