
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Employment Rights (Miscellaneous
Amendments) Regulations 2019**

PART 5

CONSEQUENTIAL AMENDMENTS

Consequential Amendments

17.—(1) Section 38 of the Employment Act 2002⁽¹⁾ (failure to give statement of employment particulars) is amended as follows.

- (2) In subsection (1) for “an employee” substitute “a worker”.
- (3) In subsection (2)—
 - (a) in paragraphs (a) and (b) for “employee” substitute “worker”;
 - (b) in paragraph (b) after “particulars of change) or” insert “(in the case of a claim by an employee)”;
 - (c) in the words after paragraph (b) for “employee” substitute “worker”.
- (4) In subsection (3)—
 - (a) in paragraphs (a) and (b) for “employee” substitute “worker”;
 - (b) in paragraph (b) after “1996 or” insert “(in the case of a claim by an employee)”.
- (5) In subsection (6) in the words before paragraph (a), for “an employee” substitute “a worker”.
- (6) After subsection (6) insert—
 - “(6A) The provisions referred to in subsection (6) shall apply for the purposes of that subsection—
 - (a) as if a reference to an employee were a reference to a worker; and
 - (b) as if a reference to an employee’s contract of employment were a reference to a worker’s contract of employment or other worker’s contract.”
- (7) In subsection (7)—
 - (a) in paragraph (a) for “employee” substitute “worker”;
 - (b) for paragraph (b) substitute—
 - “(b) if he was not, in the case of an employee, the effective date of termination as defined by section 97 of that Act or in the case of all other workers the date on which the termination takes effect.”

18. In section 40 of the Employment Act 2002⁽²⁾ (interpretation of Part 3), after the definitions of “employer” and “employee” insert—

(1) 2002 c. 22. Section 38 was amended by paragraph 12 of Schedule 5 to the Enterprise Act 2016 (c.12).
(2) Section 40 was amended by paragraph 1 of Schedule 1(1) Employment Act 2008 (c.24).

““worker” has the same meaning as in the Employment Rights Act 1996.”