



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Protected disclosures

20 Extension of meaning of “worker”

- (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—

Status: This is the original version (as it was originally enacted).

- “(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.