



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART II

#### PROTECTION OF WAGES

##### *Supplementary*

#### 27 Meaning of “wages” etc.

- (1) In this Part “wages”, in relation to a worker, means any sums payable to the worker in connection with his employment, including—
- (a) any fee, bonus, commission, holiday pay or other emolument referable to his employment, whether payable under his contract or otherwise,
  - (b) statutory sick pay under Part XI of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992,
  - (c) statutory maternity pay under Part XII of that Act,
  - [<sup>F1</sup>(ca) [<sup>F2</sup>statutory paternity pay] under Part 12ZA of that Act,
  - (cb) statutory adoption pay under Part 12ZB of that Act,]
  - [<sup>F3</sup>(cc) statutory shared parental pay under Part 12ZC of that Act,]
  - [<sup>F4</sup>(cd) statutory parental bereavement pay under Part 12ZD of that Act,]
  - (d) a guarantee payment (under section 28 of this Act),
  - (e) any payment for time off under Part VI of this Act or section 169 of the <sup>M2</sup>Trade Union and Labour Relations (Consolidation) Act 1992 (payment for time off for carrying out trade union duties etc.),
  - (f) remuneration on suspension on medical grounds under section 64 of this Act and remuneration on suspension on maternity grounds under section 68 of this Act,
  - [<sup>F5</sup>(fa) remuneration on ending the supply of an agency worker on maternity grounds under section 68C of this Act.]
  - (g) any sum payable in pursuance of an order for reinstatement or re-engagement under section 113 of this Act,

*Status: Point in time view as at 01/04/2023.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 09 June 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. (See end of Document for details)*

- (h) any sum payable in pursuance of an order for the continuation of a contract of employment under section 130 of this Act or section 164 of the Trade Union and Labour Relations (Consolidation) Act 1992, and
  - (j) remuneration under a protective award under section 189 of that Act, but excluding any payments within subsection (2).
- (2) Those payments are—
- (a) any payment by way of an advance under an agreement for a loan or by way of an advance of wages (but without prejudice to the application of section 13 to any deduction made from the worker’s wages in respect of any such advance),
  - (b) any payment in respect of expenses incurred by the worker in carrying out his employment,
  - (c) any payment by way of a pension, allowance or gratuity in connection with the worker’s retirement or as compensation for loss of office,
  - (d) any payment referable to the worker’s redundancy, and
  - (e) any payment to the worker otherwise than in his capacity as a worker.
- (3) Where any payment in the nature of a non-contractual bonus is (for any reason) made to a worker by his employer, the amount of the payment shall for the purposes of this Part—
- (a) be treated as wages of the worker, and
  - (b) be treated as payable to him as such on the day on which the payment is made.
- (4) In this Part “gross amount”, in relation to any wages payable to a worker, means the total amount of those wages before deductions of whatever nature.
- (5) For the purposes of this Part any monetary value attaching to any payment or benefit in kind furnished to a worker by his employer shall not be treated as wages of the worker except in the case of any voucher, stamp or similar document which is—
- (a) of a fixed value expressed in monetary terms, and
  - (b) capable of being exchanged (whether on its own or together with other vouchers, stamps or documents, and whether immediately or only after a time) for money, goods or services (or for any combination of two or more of those things).

#### Textual Amendments

- F1** S. 27(1)(ca)(cb) inserted (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), s. 53, [Sch. 7 para. 25](#); S.I. 2002/2866, [art. 2\(2\)](#) Sch. 1 Pt. 2
- F2** Words in s. 27(1)(ca) substituted (5.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 30\(a\)](#); S.I. 2014/1640, [art. 7\(m\)](#) (with [art. 16](#))
- F3** S. 27(1)(cc) inserted (1.12.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 7 para. 30\(b\)](#); S.I. 2014/1640, [art. 5\(2\)\(k\)](#)
- F4** S. 27(1)(cd) inserted (18.1.2020) by [Parental Bereavement \(Leave and Pay\) Act 2018 \(c. 24\)](#), s. 2(2), [Sch. para. 21](#); S.I. 2020/45, [reg. 2](#)
- F5** S. 27(1)(fa) inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), [Reg. 25](#), [Sch. 2 para. 10](#)

#### Marginal Citations

- M1** 1992 c. 4.
- M2** 1992 c. 52.

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