



# Employment Act 1989

## CHAPTER 38

### EMPLOYMENT ACT 1989

#### *Overriding of provisions requiring discrimination as respects employment or training*

- 1 Overriding of statutory requirements which conflict with certain provisions of 1975 Act
- 2 Power of Secretary of State to repeal statutory provisions requiring discrimination as respects employment or training

#### *Circumstances where discrimination as respects employment or training is permissible*

- 3 Restriction of exemption for discrimination required by or under statute
- 4 Exemption for discrimination under certain provisions concerned with the protection of women at work
- 5 Exemption for discrimination in connection with certain educational appointments
- 6 Power of Secretary of State to exempt particular acts of discrimination required by or under statute

#### *Discrimination as respects training*

- 7 Prohibition of discrimination in connection with provision of training
- 8 Power to exempt discrimination in favour of lone parents in connection with training

#### *Removal of restrictions and other requirements relating to employment*

- 9 Repeal or modification of provisions requiring different treatment of different categories of employees
- 10 Removal of restrictions relating to employment of young persons
- 11 Exemption of Sikhs from requirements as to wearing of safety helmets on construction sites

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- 12 Protection of Sikhs from racial discrimination in connection with requirements as to wearing of safety helmets

*Written statements of terms of employment*

- 13 Provision of particulars of disciplinary procedures

*Time off for trade union duties*

- 14 Trade union duties for which time off must be allowed by employer

*Reasons for dismissal*

- 15 Period of employment necessary to qualify for statement of reasons for dismissal

*Redundancy*

- 16 Redundancy payments: assimilation of age limits for men and women  
17 Abolition of redundancy rebates

*Insolvency*

- 18 Quantification of amounts for purposes of insolvency payments  
19 Recovery of insolvency payments made in respect of preferential or preferred debts

*Pre-hearing reviews*

- 20 Pre-hearing review of proceedings before industrial tribunal

*Removal of requirement to register storage of film*

- 21 Removal of requirement to notify local authority of storage of celluloid film

*Dissolution of Training Commission*

- 22 Dissolution of Training Commission

*Industrial training boards*

- 23 Consultation in connection with industrial training orders  
24 Transfer of assets or staff of industrial training boards  
25 Constitution of industrial training boards

*Transfer of staff employed in Skills Training Agency*

- 26 Transfer of staff employed in Skills Training Agency

*General*

- 27 Power to make corresponding provision for Northern Ireland  
28 Orders  
29 Interpretation, minor and consequential amendments, repeals, etc  
30 Short title, commencement and extent

## SCHEDULES

### SCHEDULE 1 — Provisions Concerned with Protection of Women at Work

#### *Enactments*

#### *Statutory instruments*

#### *Other instruments*

### SCHEDULE 2 — Revocation etc. of Subordinate Legislation Requiring Different Treatment of Certain Employees

#### Part I — PROVISIONS REVOKED

#### Part II — AMENDMENTS

- 1 In Regulation 4(b) of the Regulations dated 17th October 1905...
- 2 In Regulation 12(4) of the Pottery (Health and Welfare) Special...
- 3 In each of the following provisions, namely— for “sanitary convenience...
- 4 In Regulation 13(1) of the Quarries (Ropeways and Vehicles) Regulations...

### SCHEDULE 3 — Removal of Restrictions Relating to Employment of Young Persons

#### Part I — REPEALS RELATING TO RESTRICTIONS WITH RESPECT TO HOURS OF EMPLOYMENT AND HOLIDAYS

#### Part II — REPEALS RELATING TO OTHER REQUIREMENTS

#### Part III — AMENDMENT OF CERTAIN AGE LIMITS

### EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT 1920 (C. 65)

- 1 In section 1 (obligation of employer to keep register of...

### CHILDREN AND YOUNG PERSONS ACT 1933 (C. 12)

- 2 In section 20 (street trading)— (a) for subsection (1) substitute—...
- 3 In section 21(3) (penalties and legal proceedings in respect of...
- 4 In section 23 (prohibition on persons under 16 taking part...
- 5 In section 24 (restrictions on training for performances of a...
- 6 In section 25 (restriction on persons under 18 going abroad...
- 7 In section 26 (punishment of contraventions of section 25, etc.)—...
- 8 In section 30 (interpretation of provisions about the employment of...

### CHILDREN AND YOUNG PERSONS (SCOTLAND) ACT 1937 (C. 37)

- 9 In section 30 (street trading)— (a) for subsection (1) substitute—...
- 10 In section 31(3) (penalties and legal proceedings in respect of...
- 11 In section 33 (prohibition on persons under 16 taking part...
- 12 In section 34 (restrictions on training for performances of a...
- 13 In section 37 (interpretation of provisions about the employment of...

## FACTORIES ACT 1961 (C. 34)

- 14 In section 117(1) (exemptions from provisions regulating hours of employment),...

## SCHEDULE 4 — Dissolution of Training Commission: Amendments of the Industrial Training Act 1982

- 1 (1) Section 1 (establishment of industrial training boards) shall be...  
 2 In section 2(1) (power of industrial training boards to delegate...  
 3 For section 3 substitute— Transfer of establishments' activities from industry...  
 4 (1) Section 5 (functions of industrial training boards) shall be...  
 5 In section 6(2) (information from employers only to be disclosed...  
 6 (1) Section 7 (exercise of power of industrial training board...  
 7 (1) Section 8 (reports and accounts) shall be amended as...  
 8 In subsection 9(1) (publication of information), omit “, after consultation...  
 9 In subsection 10(1) (training for employment overseas), omit “of the...  
 10 (1) Section 11 (levies) shall be amended as follows.  
 11 In section 12(1) (information to be included in levy proposals)—...  
 12 (1) Section 13 (proposals for exemption certificates) shall be amended...  
 13 (1) Section 15 (default powers in relation to proposals) shall...  
 14 In section 16(4) (power to enable levies to be imposed...  
 15 (1) Section 17 (financial provisions) shall be amended as follows...  
 16 (1) Paragraph 7 of Schedule 1 (persons entitled to attend...

