

2001 No. 1107

TERMS AND CONDITIONS OF EMPLOYMENT

The Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2001

Made - - - - - *20th March 2001*

Coming into force - - - *1st May 2001*

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 a resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him 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 2001 and shall come into force on 1st May 2001.

Amendment of the Employment Tribunals Act 1996

2. In paragraph (h) of section 18(1) of the Employment Tribunals Act 1996(b) (cases where conciliation provisions apply), after “regulation” insert “5(1) or”.

Amendment of the Employment Rights Act 1996

3. In subsection (2)(f) of section 203 of the Employment Rights Act 1996(c) (removal of restrictions on contracting out where compromise agreement provisions satisfied) for the words from “section 18(1)(d)” to “Employment Tribunals Act 1996” substitute—

“the following provisions of section 18(1) of the Employment Tribunals Act 1996 (cases where conciliation available)—

- (i) paragraph (d) (proceedings under this Act),
- (ii) paragraph (h) (proceedings arising out of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000),”.

Alan Johnson,
Parliamentary Under-Secretary of State for Competitiveness,
Department of Trade and Industry

20th March 2001

(a) 1999 c. 26.
(b) 1996 c. 17. Under section 1(2) of the Employment Rights (Dispute Resolution) Act 1998 (c. 8), the Act, formerly known as the Industrial Tribunals Act 1996, may be cited as the Employment Tribunals Act 1996. Section 18(1) has been amended on a number of occasions to specify additional proceedings and claims to which the section applies. Paragraph (h) was inserted by the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (S.I. 2000/1551), regulation 10 and paragraph 1(a)(ii) of the Schedule.
(c) 1996 c. 18; section 203(2)(f) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c. 8), section 15 and Schedule 1, paragraph 24(2).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 19 of the Employment Relations Act 1999, make technical amendments to the Employment Tribunals Act 1996 and the Employment Rights Act 1996 to secure—

that the powers that conciliation officers appointed by ACAS normally have to conciliate in relation to employment tribunal claims apply to such claims brought under regulation 5(1) of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (S.I. 2000/1551) that a part-time worker has been treated less favourably than a worker who is not part-time, and

that the restrictions that are contained in section 203 of the Employment Rights Act 1996 against contracting out of the rights in the Act, and are applied to the rights in the Regulations by regulation 9, do not apply where a compromise agreement is made in relation to proceedings arising under regulation 5(1) or regulation 7(2) (detrimental acts by the employer) that satisfies the conditions regulating such agreements in section 203(3) to (4) of the Act.

A Regulatory Impact Assessment of the estimated costs and benefits of these Regulations has been placed in the Libraries of both Houses of Parliament. It is available to the public from Employment Relations 5A, Department of Trade and Industry, 1 Victoria Street, London SW1H 0ET and is also available on the DTI website at www.dti.gov.uk.

The Regulations come into force on 1st May 2001.

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