



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2 **U.K.**

EMPLOYMENT

Protected disclosures

20 Extension of meaning of “worker” **E+W+S**

- (1) Section 43K of the Employment Rights Act 1996 (extension of meaning of “worker”) is amended as set out in subsections (2) to (7).
- (2) In subsection (1)(ba)—
 - (a) for “section 84 or 100 of” substitute “ section 83(2), 84, 92, 100, 107, 115(4), 117 or 134 of, or Schedule 12 to, ”;
 - (b) for “section 42 or 57 of” substitute “ section 41(2)(b), 42, 50, 57, 64 or 92 of, or Schedule 7 to, ”;
 - (c) omit the words after “the National Health Service (Wales) Act 2006”.
- (3) In subsection (1)(bb), after “section 17J” insert “ or 17Q ”.
- (4) In subsection (1)(c)—
 - (a) for the words before “in accordance with arrangements” substitute “ works or worked as a person providing services ”;
 - (b) in sub-paragraph (ii), after “section” insert “ 2C, 17AA, 17C, ”.
- (5) Omit subsection (1)(ca) and the preceding “or”.
- (6) Omit subsection (2)(ba).
- (7) After subsection (3) insert—

Changes to legislation: Enterprise and Regulatory Reform Act 2013, Section 20 is up to date with all changes known to be in force on or before 26 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) View outstanding changes

- “(4) The Secretary of State may by order make amendments to this section as to what individuals count as “workers” for the purposes of this Part (despite not being within the definition in section 230(3)).
- (5) An order under subsection (4) may not make an amendment that has the effect of removing a category of individual unless the Secretary of State is satisfied that there are no longer any individuals in that category.”
- (8) In section 236(3) of that Act (orders etc subject to affirmative resolution procedure), after “shall be made under section” insert “ 43K(4), ”.
- (9) In consequence of the amendments made by subsections (5) and (6), omit paragraph 7(a)(ii) and (b) of the Schedule to the Smoking, Health and Social Care (Scotland) Act 2005 (Consequential Modifications) (England, Wales and Northern Ireland) Order 2006 (S.I. 2006/1056).
- (10) Until the coming into force of the repeal (made by Schedule 3 to the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13)) of sections 27 to 28 of the National Health Service (Scotland) Act 1978 (“the 1978 Act”), section 43K(1)(c)(ii) of the Employment Rights Act 1996 has effect as if it included a reference to section 27A of the 1978 Act.

Commencement Information

- II** [S. 20](#) wholly in force at 25.6.2013; [s. 20](#) in force for specified purposes at Royal Assent and otherwise in force at 25.6.2013, see [s. 103\(1\)\(i\)\(2\)\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2013/1455 art. 3 4 Sch. 3 by [S.I. 2013/2271 art. 2](#)
- specified provision(s) revocation of earlier commencing SI 2015/641 by [S.I. 2015/1558 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(5) inserted by [2024 c. 13 s. 327\(1\)](#)
- Sch. 4A inserted by [2024 c. 13 s. 327\(2\)](#)