## SCHEDULE 5 — Dissolution of Training Commission: Supplementary Provisions

*Interpretation*

- 1 In this Schedule— “the 1982 Act” means the Industrial Training...

*Incorporation of Secretary of State for Employment*

- 2 (1) The person who on the date on which this...

*Provisions as to the vesting of property etc. of Commission*

- 3 (1) Anything done by or in relation to the Commission,...  
 4 (1) Any legal proceedings to which the Commission was a...  
 5 (1) The power of the Secretary of State to make...

*Final accounts*

- 6 (1) The Secretary of State shall not later than eight...

*Provisions relating to the 1982 Act*

- 7 Where anything done by the Commission before the date on...  
 8 It is hereby declared for the avoidance of doubt that...  
 9 (1) For the purposes of subsection (4) of section 1...

*Notifications of vacancies etc. for purposes of unemployment benefit*

- 10 (1) For the purposes of section 20 of the Social...

*Saving of 1988 Order*

- 11 Any provisions of the 1988 Order having effect immediately before...

SCHEDULE 6 — Minor and Consequential Amendments

EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT 1920 (C. 65)

- 1 In section 1(6) (enforcement of restrictions on employment of women...  
2 In section 4 (interpretation), in the definition of industrial undertaking,...

SHOPS ACT 1950 (C. 28)

- 3 In section 44(2) (exemptions for post offices), for “sections seventeen...  
4 In section 45 (exemption for fairs, etc. and non-profit-making libraries),...  
5 In section 69(1)(e) (regulations), for “to twenty-one and section” substitute...

FACTORIES ACT 1961 (C. 34)

- 6 In section 176(5) (application of provisions of Act to young...

CHILDREN AND YOUNG PERSONS ACT 1963 (C. 37)

- 7 In section 41(1) (licences for training persons between 12 and...  
8 In section 42(1) (licences for children and young persons performing...

EMPLOYMENT AND TRAINING ACT 1973 (C. 50)

- 9 (1) Section 4 (disclosure of certain information) shall be amended...

HEALTH AND SAFETY AT WORK ETC. ACT 1974 (C. 37)

- 10 (1) Section 27 (obtaining and disclosure of certain information) shall...  
11 (1) Section 55 (functions of employment medical advisory service) shall...

SEX DISCRIMINATION ACT 1975 (C. 65)

- 12 In section 16(2)(b) (discrimination in provision of facilities or services...

SCOTTISH DEVELOPMENT AGENCY ACT 1975 (C. 69)

- 13 In section 11(6) (disclosure of certain information)—

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WELSH DEVELOPMENT AGENCY ACT 1975 (C. 70)

- 14 In section 24(6) (disclosure of certain information)—

RACE RELATIONS ACT 1976 (C. 74)

- 15 In section 15(2)(b) (discrimination in provision of facilities or services...  
16 In section 74(1) (orders and regulations), for “sections 13(2)(d), 37(3)  
(b)...

DEVELOPMENT OF RURAL WALES ACT 1976 (C. 75)

- 17 (1) Section 17 (disclosure of certain information) shall be amended...

EMPLOYMENT PROTECTION (CONSOLIDATION) ACT 1978 (C. 44)

- 18 In section 1(4) (written particulars of terms of employment), after...  
19 For section 32 substitute— Provisions supplementary to ss. 27 to...  
20 In section 103(1) (establishment and maintenance of Redundancy  
Fund), for...  
21 (1) Section 106 (payments out of fund to employees) shall...  
22 For section 108 substitute— References to tribunal relating to  
payments...  
23 In section 127(2)(a) (interpretation of sections 122 to 126), for...  
24 In section 153(1) (interpretation), for the definition of “employer’s  
payment”...  
25 (1) Schedule 7 (calculation of payments to employees out of...  
26 In paragraph 1(2) of Schedule 9 (regulations as to procedure...

LOCAL GOVERNMENT, PLANNING AND LAND ACT 1980 (C. 65)

- 27 In section 20, for subsection (4) substitute—

AGRICULTURAL TRAINING BOARD ACT 1982 (C. 9)

- 28 In paragraph 6 of Schedule 1 (right to nominate person...

INDUSTRIAL TRAINING ACT 1982 (C. 10)

- 29 In paragraph 6 of Schedule 1 (persons entitled to vote...

SEX DISCRIMINATION ACT 1986 (C. 59)

- 30 In section 5(1) (discrimination required by public entertainment  
licences)—

SCHEDULE 7 — Repeals

Part I — REPEALS COMING INTO FORCE ON ROYAL ASSENT

Part II — REPEALS COMING INTO FORCE TWO MONTHS AFTER ROYAL ASSENT

Part III — REPEALS COMING INTO FORCE ON A DAY APPOINTED UNDER S. 30(4)

SCHEDULE 8 — Instruments revoked

SCHEDULE 9 — Transitional Provisions and Savings

*Sex discrimination*

1 Nothing in section 3 of this Act shall render unlawful...

*Time off for trade union duties*

2 Section 14 of this Act shall not affect the continued...

*Redundancy payments: assimilation of age limits*

3 (1) The amendments made by section 16 of this Act...

*Redundancy rebates*

4 (1) Nothing in this Act shall affect the continued operation...

*Insolvency payments*

5 The amendments made by section 19 of this Act shall...

*Appointments to industrial training boards*

6 (1) The amendments by this Act of paragraphs 3 and...