



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Disciplinary and grievance hearings*

#### **13 Interpretation**

- (1) In sections 10 to 12 and this section “worker” means an individual who is—
- (a) a worker within the meaning of section 230(3) of the Employment Rights Act 1996,
  - (b) an agency worker,
  - (c) a home worker,
  - (d) 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
  - (e) 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—
- (a) is supplied by a person (“the agent”) to do work for another (“the principal”) by arrangement between the agent and the principal,
  - (b) is not a party to a worker’s contract, within the meaning of section 230(3) of that Act, relating to that work, and
  - (c) 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—
- (a) 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

- (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 Banking and Financial Dealings Act 1971 in that part of Great Britain.