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Employment Rights Act 1996

CHAPTER 18

EMPLOYMENT RIGHTS ACT 1996

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- 1 Statement of initial employment particulars.
- 2 Statement of initial particulars: supplementary.
- 3 Note about disciplinary procedures and pensions.
- 4 Statement of changes.
- 5 Exclusion from rights to statements.
- 6 Reasonably accessible document or collective agreement.
- 7 Power to require particulars of further matters.
- 7A Use of alternative documents to give particulars
- 7B Giving of alternative documents before start of employment

Right to itemised pay statement

- 8 Itemised pay statement.
- 9 Standing statement of fixed deductions.
- 10 Power to amend provisions about pay and standing statements.

Enforcement

- 11 References to employment tribunals.
- 12 Determination of references.

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Deductions by employer

- 13 Right not to suffer unauthorised deductions.
- 14 Excepted deductions.

Payments to employer

- 15 Right not to have to make payments to employer.
- 16 Excepted payments.

Cash shortages and stock deficiencies in retail employment

- 17 Introductory.
- 18 Limits on amount and time of deductions.
- 19 Wages determined by reference to shortages etc.
- 20 Limits on method and timing of payments.
- 21 Limit on amount of payments.
- 22 Final instalments of wages.

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- 23 Complaints to employment tribunals.
- 24 Determination of complaints.
- 25 Determinations: supplementary.
- 26 Complaints and other remedies.

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27 Meaning of "wages" etc.

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- 28 Right to guarantee payment.
- 29 Exclusions from right to guarantee payment.
- 30 Calculation of guarantee payment.
- 31 Limits on amount of and entitlement to guarantee payment.
- 32 Contractual remuneration.
- 33 Power to modify provisions about guarantee payments.
- 34 Complaints to employment tribunals.
- 35 Exemption orders.

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- 36 Protected shop workers and betting workers.
- 37 Contractual requirements relating to Sunday work.
- 38 Contracts with guaranteed hours.
- 39 Reduction of pay etc.

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- 40 Notice of objection to Sunday working.
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- 42 Explanatory statement.
- 43 Contractual requirements relating to Sunday work.

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- 43B Disclosures qualifying for protection.
- 43C Disclosure to employer or other responsible person.
- 43D Disclosure to legal adviser.
- 43E Disclosure to Minister of the Crown.
- 43F Disclosure to prescribed person.
- 43G Disclosure in other cases.
- 43H Disclosure of exceptionally serious failure.
- 43J Contractual duties of confidentiality.
- 43K Extension of meaning of "worker" etc. for Part IVA.
- 43KA Application of this Part and related provisions to police
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 - 44 Health and safety cases.
 - 45 Sunday working for shop and betting workers.
- 45A Working time cases.
 - 46 Trustees of occupational pension schemes.
 - 47 Employee representatives.
- 47A Employees exercising right to time off work for study or training.
- 47B Protected disclosures.
- 47C Leave for family and domestic reasons.
- 47D Tax credits
- 47E Flexible working
- 47F Study and training

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- 48 Complaints to employment tribunals.
- 49 Remedies.

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- 51 Complaints to employment tribunals.

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Looking for work and making arrangements for training

- 52 Right to time off to look for work or arrange training.
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- 54 Complaints to employment tribunals.

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- 55 Right to time off for ante-natal care.
- Right to remuneration for time off under section 55.
- 57 Complaints to employment tribunals.

Ante-natal care: agency workers

- 57ZA Right to time off for ante-natal care (agency workers)
- 57ZB Right to remuneration for time off under section 57ZA
- 57ZC Complaint to employment tribunal: agency workers
- 57ZD Agency workers: supplementary

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- 57A Time off for dependants.
- 57B Complaint to employment tribunal.

Occupational pension scheme trustees

- Right to time off for pension scheme trustees.
- Right to payment for time off under section 58.
- 60 Complaints to employment tribunals.

