



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Interpretation

295 Meaning of “employee” and related expressions

(1) In this Act—

“contract of employment” means a contract of service or of apprenticeship,
“employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment,
and

“employer”, in relation to an employee, means the person by whom the employee is (or, where the employment has ceased, was) employed.

(2) Subsection (1) has effect subject to section 235 and other provisions conferring a wider meaning on “contract of employment” or related expressions.

296 Meaning of “worker” and related expressions

(1) In this Act “worker” means an individual who works, or normally works or seeks to work—

- (a) under a contract of employment, or
- (b) under any other contract whereby he undertakes to do or perform personally any work or services for another party to the contract who is not a professional client of his, or

- (c) in employment under or for the purposes of a government department (otherwise than as a member of the naval, military or air forces of the Crown) in so far as such employment does not fall within paragraph (a) or (b) above.
- (2) In this Act “employer”, in relation to a worker, means a person for whom one or more workers work, or have worked or normally work or seek to work.

297 Associated employers

For the purposes of this Act any two employers shall be treated as associated if—

- (a) one is a company of which the other (directly or indirectly) has control, or
 (b) both are companies of which a third person (directly or indirectly) has control;
 and “associated employer” shall be construed accordingly.

298 Minor definitions: general

In this Act, unless the context otherwise requires—

“act” and “action” each includes omission, and references to doing an act or taking action shall be construed accordingly;

“contravention” includes a failure to comply, and cognate expressions shall be construed accordingly;

“dismiss”, “dismissal” and “effective date of termination”, in relation to an employee, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978;

“post” means a postal service which—

- (a) is provided by the Post Office or under a licence granted under section 68 of the British Telecommunications Act 1981, or
 (b) does not by virtue of an order made under section 69 of that Act (suspension of postal privilege) infringe the exclusive privilege conferred on the Post Office by section 66(1) of that Act;

“tort”, as respects Scotland, means delict, and cognate expressions shall be construed accordingly.

299 Index of defined expressions

In this Act the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

ACAS	section 247(1)
act and action	section 298
advertisement (in sections 137 to 143)	section 143(1)
appropriately qualified actuary (in sections 38 to 41)	section 42
associated employer	section 297
branch or section (of trade union)	section 119
collective agreement and collective bargaining	section 178(1)

Status: This is the original version (as it was originally enacted).

the Commissioner	section 266
contract of employment	
—generally	section 295(1)
—in sections 226 to 234	section 235
—in relation to Crown employment	section 273(4)(a)
—in relation to House of Lords or House of Commons staff	sections 277(4) and 278(4)(a)
contravention	section 298
the court (in Part I)	section 121
date of the ballot (in Part V)	section 246
dismiss and dismissal	
—generally	section 298
—in relation to Crown employment	section 273(4)(c)
—in relation to House of Commons staff	section 278(4)(b)
effective date of termination	section 298
employee	
—generally	section 295(1)
—in relation to Crown employment	section 273(4)(a)
—in relation to House of Commons staff	section 278(4)(a)
—excludes police service	section 280
employer	
—in relation to an employee	section 295(1)
—in relation to a worker	section 296(2)
—in relation to health service practitioners	section 279
employment and employment agency (in sections 137 to 143)	section 143(1)
executive (of trade union)	section 119
financial year (in Part VI)	section 272
general secretary	section 119
independent trade union (and related expressions)	section 5
list	
—of trade unions	section 2
—of employers' associations	section 123
Northern Ireland union (in Part I)	section 120

Status: This is the original version (as it was originally enacted).

not protected (in sections 222 to 226)	section 219(4)
officer	
—of trade union	section 119
—of employers' association	section 136
official (of trade union)	section 119
offshore employment	section 287
place of work (in Part V)	section 246
political fund	section 82(1)(a)
political resolution	section 82(1)(a)
post	section 298
prescribed	section 293(1)
president	section 119
recognised, recognition and related expressions	section 178(3)
redundancy (in Part IV, Chapter II)	
—generally	section 195
—in relation to Crown employment	section 273(4)(d)
representative (of trade union) (in Part IV, Chapter II)	section 196
rules (of trade union)	section 119
strike (in Part V)	section 246
tort (as respects Scotland)	section 298
trade dispute	
—in Part IV	section 218
—in Part V	section 244
trade union	section 1
undertaking (of employer)	
—in relation to Crown employment	section 273(4)(e) and (f)
—in relation to House of Commons staff	section 278(4)(c) and (d)
worker	
—generally	section 296(1)
—includes health service practitioners	section 279
—excludes police service	section 280
working hours (in Part V)	section 246
