Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 29 *of* 2003

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

REVISED

Updated to 16 December 2022

This Revised Act is an administrative consolidation of the *Protection of Employees (Fixed-Term Work) Act 2003*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Appropriation Act 2022* (45/2022), enacted 16 December 2022, and all statutory instruments up to and including the *European Union (Transparent and Predictable Working Conditions) Regulations 2022* (S.I. No. 686 of 2022), made 16 December 2022, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 29 *of* 2003

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

REVISED

Updated to 16 December 2022

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title.
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3. Regulations and orders.
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6. Conditions of employment for fixed-term employees.
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9A. Probation periods.
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Carer's Leave Act 2001	2001, No. 19
Civil Service Regulation Act 1956	1956, No. 46
Courts Act 1981	1981, No. 11
Employment Agency Act 1971	1971, No. 27
Local Government Act 2001	2001, No. 37
Minimum Notice and Terms of Employment Acts 1973 to 2001	
Nurses Act 1985	1985, No. 18
Organisation of Working Time Act 1997	1997, No. 20
Parental Leave Act 1998	1998, No. 30
Protection of Employees (Part-Time Work) Act 2001	2001, No. 45
Protection of Persons Reporting Child Abuse Act 1998	1998, No. 49
Redundancy Payments Act 1967	1967, No. 21
Transnational Information and Consultation of Employees Act 1996	1996, No. 20
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Worker Protection (Regular Part-Time Employees) Act 1991	1991, No. 5

Number 29 *of* 2003

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

REVISED

Updated to 16 December 2022

AN ACT TO PROVIDE FOR THE IMPLEMENTATION OF DIRECTIVE NO. 1999/70/EC OF 28 JUNE 1999, OF THE COUNCIL OF THE EUROPEAN COMMUNITIES CONCERNING THE FRAMEWORK AGREEMENT ON FIXED-TERM WORK CONCLUDED BY ETUC, UNICE AND CEEP, TO AMEND THE EMPLOYMENT AGENCY ACT 1971, THE ORGANISATION OF WORKING TIME ACT 1997 AND THE PROTECTION OF EMPLOYEES (PART-TIME WORK) ACT 2001 AND TO PROVIDE FOR RELATED MATTERS. [14*th July*, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references construed (14.10.2020) by *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 438 of 2020), arts. 2, 3(1)(a), (2) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Business, Enterprise and Innovation.

(2) References to the Department of Employment Affairs and Social Protection contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Business, Enterprise and Innovation.

3. (1) The functions vested in the Minister for Employment Affairs and Social Protection -

(a) by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule, and

...

are transferred to the Minister for Business, Enterprise and Innovation.

...

(2) References to the Minister for Employment Affairs and Social Protection contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Business, Enterprise and Innovation.

SCHEDULE 1

PART 1

ACTS OF THE OIREACHTAS

...

Protection of Employees (Fixed-Term Work) Act 2003 (No. 29 of 2003)

...

C2 Functions transferred to Health Service Executive (1.01.2005) by *Health Act 2004* (42/2004), s. 59 and sch. 3 item 52, S.I. No. 887 of 2004.

Transfer of functions of specified bodies to Executive.

59.—(1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

...

SCHEDULE 3

Transfer of Functions and References to Functional Areas

...

52. Protection of Employees (Fixed-Term Work) Act 2003

...

C3 Application of Act potentially restricted by *Employment Equality Act 1998* (21/1998), s. 101A as inserted (18.07.2004) by *Equality Act 2004* (24/2004), s. 43, commenced on enactment.

[Parallel claims.

101A.—Where the conduct of an employer constitutes both a contravention of Part III or IV and a contravention of either the Protection of Employees (Part-Time Work) Act 2001 or the Protection of Employees (Fixed-Term Work) Act 2003, relief may not be granted to the employee concerned in respect of the conduct under both this Act and either of the said Acts.**]**

C4 Application of Act potentially restricted by *Pensions Act 1990*, s. 81J and sch. 4 (as inserted (5.04.2004) by *Social Welfare (Miscellaneous Provisions) Act 2004* (9/2004), s. 22, S.I. No. 141 of 2004), item 30A providing for alternative application of s. 101A as inserted (18.07.2004) by *Equality Act 2004* (24/2004), s. 66(3)(f)(vii), commenced on enactment.

