
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 298

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

PART II

RIGHTS AND REMEDIES

Successive fixed-term contracts

8.—(1) This regulation applies where –

- (a) an employee is employed under a contract purporting to be a fixed-term contract; and
- (b) the contract mentioned in sub-paragraph (a) has previously been renewed, or the employee was employed by the same employer on a fixed-term contract, or on a series of successive fixed-term contracts, before the start of the contract mentioned in sub-paragraph (a).

(2) Where this regulation applies then, with effect from the date specified in paragraph (3), the provision of the contract mentioned in paragraph (1)(a) that restricts the duration of the contract shall be of no effect, and the employee shall be a permanent employee, if –

- (a) the employee has been continuously employed under the contract mentioned in paragraph 1(a), or under that contract taken with a previous fixed-term contract, for a period of four years or more, and
- (b) the employment of the employee under a fixed-term contract was not justified on objective grounds –
 - (i) where the contract mentioned in paragraph (1)(a) has been renewed, at the time when it was last renewed;
 - (ii) where that contract has not been renewed, at the time when it was entered into.

(3) The date referred to in paragraph (2) is whichever is the later of –

- (a) the date on which the contract mentioned in paragraph (1)(a) was entered into or last renewed, and
- (b) the date on which the employee acquired four years' continuous employment.

(4) For the purposes of this regulation Chapter III of Part I of the 1996 Order shall apply in determining whether an employee has been continuously employed, and any period of continuous employment falling before the 10th July 2002 shall be disregarded.

(5) A collective agreement or a workforce agreement may modify the application of paragraphs (1) to (3) of this regulation in relation to any employee or specified description of employees, by substituting for either or both of the conditions set out in paragraph (2) one or more different conditions which, in order to prevent abuse arising from the use of successive fixed-term contracts, specify one or more of the following-

- (a) the maximum total period for which the employee or employees of that description may be continuously employed on a fixed-term contract or on a series of successive fixed-term contracts;
 - (b) the maximum number of successive fixed-term contracts and renewals of such contracts under which the employee or employees of that description may be employed; or
 - (c) objective reasons justifying the renewal of fixed-term contracts, or the engagement of the employee or employees of that description under successive fixed-term contracts,
- and those conditions shall have effect in relation to that employee or an employee of that description as if they were contained in paragraphs (2) and (3).