



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART I

#### EMPLOYMENT PARTICULARS

##### *Right to statements of employment particulars*

#### **1 Statement of initial employment particulars.**

(1) Where [<sup>F1</sup>a worker] begins employment with an employer, the employer shall give to [<sup>F2</sup>the worker] a written statement of particulars of employment.

[<sup>F3</sup>(2) Subject to sections 2(2) to (4)—

- (a) the particulars required by subsections (3) and (4) must be included in a single document; and
- (b) the statement must be given not later than the beginning of the employment.]

(3) The statement shall contain particulars of—

- (a) the names of the employer and [<sup>F4</sup>worker],
- (b) the date when the employment began, and
- (c) [<sup>F5</sup>in the case of a statement given to an employee,] the date on which the employee's period of continuous employment began (taking into account any employment with a previous employer which counts towards that period).

(4) The statement shall also contain particulars, as at a specified date not more than seven days before the statement [<sup>F6</sup>(or the instalment of a statement given under section 2(4) containing them)] is given, of—

- (a) the scale or rate of remuneration or the method of calculating remuneration,
- (b) the intervals at which remuneration is paid (that is, weekly, monthly or other specified intervals),
- [<sup>F7</sup>(c) any terms and conditions relating to hours of work including any terms and conditions relating to—

- (i) normal working hours,

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- (ii) the days of the week the worker is required to work, and
- (iii) whether or not such hours or days may be variable, and if they may be how they vary or how that variation is to be determined.]
- (d) any terms and conditions relating to any of the following—
  - (i) entitlement to holidays, including public holidays, and holiday pay (the particulars given being sufficient to enable the [F<sup>8</sup>worker's] entitlement, including any entitlement to accrued holiday pay on the termination of employment, to be precisely calculated),
  - (ii) incapacity for work due to sickness or injury, including any provision for sick pay, F<sup>9</sup> ...
  - [F<sup>10</sup>(ia) any other paid leave, and]
  - (iii) pensions and pension schemes,
- [F<sup>11</sup>(da) any other benefits provided by the employer that do not fall within another paragraph of this subsection,]
- (e) the length of notice which the [F<sup>12</sup>worker] is obliged to give and entitled to receive to terminate his contract of employment [F<sup>13</sup>or other worker's contract],
- (f) the title of the job which the [F<sup>14</sup>worker] is employed to do or a brief description of the work for which he is employed,
- (g) where the employment is not intended to be permanent, the period for which it is expected to continue or, if it is for a fixed term, the date when it is to end,
- [F<sup>15</sup>(ga) any probationary period, including any conditions and its duration,]
- (h) either the place of work or, where the [F<sup>16</sup>worker] is required or permitted to work at various places, an indication of that and of the address of the employer,
- (j) any collective agreements which directly affect the terms and conditions of the employment including, where the employer is not a party, the persons by whom they were made, F<sup>17</sup> ...
- (k) where the [F<sup>18</sup>worker] is required to work outside the United Kingdom for a period of more than one month—
  - (i) the period for which he is to work outside the United Kingdom,
  - (ii) the currency in which remuneration is to be paid while he is working outside the United Kingdom,
  - (iii) any additional remuneration payable to him, and any benefits to be provided to or in respect of him, by reason of his being required to work outside the United Kingdom, and
  - (iv) any terms and conditions relating to his return to the United Kingdom.
- [F<sup>19</sup>(l) any training entitlement provided by the employer,
- (m) any part of that training entitlement which the employer requires the worker to complete, and
- (n) any other training which the employer requires the worker to complete and which the employer will not bear the cost of.]
- (5) Subsection (4)(d)(iii) does not apply to [F<sup>20</sup>a worker] of a body or authority if—
  - (a) the [F<sup>21</sup>worker's] pension rights depend on the terms of a pension scheme established under any provision contained in or having effect under any Act, and
  - (b) any such provision requires the body or authority to give to a new [F<sup>22</sup>worker] information concerning the [F<sup>23</sup>worker's] pension rights or the determination of questions affecting those rights.

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- [<sup>F24</sup>(6) In this section “probationary period” means a temporary period specified in the contract of employment or other worker’s contract between a worker and an employer that—
- (a) commences at the beginning of the employment, and
  - (b) is intended to enable the employer to assess the worker’s suitability for the employment.]

