

SCHEDULES

SCHEDULE 2

EMPLOYMENT PARTICULARS

PART I

ARTICLES 43 TO 43E OF THE NO. 2 ORDER, AS INSERTED

Written particulars of employment

Employer's duty to give statement of changes

43C.—(1) If, after the date to which a statement given under Article 43 relates, or, where no such statement is given, after the end of the period within which a statement under Article 43 is required to be given, there is a change in any of the matters particulars of which are required by Articles 43 to 43B to be included or referred to in a statement under Article 43, the employer shall at the earliest opportunity and, in any event, not later than—

- (a) one month after the change; or
- (b) where the change results from the employee being required to work outside the United Kingdom for a period of more than one month, the time when he leaves the United Kingdom in order to begin so to work, if that is earlier,

give to the employee a written statement containing particulars of the change.

(2) In a case where the statement under Article 43 is given in instalments, paragraph (1) applies—

- (a) in relation to—
 - (i) matters particulars of which are required to be (whether they are or not) included in the instalment comprising the principal statement; and
 - (ii) other matters particulars of which are included or referred to in that instalment;
- (b) in relation to matters particulars of which are included or referred to in any other instalment; and
- (c) in relation to any change occurring after the end of the two-month period within which a statement under Article 43 is required to be given in matters particulars of which were required to be included in the statement given under Article 43 but which were not included in any instalment,

as it applies in relation to matters particulars of which are required to be included or referred to in a statement under Article 43 not given in instalments.

(3) A statement under paragraph (1)—

- (a) may refer the employee to the provisions of some other document which—
 - (i) the employee has reasonable opportunities of reading in the course of his employment; or
 - (ii) is made reasonably accessible to him in some other way,

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for a change in any of the matters specified in Article 43(3)(d)(ii) and (iii) and 43B(1) (a) and (c); and

(b) may refer the employee to the law, or, subject to paragraph (4), to the provisions of any collective agreement which directly affects the terms and conditions of the employment, for a change in either of the matters specified in Article 43(3)(e).

(4) A statement under paragraph (1) may refer the employee to the provisions of a collective agreement under paragraph (3)(b) if, and only if, it is an agreement which—

(a) the employee has reasonable opportunities of reading in the course of his employment; or

(b) is made reasonably accessible to him in some other way.

(5) Where after an employer has given to an employee a statement under Article 43—

(a) either—

(i) the name of the employer (whether an individual or a body corporate or partnership) is changed without any change in the identity of the employer; or

(ii) the identity of the employer is changed in circumstances in which the continuity of the employee's period of employment is not broken; and

(b) the change does not involve any change in any of the matters (other than the names of the parties) particulars of which are required by Articles 43 to 43B to be included in the statement,

the person who immediately after the change is the employer shall not be required to give to the employee a statement under Article 43 but the change shall be treated as a change falling within paragraph (1).

(6) A statement under paragraph (1) which informs an employee of a change such as is referred to in paragraph (5)(a)(ii) shall specify the date on which the employee's period of continuous employment began.