

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

PART 1

PRIMARY LEGISLATION

The Employment Rights (Northern Ireland) Order 1996

13. After Article 102 insert—

“Complaints to industrial tribunals: agency workers

102A.—(1) An agency worker may present a complaint to an industrial tribunal that the temporary work agency has failed to pay the whole or any part of remuneration to which the agency worker is entitled under Article 100C.

(2) An industrial tribunal shall not consider a complaint under paragraph (1) relating to remuneration in respect of any day unless it is presented—

- (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.

(3) Where an industrial tribunal finds a complaint under paragraph (1) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of remuneration which it finds is due to her.

(4) An agency worker may present a complaint to an industrial tribunal that in contravention of Article 100B the temporary work agency has failed to offer to propose the agency worker to a hirer that has suitable alternative work available.

(5) An industrial tribunal shall not consider a complaint under paragraph (4) unless it is presented—

- (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, or
- (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented within that period of three months.

(6) Where an industrial tribunal finds a complaint under paragraph (4) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of compensation which it finds is due to her.

(7) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—

- (a) the infringement of the agency worker’s right under Article 100B by the failure on the part of the temporary work agency to which the complaint relates, and
- (b) any loss sustained by the agency worker which is attributable to that failure.

(8) Expressions used in this Article and Articles 100A to 100C have the same meaning as in those Articles (see Article 100D).”

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to THE AGENCY WORKERS REGULATIONS (NORTHERN IRELAND) 2011. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

II [Sch. 2 para. 13](#) in operation at 5.12.2011, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Regulation Modified by [S.R. 2020/251 art. 2](#)

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

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

- Sch.06 Pt.01 words inserted by [S.R. 2022/236 reg. 17\(2\)](#)
- reg. 6(3)(c) words inserted by [S.R. 2022/168 reg. 18\(2\)](#)
- reg. 6(3)(c) words inserted by [S.R. 2022/236 reg. 18\(2\)](#)
- reg. 6(3)(c) words inserted by [S.R. 2023/157 reg. 18\(2\)](#)
- reg. 6(3)(c) words inserted by [S.R. 2023/56 reg. 18\(2\)](#)
- reg. 18(4A) inserted by [S.R. 2020/4 Sch. para. 51](#)
- reg. 18A inserted by [S.R. 2020/4 Sch. para. 52](#)