

Employment (Application Requirements) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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B I L L

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Regulate the use of minimum qualification or experience requirements in job applications; 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 Minimum qualification or experience requirements in job applications

- (1) The Employment Rights Act 1996 is amended as follows.
- (2) After Part VA (protection for applicants for employment etc in the health service) insert—

“PART VB

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PROTECTION FOR JOB APPLICANTS: QUALIFICATION OR EXPERIENCE REQUIREMENTS

49D Prohibition of discrimination against applicants on grounds of unnecessary requirements

- (1) The Secretary of State may make regulations prohibiting an employer from discriminating against an applicant to the employer on the grounds that the applicant does not—
 - (a) hold an academic or professional qualification, or
 - (b) have experiencewhich is not necessary for the work for which they are applying. 10
- (2) Regulations under this section may prohibit an employer from advertising academic or professional qualifications or experience that are not necessary for a post in job vacancy notices. 15
- (3) Regulations under this subsection may list—
 - (a) work or categories of work for which such qualifications or experience are necessary; 20
 - (b) corresponding minimum qualifications or experience.
- (4) Subject to regulations made under subsection (3), it is for the employer to demonstrate that a qualification or experience is “necessary” for the work.

- (5) In this section, “work” includes –
- (a) work under a contract of employment;
 - (b) work under a contract to do work personally;
 - (c) appointment to an office or post.
- (6) For the purposes of subsection (1) an employer discriminates against an applicant if the employer refuses the applicant's application or in some other way treats the applicant less favourably than it treats or would treat other applicants in relation to the same contract, office or post. 5
- (7) Regulations under this section may, in particular – 10
- (a) make provision as to circumstances in which discrimination by a worker or agent of an employer is to be treated, for the purposes of the regulations, as discrimination by the employer;
 - (b) confer jurisdiction (including exclusive jurisdiction) on employment tribunals or the Employment Appeal Tribunal 15
 - (c) make provision for or about the grant or enforcement of specified remedies by a court or tribunal;
 - (d) make provision for the making of awards of compensation calculated in accordance with the regulations;
 - (e) make different provision for different cases or circumstances; 20
 - (f) make incidental or consequential provision, including incidental or consequential provision amending –
 - (i) an Act of Parliament (including this Act),
 - (ii) an Act of the Scottish Parliament,
 - (iii) a Measure or Act of Senedd Cymru, or 25
 - (iv) an instrument made under an Act or Measure within any of sub-paragraphs (i) to (iii).”
- (3) In section 236(3) (orders and regulations: affirmative procedure), after “49B” insert “49D”.

2 Extent, commencement and short title 30

- (1) Any amendment made by this Act has the same extent as the provision amended.
- (2) This Act comes into force at the end of the period of 90 days beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Employment (Application Requirements) Act 2021. 35

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Presented by John Spellar

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