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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 49**

**5.** In Section 49 (remedies)—

- (a) in subsection (1), after “section 48(1),” insert “(1XA),”;
- (b) in subsection (2), after “Subject to subsections” insert “(5ZA),”;
- (c) after subsection (5) insert—

“(5ZA) Where—

- (a) the complaint is made under section 48(1XA),
- (b) the detriment to which the worker is subjected is the termination of his or her contract, and
- (c) that contract is not a contract of employment,

any compensation must not exceed the compensation that would be payable under Chapter II of Part X if the worker had been an employee and had been dismissed for the reason specified in section 100.”.