### Textual Amendments

- F1** Words in s. 1(1) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(a)(i)** (with reg. 15)
- F2** Words in s. 1(1) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(a)(ii)** (with reg. 15)
- F3** S. 1(2) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(a)** (with reg. 8)
- F4** Word in s. 1(3)(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(b)** (with reg. 15)
- F5** Words in s. 1(3)(c) inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(c)** (with reg. 15)
- F6** Words in s. 1(4) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(i)** (with reg. 8)
- F7** S. 1(4)(c) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(ii)** (with reg. 8)
- F8** Word in s. 1(4)(d)(i) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(d)** (with reg. 15)
- F9** Word in s. 1(4)(d)(ii) omitted (6.4.2020) by virtue of [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(iii)** (with reg. 8)
- F10** S. 1(4)(d)(ia) inserted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(iii)** (with reg. 8)
- F11** S. 1(4)(da) inserted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(iv)** (with reg. 8)
- F12** Word in s. 1(4)(e) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(e)** (with reg. 15)
- F13** Words in s. 1(4)(e) inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(f)** (with reg. 15)
- F14** Word in s. 1(4)(f) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(e)** (with reg. 15)
- F15** S. 1(4)(ga) inserted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(v)** (with reg. 8)
- F16** Word in s. 1(4)(h) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(e)** (with reg. 15)
- F17** Word in s. 1(4)(j) omitted (6.4.2020) by virtue of [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(vi)** (with reg. 8)
- F18** Word in s. 1(4)(k) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(e)** (with reg. 15)
- F19** S. 1(4)(l)-(n) inserted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(vii)** (with reg. 8)
- F20** Words in s. 1(5) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(g)** (with reg. 15)

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- F21** Word in s. 1(5)(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(h)** (with reg. 15)
- F22** Word in s. 1(5)(b) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(i)** (with reg. 15)
- F23** Word in s. 1(5)(b) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **5(h)** (with reg. 15)
- F24** S. 1(6) inserted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **3(b)(viii)** (with reg. 8)

**2 Statement of initial particulars: supplementary.**

- (1) If, in the case of a statement under section 1, there are no particulars to be entered under any of the heads of paragraph (d) or (k) of subsection (4) of that section, or under any of the other paragraphs of subsection (3) or (4) of that section, that fact shall be stated.
- (2) A statement under section 1 may refer the [<sup>F25</sup>worker] for particulars of any of the matters specified in [<sup>F26</sup>subsection (4)(d)(ii) to (iii) and (l)] of that section to the provisions of some other document which is reasonably accessible to the [<sup>F25</sup>worker].
- (3) A statement under section 1 may refer the [<sup>F27</sup>worker] for particulars of either of the matters specified in subsection (4)(e) of that section to the law or to the provisions of any collective agreement directly affecting the terms and conditions of the employment which is reasonably accessible to the [<sup>F27</sup>worker].
- [<sup>F28</sup>(4) A statement, insofar as it relates to the particulars required by section 1(4)(d)(iii), (j) and (l) and the note required by section 3—
  - (a) may be given in instalments; and
  - (b) must be given not later than two months after the beginning of the employment, even where the employment ends before that date. ]
- (5) Where before the end of the period of two months after the beginning of [<sup>F29</sup>a worker’s] employment the [<sup>F30</sup>worker] is to begin to work outside the United Kingdom for a period of more than one month, [<sup>F31</sup>any instalment of a statement given under subsection (4)] shall be given to him not later than the time when he leaves the United Kingdom in order to begin so to work.
- [<sup>F32</sup>(6) . . . . .

- Textual Amendments**
- F25** Word in s. 2(2) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **6(a)** (with reg. 15)
  - F26** Words in s. 2(2) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **4(a)** (with reg. 8)
  - F27** Word in s. 2(3) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **6(a)** (with reg. 15)
  - F28** S. 2(4) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **4(b)** (with reg. 8)
  - F29** Words in s. 2(5) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **6(b)** (with reg. 15)
  - F30** Word in s. 2(5) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **6(a)** (with reg. 15)

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- F31** Words in s. 2(5) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **4(c)** (with reg. 8)
- F32** S. 2(6) omitted (6.4.2020) by virtue of [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **4(d)** (with reg. 8)

