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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 319**

**EMPLOYMENT**

**Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2001**

*Made - - - - 12th September 2001*  
*Approved by resolution of the*  
*Assembly - - - - 20th November 2001*  
*Coming into operation 21st October 2001*

The Department for Employment and Learning<sup>(1)</sup>, in exercise of the powers conferred by Article 21 of the Employment Relations (Northern Ireland) Order 1999<sup>(2)</sup> and now vested in it<sup>(3)</sup>, and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2001 and shall come into operation on 21st October 2001.

**Amendment of the Industrial Tribunals (Northern Ireland) Order 1996**

2. In Article 20(1)(h) of the Industrial Tribunals (Northern Ireland) Order 1996<sup>(4)</sup> (cases where conciliation provisions apply), for the words “of paragraph (2) of regulation 7” there shall be substituted—

“of paragraph (1) of regulation 5 or paragraph (2) of regulation 7”.

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- (1) Formerly known as the Department of Higher and Further Education, Training and Employment; renamed the Department for Employment and Learning by the Department for Employment and Learning Act (Northern Ireland) 2001 c. 15
- (2) [S.I. 1999/2790 \(N.I. 9\)](#)
- (3) The Department’s (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 ([S.R. 1999 No. 481](#)) transferred functions under the Employment Relations (Northern Ireland) Order 1999 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning
- (4) [S.I. 1996/1921 \(N.I. 18\)](#); Article 20(1) has been amended on a number of occasions to specify additional proceedings and claims to which the Article applies. Paragraph (h) was inserted by the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 ([S.R. 2000 No. 219](#)), regulation 10 and paragraph 2 of the Schedule to those Regulations

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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### **Amendment of the Employment Rights (Northern Ireland) Order 1996**

3. In Article 245 (2)(f) of the Employment Rights (Northern Ireland) Order 1996<sup>(5)</sup> (removal of restrictions on contracting out where conditions regulating compromise agreements satisfied) for the words “Article 20(1)(c) (proceedings under this Order where conciliation available)” there shall be substituted—

“Article 20(1)(c) or (h) (proceedings where conciliation available)”.

Sealed with the Official Seal of the Department for Employment and Learning on 12th September 2001.

L.S.

*R. B. Gamble*  
A senior officer of the  
Department for Employment and Learning

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(5) [S.I. 1996/1919 \(N.I. 16\)](#); Article 245 was amended by the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998, ([S.I. 1988/1265 \(N.I. 8\)](#)) Article 16 and Schedule 1, paragraph 15

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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations, which are made under Article 21 of the Employment Relations (Northern Ireland) Order 1999, make technical amendments to the Industrial Tribunals (Northern Ireland) Order 1996 and the Employment Rights (Northern Ireland) Order 1996 to secure—

- that the powers that conciliation officers appointed by the Labour Relations Agency normally have to conciliate in relation to industrial tribunal claims apply to such claims brought under regulation 5(1) of the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 ([S.R. 2000 No. 219](#)) (“the Part-Time Workers Regulations”) that a part-time worker has been treated less favourably than a worker who is not part-time, and
- that the restrictions that are contained in Article 245 of the Employment Rights (Northern Ireland) Order 1996 against contracting out of the rights in the Order, and are applied to the rights in the Part-Time Workers Regulations mentioned by regulation 9 of those Regulations, do not apply where a compromise agreement is made in relation to proceedings arising under regulation 5(1) or regulation 7(2) (detrimental acts by the employer) that satisfies the conditions regulating such agreements in Article 245(3) to (4) of the Order.