[Parallel claims.

101A.—

Table heading: Words appearing in section of Employment Equality Act 1998

Where the conduct of an employer constitutes both a contravention of Part III or IV and a contravention of either the Protection of Employees (Part-Time Work) Act 2001 or the Protection of Employees (Fixed-Term Work) Act 2003, relief may not be granted to the employee concerned in respect of the conduct under both this Act and either of the said Acts.

Table heading: Substituted words for the purposes of Part VII

(2) Where the conduct of an employer constitutes both a contravention of Part VII of the Pensions Act 1990 and a contravention of either the Protection of Employees (Part-Time Work) Act 2001 or the Protection of Employees (Fixed-Term Work) Act 2003, relief may not be granted to the employee concerned in respect of the conduct under both this Act as it applies to Part VII of the Pensions Act 1990 and either of the said Acts.**]**

Editorial Notes:

E1 Redress and appeal procedures in respect of Act provided (1.10.2015) by *Workplace Relations Act 2015* (16/2015), ss. 41, 44 and sch. 5 part 1 item 12, sch. 6 part 1 item 18, sch. 6 part 2 item 18, S.I. No. 410 of 2015.

E2 Act included in definitions of "employment enactment" and "relevant enactment" (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 2 and sch. 1 part 1 item 10, S.I. No. 338 of 2015, with the following effects:

- Authorised officers or inspectors under employment enactments deemed to be appointed under *Workplace Relations Act 2015* (16/2015), s. 26(2) and subject to termination under s. 26(4).
- Powers of inspectors for purposes of relevant enactments defined in *Workplace Relations Act 2015* (16/2015), s. 27.
- Workplace Relations Commission, an inspector or an adjudication officer authorised to disclose employer's registered number or employee's PPSN to enable Labour Court to perform functions under relevant enactments by *Workplace Relations Act 2015* (16/2015) s. 31(5).
- Power of Workplace Relations Commission and official body to disclose information to each other concerning the commission of offence under relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 32.
- Power of Workplace Relations Commission and contracting authority to disclose information to each other concerning the commission of offence under employment enactment/ relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 33.
- Powers of Minister to prosecute under relevant enactments transferred to Workplace Relations Commission and references construed by *Workplace Relations Act 2015* (16/2015), s. 37.
- Functions of EAT to hear claims under employment enactments transferred to Workplace Relations Commission and references to EAT construed by *Workplace Relations Act 2015* (16/2015) s. 66(1), (2), not commenced as of date of revision.

E3 Minister empowered to make regulations in certain circumstances for the purpose of enabling any provision of this Act to have full effect by *Pensions Act 1990* (25/1990), s. 5(5) as inserted (1.06.2002) by *Pensions (Amendment) Act 2002* (18/2002), s. 10(b), S.I. No. 276 of 2002 and amended (5.04.2002) by *Social Welfare (Miscellaneous Provisions) Act 2004* (9/2004), s. 23 and sch. 2 item 3, S.I. No. 141 of 2004.

E4 Previous affecting provision: functions transferred and "Minister for" and "Department of Jobs, Enterprise and Innovation" construed (1.09.2017) by *Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017* (S.I. No. 361 of 2017), arts. 2, 3, 6-8, in effect as per art. 1(2), subject to transitional provisions in arts. 4, 5; superseded as per C-note above.

PART 1

Preliminary and General

Short title.