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- Right to time off for employee representatives.
- Right to remuneration for time off under section 61.
- 63 Complaints to employment tribunals.
- 63A Right to time off for young person for study or training.
- 63B Right to remuneration for time off under section 63A.
- 63C Complaints to employment tribunals.

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- 63D Statutory right to make request in relation to study or training
- 63E Section 63D application: supplementary
- 63F Employer's duties in relation to application
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- 63I Complaints to employment tribunals
- 63J Remedies
- 63K Supplementary

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- Right to remuneration on suspension on medical grounds.
- 65 Exclusions from right to remuneration.

Suspension on maternity grounds

- 66 Meaning of suspension on maternity grounds.
- 67 Right to offer of alternative work.
- 68 Right to remuneration.

Ending the supply of an agency worker on maternity grounds

- Meaning of ending the supply of an agency worker on maternity grounds
- 68B Right to offer of alternative work
- 68C Right to remuneration
- 68D Agency workers: supplementary

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- 69A Calculation of remuneration (agency workers)
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- 70A Complaints to employment tribunals: agency workers

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- 72 Compulsory maternity leave.
- 73 Additional maternity leave.
- 74 Redundancy and dismissal.
- 75 Sections 71 to 73: supplemental.

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- 77 Rights during and after parental leave.
- 78 Special cases.
- 79 Supplemental.

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80 Complaint to employment tribunal.

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80A	Entitlement to paternity leave: birth
80AA	Entitlement to additional paternity leave: birth
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- 87 Rights of employee in period of notice.
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- 92 Right to written statement of reasons for dismissal.
- 93 Complaints to employment tribunal.

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- 96 Failure to permit return after childbirth treated as dismissal.
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98ZF	Reason for dismissal: particular matters
98ZG	Retirement dismissals: fairness
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- 98A Procedural fairness
- 98B Jury service
- 99 Leave for family reasons.
- 100 Health and safety cases.
- 101 Shop workers and betting workers who refuse Sunday work.
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 - 102 Trustees of occupational pension schemes.
 - 103 Employee representatives.
- 103A Protected disclosure.
 - 104 Assertion of statutory right.
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 - 105 Redundancy.
 - 106 Replacements.
- 107 Pressure on employer to dismiss unfairly.

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- 112 The remedies: orders and compensation.

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- 113 The orders.
- 114 Order for reinstatement.
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- 118 General.
- 119 Basic award.
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- 121 Basic award of two weeks' pay in certain cases.
- 122 Basic award: reductions.
- 123 Compensatory award.
- 124 Limit of compensatory award etc.
- 124A Adjustments under the Employment Act 2002
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- 126 Acts which are both unfair dismissal and discrimination.
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- 127A Internal appeal procedures.
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- 128 Interim relief pending determination of complaint.
- 129 Procedure on hearing of application and making of order.
- 130 Order for continuation of contract of employment.
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- No dismissal in cases of renewal of contract or re-engagement.
- 139 Redundancy.

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1 10	C	1.	. 1
140	Summary	dist	nissal

- 141 Renewal of contract or re-engagement.
- Employee anticipating expiry of employer's notice.
- 143 Strike during currency of employer's notice.
- 144 Provisions supplementary to section 143.

Supplementary

- 145 The relevant date.
- 146 Provisions supplementing sections 138 and 141.

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- 147 Meaning of "lay-off" and "short-time".
- 148 Eligibility by reason of lay-off or short-time.

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- 150 Resignation.
- 151 Dismissal.
- 152 Likelihood of full employment.

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- 153 The relevant date.
- 154 Provisions supplementing sections 148 and 152.

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167	Making of payments.
168	Amount of payments.
169	Information relating to applications for payments
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	Application of Part to particular cases
171 172 173	Employment not under contract of employment. Termination of employment by statute. Employees paid by person other than employer.
	Death of employer or employee
174 175 176	Death of employer: dismissal. Death of employer: lay-off and short-time. Death of employee.

