



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART VII

MISCELLANEOUS AND GENERAL

Interpretation

295 Meaning of employee and related expressions.

(1) In this Act—

contract of employment means a contract of service or of apprenticeship,
employee means an individual who has entered into or works under (or,
where the employment has ceased, worked under) a contract of employment,
and

employer, in relation to an employee, means the person by whom the
employee is (or, where the employment has ceased, was) employed.

(2) Subsection (1) has effect subject to section 235 and other provisions conferring a wider
meaning on contract of employment or related expressions.

296 Meaning of worker and related expressions.

(1) In this Act worker means an individual who works, or normally works or seeks to
work—

(a) under a contract of employment, or

(b) under any other contract whereby he undertakes to do or perform personally
any work or services for another party to the contract who is not a professional
client of his, or

Status: Point in time view as at 13/09/2017.

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(c) in employment under or for the purposes of a government department (otherwise than as a member of the naval, military or air forces of the Crown) in so far as such employment does not fall within paragraph (a) or (b) above.

(2) In this Act employer, in relation to a worker, means a person for whom one or more workers work, or have worked or normally work or seek to work.

^{F1}[(3) This section has effect subject to [^{F2}sections 68(4), [^{F3}116B(10),] 145F(3) and 151(1B)].]

Textual Amendments

F1 S. 296(3) inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para.88**; S.I. 1993/1908, art. 2(1), **Sch. 1**

F2 Words in s. 296(3) substituted (1.10.2004) by **Employment Relations Act 2004 (c. 24)**, ss. 57(1), 59(2)-(4), **Sch. 1 para. 21**; S.I. 2004/2566, **art. 3(b)** (with arts. 4-8)

F3 Word in s. 296(3) inserted (1.3.2017 for specified purposes) by **Trade Union Act 2016 (c. 15)**, **ss. 15(2), 25(1)**; S.I. 2017/139, reg. 2(1)

297 Associated employers.

For the purposes of this Act any two employers shall be treated as associated if—

- (a) one is a company of which the other (directly or indirectly) has control, or
 - (b) both are companies of which a third person (directly or indirectly) has control;
- and associated employer shall be construed accordingly.

[^{F4}297A Meaning of “voting”

For the purposes of this Act, the number of persons voting in a ballot includes those who return ballot papers that are spoiled or otherwise invalid.]

Textual Amendments

F4 S. 297A inserted (1.3.2017) by **Trade Union Act 2016 (c. 15)**, s. 25(1), **Sch. 4 para. 17**; S.I. 2017/139, reg. 2(n)(ii)

[^{F5}297B Devolved Welsh authorities

For the purposes of this Act a “devolved Welsh authority” has the same meaning as in section 157A of the Government of Wales Act 2006 (c.32).]

Textual Amendments

F5 S. 297B inserted (E.W.) (13.9.2017) by **Trade Union (Wales) Act 2017 (anaw 4)**, **ss. 1(5), 3**; S.I. 2017/903, art. 2

298 Minor definitions: general.

In this Act, unless the context otherwise requires—

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act and action each includes omission, and references to doing an act or taking action shall be construed accordingly;

[^{F6}“agency worker” has the meaning given in regulation 3 of the Agency Workers Regulations 2010;]

[^{F7}“certificate of independence” means a certificate issued under—

(a) section 6(6), or

(b) section 101A(4);]

contravention includes a failure to comply, and cognate expressions shall be construed accordingly;

dismiss, dismissal and effective date of termination, in relation to an employee, shall be construed in accordance with [^{F8}Part X of the Employment Rights Act 1996];

[^{F9}“legal professional privilege”, as respects Scotland, means confidentiality of communications;]

[^{F10} . . .

tort, as respects Scotland, means delict, and cognate expressions shall be construed accordingly.

