

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends Section 44 of the Employment Rights Act 1996 (“the Act”) to extend the rights conferred previously under section 44(1)(d) and (e) not to be subjected to a detriment in health and safety cases to workers, as defined in section 230(3) of the Act. Those rights were previously conferred only upon employees, as defined in section 230(1) of the Act.

The rights conferred are for a worker to not be subjected to a detriment by his or her employer for leaving or refusing to return to his or her workplace or for taking steps to protect himself or herself in circumstances of danger which the worker reasonably believes to be serious and imminent.

Article 4 makes corresponding amendments to enforcement provisions and Article 5 makes corresponding amendments to remedies provisions in the Act.

Article 7 is a transitional and saving provision in respect of the repeal of section 44(1)(d) and (e) and the insertion of the new section 44(1A).