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STATUTORY RULES OF NORTHERN IRELAND

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**2002 No. 298**

**Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2002**

**PART II**

**RIGHTS AND REMEDIES**

**Less favourable treatment of fixed-term employees**

**3.—(1)** A fixed-term employee has the right not to be treated by his employer less favourably than the employer treats a comparable permanent employee –

- (a) as regards the terms of his contract; or
- (b) by being subjected to any other detriment by any act, or deliberate failure to act, of his employer.

(2) Subject to paragraphs (3) and (4), the right conferred by paragraph (1) includes in particular the right of the fixed-term employee in question not to be treated less favourably than the employer treats a comparable permanent employee in relation to –

- (a) any period of service qualification relating to any particular condition of service,
- (b) the opportunity to receive training, or
- (c) the opportunity to secure permanent employment in the establishment.

(3) The right conferred by paragraph (1) applies only if –

- (a) the treatment is on the ground that the employee is a fixed-term employee, and
- (b) the treatment is not justified on objective grounds.

(4) Paragraph (3)(b) is subject to regulation 4.

(5) In determining whether a fixed-term employee has been treated less favourably than a comparable permanent employee, the pro-rata principle shall be applied unless it is inappropriate.

(6) In order to ensure that an employee is able to exercise the right conferred by paragraph (1) as described in paragraph (2)(c) the employee has the right to be informed by his employer of available vacancies in the establishment.

(7) For the purposes of paragraph (6) an employee is “informed by his employer” only if the vacancy is contained in an advertisement which the employee has a reasonable opportunity of reading in the course of his employment or the employee is given reasonable notification of the vacancy in some other way.