### 3 Note about disciplinary procedures and pensions.

- (1) A statement under section 1 shall include a note—
- (a) specifying any disciplinary rules applicable to [<sup>F33</sup>the worker] or referring [<sup>F33</sup>the worker] to the provisions of a document specifying such rules which is reasonably accessible to [<sup>F33</sup>the worker],
  - [<sup>F34</sup>(aa) specifying any procedure applicable to the taking of disciplinary decisions relating to [<sup>F35</sup>the worker], or to a decision to dismiss [<sup>F35</sup>the worker], or referring [<sup>F35</sup>the worker] to the provisions of a document specifying such a procedure which is reasonably accessible to [<sup>F35</sup>the worker],]
  - (b) specifying (by description or otherwise)—
    - (i) a person to whom [<sup>F36</sup>the worker] can apply if dissatisfied with any disciplinary decision relating to him [<sup>F37</sup>or any decision to dismiss him], and
    - (ii) a person to whom [<sup>F38</sup>the worker] can apply for the purpose of seeking redress of any grievance relating to his employment, and the manner in which any such application should be made, and
  - (c) where there are further steps consequent on any such application, explaining those steps or referring to the provisions of a document explaining them which is reasonably accessible to [<sup>F39</sup>the worker].
- (2) Subsection (1) does not apply to rules, disciplinary decisions, [<sup>F40</sup>decisions to dismiss] grievances or procedures relating to health or safety at work.

- <sup>F41</sup>(3) .....
- <sup>F41</sup>(4) .....
- <sup>F42</sup>(5) .....

#### Textual Amendments

- F33** Words in s. 3(1)(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **7** (with reg. 15)
- F34** S. 3(1)(aa) inserted (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), **ss. 35(2)**, 55(2); S.I. 2004/1717, **art. 2(2)** (subject to **art. 3**)
- F35** Words in s. 3(1)(aa) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **7** (with reg. 15)
- F36** Words in s. 3(1)(b)(i) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **7** (with reg. 15)
- F37** Words in s. 3(1)(b)(i) inserted (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), **ss. 35(3)**, 55(2); S.I. 2004/1717, **art. 2(2)** (subject to **art. 3**)
- F38** Words in s. 3(1)(b)(ii) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **7** (with reg. 15)
- F39** Words in s. 3(1)(c) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **7** (with reg. 15)

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- F40** Words in s. 3(2) inserted (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), [ss. 35\(4\)](#), [55\(2\)](#); S.I. 2004/1717, [art. 2\(2\)](#) (subject to [art. 3](#))
- F41** S. 3(3)(4) repealed (1.11.2004) by [Employment Act 2002 \(c. 22\)](#), [ss. 36](#), [54](#), [55\(2\)](#), [Sch. 8](#); S.I. 2004/1717, [art. 2\(2\)](#) (subject to [art. 3](#)); S.I. 2004/2822, [art. 2\(b\)](#)
- F42** S. 3(5) omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), [Sch. 13 para. 67](#)

#### 4 Statement of changes.

- (1) If, after the material date, there is a change in any of the matters particulars of which are required by sections 1 to 3 to be included or referred to in a statement under section 1, the employer shall give to [<sup>F43</sup>the worker] a written statement containing particulars of the change.
- (2) For the purposes of subsection (1)—
- (a) in relation to a matter particulars of which are included or referred to in a statement given under section 1 <sup>F44</sup>... , the material date is the date to which the statement relates,
  - (b) in relation to a matter particulars of which—
    - (i) are included or referred to in an instalment of a statement given under [<sup>F45</sup>section 2(4)]
    - <sup>F46</sup>(ii) .....  
the material date is the date to which the instalment relates, and
  - (c) in relation to any other matter, the material date is the date by which a statement under section 1 is required to be given.
- (3) A statement under subsection (1) shall be given at the earliest opportunity and, in any event, not later than—
- (a) one month after the change in question, or
  - (b) where that change results from [<sup>F47</sup>the worker] being required to work outside the United Kingdom for a period of more than one month, the time when he leaves the United Kingdom in order to begin so to work, if that is earlier.
- (4) A statement under subsection (1) may refer [<sup>F48</sup>the worker] to the provisions of some other document which is reasonably accessible to [<sup>F48</sup>the worker] for a change in any of the matters specified in [<sup>F49</sup>sections 1(4)(d)(ii) to (iii)] and 3(1)(a) and (c).
- (5) A statement under subsection (1) may refer [<sup>F50</sup>the worker] for a change in either of the matters specified in section 1(4)(e) to the law or to the provisions of any collective agreement directly affecting the terms and conditions of the employment which is reasonably accessible to [<sup>F50</sup>the worker].
- (6) Where, after an employer has given to [<sup>F51</sup>a worker] a statement under section 1, either—
- (a) the name of the employer (whether an individual or a body corporate or partnership) is changed without any change in the identity of the employer, or
  - (b) [<sup>F52</sup>in the case of a statement given to an employee,] the identity of the employer is changed in circumstances in which the continuity of the employee's period of employment is not broken,
- and subsection (7) applies in relation to the change, the person who is the employer immediately after the change is not required to give to [<sup>F53</sup>the worker] a statement

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under section 1; but the change shall be treated as a change falling within subsection (1) of this section.

