

*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

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.