Equality Act 2010

2010 CHAPTER 15

PART 5

WORK

CHAPTER 1

EMPLOYMENT, ETC.

Employment services

55 Employment service-providers

(1) A person (an "employment service-provider") concerned with the provision of an employment service must not discriminate against a person—

(a) in the arrangements the service-provider makes for selecting persons to whom to provide, or to whom to offer to provide, the service;

(b) as to the terms on which the service-provider offers to provide the service to the person;

(c) by not offering to provide the service to the person.

(2) An employment service-provider (A) must not, in relation to the provision of an employment service, discriminate against a person (B)—

(a) as to the terms on which A provides the service to B;

(b) by not providing the service to B;

(c) by terminating the provision of the service to B;

(d) by subjecting B to any other detriment.

(3) An employment service-provider must not, in relation to the provision of an employment service, harass—

(a) a person who asks the service-provider to provide the service;

(b) a person for whom the service-provider provides the service.

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(4) An employment service-provider (A) must not victimise a person (B)—

(a) in the arrangements A makes for selecting persons to whom to provide, or to whom to offer to provide, the service;

(b) as to the terms on which A offers to provide the service to B;

(c) by not offering to provide the service to B.

(5) An employment service-provider (A) must not, in relation to the provision of an employment service, victimise a person (B)—

(a) as to the terms on which A provides the service to B;

(b) by not providing the service to B;

(c) by terminating the provision of the service to B;

(d) by subjecting B to any other detriment.

(6) A duty to make reasonable adjustments applies to an employment service-provider, except in relation to the provision of a vocational service.

(7) The duty imposed by section 29(7)(a) applies to a person concerned with the provision of a vocational service; but a failure to comply with that duty in relation to the provision of a vocational service is a contravention of this Part for the purposes of Part 9 (enforcement).

56 Interpretation

(1) This section applies for the purposes of section 55.

(2) The provision of an employment service includes—

(a) the provision of vocational training;

(b) the provision of vocational guidance;

(c) making arrangements for the provision of vocational training or vocational guidance;

(d) the provision of a service for finding employment for persons;

(e) the provision of a service for supplying employers with persons to do work;

(f) the provision of a service in pursuance of arrangements made under section 2 of the Employment and Training Act 1973 (functions of the Secretary of State relating to employment);

(g) the provision of a service in pursuance of arrangements made or a direction given under section 10 of that Act (careers services);

(h) the exercise of a function in pursuance of arrangements made under section 2(3) of the Enterprise and New Towns (Scotland) Act 1990 (functions of Scottish Enterprise, etc. relating to employment);

(i) an assessment related to the conferment of a relevant qualification within the meaning of section 53 above (except in so far as the assessment is by the qualifications body which confers the qualification).

(3) This section does not apply in relation to training or guidance in so far as it is training or guidance in relation to which another provision of this Part applies.

(4) This section does not apply in relation to training or guidance for pupils of a school to which section 85 applies in so far as it is training or guidance to which the responsible body of the school has power to afford access (whether as the responsible body of that

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school or as the responsible body of any other school at which the training or guidance is provided).

(5) This section does not apply in relation to training or guidance for students of an institution to which section 91 applies in so far as it is training or guidance to which the governing body of the institution has power to afford access.

(6) "Vocational training" means—

(a) training for employment, or

(b) work experience (including work experience the duration of which is not agreed until after it begins).

(7) A reference to the provision of a vocational service is a reference to the provision of an employment service within subsection (2)(a) to (d) (or an employment service within subsection (2)(f) or (g) in so far as it is also an employment service within subsection (2)(a) to (d)); and for that purpose—

(a) the references to an employment service within subsection (2)(a) do not include a reference to vocational training within the meaning given by subsection (6)(b), and

(b) the references to an employment service within subsection (2)(d) also include a reference to a service for assisting persons to retain employment.

(8) A reference to training includes a reference to facilities for training.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 40A inserted by 2023 c. 51 s. 1
- s. 120(9) inserted by 2023 c. 51 s. 2(b)
- s. 124A inserted by 2023 c. 51 s. 3