



# Employment Act 2002

## CHAPTER 22

### EMPLOYMENT ACT 2002

#### PART 1

##### STATUTORY LEAVE AND PAY

#### CHAPTER 1

##### PATERNITY AND ADOPTION

###### *Rights to leave and pay*

- 1 Paternity leave
- 2 Statutory paternity pay
- 3 Adoption leave
- 4 Statutory adoption pay

###### *Administration and enforcement: pay*

- 5 General functions of the Board
- 6 Financial arrangements
- 7 Funding of employers' liabilities
- 8 Regulations about payment
- 9 Decisions and appeals
- 10 Powers to require information
- 11 Penalties: failures to comply
- 12 Penalties: fraud etc.
- 13 Supply of information held by the Board
- 14 Supply of information held by the Secretary of State
- 15 Use of information by the Board
- 16 Interpretation

*Changes to legislation: Employment Act 2002 is up to date with all changes known to be in force on or before 07 April 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*

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## CHAPTER 2

### MATERNITY

- 17 Rights during and after maternity leave
- 18 Maternity pay period
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- 22 Employment tribunals
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- 24 Conciliation
- 25 Power to delegate prescription of forms etc.
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- 32 Complaints about grievances
- 33 Consequential adjustment of time limits
- 34 Procedural fairness in unfair dismissal

##### *Employment particulars*

- 35 Particulars of procedures relating to discipline or dismissal
- 36 Removal of exemption for small employers
- 37 Use of alternative documents to give particulars
- 38 Failure to give statement of employment particulars etc.

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- 39 Unfair dismissal: adjustments under sections 31 and 38
- 40 Interpretation of Part 3

### PART 4

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- 41 Power to confer rights on individuals: amendment

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- 42 ...
- 43 Union learning representatives
- 44 Dismissal procedures agreements
- 45 Fixed-term work
- 46 Fixed-term work: Northern Ireland
- 47 Flexible working
- 48 Rate of maternity allowance
- 49 Work-focused interviews for partners
- 50 Use of information for, or relating to, employment and training

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- 53 Minor and consequential amendments
- 54 Repeals and revocations
- 55 Short title etc.

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- 1 *Determination of penalties by officer of Board*
- 2 *Provisions supplementary to paragraph 1*
- 3 *Appeals against penalty determinations*
- 4 *Penalty proceedings before First-tier Tribunal*
- 5 *Penalty proceedings before court*
- 6 *Mitigation of penalties*
- 7 *Time limits for penalties*
- 8 *Interest on penalties*
- 9 *Interpretation*

#### SCHEDULE 2 — Statutory dispute resolution procedures

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... — ...

...

...

#### SCHEDULE 3 — Tribunal jurisdictions to which section 31 applies Section 2 of the Equal Pay Act 1970 (c. 41)...

#### SCHEDULE 4 — Tribunal jurisdictions to which section 32 applies Section 2 of the Equal Pay Act 1970 (c. 41)...

#### SCHEDULE 5 — Tribunal jurisdictions to which section 38 applies ... .. Section 145A of the Trade Union and...

#### SCHEDULE 6 — Use of information for, or relating to, employment and training

- 1 *Supply and use of employment or training information by Secretary of State etc.*
- 2 *In section 122C of the Social Security Administration Act 1992...*

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- 3 In section 122D of that Act (supply of information by...
- 4 Section 3(3) of the Social Security Act 1998 (c. 14)...
- 5 *Supply of tax information for employment or training purposes*
- 6 .....
- 7 .....
- 8 .....
- 9 *Supply of Inland Revenue tax credits information for employment or training purposes*
- 10 *Supply to Inland Revenue of employment or training information for purposes of tax credits*
- 11 *Supply of other Inland Revenue information for employment or training purposes*
- 12 In section 115D of the Social Security Administration (Northern Ireland)...
- 13 *Supply to Inland Revenue of employment or training information for other purposes*
- 14 In section 115E of the Social Security Administration (Northern Ireland)...

#### SCHEDULE 7 — Minor and consequential amendments

- 1 *Finance Act 1989 (c. 26)*
- 2 *Social Security Contributions and Benefits Act 1992 (c. 4)*
- 3 In section 4 (payments treated as remuneration and earnings), in...
- 4 (1) Section 35 (maternity allowance) is amended as follows.
- 5 In section 35A (appropriate weekly rate of maternity allowance), for...
- 6 In section 164 (statutory maternity pay – entitlement and liability)...
- 7 In section 176 (Parliamentary control), in subsection (1)(a) (affirmative procedure)...
- 8 *Social Security Administration Act 1992 (c. 5)*
- 9 (1) Section 2B (supplementary provisions about work-focused interviews) is amended...
- 10 In section 2C (optional work-focused interviews), in subsection (2)—
- 11 In section 5 (regulations about claims for and payments of)...
- 12 In section 7A (sharing of functions as regards claims and)...
- 13 In section 122AA (disclosure of information by the Inland Revenue),...
- 14 In section 150 (annual uprating of benefits), in subsection (1)(j),...
- 15 In section 190 (Parliamentary control of orders and regulations), in...
- 16 In section 191 (interpretation – general), for the definition of...
- 17 *Social Security Administration (Northern Ireland) Act 1992 (c. 8)*
- 18 *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52)*
- 19 In section 171 (time limit for proceedings under section 168),...
- 20 In section 172(1) (remedies for complaint under section 168 or)...
- 21 In section 173 (provisions supplementary to sections 168 to 170)—...
- 22 In section 212A(1) (claims and proceedings to which ACAS arbitration)...
- 23 *Employment Tribunals Act 1996 (c. 17)*
- 24 *Employment Rights Act 1996 (c. 18)*
- 25 In section 27(1) (meaning of “wages”), after paragraph (c) there...
- 26 (1) Section 47C (leave for family and domestic reasons) is...
- 27 In section 48 (right to present complaint of detriment to)...
- 28 In section 78 (parental leave: special cases), in subsection (6),...
- 29 (1) Section 88 (pay during notice period: employments with normal)...

