

SCHEDULES

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CHANGE OF BASIS OF COMPUTATION OF PERIOD OF CONTINUOUS EMPLOYMENT

Right to written particulars of terms of employment

2.—(1) In section 4(1) of the Act of 1965 (obligation to give written particulars of terms of employment)—

- (a) for the words “the beginning of an employee’s period of employment” there shall be substituted “the beginning of an employee’s employment”; and
- (b) for the words from “whether any employment” to “continuous period of employment began” there shall be substituted “the date on which the employee’s period of continuous employment began (taking into account any employment with a previous employer which counts towards that period).”.

(2) In section 4 of that Act—

- (a) in subsection (6A)(b) (change of employer to be treated as change of terms where continuity of employment is not broken) the words from “in accordance with” to “Schedule 1” shall be omitted; and
- (b) in subsection (6B) (duty in such a case to specify date from which employment is continuous) for the words “continuous period of employment” there shall be substituted “period of continuous employment”.

(3) For section 4(7) of that Act (exclusion of obligation to give written statement where terms the same as those of previous employment) there shall be substituted—

“(7) No statement need be given under subsection (1) where—

- (a) the employee’s terms of employment are the same as those of earlier employment with the same employer in respect of which a statement under that subsection and any information subsequently required under subsection (4) was duly given, and
- (b) that earlier employment ended not more than six months before the beginning of the employment in question; but without prejudice to the operation of subsection (4) if there is subsequently a change in the terms of employment.”.

(4) After section 4(11A) there shall be inserted—

“(11B) This section shall apply to an employee who at any time comes or ceases to come within the exceptions from this section provided for by subsections (8) to (11A) or by section 6 or 9 as if his employment with his employer terminated or began at that time.

(11C) Subsection (1) shall apply to an employee who ceases to come within the exception provided by subsection (8) with the substitution for the words “thirteen weeks” of the words “one month”.

(11D) The fact that subsection (1) is directed to apply to an employee as if his employment began on his ceasing to come within one of the exceptions referred to in subsection (11B) shall not affect the obligation under subsection (1) to specify the date on which his employment actually began.”.

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

(5) In section 7 of that Act (power to vary references to hours of employment) for subsections (1) and (2) there shall be substituted—

“(1) The Department may by order vary or exclude the operation of sections 1(4A) and 4(9) to (11A).”.