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Ask the expert: Sikhs and head protection

Keith Rhodes 5 November 2015
Alcumus
Category: [Personal protective equipment \(PPE\)](#), [Regulation](#)

Question:
My company has robust policies on equal opportunities and avoiding discrimination. I understand from one of my Sikh colleagues that the law on safety helmets has changed. Could you provide further guidance?

Answer:
Your colleague is right. Section 11 of the Employment Act 1989 exempted any Sikh who wore a turban on a construction site from wearing a safety helmet, defined as any form of head protection. That exemption led to inequality for turban wearing Sikhs in sectors other than construction.

The exemption was widened this year through Section 6 of the Deregulation Act 2015 which exempts Sikhs from having to wear a safety helmet in any workplace from 3 December, whether they are workers or visitors. The exemption does not extend to those Sikhs who do not wear turbans or to other personal protective equipment.

Of course, that does not remove the requirement for an employer to assess the risk, or to make available protective equipment, including head protection. The decision not to wear the appropriate head protection is to be made by the turban wearing Sikh alone.

There are limited exceptions when safety helmets for Sikhs are still required, such as for some roles in the armed forces and emergency responders. A Sikh would be required to wear a safety helmet during an incident (or training for an incident) that involves an urgent response to fire, riot or other hazardous situations because the risk of injury is deemed too great.

Outside these exceptions, any attempt to impose a requirement on a turban wearing Sikh to wear a safety helmet would be discriminatory under the Equality Act 2010. So you should be careful not to implement a blanket policy requirement to wear head protection that could trigger a claim for indirect discrimination by Sikhs who are disadvantaged by it.

If a Sikh chooses not to wear head protection and in consequence sustains any injury, loss or damage, the employer (or other person) would be liable only for the injury, loss or damage that would have been sustained even if the individual had been wearing a helmet.

Keith Rhodes, senior consultant, Alcumus Compliance, a leading health, safety and environmental consultancy whose specialists develop tailored and workable solutions.

Category: [Personal protective equipment \(PPE\)](#), [Regulation](#)

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