
STATUTORY INSTRUMENTS

2018 No. 529

The Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2) Order 2018

Amendment to the Employment Rights Act 1996

- 2.—(1) The Employment Rights Act 1996(1) is amended as follows.
- (2) In section 8(1)(2), for “An employee” substitute “A worker”.
- (3) In section 9—
- (a) for “the employee”, in each place it occurs, substitute “the worker”;
- (b) in subsection (4), for “an employee” substitute “a worker”.
- (4) In section 11(3)—
- (a) for subsection (1) substitute—
- “(1) Where an employer does not give—
- (a) an employee a statement as required by section 1 or 4, or
- (b) a worker a statement as required by section 8,
- (either because he gives him no statement or because the statement he gives does not comply with what is required), the employee or the worker may require a reference to be made to an employment tribunal to determine what particulars ought to have been included or referred to in a statement so as to comply with the requirements of the section concerned .”
- (b) in subsection (2)—
- (i) in paragraph (a), after “4” insert “has been given to an employee”;
- (ii) in paragraph (a), for “section 8 or 9, has been given to an employee” substitute “section 8 or 9 has been given to a worker”;
- (iii) in the words after paragraph (b), leave out “the employee” and insert “the person to whom the statement has been given”.
- (5) In section 12(4)—
- (a) in subsection (3), for “an employee” substitute “a worker”;
- (b) in subsections (4) and (5), for “the employee”, in each place it occurs, substitute “the worker”.

(1) 1996 c. 18.

(2) Section 8 was amended by [S.I. 2018/147](#).

(3) Section 11 was amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8); section 8 of, and paragraphs 15 and 16 of Schedule 2 to, the Enterprise and Regulatory Reform Act 2013 (c. 24); section 24 of, and paragraphs 66 and 68 of Schedule 13 to, the Pensions Act 2014 (c. 19); and [S.I. 2011/1133](#) and [S.I. 2014/431](#).

(4) Section 12 was amended by section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8).