- (7) This subsection applies in relation to a change if it does not involve any change in any of the matters (other than the names of the parties) particulars of which are required by sections 1 to 3 to be included or referred to in the statement under section 1.
- (8) A statement under subsection (1) which informs an employee of a change such as is referred to in subsection (6)(b) shall specify the date on which the employee's period of continuous employment began.

#### Textual Amendments

- F43** Words in s. 4(1) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(a)** (with reg. 15)
- F44** Words in s. 4(2)(a) omitted (6.4.2020) by virtue of [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **5(a)** (with reg. 8)
- F45** Words in s. 4(2)(b)(i) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **5(b)** (with reg. 8)
- F46** S. 4(2)(b)(ii) omitted (6.4.2020) by virtue of [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **5(c)** (with reg. 8)
- F47** Words in s. 4(3)(b) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(a)** (with reg. 15)
- F48** Words in s. 4(4) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(a)** (with reg. 15)
- F49** Words in s. 4(4) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), regs. 1, **5(d)** (with reg. 8)
- F50** Words in s. 4(5) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(a)** (with reg. 15)
- F51** Words in s. 4(6) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(b)** (with reg. 15)
- F52** Words in s. 4(6)(b) inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(c)** (with reg. 15)
- F53** Words in s. 4(6) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **8(a)** (with reg. 15)

## 5 Exclusion from rights to statements.

- (1) Sections 1 to 4 apply to [<sup>F54</sup>a worker] who at any time comes or ceases to come within the exceptions from those sections provided by [<sup>F55</sup>section] 199, and under section 209, as if his employment with his employer terminated or began at that time.
- (2) The fact that section 1 is directed by subsection (1) to apply to [<sup>F56</sup>a worker] as if his employment began on his ceasing to come within the exceptions referred to in that subsection does not affect the obligation under section 1(3)(b) to specify the date on which his employment actually began.

#### Textual Amendments

- F54** Words in s. 5(1) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **9** (with reg. 15)
- F55** Words in s. 5(1) substituted (25.10.1999) by 1999 c. 26, s. **32(3)**; S.I. 1999/2830, art. 2(1), **Sch. 1 Pt. 1** (with Sch. 3 para. 7(2))

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**F56** Words in s. 5(2) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), 9 (with reg. 15)

## 6 Reasonably accessible document or collective agreement.

In sections 2 to 4 references to a document or collective agreement which is reasonably accessible to [<sup>F57</sup>a worker] are references to a document or collective agreement which—

- (a) [<sup>F58</sup>the worker] has reasonable opportunities of reading in the course of his employment, or
- (b) is made reasonably accessible to [<sup>F59</sup>the worker] in some other way.

### Textual Amendments

- F57** Words in s. 6 substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), 10(a) (with reg. 15)
- F58** Words in s. 6(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), 10(b) (with reg. 15)
- F59** Words in s. 6(b) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), 10(b) (with reg. 15)

## 7 Power to require particulars of further matters.

The Secretary of State may by order provide that section 1 shall have effect as if particulars of such further matters as may be specified in the order were included in the particulars required by that section; and, for that purpose, the order may include such provisions amending that section as appear to the Secretary of State to be expedient.

