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STATUTORY INSTRUMENTS

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**2021 No. 618**

**The Employment Rights Act 1996 (Protection from Detriment  
in Health and Safety Cases) (Amendment) Order 2021**

**Amendment of Section 44**

**3.** In Section 44 (health and safety cases)—

- (a) in subsection (1), omit paragraphs (d) and (e);
- (b) after subsection (1) insert—

“(1A) A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his or her employer done on the ground that—

- (a) in circumstances of danger which the worker reasonably believed to be serious and imminent and which he or she could not reasonably have been expected to avert, he or she left (or proposed to leave) or (while the danger persisted) refused to return to his or her place of work or any dangerous part of his or her place of work, or
- (b) in circumstances of danger which the worker reasonably believed to be serious and imminent, he or she took (or proposed to take) appropriate steps to protect himself or herself or other persons from the danger.”;

(c) in subsection (2)—

- (i) for “(1)(e)” substitute “(1A)(b)”;
- (ii) for “an employee” substitute “a worker”;

(d) in subsection (3)—

- (i) for “An employee” substitute “A worker”;
- (ii) for “(1)(e)” substitute “(1A)(b)”;
- (iii) for “the employee” substitute “the worker”;

(e) in subsection (4) after “does not apply where the” insert “worker is an employee and the”.