2002 No. 2035

TERMS AND CONDITIONS OF EMPLOYMENT

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Regulations 2002

Made - - - - -	*30th July 2002*
Coming into force - -	*1st October 2002*

Whereas a draft of the following Regulations was laid before Parliament in accordance with section 42(2) of the Employment Relations Act 1999(**a**) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred on her by section 19 of the Employment Relations Act 1999, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (Amendment) Regulations 2002 and shall come into force on 1st October 2002.

Amendments to the Regulations

2. The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000(**b**) are amended as follows—

(a) In regulation 2 (meaning of full-time worker, part-time worker and comparable full-time worker), for paragraph 3 substitute—

"(3) For the purposes of paragraphs (1), (2) and (4), the following shall be regarded as being employed under different types of contract—

(a) employees employed under a contract that is not a contract of apprenticeship;

(b) employees employed under a contract of apprenticeship;

(c) workers who are not employees;

(d) any other description of worker that it is reasonable for the employer to treat differently from other workers on the ground that workers of that description have a different type of contract.".

(**a**) 1999 c. 26.
(**b**) S.I. 2000/1551.

(b) In regulation 8 (complaints to employment tribunals etc.)—

(i) omit paragraph (8); and

(ii) in paragraph (9), omit the words "(subject to paragraph (8))".

Signed by Authority of the Secretary of State.

Alan Johnson,
Minister of State for Employment Relations, Industry and the Regions,
Department of Trade and Industry

30th July 2002

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 19 of the Employment Relations Act 1999, amend the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (S.I. 2000/1551) in the following ways—

1. They remove the distinction between fixed-term and permanent contracts for the purpose of ascertaining what are different types of contract for the purpose of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000, and

2. They remove the provision that limits the compensation employment tribunals can award in cases involving occupational pension schemes to compensation relating to two years prior to the presentation of the complaint.

3. The Regulations come into force on 1st October 2002.

A Regulatory Impact Assessment of the costs and benefits that will result from the initial regulations in 2000 was 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. Any additional compliance costs from the current amendments will arise only where employers treat part-time workers less favourably than their new full time comparators because they work part time. The DTI survey on part time work which informed the original RIA suggested that the number affected would be small and it is therefore not possible to estimate any additional costs.

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