



Employment Act 1990

1990 CHAPTER 38

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:—

Annotations:

Commencement Information

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

Access to employment

F1

Annotations:

Amendments (Textual)

- F1** [Ss. 1-12](#) repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) (c. 52, [SIF 43:5](#)), [ss. 300, 302](#), [Sch.1](#) (with [Sch. 3](#))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

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

Annotations:

Amendments (Textual)

F2 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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

Annotations:

Amendments (Textual)

F3 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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

Annotations:

Amendments (Textual)

F4 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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

Annotations:

Amendments (Textual)

F5 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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

Annotations:

Amendments (Textual)

F6 Ss. 1-12 repealed (16.10.1992) by [Trade Union and Labour Relations \(Consolidation\) Act 1992 \(c. 52, SIF 43:5\)](#), ss. 300, 302, [Sch.1](#) (with Sch. 3)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

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

Annotations:

Amendments (Textual)

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)

F8

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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)

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

Miscellaneous

^{F12}12

Annotations:

Amendments (Textual)

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.

- ^{F13}(1)
- (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.
- (4)

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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.

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

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

Annotations:

Amendments (Textual)

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.

^{F16}(1)

(2) ^{F17} . . . the provisions of this Act do not extend to Northern Ireland.

Annotations:

Amendments (Textual)

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)

18 Short title and commencement.

(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} . . .

. . .

^{F19} . . ., and

sections 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.

Annotations:

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](#)

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

F22₁

Annotations:

Amendments (Textual)

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

F23₂

Annotations:

Amendments (Textual)

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)

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

Time limit

F24₃

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

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

Annotations:

Amendments (Textual)

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^g

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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^g

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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)

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

Crown employment and House of Commons and House of Lords staff

F33 11

Annotations:

Amendments (Textual)

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 12

Annotations:

Amendments (Textual)

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)

F35 13

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Annotations:

Amendments (Textual)

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

Section 16(1).

CONSEQUENTIAL AMENDMENTS

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

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

Annotations:

Amendments (Textual)

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)

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

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)

F43₂

Annotations:

Amendments (Textual)

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)

F44₃

Annotations:

Amendments (Textual)

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)

F45

SCHEDULE 3

Annotations:

Amendments (Textual)

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.