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177 References to employment tribunals.

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- 178 Old statutory compensation schemes.
- 179 Notices.
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- 181 Interpretation.

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183	Insolvency.
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194 195	House of Lords staff. House of Commons staff.
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196 197 198 199 200	Employment outside Great Britain. Fixed-term contracts. Short-term employment. Mariners. Police officers.
	Offshore employment
201	Power to extend employment legislation to offshore employment.
	CHAPTER II
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202	National security.
	Contracting out etc. and remedies
203 204 205	Restrictions on contracting out. Law governing employment. Remedy for infringement of certain rights.
	General provisions about death of employer or employee
206 207	Institution or continuance of tribunal proceedings. Rights and liabilities accruing after death.
	Mediation in certain cross-border dispute
207A	Extension of time limits because of mediation in certain cross-border disputes

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208 Review of limits.

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210 211 212 213 214 215 216 217 218 219	Introductory. Period of continuous employment. Weeks counting in computing period. Intervals in employment. Special provisions for redundancy payments. Employment abroad etc. Industrial disputes. Reinstatement after military service. Change of employer. Reinstatement or re-engagement of dismissed employee.
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	Employments with normal working hours
221 222 223	General. Remuneration varying according to time of work. Supplementary.
	Employments with no normal working hours
224	Employments with no normal working hours.
	The calculation date
225 226	Rights during employment. Rights on termination.
	Maximum amount of week's pay
227	Maximum amount.
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228 229	New employments and other special cases. Supplementary.

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- 237 Financial provisions.

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- 238 Reciprocal arrangements with Northern Ireland.
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- 240 Consequential amendments.
- 241 Transitionals, savings and transitory provisions.
- 242 Repeals and revocations.
- 243 Commencement.
- 244 Extent.
- 245 Short title.

SCHEDULES

SCHEDULE 1 — Consequential amendments

The Equal Pay Act 1970 (c.41)

1 (1) Section 1 of the Equal Pay Act 1970 is...

The Atomic Energy Authority Act 1971 (c.11)

2 (1) Section 10 of the Atomic Energy Authority Act 1971...

The Attachment of Earnings Act 1971 (c.32)

3 Paragraph 3 of Part I of Schedule 3 to the...

The British Library Act 1972 (c.54)

4 In paragraph 13(3)(a) of the Schedule to the British Library...

The Health and Safety at Work etc. Act 1974 (c.37)

5 In section 80(2A) of the Health and Safety at Work...

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	The Sex Discrimination Act 1975 (c.65)
6	(1) The Sex Discrimination Act 1975 is amended as follows
	The Scottish Development Agency Act 1975 (c.69)
7	In paragraph 6 of Schedule 3 to the Scottish Development
	The Welsh Development Agency Act 1975 (c.70)
8	In paragraph 7 of Schedule 2 to the Welsh Development
	The Lotteries and Amusements Act 1976 (c.32)
9	In section 23(1) of the Lotteries and Amusements Act 1976,
	The Race Relations Act 1976 (c.74)
10	(1) The Race Relations Act 1976 is amended as follows
	The Development of Rural Wales Act 1976 (c.75)
11	
	The New Towns (Scotland) Act 1977 (c.16)
12	In section 3(6) of the New Towns (Scotland) Act 1977,
	The National Health Service (Scotland) Act 1978 (c.29)
13	In section 12C(3) of the National Health Service (Scotland) Act
	The House of Commons (Administration) Act 1978 (c.36)
14	In paragraph 1 of Schedule 2 to the House of
	The New Towns Act 1981 (c.64)
15	In section 54(5) of the New Towns Act 1981, for
	The Wildlife and Countryside Act 1981 (c.69)
16	In paragraph 8(4) of Schedule 13 to the Wildlife and
	The Hops Marketing Act 1982 (c.5)
17	In section 2(7) of the Hops Marketing Act 1982, for
	The Oil and Gas (Enterprise) Act 1982 (c.23)
18	
	The Local Government Finance Act 1982 (c.32)
19	
	The Administration of Justice Act 1982 (c.53)
20	In section 10(d) of the Administration of Justice Act 1982—