### [<sup>F60</sup>7A Use of alternative documents to give particulars

- (1) Subsections (2) and (3) apply where—
  - (a) an employer gives [<sup>F61</sup>a worker] a document in writing in the form of a contract of employment [<sup>F62</sup>or other worker’s contract] or letter of engagement,
  - (b) the document contains information which, were the document in the form of a statement under section 1, would meet the employer’s obligation under that section in relation to the matters mentioned [<sup>F63</sup>in that section save for the particulars specified in section 2(4) and], and
  - [<sup>F64</sup>(c) the document is given not later than the beginning of the employment.]
- (2) The employer’s duty under section 1 in relation to any matter shall be treated as met if the document given to the [<sup>F65</sup>worker] contains information which, were the document in the form of a statement under that section, would meet the employer’s obligation under that section in relation to that matter.
- (3) The employer’s duty under section 3 shall be treated as met if the document given to the [<sup>F66</sup>worker] contains information which, were the document in the form of a statement under section 1 and the information included in the form of a note, would meet the employer’s obligation under section 3.
- (4) For the purposes of this section a document to which subsection (1)(a) applies shall be treated, in relation to information in respect of any of the matters mentioned in



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section 1(4), as specifying the date on which the document is given to the [<sup>F67</sup>worker] as the date as at which the information applies.

- (5) Where subsection (2) applies in relation to any matter, the date on which the document by virtue of which that subsection applies is given to the [<sup>F68</sup>worker] shall be the material date in relation to that matter for the purposes of section 4(1).
- (6) Where subsection (3) applies, the date on which the document by virtue of which that subsection applies is given to the [<sup>F69</sup>worker] shall be the material date for the purposes of section 4(1) in relation to the matters of which particulars are required to be given under section 3.
- (7) The reference in section 4(6) to an employer having given a statement under section 1 shall be treated as including his having given a document by virtue of which his duty to give such a statement is treated as met.

#### Textual Amendments

- F60** Ss. 7A, 7B inserted (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), **ss. 37, 55(2)**; S.I. 2004/1717, **art. 2(2)** (subject to **art. 3**)
- F61** Words in s. 7A(1)(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(a)(i)** (with **reg. 15**)
- F62** Words in s. 7A(1)(a) inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(a)(ii)** (with **reg. 15**)
- F63** Words in s. 7A(1)(b) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), **regs. 1, 6(a)** (with **reg. 8**)
- F64** S. 7A(1)(c) substituted (6.4.2020) by [The Employment Rights \(Employment Particulars and Paid Annual Leave\) \(Amendment\) Regulations 2018 \(S.I. 2018/1378\)](#), **regs. 1, 6(b)** (with **reg. 8**)
- F65** Word in s. 7A(2) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(b)** (with **reg. 15**)
- F66** Word in s. 7A(3) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(b)** (with **reg. 15**)
- F67** Word in s. 7A(4) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(b)** (with **reg. 15**)
- F68** Word in s. 7A(5) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(b)** (with **reg. 15**)
- F69** Word in s. 7A(6) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 11(b)** (with **reg. 15**)

## 7B Giving of alternative documents before start of employment

A document in the form of a contract of employment [<sup>F70</sup>or other worker's contract] or letter of engagement given by an employer to [<sup>F71</sup>a worker] before the beginning of the [<sup>F72</sup>worker's] employment with the employer shall, when the employment begins, be treated for the purposes of section 7A as having been given at that time.]

#### Textual Amendments

- F60** Ss. 7A, 7B inserted (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), **ss. 37, 55(2)**; S.I. 2004/1717, **art. 2(2)** (subject to **art. 3**)
- F70** Words in s. 7B inserted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), **regs. 1(2), 12(a)** (with **reg. 15**)

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- F71** Words in s. 7B substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **12(b)** (with reg. 15)
- F72** Word in s. 7B substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **12(c)** (with reg. 15)

### *Right to itemised pay statement*

## **8 Itemised pay statement.**

- (1) [<sup>F73</sup>A worker] has the right to be given by his employer, at or before the time at which any payment of wages or salary is made to him, a written itemised pay statement.
- (2) The statement shall contain particulars of—
- (a) the gross amount of the wages or salary,
  - (b) the amounts of any variable, and (subject to section 9) any fixed, deductions from that gross amount and the purposes for which they are made,
  - (c) the net amount of wages or salary payable, <sup>F74</sup> ...
  - (d) where different parts of the net amount are paid in different ways, the amount and method of payment of each part-payment; [<sup>F75</sup>and
  - (e) where the amount of wages or salary varies by reference to time worked, the total number of hours worked in respect of the variable amount of wages or salary either as—
    - (i) a single aggregate figure, or
    - (ii) separate figures for different types of work or different rates of pay.]

