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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 103**

**The Employment Rights (Northern Ireland) Order  
1996 (Protection from Detriment in Health and Safety  
Cases) (Amendment) Order (Northern Ireland) 2021**

**Amendment of Article 68**

**3. In Article 68 (health and safety cases)—**

- (a) in paragraph (1), omit sub-paragraphs (d) and (e);
- (b) after paragraph (1) insert—

“(1A) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the worker’s employer done on the ground that—

- (a) in circumstances of danger which the worker reasonably believed to be serious and imminent and which the worker could not reasonably have been expected to avert, the worker left (or proposed to leave) or (while the danger persisted) refused to return to the worker’s place of work or any dangerous part of the worker’s place of work, or
- (b) in circumstances of danger which the worker reasonably believed to be serious and imminent, the worker took (or proposed to take) appropriate steps to protect the worker or other persons from the danger.”;

(c) in paragraph (2)—

- (i) for “(1)(e)” substitute “(1A)(b)”;
- (ii) for “an employee” substitute “a worker”;

(d) in paragraph (3)—

- (i) for “An employee” substitute “A worker”;
- (ii) for “(1)(e)” substitute “(1A)(b)”;
- (iii) for “the employee” substitute “the worker”;

(e) in paragraph (4) after “does not apply where the” insert “worker is an employee and the”.