1.—This Act may be cited as the Protection of Employees (Fixed-Term Work) Act 2003.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

"Act of 2001" means the Protection of Employees (Part-Time Work) Act 2001;

"associated employer" shall be read in accordance with *subsection (2)*;

"collective agreement" means an agreement by or on behalf of an employer on the one hand, and by or on behalf of a body or bodies representative of the employees to whom the agreement relates on the other hand;

"comparable permanent employee" shall be read in accordance with *section 5*;

"conditions of employment" includes conditions in respect of remuneration and matters relating thereto (and, in relation to any pension scheme or arrangement, includes conditions for membership of the scheme or arrangement and entitlement to rights thereunder and conditions related to the making of contributions to the scheme or arrangement);

"contract of employment" means a contract of service whether express or implied and, if express, whether oral or in writing but shall not include a contract whereby

an individual agrees with another person, who is carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971 and is acting in the course of that business, to do or perform personally any work or service for a third person (whether or not the third person is a party to the contract);

"employee" means a person of any age, who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and references, in relation to an employer, to an employee shall be construed as references to an employee employed by that employer and, for the purposes of this Act, a person holding office under, or in the service of, the State (including a civil servant within the meaning of the Civil Service Regulation Act 1956) shall be deemed to be an employee employed by the State or Government, as the case may be, and an officer or servant of a local authority, a harbour authority, the Eastern Regional Health Authority, the Northern Area Health Board, the East Coast Area Health Board or the South-Western Area Health Board F1**[**or health board or a member of staff of an education and training board,**]** shall be deemed to be an employee employed by the authority F1**[**or board**]**, as the case may be;

"employer" means, in relation to an employee, the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment;

"fixed-term employee" means a person having a contract of employment entered into directly with an employer where the end of the contract of employment concerned is determined by an objective condition such as arriving at a specific date, completing a specific task or the occurrence of a specific event but does not include—

(*a*) employees in initial vocational training relationships or apprenticeship schemes, or

(*b*) employees with a contract of employment which has been concluded within the framework of a specific public or publicly-supported training, integration or vocational retraining programme;

"Framework Agreement" means the Framework Agreement on fixed-term work concluded by ETUC, UNICE and CEEP annexed to Directive No. 1999/70/EC of 28 June 1999 of the Council of the European Communities;[1]

F2**[**"local authority" means a local authority for the purposes of the Local Government Act 2001 (as amended by the Local Government Reform Act 2014);**]**

"Minister" means the Minister for Enterprise, Trade and Employment;

"permanent employee" means an employee who is not a fixed-term employee;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"relevant fixed-term employee" shall be read in accordance with *section 5*;

"remuneration", in relation to an employee, means—

(*a*) any consideration, whether in cash or in kind, which the employee receives, directly or indirectly, from the employer in respect of the employment, and

(*b*) any amounts the employee will be entitled to receive on foot of any pension scheme or arrangement;

"renewal" includes extension and cognate words shall be read accordingly;

"year" means any period of 52 weeks.

(2) Employers are deemed to be associated if—

[1] OJ No. L175, 10.7.1999, p.43.

(*a*) one is a body corporate of which the other (whether directly or indirectly) has control, or

(*b*) both are bodies corporate of which a third person (whether directly or indirectly) has control.

(3) A word or expression that is used in this Act and is also used in the Framework Agreement has, unless the contrary intention appears, the same meaning in this Act as it has in the Framework Agreement.

(4) In this Act—

(*a*) a reference to a Part or section is a reference to a Part or section of this Act unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act).

Annotations

Amendments:

F1 Substituted (1.07.2013) by *Education and Training Boards Act 2013* (11/2013), s. 72 and sch. 6 item 43, S.I. No. 211 of 2013.

F2 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(8) and sch. 2 part 6, S.I. No. 214 of 2014.

Modifications (not altering text):

C5 Functions transferred and references construed (14.10.2020) by *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 438 of 2020), arts. 2, 3(1)(a), (2) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Business, Enterprise and Innovation.

(2) References to the Department of Employment Affairs and Social Protection contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Business, Enterprise and Innovation.

3. (1) The functions vested in the Minister for Employment Affairs and Social Protection -

(a) by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule, and

...

are transferred to the Minister for Business, Enterprise and Innovation.

...

(2) References to the Minister for Employment Affairs and Social Protection contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Business, Enterprise and Innovation.

SCHEDULE 1

PART 1

ACTS OF THE OIREACHTAS

...

Protection of Employees (Fixed-Term Work) Act 2003 (No. 29 of 2003)

...

C6 References to "county council", "city council" and "town council" construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), ss. 9(2) and 25(2), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9.— ...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

...

