

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 8 – Time Off Work: Ante-Natal Care Etc

Section 129: Right not to be subjected to detriment: agency workers

688. *Subsection (1)* amends section 47C of the ERA 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 under section 57ZA or 57ZG of the ERA;
 - Received or sought to receive remuneration under section 57ZB of the ERA for time off to attend an ante-natal appointment (only available to pregnant women);
 - Took or sought to take time off for an adoption appointment under section 57ZN or 57ZP of the ERA; or
 - Received or sought to receive remuneration under section 57ZO of the ERA for time off to attend an adoption appointment (only available to the primary adopter).
689. *Subsection (2)* amends section 48 of the ERA to allow an agency worker who has been subjected to such a detriment to present a complaint to an employment 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.
690. *Subsection (3)* amends section 49 of the ERA to provide that if such a complaint is well-founded, the tribunal shall 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.