



Employment Relations Act 1999

1999 CHAPTER 26

Disciplinary and grievance hearings

13 Interpretation. **E+W+S**

- (1) In sections 10 to 12 and this section “worker” means an individual who is—
- a worker within the meaning of section 230(3) of the Employment Rights Act 1996,
 - an agency worker,
 - a home worker,
 - a person in Crown employment within the meaning of section 191 of that Act, other than a member of the naval, military, air or reserve forces of the Crown, or
 - employed as a relevant member of the House of Lords staff or the House of Commons staff within the meaning of section 194(6) or 195(5) of that Act.
- (2) In subsection (1) “agency worker” means an individual who—
- is supplied by a person (“the agent”) to do work for another (“the principal”) by arrangement between the agent and the principal,
 - is not a party to a worker’s contract, within the meaning of section 230(3) of that Act, relating to that work, and
 - is not a party to a contract relating to that work under which he undertakes to do the work for another party to the contract whose status is, by virtue of the contract, that of a client or customer of any professional or business undertaking carried on by the individual;
- and, for the purposes of sections 10 to 12, both the agent and the principal are employers of an agency worker.
- (3) In subsection (1) “home worker” means an individual who—
- contracts with a person, for the purposes of the person’s business, for the execution of work to be done in a place not under the person’s control or management, and

Changes to legislation: There are currently no known outstanding effects for the Employment Relations Act 1999, Section 13. (See end of Document for details)

- (b) is not a party to a contract relating to that work under which the work is to be executed for another party to the contract whose status is, by virtue of the contract, that of a client or customer of any professional or business undertaking carried on by the individual;
- and, for the purposes of sections 10 to 12, the person mentioned in paragraph (a) is the home worker's employer.
- (4) For the purposes of section 10 a disciplinary hearing is a hearing which could result in—
- (a) the administration of a formal warning to a worker by his employer,
 - (b) the taking of some other action in respect of a worker by his employer, or
 - (c) the confirmation of a warning issued or some other action taken.
- (5) For the purposes of section 10 a grievance hearing is a hearing which concerns the performance of a duty by an employer in relation to a worker.
- (6) For the purposes of section 10(5)(b) in its application to a part of Great Britain a working day is a day other than—
- (a) a Saturday or a Sunday,
 - (b) Christmas Day or Good Friday, or
 - (c) a day which is a bank holiday under the ^{M1}Banking and Financial Dealings Act 1971 in that part of Great Britain.

Modifications etc. (not altering text)

- C1** S. 13(4)(5) modified (1.10.2004) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 2 para. 14](#); [S.I. 2004/1717](#), [art. 2\(2\)](#) (with [art. 3](#))

Commencement Information

- II** S. 13 wholly in force at 4.9.2000; s. 13 not in force at Royal Assent see s. 45; s. 13(1)-(3) in force at 25.10.1999 by [S.I. 1999/2830](#) art.(1), Sch. 1 Pt. I (with [art. 3](#)); s. 13(4)-(6) in force at 4.9.2000 by [S.I. 2000/2242](#), [art. 2\(1\)](#)

Marginal Citations

- M1** 1971 c. 80.

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