



Employment Act 1990

1990 CHAPTER 38

Access to employment

2 Refusal of service of employment agency on grounds related to union membership

- (1) It is unlawful for an employment agency to refuse a person any of its services—
 - (a) because he is, or is not, a member of a trade union, or
 - (b) because he is unwilling to accept a requirement to take steps to become or cease to be, or to remain or not to become, a member of a trade union.
- (2) A person who is thus unlawfully refused any service of an employment agency has a right of complaint to an industrial tribunal.
- (3) Where an advertisement is published which indicates, or might reasonably be understood as indicating—
 - (a) that any service of an employment agency is available only to a person who is, or is not, a member of a trade union, or
 - (b) that any such requirement as is mentioned in subsection (1)(b) will be imposed in relation to a service to which the advertisement relates,a person who does not satisfy that condition or, as the case may be, is unwilling to accept that requirement, and who seeks to avail himself of and is refused that service, shall be conclusively presumed to have been refused it for that reason.
- (4) A person shall be taken to be refused a service if he seeks to avail himself of it and the agency—
 - (a) refuses or deliberately omits to make the service available to him, or
 - (b) causes him not to avail himself of the service or to cease to avail himself of it, or
 - (c) does not provide the same service, on the same terms, as is provided to others.
- (5) Where a person is offered a service on terms which include a requirement that he is, or is not, a member of a trade union, or any such requirement as is mentioned in subsection (1)(b), and he does not accept the offer because he does not satisfy or, as

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the case may be, is unwilling to accept that requirement, he shall be treated as having been refused the service for that reason.