Dissolution of town councils — consequential provisions

25.— ...

(2) A function of a town council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a town council and whether of general application to town councils or otherwise under an enactment) that—

(a) has not been repealed or otherwise provided for by this Act, or

(b) is neither spent nor obsolete,

shall, if the context permits in respect of one or more than one town council concerned, be read as a reference to a function of the local authority in whose administrative area the town council so dissolved is situated.

...

Regulations and orders.

3.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or for the purpose of enabling any provision of this Act to have full effect.

(2) Regulations under this Act may make different provisions in relation to different classes of employees or employers, different areas or otherwise by reference to the different circumstances of the matter.

(3) A regulation or order under this Act may contain such incidental, supplementary and consequential provisions as the Minister considers necessary or expedient.

(4) The Minister may by order amend or revoke an order under this Act (including an order under this subsection).

(5) A regulation or order under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of any thing previously done under the regulation or order.

Expenses.

4.—Expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

PART 2

Fixed-Term Work and Rights of Fixed-Term Employees

Comparable permanent employee.

5.—(1) For the purposes of this Part, an employee is a comparable permanent employee in relation to a fixed-term employee if—

(*a*) the permanent employee and the relevant fixed-term employee are employed by the same employer or associated employers and one of the conditions referred to in *subsection (2)* is satisfied in respect of those employees,

(*b*) in case *paragraph (a)* does not apply (including a case where the relevant fixed-term employee is the sole employee of the employer), the permanent employee is specified in a collective agreement, being an agreement that for the time being has effect in relation to the relevant fixed-term employee, to be a type of employee who is to be regarded for the purposes of this Part as a comparable permanent employee in relation to the relevant fixed-term employee, or

(*c*) in case neither *paragraph (a)* nor *(b)* applies, the employee is employed in the same industry or sector of employment as the relevant fixed-term employee and one of the conditions referred to in *subsection (2)* is satisfied in respect of those employees,

and references in this Part to a comparable permanent employee in relation to a fixed-term employee shall be read accordingly.

(2) The following are the conditions mentioned in *subsection (1)*—

(*a*) both of the employees concerned perform the same work under the same or similar conditions or each is interchangeable with the other in relation to the work,

(*b*) the work performed by one of the employees concerned is of the same or a similar nature to that performed by the other and any differences between the work performed or the conditions under which it is performed by each, either are of small importance in relation to the work as a whole or occur with such irregularity as not to be significant, and

(*c*) the work performed by the relevant fixed-term employee is equal or greater in value to the work performed by the other employee concerned, having regard to such matters as skill, physical or mental requirements, responsibility and working conditions.

Conditions of employment for fixed-term employees.

6.—(1) Subject to *subsections (2)* and *(5)*, a fixed-term employee shall not, in respect of his or her conditions of employment, be treated in a less favourable manner than a comparable permanent employee.

(2) If treating a fixed-term employee, in respect of a particular condition of employment, in a less favourable manner than a comparable permanent employee can be justified on objective grounds then that employee may, notwithstanding *subsection (1)*, be so treated.

(3) A period of service qualification relating to a particular condition of employment shall be the same for a fixed-term employee as for a comparable permanent employee except where a different length of service qualification is justified on objective grounds.

(4) For the avoidance of doubt, the reference in this section to a comparable permanent employee is a reference to such an employee either of the opposite sex to the fixed-term employee concerned or of the same sex as him or her.

(5) *Subsection (1)* shall, in so far, but only in so far, as it relates to any pension scheme or arrangement, not apply to a fixed-term employee whose normal hours of work constitute less than 20 per cent of the normal hours of work of a comparable permanent employee.

(6) The extent to which any condition of employment referred to in *subsection (7)* is provided to a fixed-term employee for the purpose of complying with *subsection (1)* shall be related to the proportion which the normal hours of work of that employee bears to the normal hours of work of the comparable permanent employee concerned.

(7) The condition of employment mentioned in *subsection (6)* is a condition of employment the amount of benefit of which (in case the condition is of a monetary nature) or the scope of the benefit of which (in any other case) is dependent on the number of hours worked by an employee.

