
STATUTORY INSTRUMENTS

2010 No. 493

**The Employment Relations Act
1999 (Blacklists) Regulations 2010**

Refusal of employment or employment agency services

Refusal of employment

5.—(1) A person (P) has a right of complaint to an employment tribunal against another (R) if R refuses to employ P for a reason which relates to a prohibited list, and either—

- (a) R contravenes regulation 3 in relation to that list, or
- (b) R—
 - (i) relies on information supplied by a person who contravenes that regulation in relation to that list, and
 - (ii) knows or ought reasonably to know that the information relied on is supplied in contravention of that regulation.

(2) R shall be taken to refuse to employ P if P seeks employment of any description with R and R—

- (a) refuses or deliberately omits to entertain and process P's application or enquiry;
- (b) causes P to withdraw or cease to pursue P's application or enquiry;
- (c) refuses or deliberately omits to offer P employment of that description;
- (d) makes P an offer of such employment the terms of which are such as no reasonable employer who wished to fill the post would offer and which is not accepted; or
- (e) makes P an offer of such employment but withdraws it or causes P not to accept it.

(3) If there are facts from which the tribunal could conclude, in the absence of any other explanation, that R contravened regulation 3 or relied on information supplied in contravention of that regulation, the tribunal must find that such a contravention or reliance on information occurred unless R shows that it did not.