



# Employment Act 2002

## 2002 CHAPTER 22

### PART 4

#### MISCELLANEOUS AND GENERAL

*FI* ...

#### **46 Fixed-term work: Northern Ireland**

- (1) The Department for Employment and Learning shall make regulations—
  - (a) for the purpose of securing that employees in fixed-term employment are treated, for such purposes and to such extent as the regulations may specify, no less favourably than employees in permanent employment, and
  - (b) for the purpose of preventing abuse arising from the use of successive periods of fixed-term employment.
- (2) The regulations may—
  - (a) specify classes of employee who are to be taken to be, or not to be, in fixed-term employment;
  - (b) specify classes of employee who are to be taken to be, or not to be, in permanent employment;
  - (c) specify circumstances in which employees in fixed-term employment are to be taken to be, or not to be, treated less favourably than employees in permanent employment;
  - (d) specify circumstances in which periods of fixed-term employment are to be taken to be, or not to be, successive;
  - (e) specify circumstances in which fixed-term employment is to have effect as permanent employment;
  - (f) make provision which has effect in relation to employees in fixed-term employment generally or provision which has effect only in relation to specified classes of employee in fixed-term employment.
- (3) The regulations may—

*Changes to legislation: Employment Act 2002, Section 46 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) confer jurisdiction (including exclusive jurisdiction) on industrial tribunals;
- (b) provide for specified obligations not to apply in specified circumstances;
- (c) make provision about notices or information to be given, evidence to be produced and other procedures to be followed;
- (d) amend, apply with or without modifications, or make provision similar to any provision of—
  - (i) the Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919) (including, in particular, Parts 6, 11 and 15),
  - (ii) the Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/1980 (N.I. 12)), or
  - (iii) the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7);
- (e) provide for the provisions of specified agreements to have effect in place of provisions of the regulations to such extent and in such circumstances as may be specified.

<sup>F1</sup>(4) .....

- (5) Power to make regulations under this section includes power—
  - (a) to make different provision for different cases or circumstances;
  - (b) to make such incidental, supplementary, consequential or transitional provision as the Department for Employment and Learning thinks fit, including provision amending an enactment.
- (6) Power to make regulations under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (7) Regulations under this section shall not be made unless a draft of them has been laid before and approved by resolution of the Northern Ireland Assembly.
- (8) In this section—
  - (a) “employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment, and
  - (b) “contract of employment” means a contract of service or apprenticeship, whether express or implied, and (if it is express) whether oral or in writing.

**Textual Amendments**

**F1** S. 46(4) omitted (31.12.2020) by virtue of [The Employment Rights \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019](#) (S.I. 2019/537), reg. 1(1), **Sch. para. 3** (with Sch. para. 11); 2020 c. 1, Sch. 5 para. 1(1)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3)(e) and word inserted by [2023 c. 20 Sch. para. 36\(4\)\(c\)](#)
- s. 15(2)(bb) word omitted by [2023 c. 20 Sch. para. 43\(a\)](#)
- s. 15(2)(bc) inserted by [2023 c. 20 Sch. para. 43\(b\)](#)