(8) For the avoidance of doubt, neither this section nor any other provision of this Act affects the operation of Part III of the Organisation of Working Time Act 1997.

Objective grounds for less favourable treatment.

7.—(1) A ground shall not be regarded as an objective ground for the purposes of any provision of this Part unless it is based on considerations other than the status of the employee concerned as a fixed-term employee and the less favourable treatment which it involves for that employee (which treatment may include the renewal of a fixed-term employee's contract for a further fixed term) is for the purpose of achieving a legitimate objective of the employer and such treatment is appropriate and necessary for that purpose.

(2) Where, as regards any term of his or her contract, a fixed-term employee is treated by his or her employer in a less favourable manner than a comparable permanent employee, the treatment in question shall (for the purposes of *section 6(2)*) be regarded as justified on objective grounds, if the terms of the fixed-term employee's contract of employment, taken as a whole, are at least as favourable as the terms of the comparable permanent employee's contract of employment.

Written statements of employer.

8.—(1) Where an employee is employed on a fixed-term contract the fixed-term employee shall be informed in writing as soon as practicable by the employer of the objective condition determining the contract whether it is—

(*a*) arriving at a specific date,

(*b*) completing a specific task, or

(*c*) the occurrence of a specific event.

(2) Where an employer proposes to renew a fixed-term contract, the fixed-term employee shall be informed in writing by the employer of the objective grounds justifying the renewal of the fixed-term contract and the failure to offer a contract of indefinite duration, at the latest by the date of the renewal.

(3) A written statement under *subsection (1)* or *(2)* is admissible as evidence in any proceedings under this Act.

(4) If it appears to a rights commissioner or the Labour Court in any proceedings under this Act—

(*a*) that an employer omitted to provide a written statement, or

(*b*) that a written statement is evasive or equivocal,

the rights commissioner or the Labour Court may draw any inference he or she or it consider just and equitable in the circumstances.

Annotations

Modifications (not altering text):

C7 Application of section restricted (1.01.2018) by *National Shared Services Office Act 2017* (26/2017), s. 18(8), S.I. No. 579 of 2017.

Membership and appointment of Board

18. ...

(8) For the purposes of this Act only, members of the Board are not employees under section 8 and section 9 of the Protection of Employees (Fixed-Term Work) Act 2003.

Successive fixed-term contracts.

9.—(1) Subject to *subsection (4)*, where on or after the passing of this Act a fixed-term employee completes or has completed his or her third year of continuous employment with his or her employer or associated employer, his or her fixed-term contract may be renewed by that employer on only one occasion and any such renewal shall be for a fixed term of no longer than one year.

(2) Subject to *subsection (4)*, where after the passing of this Act a fixed-term employee is employed by his or her employer or associated employer on two or more continuous fixed-term contracts and the date of the first such contract is subsequent to the date on which this Act is passed, the aggregate duration of such contracts shall not exceed 4 years.

(3) Where any term of a fixed-term contract purports to contravene *subsection (1)* or *(2)* that term shall have no effect and the contract concerned shall be deemed to be a contract of indefinite duration.

(4) *Subsections (1)* to *(3)* shall not apply to the renewal of a contract of employment for a fixed term where there are objective grounds justifying such a renewal.

(5) The First Schedule to the Minimum Notice and Terms of Employment Acts 1973 to 2001 shall apply for the purpose of ascertaining the period of service of an employee and whether that service has been continuous.

Annotations

Modifications (not altering text):

C8 Application of section restricted (1.01.2018) by *National Shared Services Office Act 2017* (26/2017), s. 18(8), S.I. No. 579 of 2017.

Membership and appointment of Board

18. ...

(8) For the purposes of this Act only, members of the Board are not employees under section 8 and section 9 of the Protection of Employees (Fixed-Term Work) Act 2003 .

F3[Probation periods

9A.— (1) Notwithstanding section 6D of the Terms of Employment (Information) Act 1994, where a fixed-term employee has entered into a fixed-term contract with an employer which provides for a probationary period, the length of such probationary period shall be proportionate to the expected duration of the fixed-term contract and the nature of the work.

