

BETTING AND GAMING (NORTHERN IRELAND) ORDER 2004

S.I. 2004 No. 310 (N.I. 1)

EXPLANATORY MEMORANDUM

COMMENTARY ON PROVISIONS

Schedule 1: Provisions inserted as Schedule 8A to the principal Order

Schedule 8A to the 1985 Order, inserted by this Schedule, gives on-course betting workers (ie those who are employed to work at a horse or dog track in Northern Ireland and whose work involves dealing with betting transactions) the following new employment rights:

- the right not to be dismissed for refusing to work on a Sunday;
- the right not to be selected for redundancy for refusing to work on a Sunday;
- the right not to suffer any other detriment for refusing to work on a Sunday; “detriment” is not defined but could include, for example, denial of overtime, promotion or training opportunities.

These rights apply irrespective of age, length of service or hours of work.

All on-course betting workers employed when the Order comes into operation are automatically eligible for these rights. Those who enter into a contract of employment requiring Sunday working after the commencement date will be able to “opt-out” of Sunday working subject to giving the employer three months written notice, during which time they may still be required to undertake Sunday working.

Enforcement of these employment rights is by way of complaint to an industrial tribunal.