



Employment Act 2002

2002 CHAPTER 22

PART 4

MISCELLANEOUS AND GENERAL

Miscellaneous

45 Fixed-term work

- (1) The Secretary of State shall make regulations—
 - (a) for the purpose of securing that employees in fixed-term employment are treated, for such purposes and to such extent as the regulations may specify, no less favourably than employees in permanent employment, and
 - (b) for the purpose of preventing abuse arising from the use of successive periods of fixed-term employment.
- (2) The regulations may—
 - (a) specify classes of employee who are to be taken to be, or not to be, in fixed-term employment;
 - (b) specify classes of employee who are to be taken to be, or not to be, in permanent employment;
 - (c) specify circumstances in which employees in fixed-term employment are to be taken to be, or not to be, treated less favourably than employees in permanent employment;
 - (d) specify circumstances in which periods of fixed-term employment are to be taken to be, or not to be, successive;
 - (e) specify circumstances in which fixed-term employment is to have effect as permanent employment;
 - (f) make provision which has effect in relation to employees in fixed-term employment generally or provision which has effect only in relation to specified classes of employee in fixed-term employment.
- (3) The regulations may—

Status: This is the original version (as it was originally enacted).

- (a) confer jurisdiction (including exclusive jurisdiction) on employment tribunals;
 - (b) provide for specified obligations not to apply in specified circumstances;
 - (c) make provision about notices or information to be given, evidence to be produced and other procedures to be followed;
 - (d) amend, apply with or without modifications, or make provision similar to any provision of—
 - (i) the Employment Rights Act 1996 (c. 18) (including, in particular, Parts 5, 10 and 13),
 - (ii) the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), or
 - (iii) the Social Security Contributions and Benefits Act 1992 (c. 4);
 - (e) provide for the provisions of specified agreements to have effect in place of provisions of the regulations to such extent and in such circumstances as may be specified.
- (4) Without prejudice to the generality of this section, the regulations may make any provision in relation to employees which appears to the Secretary of State to be necessary or expedient—
- (a) for the purpose of implementing Council Directive 99/70/EC on the framework agreement on fixed-term work in its application to terms and conditions of employment;
 - (b) for the purpose of dealing with any matter arising out of or related to the United Kingdom's obligations under that Directive;
 - (c) for the purpose of any matter dealt with by the framework agreement or for the purpose of applying the provisions of the framework agreement to any matter relating to fixed term workers.
- (5) In its application to this section, section 51(1)(b) includes power to amend an enactment.
- (6) In this section—
- (a) “employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment, and
 - (b) “contract of employment” means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing.