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Provide that employers may not offer to migrant workers terms and conditions less favourable than those offered to UK nationals for the same employment; and for connected purposes.

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:—

1 Discrimination in employment terms: immigration status a protected characteristic

(1) The Equality Act 2010 is amended as follows.

(2) In section 4, insert at the appropriate place —

“immigration status, but only for the purpose described in section 39(9);” 5

(3) After section 7, insert —

“7A Immigration status

A person’s immigration status is the nature and extent of their right, clearance or leave under the Immigration Acts to enter or remain in the United Kingdom, and includes any conditions placed thereon.” 10

(4) In section 39, after subsection (8) insert —

“(9) For the purpose of subsections (1)(b), (2)(a) and 2(b) —

(a) immigration status is a —

(i) “protected characteristic” in section 13 (direct discrimination), and 15

(ii) “relevant protected characteristic” in section 14 (combined discrimination: dual characteristics); but

(b) where the protected characteristic is immigration status, A does not discriminate against B if A can show A’s treatment of B to be a proportionate means of achieving a legitimate aim.” 20

- (5) Schedule 22, paragraph 1(1), insert into the table, at the appropriate place –

“Section 39	Immigration status	A requirement of an enactment A relevant requirement or condition imposed by virtue of an enactment”
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2 Short title, commencement and extent

- (1) This Act may be cited as the Terms and Conditions (Migrant Workers) Act 2015.
- (2) This Act comes into force on the day on which it is passed.
- (3) Any amendment or repeal made by this Act has the same extent as the enactment amended or repealed.

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Terms and Conditions (Migrant Workers) Bill

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To provide that employers may not offer to migrant workers terms and conditions less favourable than those offered to UK nationals for the same employment; and for connected purposes.

Presented by Thomas Docherty.

*Ordered, by The House of Commons,
to be Printed, 7 July 2014.*

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