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The Health and Social Services and Social Security Adjudications Act 1983 (c.41)

21 In paragraph 23 of Part II of Schedule 3 to...

The National Audit Act 1983 (c.44)

22 In paragraph 2(3) of Schedule 2 to the National Audit...

The National Heritage Act 1983 (c.47)

23 In— (a) paragraph 5(5) of Part I of Schedule 1,...

The National Heritage (Scotland) Act 1985 (c.16)

24 In—(a) paragraph 5(5) of Part I, and

The Prosecution of Offences Act 1985 (c.23)

25 (1) The Prosecution of Offences Act 1985 is amended as...

The Local Government Act 1985 (c.51)

26 (1) The Local Government Act 1985 is amended as follows....

The Trustee Savings Banks Act 1985 (c.58)

27 In section 3(7) of the Trustee Savings Banks Act 1985,...

The Housing (Consequential Provisions) Act 1985 (c.71)

28 In paragraph 7(2)(b) of Schedule 4 to the Housing (Consequential...

The Insolvency Act 1986 (c.45)

29 In paragraph 13 of Schedule 6 to the Insolvency Act...

The Legal Aid (Scotland) Act 1986 (c.47)

30 In paragraph 10(1) of Schedule 1 to the Legal Aid...

The Debtors (Scotland) Act 1987 (c.18)

31 In section 73(3)(g) of the Debtors (Scotland) Act 1987, for...

The Pilotage Act 1987 (c.21)

32 In section 25(6) of the Pilotage Act 1987, for "Schedule...

The Housing (Scotland) Act 1987 (c.26)

33 In paragraph 10(2)(b) of Schedule 22 to the Housing (Scotland)...

The Consumer Protection Act 1987 (c.43)

34 In section 22(5) of the Consumer Protection Act 1987, for...

The Income and Corporation Taxes Act 1988 (c.1)

35 (1) The Income and Corporation Taxes Act 1988 is amended...

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26	The Legal Aid Act 1988 (c.34)
36	The Education Reform Act 1988 (c.40)
37	(1) The Education Reform Act 1988 is amended as follows
38	The Local Government Finance Act 1988 (c.41) In paragraph 6(4) of Schedule 11 to the Local Government
39	The Housing (Scotland) Act 1988 (c.43) In paragraph 12(1) of Schedule 1 to the Housing (Scotland)
40	The Health and Medicines Act 1988 (c.49) In section 18 of the Health and Medicines Act 1988,
	The Housing Act 1988 (c.50)
41	
42	The Dock Work Act 1989 (c.13) In section 6(3) of the Dock Work Act 1989—
43	The Electricity Act 1989 (c.29) (1) The Electricity Act 1989 is amended as follows.
44	The Local Government and Housing Act 1989 (c.42) In section 10 of the Local Government and Housing Act
45	The National Health Service and Community Care Act 1990 (c.19) (1) The National Health Service and Community Care Act 1990
46	The Enterprise and New Towns (Scotland) Act 1990 (c.35) In paragraph 17(1) of Schedule 1 to the Enterprise and
47	The Environmental Protection Act 1990 (c.43) In paragraph 15 of Schedule 10 to the Environmental Protection
48	The Natural Heritage (Scotland) Act 1991 (c.28) In paragraph 4 of Schedule 4 to the Natural Heritage
49	The Coal Mining Subsidence Act 1991 (c.45) In section 30(7) of the Coal Mining Subsidence Act 1991—
50	The Ports Act 1991 (c.52) In section 24(8) of the Ports Act 1991, for the