(2) Where an employer proposes to renew a fixed-term contract for the same functions and tasks, the fixed-term contract shall not be subject to a new probationary period.

(3) A word or expression that is used in this section that is also used in Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019[10] on transparent and predictable working conditions in the European Union has, unless the contrary intention appears, the same meaning in this section that it has in that Directive.**]**

Annotations

Amendments:

F3 Inserted (16.12.2022) by *European Union (Transparent and Predictable Working Conditions) Regulations 2022* (S.I. No. 686 of 2022), reg. 14.

Information on employment and training opportunities.

10.—(1) An employer shall inform a fixed-term employee in relation to vacancies which become available to ensure that he or she shall have the same opportunity to secure a permanent position as other employees.

(2) The information referred to in *subsection (1)* may be provided by means of a general announcement at a suitable place in the undertaking or establishment.

(3) As far as practicable, an employer shall facilitate access by a fixed-term employee to appropriate training opportunities to enhance his or her skills, career development and occupational mobility.

Information and consultation.

11.—(1) Fixed-term employees shall be taken into account when calculating the threshold above which employees' representatives bodies may be constituted in an undertaking in accordance with section 4 of the Transnational Information and Consultation of Employees Act 1996.

(2) As far as practicable, employers shall consider providing information to employees' representatives about fixed-term work in the undertaking.

Voidance of certain provisions.

12.—Save as expressly provided otherwise in this Act, a provision in an agreement (whether a contract of employment or not and whether made before or after the commencement of the provision concerned of this Act) shall be void insofar as it purports to exclude or limit the application of, or is inconsistent with, any provision of the Act.

Prohibition of penalisation of employee by employer.

13.—(1) An employer shall not penalise an employee—

(*a*) for invoking any right of the employee to be treated, in respect of the employee's conditions of employment, in the manner provided for by this Part,

(*b*) for having in good faith opposed by lawful means an act which is unlawful under this Act,

(*c*) for giving evidence in any proceeding under this Act or for giving notice of his or her intention to do so or to do any other thing referred to in *paragraph (a)* or *(b)*, or

(*d*) by dismissing the employee from his or her employment if the dismissal is wholly or partly for or connected with the purpose of the avoidance of a fixed-term contract being deemed to be a contract of indefinite duration under *section 9(3)*.

(2) For the purposes of this section, an employee is penalised if he or she—

[10] OJ No. L 186, 11.7.2019, p. 105

(*a*) is dismissed or suffers any unfavourable change in his or her conditions of employment or any unfair treatment (including selection for redundancy), or

(*b*) is the subject of any other action prejudicial to his or her employment.

PART 3

Enforcement

F4[Decision of adjudication officer under section 41 of Workplace Relations Act 2015

14. A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a complaint of a contravention of this Act shall do one or more of the following, namely—

(a) declare whether the complaint was or was not well founded,

(b) require the employer to comply with the relevant provision,

(c) require the employer to reinstate or reengage the employee (including on a contract of indefinite duration), or

(d) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all of the circumstances, but not exceeding 2 years' remuneration in respect of the employee's employment.**]**

Annotations

Amendments:

F4 Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 18, S.I. No. 410 of 2015, subject to transitional provisions in subs. (3).

F5[Decision of Labour Court on appeal from decision referred to in section 14

15. A decision of the Labour Court under section 44 of the Workplace Relations Act 2015, on appeal from a decision of an adjudication officer referred to in section 14, shall affirm, vary or set aside the decision of the adjudication officer.**]**

Annotations

Amendments:

F5 Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 18, S.I. No. 410 of 2015, subject to transitional provisions in subs. (3).

Enforcement of determinations of Labour Court.

16.—F6**[**...**]**

Annotations

Amendments:

F6 Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 17, S.I. No. 410 of 2015, subject to transitional provisions in subs. (2).

PART 4

Exclusions and other Provisions

Exclusion of certain types of contracts.

17.—This Act shall not apply to a contract where the employee is—

(*a*) a member of the Defence Forces,

(*b*) a trainee within the meaning of the Garda Síochána (Admissions and Appointments) Regulations 1988 (S.I. No. 164 of 1988), or

(*c*) a nurse in training within the meaning of Parts III and IV of the Nurses Act 1985.

