

*These notes refer to the Work and Families Act (Northern Ireland)  
2015 (c.1) which received Royal Assent on 8th January 2015*

# Work and Families Act (Northern Ireland) 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3: Time Off Work: Ante-Natal Care, Adoption Appointments**

##### ***Section 18: Right not to be subjected to detriment: agency workers***

*Section 18* amends the ERO to provide that agency workers may not be subjected to detriment as a result of exercising the right to take time off work for ante-natal appointments or adoption appointments.

*Subsection (2)* amends Article 70C of the ERO to give agency workers a right not to be subjected to a detriment by the *temporary* work agency or hirer on certain grounds. The grounds are that the agency worker took or sought to take time off for an ante-natal appointment; as a pregnant woman, received or sought to receive remuneration in respect of such time off; took or sought to take time off for an adoption appointment; or, as a primary adopter, received or sought to receive remuneration in respect of such time off.

*Subsection (3)* amends Article 71 of the ERO to allow an agency worker who has been subjected to such a detriment to present a complaint to an industrial tribunal. It is for the temporary work agency or the hirer to show the ground on which any act or deliberate failure to act was done.

*Subsection (4)* amends Article 72 of the ERO to provide that if such a complaint is well-founded, the tribunal will make a declaration to that effect and may award compensation to be paid to the agency worker by the temporary work agency, the hirer, or both.