



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F1 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with [Sch. 3](#))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F2 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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F3 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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F4 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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F5 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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F6 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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F7 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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)

^{F13}(2)

(3) References to the Redundancy Fund in subordinate legislation (within the meaning of the ^{M1}Interpretation Act 1978) shall be construed as references to the National Insurance Fund.

^{F13}(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.

^{F14}**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.

^{F15}**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**

^{F16}(1)

(2) ^{F17} . . . 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)

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

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.

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](#)
-

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

^{F20}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)

^{F21}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

^{F22}₁

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

^{F23}₂

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

^{F24}₃

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

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

F25₄

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

F26₅

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

F27₆

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

F28₇

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

F29₈

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

F31₉

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

F32₁₀

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

F33₁₁

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)

F34₁₂

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**₂

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**₃

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)

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

^{F45}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.