
STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

[^{F1}PART VA

PROTECTED DISCLOSURES

[^{F1}Extension of meaning of “worker” etc. for Part VA

67K.—(1) For the purposes of this Part “worker” includes an individual who is not a worker as defined by Article 3(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 Article 3(3)(b) if for “personally” in that provision there were substituted “ (whether personally or otherwise) ”,
 - [works or worked as a person performing services under a contract entered into by him with
 - ^{F2}(ba) [^{F3}the Department of Health] under Article 57 of the Health and Personal Social Services (Northern Ireland) Order 1972,]
 - (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 by [^{F4}the Department of Health] under Article 56, 61, 62 or 63 of the Health and Personal Social Services (Northern Ireland) Order 1972, ^{F5}...
 - [is or was provided with work experience provided pursuant to a course of education or
 - ^{F6}(ca) training approved by, or under arrangements with, the Nursing and Midwifery Council in accordance with Article 15(6)(a) of the Nursing and Midwifery Order 2001 (S.I. 2002/253); 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;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 sub-paragraph (a) of paragraph (1), the person who substantially determines or determined the terms on which he is or was engaged,

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[in relation to a worker falling within sub-paragraph (ba) of that paragraph, [^{F7}the
^{F2}(aa) Department of Health] ;]

(b) in relation to a worker falling within sub-paragraph (c) of that paragraph, [^{F8}the Department of Health] , and

(c) in relation to a worker falling within sub-paragraph [^{F9}(ca) or] (d) of that paragraph, the person providing the work experience or training.

(3) In this Article “educational establishment” includes any university, college, school or other educational establishment.

[
^{F10}(4) The Department may by order make amendments to this Article as to what individuals count as “workers” for the purposes of this Part (despite not being within the definition in Article 3(3)).

(5) An order under paragraph (4) may not make an amendment that has the effect of removing a category of individual unless the Department is satisfied that there are no longer any individuals in that category.]]

F1 1998 NI 17

F2 2004 NI 2

F3 Words in art. 67K(1)(ba) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 169(3)(a)**; S.R. 2022/102, art. 2(b)

F4 Words in art. 67K(1)(c) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 169(3)(a)**; S.R. 2022/102, art. 2(b)

F5 Word in art. 67K(1)(c) repealed (1.10.2017) by [Employment Act \(Northern Ireland\) 2016](#) (c. 15), s. 29(2), **Sch. 3**; S.R. 2017/199, art. 2

F6 Art. 67K(1)(ca) inserted (1.10.2017) by [Employment Act \(Northern Ireland\) 2016](#) (c. 15), **ss. 17(2)**, 29(2); S.R. 2017/199, art. 2

F7 Words in art. 67K(2)(aa) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 169(3)(b)**; S.R. 2022/102, art. 2(b)

F8 Words in art. 67K(2)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), **Sch. 1 para. 169(3)(c)**; S.R. 2022/102, art. 2(b)

F9 Words in art. 67K(2)(c) inserted (1.10.2017) by [Employment Act \(Northern Ireland\) 2016](#) (c. 15), **ss. 17(3)**, 29(2); S.R. 2017/199, art. 2

F10 Art. 67K(4)(5) added (1.10.2017) by [Employment Act \(Northern Ireland\) 2016](#) (c. 15), **ss. 17(4)**, 29(2); S.R. 2017/199, art. 2

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

- [Act applied with modifications by S.R. 2023/156 reg. 15](#)

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

- [Pt. 7A inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 1](#)
- [Ch. 5 inserted by 2022 c. 27 \(N.I.\) s. 1\(1\)](#)
- [art. 21\(4B\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 2](#)
- [art. 23\(1\)\(zza\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 3](#)
- [art. 70F inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 4](#)
- [art. 70G inserted by 2020 c. 7 Sch. 7 para. 20](#)
- [art. 71\(1C\) inserted by 2020 c. 7 Sch. 7 para. 21\(a\)](#)
- [art. 72\(8\) inserted by 2020 c. 7 Sch. 7 para. 22\(b\)](#)
- [art. 85ZS\(3\)\(a\)-\(c\) substituted for words by 2022 c. 18 \(N.I.\) Sch. 3 para. 47\(4\)](#)
- [art. 95F\(5A\) inserted by 2016 c. 15 \(N.I.\) Sch. 2 para. 32](#)
- [art. 135E inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 6](#)
- [art. 135G inserted by 2020 c. 7 Sch. 7 para. 25](#)
- [art. 137\(6D\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 7](#)
- [art. 137\(7N\) inserted by 2020 c. 7 Sch. 7 para. 26\(b\)](#)
- [art. 140\(3\)\(fj\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 8](#)
- [art. 140\(3\)\(fl\) inserted by 2020 c. 7 Sch. 7 para. 27](#)
- [art. 143\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 9](#)
- [art. 144\(2\)\(ddd\) inserted by 2011 c. 13 \(N.I.\) Sch. 3 Pt. 2 para. 10](#)