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The Social Security Contributions and Benefits Act 1992 (c.4) 51 (1) The Social Security Contributions and Benefits Act 1992 is... The Further and Higher Education Act 1992 (c.13) 52 (1) The Further and Higher Education Act 1992 is amended... The Timeshare Act 1992 (c.35) In section 1 of the Timeshare Act 1992— 53 *The Further and Higher Education (Scotland) Act 1992 (c.37)* In section 33(3)(b) of the Further and Higher Education (Scotland)... 54 The Museums and Galleries Act 1992 (c.44) 55 In section 1(7) of the Museums and Galleries Act 1992,... The Trade Union and Labour Relations (Consolidation) Act 1992 (c.52) (1) The Trade Union and Labour Relations (Consolidation) Act 1992... *The Tribunals and Inquiries Act 1992 (c.53)* 57 In section 11(2) of the Tribunals and Inquiries Act 1992,... The Social Security Act 1993 (c.3) In section 2(4)(b) of the Social Security Act 1993, for... 58 The Education Act 1993 (c.35) 59 The Railways Act 1993 (c.43) (1) The Railways Act 1993 is amended as follows. 60 The Pension Schemes Act 1993 (c.48) 61 (1) The Pension Schemes Act 1993 is amended as follows.... The Finance Act 1994 (c.9) In paragraph 27 of Schedule 24 to the Finance Act... 62 The Local Government (Wales) Act 1994 (c.19) (1) The Local Government (Wales) Act 1994 is amended as... 63 The Coal Industry Act 1994 (c.21) In paragraph 4(11) of Schedule 5 to the Coal Industry... 64

The Criminal Justice and Public Order Act 1994 (c.33)

In section 126(2) of the Criminal Justice and Public Order...

65

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The Local Government etc. (Scotland) Act 1994 (c.39)

66 (1) The Local Government etc. (Scotland) Act 1994 is amended...

The Jobseekers Act 1995 (c.18)

67 (1) The Jobseekers Act 1995 is amended as follows.

The Environment Act 1995 (c.25)

68 In paragraph 3 of Schedule 2 to the Environment Act...

The Disability Discrimination Act 1995 (c.50)

69 (1) The Disability Discrimination Act 1995 is amended as follows....

SCHEDULE 2 — Transitional provisions, savings and transitory provisions Part I — Transitional Provisions AND SAVINGS

General transitionals and savings

- 1 The substitution of this Act for the provisions repealed or...
- 2 (1) Anything done, or having effect as done, (including the...
- 3 Any reference (express or implied) in this Act or any...
- 4 (1) Any reference (express or implied) in any enactment, or...
- 5 Paragraphs 1 to 4 have effect in place of section...

Preservation of old transitionals and savings

6 (1) The repeal by this Act of an enactment previously...

Employment particulars

7 (1) In this paragraph "pre-TURERA employee" means an employee whose...

Monetary limits in old cases

8 In relation to any case in which (but for this...

Shop workers and betting workers to whom old maternity provisions applied

9 (1) This paragraph applies where an employee exercised a right...

Validity of provisions deriving from certain regulations

10 Any question as to the validity of any of sections...

Unfair dismissal

11 Part X does not apply to a dismissal from employment...

Redundancy payments

12 (1) Section 135 does not apply to an employee who...

Periods of employment

13 (1) The reference in section 215(2)(b) to a person being...

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14	(1) Subject to paragraph 13 and sub-paragraphs (2) and (3) Part II — TRANSITORY PROVISIONS
	Occupational pension scheme trustees
15	(1) If sections 42 to 46 of the Pensions Act
	Armed forces
	(1) If section 31 of the Trade Union Reform and(1) If Part XI of the Reserve Forces Act 1996
	Disability discrimination
18	
S	CHEDULE 3 — Repeals and revocations
	Part I — REPEALS
	Part II — REVOCATIONS

TABLE OF DERIVATIONS

- 1 Notes:
- 2 The following abbreviations are used in the Table—BGLA =...

Status:

Point in time view as at 06/04/2007.

Changes to legislation:

Employment Rights Act 1996 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.