



# Employment Act 1990

## 1990 CHAPTER 38

**E+W+S**

An Act to make it unlawful to refuse employment, or any service of an employment agency, on grounds related to trade union membership; to amend the law relating to industrial action and ballots; to make further provision with respect to the Commissioner for the Rights of Trade Union Members; to confer a power to revise or revoke Codes of Practice; to provide for the merger of the Redundancy Fund with the National Insurance Fund; to amend the Education (Work Experience) Act 1973; and for connected purposes. [1st November 1990]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Commencement Information

**II** Act partly in force at Royal Assent see [s. 18](#)

### *Access to employment*

**F1** ..... **E+W+S**

### Textual Amendments

**F1** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) (c. 52, SIF 43:5), ss. 300, 302, [Sch.1](#) (with [Sch. 3](#))

**F2** ..... **E+W+S**

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

**Textual Amendments**

**F2** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

**F3** ..... **E+W+S**

**Textual Amendments**

**F3** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

*Industrial action and ballots*

**F4** ..... **E+W+S**

**Textual Amendments**

**F4** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

**F5** ..... **E+W+S**

**Textual Amendments**

**F5** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

**F6** ..... **E+W+S**

**Textual Amendments**

**F6** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

**F7** ..... **E+W+S**

**Textual Amendments**

**F7** Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

**F8** ..... **E+W+S**

**Textual Amendments**

**F8** Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

**F9** ..... **E+W+S**

**Textual Amendments**

**F9** Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*The Commissioner for the Rights of Trade Union Members*

**F10** ..... **E+W+S**

**Textual Amendments**

**F10** Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

**F11** ..... **E+W+S**

**Textual Amendments**

**F11** Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Miscellaneous*

**F12** ..... **E+W+S**

**Textual Amendments**

**F12** Ss. 1-12 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

**13** **Merger of Redundancy Fund with National Insurance Fund, &c.** **E+W+S**

**F13**(1) .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

<sup>F13</sup>(2) .....

(3) References to the Redundancy Fund in subordinate legislation (within the meaning of the <sup>M1</sup>Interpretation Act 1978) shall be construed as references to the National Insurance Fund.

<sup>F13</sup>(4) .....

**Textual Amendments**

**F13** S. 13(1)(2)(4) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**Marginal Citations**

**M1** 1978 c. 30.

<sup>F14</sup>**14** ..... **E+W+S**

**Textual Amendments**

**F14** S. 14 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), **Sch. 38 Pt. I** (with ss. 1(4), 561, 562, Sch. 39)

*General*

**15 Financial provision.** **E+W+S**

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums so payable under any other Act.

<sup>F15</sup>**16** ..... **E+W+S**

**Textual Amendments**

**F15** S. 16 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**17 Northern Ireland.** **E+W+S**

<sup>F16</sup>(1) .....

(2) <sup>F17</sup> . . . the provisions of this Act do not extend to Northern Ireland.

**Textual Amendments**

**F16** S. 17(1) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F17** Words in s. 17(2) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

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**18 Short title and commencement. E+W+S**

- (1) This Act may be cited as the Employment Act 1990.
- (2) The following provisions of this Act come into force on Royal Assent—
  - F18 . . .
  - F18 . . .
  - F19 . . ., andsections 15 and 17 and this section (general ancillary provisions).
- (3) The other provisions of this Act come into force on such day as the Secretary of State may appoint by order made by statutory instrument and different days may be appointed for different provisions.
- (4) An order bringing into force any provision may contain such transitional provisions and savings as appear to the Secretary of State to be appropriate.

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**Subordinate Legislation Made**

- P1** S. 18(3)(4) power of appointment exercised: [S.I. 1990/2378](#), 1991/89, art. 2.  
**P2** S. 18(4) power exercised by [S.I. 1991/89](#)
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**Textual Amendments**

- F18** In s. 18(1) the paragraphs relating to sections 11 and 12 are expressed to be repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act (c. 52, SIF 43:5), ss. 300, 302, Sch.1 (with Sch. 3)
- F19** Words in s. 18(2) repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), [Sch. 38 Pt. I](#) (with ss. 1(4), 561, 562, [Sch. 39](#))

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

## SCHEDULES

### <sup>F20</sup>SCHEDULE 1 **E+W+S**

**Textual Amendments**

**F20** Schedule 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

### <sup>F21</sup>PART I **E+W+S**

**Textual Amendments**

**F21** Pt. I (paras. 1-8): Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

#### *Introduction*

<sup>F22</sup><sub>1</sub> .....

**Textual Amendments**

**F22** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1**

#### *Restriction of proceedings*

<sup>F23</sup><sub>2</sub> .....

**Textual Amendments**

**F23** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

#### *Time limit*

<sup>F24</sup><sub>3</sub> .....

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

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**Textual Amendments**

**F24** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Conciliation*

F25<sup>4</sup> .....

**Textual Amendments**

**F25** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Remedies*

F26<sup>5</sup> .....

**Textual Amendments**

**F26** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Complaint against employer and employment agency*

F27<sup>6</sup> .....

**Textual Amendments**

**F27** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1**

*Awards against third parties*

F28<sup>7</sup> .....

**Textual Amendments**

**F28** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Appeal from decision of tribunal*

F29<sup>8</sup> .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

**Textual Amendments**

**F29** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

**F30** PART II **E+W+S**

**Textual Amendments**

**F30** Sch. 1 Pt. II (paras. 9-18) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Introduction*

**F31**<sub>9</sub> .....

**Textual Amendments**

**F31** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Restriction on contracting out*

**F32**<sub>10</sub> .....

**Textual Amendments**

**F32** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Crown employment and House of Commons and House of Lords staff*

**F33**<sub>11</sub> .....

**Textual Amendments**

**F33** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

**F34**<sub>12</sub> .....

**Textual Amendments**

**F34** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)



*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

F35 13 .....

**Textual Amendments**

**F35** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Police service*

F36 14 .....

**Textual Amendments**

**F36** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Employment outside Great Britain*

F37 15 .....

**Textual Amendments**

**F37** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Mariners*

F38 16 .....

**Textual Amendments**

**F38** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Offshore employment*

F39 17 .....

**Textual Amendments**

**F39** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Crown application of provisions relating to employment agencies*

F40 18 .....

*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

**Textual Amendments**

**F40** Sch. 1 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

SCHEDULE 2 **E+W+S**

Section 16(1).

CONSEQUENTIAL AMENDMENTS

*Employment Protection (Consolidation) Act 1978 (c.44)*

- 1 F41(1) .....
- F42(2) .....
- F41(3) .....
- F41(4) .....
- F41(5) .....
- F41(6) .....

**Textual Amendments**

**F41** Sch. 2 paras. 1(1)(3)-(6) repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**F42** Sch. 2 para. 1(2) repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch. 1** (with Sch. 3)

*Trade Union Act 1984 (c.49)*

- F43<sub>2</sub> .....

**Textual Amendments**

**F43** Sch. 2 para. 2 repealed by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

*Employment Act 1988 (c.19)*

- F44<sub>3</sub> .....

**Textual Amendments**

**F44** Sch. 2 para. 3 repealed (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52, SIF 43:5), ss. 300, 302, **Sch.1** (with Sch. 3)

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*Changes to legislation: There are currently no known outstanding effects for the Employment Act 1990. (See end of Document for details)*

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<sup>F45</sup>SCHEDULE 3 **E+W+S**

**Textual Amendments**

**F45** Sch. 3 repealed (22.8.1996) by 1996 c. 18, ss. 242, 243, **Sch. 3 Pt. I** (with ss. 191-195, 202)

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Act 1990.