

2002 No. 286

EMPLOYMENT

**Part-time Workers (Prevention of Less Favourable Treatment) (Amendment) Regulations
(Northern Ireland) 2002**

Made - - - - - 16th September 2002

Coming into operation 1st October 2002

*Approved by resolution of
the Assembly 23rd September 2002*

The Department for Employment and Learning^(a), in exercise of the powers conferred by Article 21 of the Employment Relations (Northern Ireland) Order 1999^(b) and now vested in it^(c) and of every other power enabling it in that behalf, hereby makes the following Regulation: –

Citation and commencement

1. These Regulations may be cited as the Part-time Workers (Prevention of Less Favourable Treatment) (Amendment) Regulations (Northern Ireland) 2002 and shall come into operation on 1st October 2002.

Amendment of the Regulations

2.—(1) The Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000^(d) are amended as follows –

(2) In regulation 2 (meaning of full-time worker, part-time worker and comparable full-time worker), for paragraph (3) substitute –

“(3) For the purposes of paragraphs (1), (2) and (4), the following shall be regarded as being employed under different types of contract –

- (a) employees employed under a contract that is not a contract of apprenticeship;
- (b) employees employed under a contract of apprenticeship;
- (c) workers who are not employees;
- (d) any other description of worker that it is reasonable for the employer to treat differently from other workers on the ground that workers of that description have a different type of contract.”.

(a) 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

(b) S.I. 1999/2790 (N.I. 9)

(c) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999/481) 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

(d) S.R. 2000/219

- (3) In regulation 8 (complaints to industrial tribunals) –
- (a) omit paragraph (8); and
 - (b) in paragraph (9), omit the words “(subject to paragraph (8))”.

Sealed with the Official Seal of the Department for Employment and Learning on 16th September 2002.

(L.S.)

R. B. Gamble

A Senior Officer of the Department for Employment and Learning

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 (S.R. 2000 No. 219) to secure –

- (a) that, consistent with the European Council Directive on Fixed-Term Work (1999/70/EC) which is required to be transposed in the UK by 10th July 2002, there is no longer a distinction between fixed-term and open ended contracts, for the purposes of ascertaining what are different types of contract for the purposes of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000, and
- (b) that, in order to comply with the terms of the judgement of the House of Lords in *Preston-v-Wolverhampton Healthcare Trust (No. 2)* [2001] ICR 217, the compensation that can be awarded in cases involving occupational pension schemes is no longer limited to the two years before the date on which the complaint was presented.

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