

# Employment Opportunities Bill

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**B I L L**

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Introduce more freedom, flexibility and opportunity for those seeking employment in the public and private sectors; and for connected purposes.

**B**E 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:—

**1 Employment: unlawful prevention**

- (1) No foreign national lawfully resident in the United Kingdom who has attained an age above compulsory school age shall be prevented from engaging in remunerated employment unless any of the conditions in subsections (2) to (5) apply. 5
- (2) The first condition is that the person is a foreign national and only lawfully resident by reason of a visitor's visa.
- (3) The second condition is that the person is a foreign national whose most recent application for entry into the United Kingdom has been refused.
- (4) The third condition is that the person is a foreign national whose most recent application to stay in the United Kingdom has been refused. 10
- (5) The fourth condition is that the foreign national is not in detention.

**2 National minimum wage opt out**

- (1) Any person who would otherwise qualify for entitlement to the national minimum wage, as defined in the National Minimum Wage Act 1998, may elect to opt out from such entitlement. 15
- (2) Any election to opt out under subsection (1) must be made by an employee in writing to that person's employer and signed by the employee and employer.
- (3) Any person who has elected to opt out of entitlement to the national minimum wage in accordance with subsection (1) may withdraw such election by giving notice to his employer in writing. 20

- (4) Any notice of withdrawal under subsection (3) shall take effect no earlier than three months from the date that it is given unless such period of minimum notice is waived by the employer.
- (5) For the avoidance of doubt, nothing in this Act shall require a person to take employment below the minimum wage and no person shall suffer any detriment to their entitlement to national insurance benefits by reason of their unwillingness to take employment below the minimum wage.

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### 3 Training wage

- (1) Any person who would otherwise qualify for entitlement to the national minimum wage, as defined in the National Minimum Wage Act 1998, shall not be so entitled if he or she has entered into a written contract of employment providing that his or her entitlement is to a training wage.
- (2) A contract of employment providing a training wage must also include an entitlement to training from the employer in skills relevant to the employment.

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### 4 Low Pay Commission inquiry

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The Low Pay Commission must consider and take evidence on the availability of employment opportunities and the impact of the national minimum wage on job creation and access to employment in all travel to work areas where the average level of unemployment in the preceding year has been above the national average, and must consider in the light of that assessment whether to recommend that the minimum wage in any such area should be set at a level below the national minimum wage.

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### 5 Duties of Secretary of State

- (1) If the Low Pay Commission, following an inquiry conducted under section 4, recommends that the minimum wage operating in any area comprising one or more travel to work areas should be set at a level below the national minimum wage, the Secretary of State must make regulations to bring the recommendation into effect.
- (2) The regulations must be made by statutory instrument and are subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) The Secretary of State must lay the regulations before Parliament within a period of 3 months beginning with the day on which the Low Pay Commission makes its recommendation.
- (4) The regulations may include provision amending, repealing, revoking or disapplying existing statutory provision (whenever passed or made).

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### 6 Existing contracts of employment

A decision to set a minimum wage in any area comprising one or more travel to work areas below the national minimum wage must not affect existing contracts of employment.

**7 Interpretation**

In this Act a “travel to work area” is an area so defined by the Office for National Statistics.

**8 Financial provisions**

*There shall be paid out of money provided by Parliament –*

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- (a) *any expenditure incurred under or by virtue of this Act by a Minister of the Crown or by a government department, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.*

**9 Short title, commencement and extent**

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- (1) This Act may be cited as the Employment Opportunities Act 2011.
- (2) This Act comes into force at the end of the period of three months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales, Scotland and Northern Ireland.

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To introduce more freedom, flexibility and opportunity for those seeking employment in the public and private sectors; and for connected purposes.

*Presented by Mr Christopher Chope,  
supported by  
Mr Peter Bone, Mr Mark Field,  
Adam Afriyie, Mr Douglas Carswell  
and Mr David Nuttall.*

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*Ordered, by The House of Commons,  
to be Printed, 5 July 2010.*

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