

SCHEDULES

SCHEDULE 4

RIGHTS OF SHOP WORKERS AS RESPECTS SUNDAY WORKING

Right not to suffer detriment for refusing Sunday work

- 10 (1) Subject to sub-paragraphs (2) and (4) below, a protected or opted-out shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the shop worker refused, or proposed to refuse, to do shop work on Sunday or on a particular Sunday.
- (2) Sub-paragraph (1) above does not apply to anything done in relation to an opted-out shop worker on the ground that he refused, or proposed to refuse, to do shop work on any Sunday or Sundays falling before the end of the notice period.
- (3) Subject to sub-paragraph (4) below, a shop worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that he gave, or proposed to give, an opting-out notice to his employer.
- (4) Sub-paragraphs (1) and (3) above do not apply where the detriment in question amounts to dismissal.
- (5) For the purposes of this paragraph a shop worker who does not work on Sunday or on a particular Sunday is not to be regarded as having been subjected to any detriment by—
- (a) any failure to pay remuneration in respect of shop work on a Sunday which he has not done,
 - (b) any failure to provide him with any other benefit, where that failure results from the application, in relation to a Sunday on which the employee has not done shop work, of a contractual term under which the extent of that benefit varies according to the number of hours worked by the employee or the remuneration of the employee, or
 - (c) any failure to provide him with any work, remuneration or other benefit which by virtue of paragraph 14 or 15 below the employer is not obliged to provide.
- (6) Where an employer offers to pay a sum specified in the offer to any one or more employees who are protected or opted-out shop workers or who, under their contracts of employment, are not obliged to do shop work on Sunday, if they agree to do shop work on Sunday or on a particular Sunday—
- (a) an employee to whom the offer is not made is not to be regarded for the purposes of this paragraph as having been subjected to any detriment by any failure to make the offer to him or to pay him that sum, and
 - (b) an employee who does not accept the offer is not to be regarded for those purposes as having been subjected to any detriment by any failure to pay him that sum.