Textual Amendments

- F6** Words in s. 298 inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), reg. 1(1), [Sch. 2 para. 5](#)
- F7** S. 298: definition inserted (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), [ss. 50\(4\)](#), 59(2)-(4); [S.I. 2005/872](#), [art. 4](#), [Sch.](#) (with arts. 6-21)
- F8** Words in s. 298 substituted (22.8.1996) by [1996 c. 17](#), [ss. 240](#), 243, [Sch. 1 para. 56\(19\)](#) (with [ss. 191-195](#), 202)
- F9** Words in s. 298 inserted (1.3.2017) by [Trade Union Act 2016 \(c. 15\)](#), s. 25(1), [Sch. 4 para. 18](#); [S.I. 2017/139](#), [reg. 2\(n\)\(ii\)](#)
- F10** S. 298: Definition of post repealed (26.3.2001) by [S.I. 2001/1149](#), [art. 3\(2\)](#), [Sch. 2](#)

299 Index of defined expressions.

In this Act the expressions listed below are defined by or otherwise fall to be construed in accordance with the provisions indicated—

ACAS	section 247(1)
act and action	section 298
advertisement (in sections 137 to 143)	section 143(1)
[^{F11} affected employees (in Part IV, Chapter II)]	[^{F11} section 196(3)]
[^{F12} “affected transferring individual” (in sections 198A and 198B)]	[^{F12} section 198A(7)]
[^{F13} agency worker]	[^{F13} section 298]
[^{F14} agent (of trade union)]	[^{F14} section 119]
appropriately qualified actuary (in sections 38 to 41)	section 42

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associated employer	section 297
branch or section (of trade union)	section 119
[^{F15} certificate of independence	section 298.]
collective agreement and collective bargaining	section 178(1)
^{F16}	^{F16}
...	...
contract of employment	
—generally	section 295(1)
—in sections 226 to 234	section 235
—in relation to Crown employment	section 273(4)(a)
—in relation to House of Lords or House of Commons staff	sections 277(4) and 278(4)(a)
contravention	section 298
[^{F17} contributor (in relation to the political fund of a trade union)]	[^{F17} section 84(5)]
the court (in Part I)	section 121
date of the ballot (in Part V)	section 246
[^{F18} devolved Welsh authority]	[^{F18} section 297B]
dismiss and dismissal	
—generally	section 298
—in relation to Crown employment	section 273(4)(c)
—in relation to House of Commons staff	section 278(4)(b)
[^{F14} the duty of confidentiality][^{F19} , in the context of a scrutineer or independent person]	[^{F14} section 24A(3)]
effective date of termination	section 298
employee	
—generally	section 295(1)
—in relation to Crown employment	section 273(4)(a)
—in relation to House of Commons staff	section 278(4)(a)
—excludes police service	section 280
[^{F20} employee representatives (in Part IV, Chapter II)]	[^{F20} section 196(1).]
employer	
—in relation to an employee	section 295(1)
—in relation to a worker	section 296(2)

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—in relation to health service practitioners	section 279
employment and employment agency (in sections 137 to 143)	section 143(1)
executive (of trade union)	section 119
[^{F14} financial affairs (of trade union)]	[^{F14} section 119]
financial year (in Part VI)	section 272
general secretary	section 119
independent trade union (and related expressions)	section 5
[^{F17} legal professional privilege (as respects Scotland)]	[^{F17} section 298]
list	
—of trade unions	section 2
—of employers’ associations	section 123
Northern Ireland union (in Part I)	section 120
not protected (in sections 222 to 226)	section 219(4)
officer	
—of trade union	section 119
—of employers’ association	section 136
official (of trade union)	section 119
offshore employment	section 287
^{F21}	^{F21}
.....
political fund	section 82(1)(a)
political resolution	section 82(1)(a)
^{F22}	^{F22}
...	...
prescribed	section 293(1)
president	section 119
[^{F23} “pre-transfer consultation” (in sections 198A and 198B)]	[^{F23} section 198A(7)]
recognised, recognition and related expressions	section 178(3)
[^{F24} “relevant transfer” (in sections 198A and 198B)]	[^{F24} section 198A(7)]
^{F16}	
...	
^{F16}	^{F16}

