
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

Right to receive written statement of variation

9.—(1) If an employee who considers that he is to be regarded, by virtue of regulation 8, as a permanent employee requests in writing from his employer a written statement confirming that the contract is to be so regarded, he is entitled to be provided, within twenty-one days of his request, with either –

- (a) such a statement, or
- (b) a statement giving reasons why his contract remains fixed-term.

(2) If the reasons stated under paragraph (1)(b) include an assertion that there were objective grounds for the engagement of the employee under a fixed-term contract, or the renewal of such a contract, the statement shall include a statement of those grounds.

(3) A written statement under this regulation is admissible as evidence in any proceedings before a court, an industrial tribunal and the Commissioners of Inland Revenue.

(4) If it appears to the court or tribunal in any proceedings –

- (a) that the employer deliberately, and without reasonable excuse, omitted to provide a written statement, or
- (b) that the written statement is evasive or equivocal,

it may draw any inference which it considers it just and equitable to draw.

(5) An employee who considers that, by virtue of regulation 8, he is a permanent employee may present an application to an industrial tribunal for a declaration to that effect.

(6) No application may be made under paragraph (5) unless –

- (a) the employee in question has previously requested a statement under paragraph (1) and the employer has either failed to provide a statement or given a statement of reasons under paragraph (1)(b), and
- (b) at the time the application is made the employee is employed by the employer.