



# Pensions Act 2008

## 2008 CHAPTER 30

### PART 1

#### PENSION SCHEME MEMBERSHIP FOR JOBHOLDERS

### CHAPTER 3

#### SAFEGUARDS: EMPLOYMENT AND PRE-EMPLOYMENT

##### *Prohibited recruitment conduct*

#### **50 Prohibited recruitment conduct**

- (1) An employer contravenes this section if any statement made or question asked by or on behalf of the employer for the purposes of recruitment indicates (expressly or impliedly) that an application for employment with the employer may be determined by reference to whether or not an applicant might opt out of automatic enrolment.
- (2) The reference in subsection (1) to a statement made or a question asked for the purposes of recruitment is a reference to one made or asked in the course of any of the following—
  - (a) inviting applications for employment;
  - (b) requesting information from an applicant, referee or other person in connection with an application for employment;
  - (c) providing information about employment;
  - (d) proposing terms or conditions of employment.
- (3) The reference in subsection (1) to an applicant opting out of automatic enrolment is a reference to the applicant, if becoming at any time in the course of the employment a jobholder to whom section 3 or 5 applies, giving notice in accordance with section 8 in relation to arrangements made by the employer under the relevant section.

*Status: This is the original version (as it was originally enacted).*

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- (4) In this section and sections 51 and 52, “employer” means the prospective employer in relation to any employment.