
STATUTORY INSTRUMENTS

2018 No. 529

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

Citation and commencement

1. This Order may be cited as the Employment Rights Act 1996 (Itemised Pay Statement) (Amendment) (No. 2) Order 2018 and comes into force on 6th April 2019.

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”;

(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).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(b) in subsections (4) and (5), for “the employee”, in each place it occurs, substitute “the worker”.

Application

3. The amendments made by this Order do not apply in relation to wages or salary paid in respect of a period of work which commences before this Order comes into force.

Andrew Griffiths
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

25th April 2018