
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART VI

PROTECTION FROM SUFFERING DETRIMENT ETC. IN EMPLOYMENT

CHAPTER I

RIGHTS NOT TO SUFFER DETRIMENT

[^{F1}Leave for family and domestic reasons

70C.—(1) An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done for a prescribed reason.

(2) A prescribed reason is one which is prescribed by regulations made by the Department and which relates to—

- (a) pregnancy, childbirth or maternity,
 - [time off under Article 85ZE,]
^{F2}(aa)
 - [time off under Article 85ZJ or 85ZL,]
^{F3}(ab)
- (b) ordinary, compulsory or additional maternity leave,
 - [ordinary or additional adoption leave,]
^{F4}(ba)
 - [shared parental leave,]
^{F5}(bb)
- (c) parental leave,
 - [^{F6}(ca) paternity leave,]
[parental bereavement leave, or]
^{F7}(cb)
- (d) time off under Article 85A.

(3) A reason prescribed under this Article in relation to parental leave may relate to action which an employee takes, agrees to take or refuses to take under or in respect of a collective or workforce agreement.

[
^{F8}(4) An agency worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by the temporary work agency or the hirer done on the ground that—

- (a) being a person entitled to the following time off or remuneration, the agency worker exercised (or proposed to exercise) that right or received (or sought to receive) that remuneration—

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- (i) time off under Article 85ZA, and
- (ii) remuneration under Article 85ZB in respect of that time off,
- (b) being a person entitled to time off under Article 85ZG, the agency worker exercised (or proposed to exercise) that right,
- (c) being a person entitled to the following time off or remuneration, the agency worker exercised (or proposed to exercise) that right or received (or sought to receive) that remuneration—
 - (i) time off under Article 85ZN, and
 - (ii) remuneration under Article 85ZO in respect of that time off, or
- (d) being a person entitled to time off under Article 85ZP, the agency worker exercised (or proposed to exercise) that right.
- (5) Paragraph (4) does not apply where the agency worker is an employee.
- (6) In this Article, the following have the same meaning as in the Agency Workers Regulations (Northern Ireland) 2011 (see regulations 2(2), 3 and 4 of the regulations)—
 - “agency worker”,
 - “hirer”,
 - “temporary work agency”]]

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|-----------|--|
| F1 | 1999 NI 9 |
| F2 | Art. 70C(2)(aa) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1) , ss. 15(4) , 23(1); S.R. 2015/86, art. 3(1)(l) |
| F3 | Art. 70C(2)(ab) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1) , ss. 17(4) , 23(1); S.R. 2015/86, art. 3(1)(n) |
| F4 | 2002 NI 2 |
| F5 | Art. 70C(2)(bb) inserted (15.3.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1) , s. 23(1), Sch. 1 para. 4(5)(a) ; S.R. 2015/86, art. 3(2)(d) |
| F6 | Art. 70C(2)(ca) substituted (5.4.2015) by Work and Families Act (Northern Ireland) 2015 (c. 1) , s. 23(1), Sch. 1 para. 4(5)(b) ; S.R. 2015/86, art. 4(2)(c) (with art. 7(2)) |
| F7 | Art. 70C(2)(cb) inserted (23.3.2022) by Parental Bereavement (Leave and Pay) Act (Northern Ireland) 2022 (c. 5) , ss. 4, 5(5)(6), Sch. Pt. 1 para. 18 ; S.R. 2022/136, arts. 2, 3 |
| F8 | Arts. 70C(4)-(6) added (15.3.2015 for specified purposes, 5.4.2015 in so far as not already in operation) by Work and Families Act (Northern Ireland) 2015 (c. 1) , ss. 18(2) , 23(1); S.R. 2015/86, arts. 3(1)(o), 4(1)(f) |

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- [Act applied with modifications by S.R. 2023/156 reg. 15](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Pt. 7A inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5 inserted by 2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G inserted by 2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\) inserted by 2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\) inserted by 2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\) substituted for words by 2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\) inserted by 2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G inserted by 2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\) inserted by 2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\) inserted by 2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)