



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART V

#### PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

##### *Rights not to suffer detriment*

#### [<sup>F1</sup>47B Protected disclosures.

(1) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.

[ A worker (“W”) has the right not to be subjected to any detriment by any act, or any <sup>F2</sup>(1A) deliberate failure to act, done—

(a) by another worker of W's employer in the course of that other worker's employment, or

(b) by an agent of W's employer with the employer's authority,

on the ground that W has made a protected disclosure.

(1B) Where a worker is subjected to detriment by anything done as mentioned in subsection (1A), that thing is treated as also done by the worker's employer.

(1C) For the purposes of subsection (1B), it is immaterial whether the thing is done with the knowledge or approval of the worker's employer.

(1D) In proceedings against W's employer in respect of anything alleged to have been done as mentioned in subsection (1A)(a), it is a defence for the employer to show that the employer took all reasonable steps to prevent the other worker—

(a) from doing that thing, or

(b) from doing anything of that description.

(1E) A worker or agent of W's employer is not liable by reason of subsection (1A) for doing something that subjects W to detriment if—

*Status: Point in time view as at 07/09/2016.*

*Changes to legislation: Employment Rights Act 1996, Section 47B is up to date with all changes known to be in force on or before 21 May 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)*

- (a) the worker or agent does that thing in reliance on a statement by the employer that doing it does not contravene this Act, and
- (b) it is reasonable for the worker or agent to rely on the statement.

But this does not prevent the employer from being liable by reason of subsection (1B).]

- (2) <sup>F3</sup> . . . This section does not apply where—
- (a) the worker is an employee, and
  - (b) the detriment in question amounts to dismissal (within the meaning of [<sup>F4</sup>Part X]).
- (3) For the purposes of this section, and of sections 48 and 49 so far as relating to this section, “ worker ”, “ worker’s contract ”, “ employment ” and “ employer ” have the extended meaning given by section 43K. ]

#### Textual Amendments

- F1** S. 47B inserted (2.7.1999) by 1998 c. 23, s. 2; S.I. 1999/1547, art. 2
- F2** S. 47B(1A)-(1E) inserted (25.6.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24), ss. 19(1), 103(3) (with s. 24(6)); S.I. 2013/1455, art. 2(a) (with art. 4(2))
- F3** Words in s. 47B(2) repealed (25.10.1999) by 1999 c. 26, ss. 18(2)(a), 44, Sch. 9(3); S.I. 1999/2830, art. 2(1)(3), Sch. 1 Pt. I, Sch. 2 Pt. I (with Sch. 3 para. 2(2))
- F4** Words in s. 47B(2) substituted (25.10.1999) by 1999 c. 26, s. 18(2)(b); S.I. 1999/2830, art. 2(1), Sch. 1 Pt. I (with Sch. 3 para. 2)

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