



# Employment Rights Act 1996

## 1996 CHAPTER 18

### [<sup>F1</sup>PART IVA

#### PROTECTED DISCLOSURES]

#### **43K Extension of meaning of “worker” etc. for Part IVA.**

- (1) For the purposes of this Part “worker” includes an individual who is not a worker as defined by section 230(3) but who—
- (a) works or worked for a person in circumstances in which—
    - (i) he is or was introduced or supplied to do that work by a third person, and
    - (ii) the terms on which he is or was engaged to do the work are or were in practice substantially determined not by him but by the person for whom he works or worked, by the third person or by both of them,
  - (b) contracts or contracted with a person, for the purposes of that person’s business, for the execution of work to be done in a place not under the control or management of that person and would fall within section 230(3)(b) if for “personally” in that provision there were substituted “(whether personally or otherwise)”,
  - (c) works or worked as a person providing general medical services, general dental services, general ophthalmic services or pharmaceutical services in accordance with arrangements made—
    - (i) by a Health Authority under section 29, 35, 38 or 41 of the National Health Service Act 1977, or
    - (ii) by a Health Board under section 19, 25, 26 or 27 of the National Health Service (Scotland) Act 1978, or
  - (d) is or was provided with work experience provided pursuant to a training course or programme or with training for employment (or with both) otherwise than—
    - (i) under a contract of employment, or
    - (ii) by an educational establishment on a course run by that establishment;

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*Status: Point in time view as at 27/03/2002. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 43K is up to date with all changes known to be in force on or before 02 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. (See end of Document for details)*

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and any reference to a worker’s contract, to employment or to a worker being “employed” shall be construed accordingly.

- (2) For the purposes of this Part “employer” includes—
- (a) in relation to a worker falling within paragraph (a) of subsection (1), the person who substantially determines or determined the terms on which he is or was engaged,
  - (b) in relation to a worker falling within paragraph (c) of that subsection, the authority or board referred to in that paragraph, and
  - (c) in relation to a worker falling within paragraph (d) of that subsection, the person providing the work experience or training.
- (3) In this section “educational establishment” includes any university, college, school or other educational establishment.

**Status:**

Point in time view as at 27/03/2002. This version of this provision has been superseded.

**Changes to legislation:**

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