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- 30 (1) Section 89 (pay during notice period: employments without normal...
- 31 In section 92 (right to written statement of reasons for...
- 32 In section 98 (fairness of dismissal: general), in subsection (6)—...
- 33 (1) Section 99 (unfair dismissal: leave for family reasons) is...
- 34 In section 104 (protection for those asserting certain statutory rights),...
- 35 In section 106 (dismissal of replacement employees), in subsection (2) (a),...
- 36 In section 112(4) (which provides that an award of compensation...
- 37 In section 117(3)(a) (which provides that an award of compensation...
- 38 In section 118(1)(b) (which provides that compensation for unfair dismissal...
- 39 In section 123(1) (which provides that calculation of the compensatory...
- 40 Section 127A(internal appeal procedures) shall cease to have effect.
- 41 In section 191(2) (provisions of the Act which have effect...
- 42 In section 192(2)(e) (provisions of Part 10 of the Act...
- 43 In sections 194(2) and 195(2) (provisions of the Act which...
- 44 (1) Section 199 (application of the Act to mariners) is...
- 45 In section 225 (definition of calculation date for the purposes...
- 46 In section 226(3) (definition of calculation date for the purposes...
- 47 (1) Section 227(1) (maximum amount of week's pay) is amended...
- 48 (1) Section 235 (other definitions) is amended as follows.
- 49 (1) Section 236(3) (procedure for making orders and regulations) is...
- 50 *Finance Act 1997 (c. 16)*
- 51 *Social Security Act 1998 (c. 14)*
- 52 *Tax Credits Act 1999 (c. 10)*
- 53 *Finance Act 1999 (c. 16)*
- 54 *Employment Relations Act 1999 (c. 26)*
- 55 *Welfare Reform and Pensions Act 1999 (c. 30)*

## SCHEDULE 8 — Repeals and revocations

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 7(1) words substituted by 2023 c. 20 Sch. para. 36(2)
- s. 7(2)(a) words substituted by 2023 c. 20 Sch. para. 36(3)
- s. 7(2)(b) words substituted by 2023 c. 20 Sch. para. 36(3)
- s. 7(3) words substituted by 2023 c. 20 Sch. para. 36(4)(a)
- s. 7(3)(c) word omitted by 2023 c. 20 Sch. para. 36(4)(b)
- s. 8(1) words substituted by 2023 c. 20 Sch. para. 37
- s. 8(2)(a) words substituted by 2023 c. 20 Sch. para. 37
- s. 8(2)(b) words substituted by 2023 c. 20 Sch. para. 37
- s. 8(2)(d) words substituted by 2023 c. 20 Sch. para. 37
- s. 10(1) words substituted by 2023 c. 20 Sch. para. 38
- s. 10(2)(a) words substituted by 2023 c. 20 Sch. para. 38
- s. 11(6) words substituted by 2023 c. 20 Sch. para. 39
- s. 12(2)(a) words substituted by 2023 c. 20 Sch. para. 40
- s. 12(2)(b) words substituted by 2023 c. 20 Sch. para. 40
- s. 12(4) words substituted by 2023 c. 20 Sch. para. 40
- s. 13(1) words substituted by 2023 c. 20 Sch. para. 41
- s. 14(1) words substituted by 2023 c. 20 Sch. para. 42
- s. 14(2) words substituted by 2023 c. 20 Sch. para. 42
- s. 49 repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 55(8) words substituted by 2023 c. 20 Sch. para. 44(a)
- s. 55(8) words substituted by 2023 c. 20 Sch. para. 44(b)
- Sch. 6 para. 12(a) repealed by 2008 c. 10 (N.I.) Sch. 5
- Sch. 6 para. 14(a) repealed by 2008 c. 10 (N.I.) Sch. 5
- Sch. 6 para. 11(a) repealed by 2008 c. 6 Sch. 8
- Sch. 6 para. 13(a) repealed by 2008 c. 6 Sch. 8
- Sch. 6 para. 2 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 6 para. 3 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 7 para. 9 repealed by 2009 c. 24 Sch. 7 Pt. 3
- Sch. 7 para. 51 repealed by 2009 c. 24 Sch. 7 Pt. 3
- Sch. 7 para. 55 repealed by 2009 c. 24 Sch. 7 Pt. 3
- Sch. 7 para. 9 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 7 para. 10 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 7 para. 12(a) repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 7 para. 15 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 7 para. 51 repealed by 2012 c. 5 Sch. 14 Pt. 1

**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. 7(3)(e) and word inserted by 2023 c. 20 Sch. para. 36(4)(c)
- s. 15(2)(bb) word omitted by 2023 c. 20 Sch. para. 43(a)
- s. 15(2)(bc) inserted by 2023 c. 20 Sch. para. 43(b)