### **Textual Amendments**

- F73** Words in s. 8(1) substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(2)** (with art. 3)
- F74** Word in s. 8(2)(c) omitted (6.4.2019) by virtue of [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) Order 2018 \(S.I. 2018/147\)](#), arts. 1, **2(a)** (with art. 3)
- F75** S. 8(2)(e) and word inserted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) Order 2018 \(S.I. 2018/147\)](#), arts. 1, **2(b)** (with art. 3)

## **9 Standing statement of fixed deductions.**

- (1) A pay statement given in accordance with section 8 need not contain separate particulars of a fixed deduction if—
- (a) it contains instead an aggregate amount of fixed deductions, including that deduction, and
  - (b) the employer has given to [<sup>F76</sup>the worker], at or before the time at which the pay statement is given, a standing statement of fixed deductions which satisfies subsection (2).
- (2) A standing statement of fixed deductions satisfies this subsection if—
- (a) it is in writing,
  - (b) it contains, in relation to each deduction comprised in the aggregate amount of deductions, particulars of—
    - (i) the amount of the deduction,

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- (ii) the intervals at which the deduction is to be made, and
  - (iii) the purpose for which it is made, and
  - (c) it is (in accordance with subsection (5)) effective at the date on which the pay statement is given.
- (3) A standing statement of fixed deductions may be amended, whether by—
- (a) addition of a new deduction,
  - (b) a change in the particulars, or
  - (c) cancellation of an existing deduction,
- by notice in writing, containing particulars of the amendment, given by the employer to [<sup>F76</sup>the worker].
- (4) An employer who has given to [<sup>F77</sup>a worker] a standing statement of fixed deductions shall—
- (a) within the period of twelve months beginning with the date on which the first standing statement was given, and
  - (b) at intervals of not more than twelve months afterwards,
- re-issue it in a consolidated form incorporating any amendments notified in accordance with subsection (3).
- (5) For the purposes of subsection (2)(c) a standing statement of fixed deductions—
- (a) becomes effective on the date on which it is given to [<sup>F76</sup>the worker], and
  - (b) ceases to be effective at the end of the period of twelve months beginning with that date or, where it is re-issued in accordance with subsection (4), with the end of the period of twelve months beginning with the date of the last re-issue.

#### Textual Amendments

**F76** Words in s. 9 substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(3)(a)** (with art. 3)

**F77** Words in s. 9(4) substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(3)(b)** (with art. 3)

## 10 Power to amend provisions about pay and standing statements.

The Secretary of State may by order—

- (a) vary the provisions of sections 8 and 9 as to the particulars which must be included in a pay statement or a standing statement of fixed deductions by adding items to, or removing items from, the particulars listed in those sections or by amending any such particulars, and
- (b) vary the provisions of subsections (4) and (5) of section 9 so as to shorten or extend the periods of twelve months referred to in those subsections, or those periods as varied from time to time under this section.

### *Enforcement*

## 11 References to [<sup>F78</sup>employment tribunals].

- [<sup>F79</sup>(1) Where an employer does not give a worker a statement as required by section 1, 4 or 8 (either because the employer gives the worker no statement or because the statement

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the employer gives does not comply with what is required), the worker may require a reference to be made to an employment tribunal to determine what particulars ought to have been included or referred to in a statement so as to comply with the requirements of the section concerned.]

(2) Where—

[<sup>F80</sup>(a) a statement purporting to be a statement under section 1 or 4, or a pay statement or a standing statement of fixed deductions purporting to comply with section 8 or 9, has been given to a worker, and]

(b) a question arises as to the particulars which ought to have been included or referred to in the statement so as to comply with the requirements of this Part, either the employer or [<sup>F81</sup>the worker] may require the question to be referred to and determined by an [<sup>F78</sup>employment tribunal].

(3) For the purposes of this section—

<sup>F82</sup>(a) .....

(b) a question as to the particulars which ought to have been included in a pay statement or standing statement of fixed deductions does not include a question solely as to the accuracy of an amount stated in any such particulars.

(4) An [<sup>F78</sup>employment tribunal] shall not consider a reference under this section in a case where the employment to which the reference relates has ceased unless an application requiring the reference to be made was made—

(a) before the end of the period of three months beginning with the date on which the employment ceased, 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 application to be made before the end of that period of three months.

<sup>F83</sup>(5) .....

[<sup>F84</sup>(6) [<sup>F85</sup>Section] 207B (extension of time limits to facilitate conciliation before institution of proceedings) also applies for the purposes of subsection (4)(a).]

