

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 1st October 2002. Part of their effect is to implement Directive 99/70/EC^{M1} (normally referred to as the Fixed-term Work Directive) in Great Britain. The Regulations give fixed-term employees the right in principle not to be treated less favourably than permanent employees of the same employer doing similar work. The right, which is exercisable by complaint to an employment tribunal, applies where the less favourable treatment is on the ground that the employee is fixed-term and is not justified on objective grounds.

The Regulations make provision about what constitutes objective justification.

The Regulations also provide that where a fixed-term employee who has been continuously employed on fixed-term contracts for four years or more is re-engaged on a fixed-term contract without his continuity being broken, the new contract has effect under the law as a permanent contract unless the renewal on a fixed-term basis was objectively justified.

The Regulations make a number of amendments to primary legislation to remove discrimination in statutory rights between fixed-term employees (or certain types of fixed-term employees) and permanent employees.

A Regulatory Impact Assessment of the costs and benefits that will result from these Regulations has been placed in the Libraries of both Houses of Parliament. It is available to the public from Employment Relations Directorate, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET and is also available on the DTI website at www.dti.gov.uk

A Transposition Note explaining how the Regulations gives effect to the Directive, has been placed in the libraries of both Houses of Parliament.

Changes to legislation:

There are currently no known outstanding effects for the The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002.