Limitation on relief.

18.—(1) If penalisation of an employee, in contravention of *section 13(1)*, constitutes a dismissal of the employee within the meaning of the Unfair Dismissals Acts 1977 to 2001, relief may not be granted to the employee in respect of that penalisation both under *Part 3* and under those Acts.

(2) An individual who is a fixed-term employee under this Act and a part-time employee under the Act of 2001 may obtain relief arising from the same circumstances under either, but not both, this Act or under Part 2 of the Act of 2001.

Amendment of Employment Agency Act 1971, Organisation of Working Time Act 1997 and Protection of Employees (Part-Time Work) Act 2001.

19.—(1) Section 10(1) of the Employment Agency Act 1971 is amended by substituting—

(*a*) "€2,000" for "£50", and

(*b*) "€1,000" for "£10".

(2) The Organisation of Working Time Act 1997 is amended—

(*a*) in section 28(8) by substituting "the employee concerned may bring the complaint" for "the employee concerned may, not later than 6 weeks after the expiry of that time, bring the complaint",

(*b*) in section 39(2) by—

(i) inserting "or statutory instrument" after "under this Act or an enactment", and

(ii) substituting the following for "Worker Protection (Regular Part-Time Employees) Act, 1991":

"Parental Leave Act 1998

Protection of Persons Reporting Child Abuse Act 1998

European Communities (Protection of Employment) Regulations 2000 (S.I. No. 488 of 2000)

Carer's Leave Act 2001

Protection of Employees (Part-Time Work) Act 2001

European Communities (Protection of Employees on the Transfer of Undertakings) Regulations 2003 (S.I. No. 131 of 2003)

Protection of Employees (Fixed-Term Work) Act 2003",

(*c*) in section 39(4) by—

(i) inserting "or statutory instrument" after "under an enactment",

(ii) inserting "or statutory instrument" after "under that enactment",

(iii) inserting "or statutory instrument" after "concerned under the said enactment", and

(iv) inserting "or statutory instrument" after "specified under the said enactment",

and

(*d*) in section 39(5) by inserting "or statutory instrument" after "under an enactment".

(3) Section 17(8) of the Act of 2001 is amended by substituting "the employee concerned may bring the complaint" for "the employee concerned may, not later than 6 weeks after the expiry of that time, bring the complaint".

Annotations

Editorial Notes:

E5 *Protection of Persons Reporting Child Abuse Act 1998* mentioned in subs. (2)(b)(ii) was enacted as *Protections for Persons Reporting Child Abuse Act 1998*.

Number 29 *of* 2003

PROTECTION OF EMPLOYEES (FIXED-TERM WORK) ACT 2003

REVISED

Updated to 16 December 2022

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found in linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *National Shared Services Office Act 2017* (26/2017)
- *Workplace Relations Act 2015* (16/2015)
- *Local Government Reform Act 2014* (1/2014)
- *Education and Training Boards Act 2013* (11/2013)
- *Health Act 2004* (42/2004)
- *Equality Act 2004* (24/2004)
- *Social Welfare (Miscellaneous Provisions) 2004* (9/2004)

- *Pensions (Amendment) Act 2002* (18/2002)
- *Employment Equality Act 1998* (21/1998)
- *Pensions Act 1990* (25/1990)

All Acts up to and including *Appropriation Act 2022* (45/2022), enacted 16 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Union (Transparent and Predictable Working Conditions) Regulations 2022* (S.I. No. 686 of 2022)
- *Employment Affairs and Employment Law (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 438 of 2020)
- *Labour Affairs and Labour Law (Transfer of Departmental Administration and Ministerial Functions) Order 2017* (S.I. No. 361 of 2017)
- *Enterprise, Trade and Innovation (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 245 of 2011)
- *Enterprise, Trade and Employment (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 185 of 2010)

All statutory instruments up to and including *European Union (Transparent and Predictable Working Conditions) Regulations 2022* (S.I. No. 686 of 2022), made 16 December 2022, were considered in the preparation of this revision.