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<p>...</p> <p>F16</p> <p>...</p> <p>[^{F25}representatives of a trade union (in Part IV, Chapter II)]</p> <p>rules (of trade union)</p> <p>strike (in Part V)</p> <p>tort (as respects Scotland)</p> <p>trade dispute</p> <p>—in Part IV</p> <p>—in Part V</p> <p>trade union</p> <p>[^{F26}“transferee” and “transferor” (in sections 198A and 198B)]</p> <p>[^{F26}“transferring individual” (in sections 198A and 198B)]</p> <p>undertaking (of employer)</p> <p>—in relation to Crown employment</p> <p>—in relation to House of Commons staff</p> <p>[^{F17}voting]</p> <p>worker</p> <p>—generally</p> <p>—includes health service practitioners</p> <p>—excludes police service</p> <p>working hours (in Part V)</p>	<p>...</p> <p>F16</p> <p>...</p> <p>[^{F25}section 196(2)]</p> <p>section 119</p> <p>section 246</p> <p>section 298</p> <p>section 218</p> <p>section 244</p> <p>section 1</p> <p>[^{F26}section 198A(7)]</p> <p>[^{F26}section 198A(7)]</p> <p>section 273(4)(e) and (f)</p> <p>section 278(4)(c) and (d)</p> <p>[^{F17}section 297A]</p> <p>section 296(1)</p> <p>section 279</p> <p>section 280</p> <p>section 246</p>
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Textual Amendments

- F11** Entry in s. 299 relating to affecting employees inserted (28.7.1999) by S.I. 1999/1925, **reg. 7**
- F12** Words in s. 299 inserted (31.1.2014) by [The Collective Redundancies and Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2014](#) (S.I. 2014/16), regs. 1(2), **3(2)(a)**
- F13** Words in s. 299 inserted (1.10.2011) by [The Agency Workers Regulations 2010](#) (S.I. 2010/93), reg. 1(1), **Sch. 2 para. 6**
- F14** Entries in s. 299 inserted (30.8.1993) by 1993 c. 19, s. 49(2), **Sch. 8 para. 89**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F15** S. 299: entry inserted (6.4.2005) by [Employment Relations Act 2004](#) (c. 24), **ss. 50(5)**, 59(2)-(4); S.I. 2005/872, **art. 4**, **Sch.** (with arts. 6-21)
- F16** Entries in s. 299 repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch. 10**; S.I. 1993/1908, art. 2(1), **Sch. 1**
- F17** Words in s. 299 inserted (1.3.2017) by [Trade Union Act 2016](#) (c. 15), s. 25(1), **Sch. 4 para. 19**; S.I. 2017/139, reg. 2(n)(ii)
- F18** Words in s. 299 added (E.W.) (13.9.2017) by [Trade Union \(Wales\) Act 2017](#) (anaw 4), **ss. 1(6)**, 3; S.I. 2017/903, art. 2

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- F19** Words in s. 299 inserted (30.1.2014 for specified purposes, 6.4.2015 in so far as not already in force and with application in accordance with art. 3 of the commencing S.I.) by [Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 \(c. 4\)](#), **ss. 41(5)**, 45(3)(c); S.I. 2015/717, art. 3(1)(b)
- F20** Entry in s. 299 inserted (26.10.1995) by S.I. 1995/2587, **reg. 7(2)**
- F21** S. 299: entry repealed (6.4.2005) by [Employment Relations Act 2004 \(c. 24\)](#), ss. 57(1)(2), 59(2)-(4), Sch. 1 para. 22, **Sch. 2**; S.I. 2005/872, **art. 4**, Sch. (with arts. 6-21)
- F22** Entry in s. 299 relating to post repealed (26.3.2001) by S.I. 2001/1149, art. 3(2), **Sch. 2**
- F23** Words in s. 299 inserted (31.1.2014) by [The Collective Redundancies and Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2014 \(S.I. 2014/16\)](#), regs. 1(2), **3(2)(b)**
- F24** Words in s. 299 inserted (31.1.2014) by [The Collective Redundancies and Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2014 \(S.I. 2014/16\)](#), regs. 1(2), **3(2)(c)**
- F25** Entry in s. 299 substituted (26.10.1995) by S.I. 1995/2587, **reg. 7(3)**
- F26** Words in s. 299 inserted (31.1.2014) by [The Collective Redundancies and Transfer of Undertakings \(Protection of Employment\) \(Amendment\) Regulations 2014 \(S.I. 2014/16\)](#), regs. 1(2), **3(2)(d)**

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