#### Textual Amendments

- F78** Words in s. 11(1)(2)(4) and sidenote to s. 11 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(b) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F79** S. 11(1) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **13(a)** (with reg. 15)
- F80** S. 11(2)(a) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **13(b)** (with reg. 15)
- F81** Words in s. 11(2) substituted (6.4.2020) by [The Employment Rights \(Miscellaneous Amendments\) Regulations 2019 \(S.I. 2019/731\)](#), regs. 1(2), **13(c)** (with reg. 15)
- F82** S. 11(3)(a) omitted (6.4.2016 unless brought into force earlier by an order under s. 56(1) of the amending Act) by virtue of [Pensions Act 2014 \(c. 19\)](#), s. 56(4), **Sch. 13 para. 68**
- F83** S. 11(5) omitted (31.12.2020) by virtue of [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), reg. 1(1), **Sch. 1 para. 12(2)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F84** S. 11(6) inserted (6.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), **Sch. 2 para. 16**; S.I. 2014/253, art. 3(g)
- F85** Word in s. 11(6) substituted (6.4.2014) by [The Employment Tribunals Act 1996 \(Application of Conciliation Provisions\) Order 2014 \(S.I. 2014/431\)](#), art. 1, **Sch. para. 3**

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#### Modifications etc. (not altering text)

- C1** S. 11: power to apply conferred (1.4.1999) by 1998 c. 39, s. 12(4)(a) (with s. 36); S.I. 1998/2574, art. 2(2), Sch. 2

## 12 Determination of references.

- (1) Where, on a reference under section 11(1), an [<sup>F86</sup>employment tribunal] determines particulars as being those which ought to have been included or referred to in a statement given under section 1 or 4, the employer shall be deemed to have given to the [<sup>F87</sup>worker] a statement in which those particulars were included, or referred to, as specified in the decision of the tribunal.
- (2) On determining a reference under section 11(2) relating to a statement purporting to be a statement under section 1 or 4, an [<sup>F86</sup>employment tribunal] may—
- confirm the particulars as included or referred to in the statement given by the employer,
  - amend those particulars, or
  - substitute other particulars for them,
- as the tribunal may determine to be appropriate; and the statement shall be deemed to have been given by the employer to the [<sup>F88</sup>worker] in accordance with the decision of the tribunal.
- (3) Where on a reference under section 11 an [<sup>F86</sup>employment tribunal] finds—
- that an employer has failed to give [<sup>F89</sup>a worker] any pay statement in accordance with section 8, or
  - that a pay statement or standing statement of fixed deductions does not, in relation to a deduction, contain the particulars required to be included in that statement by that section or section 9,
- the tribunal shall make a declaration to that effect.
- (4) Where on a reference in the case of which subsection (3) applies the tribunal further finds that any unnotified deductions have been made from the pay of [<sup>F90</sup>the worker] during the period of thirteen weeks immediately preceding the date of the application for the reference (whether or not the deductions were made in breach of the contract of employment), the tribunal may order the employer to pay [<sup>F90</sup>the worker] a sum not exceeding the aggregate of the unnotified deductions so made.
- (5) For the purposes of subsection (4) a deduction is an unnotified deduction if it is made without the employer giving [<sup>F91</sup>the worker], in any pay statement or standing statement of fixed deductions, the particulars of the deduction required by section 8 or 9.

#### Textual Amendments

- F86** Words in s. 12(1)(2)(3) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a)(with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F87** Word in s. 12(1) substituted (6.4.2020) by The Employment Rights (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/731), regs. 1(2), 14 (with reg. 15)
- F88** Word in s. 12(2) substituted (6.4.2020) by The Employment Rights (Miscellaneous Amendments) Regulations 2019 (S.I. 2019/731), regs. 1(2), 14 (with reg. 15)

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- F89** Words in s. 12(3) substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(5)(a)** (with art. 3)
- F90** Words in s. 12(4) substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(5)(b)** (with art. 3)
- F91** Words in s. 12(5) substituted (6.4.2019) by [The Employment Rights Act 1996 \(Itemised Pay Statement\) \(Amendment\) \(No. 2\) Order 2018 \(S.I. 2018/529\)](#), arts. 1, **2(5)(b)** (with art. 3)

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**Modifications etc. (not altering text)**

- C2** S. 12: power to apply conferred (1.4.1999) by [1998 c. 39, s. 12\(4\)\(a\)](#)(with s. 36); [S.I. 1998/2574](#), art. 2(2), [Sch. 2](#)

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