

Unpaid Trial Work Periods (Prohibition) Bill

A

BILL

To

prohibit unpaid trial work periods in certain circumstances; 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 Meaning of “trial work period”

- (1) A person (“P”) participates in a “trial work period” if P performs personally any work or service as part of an arrangement with another (“E”) to determine whether P has the qualities necessary to be offered a contract of employment by E, subject to the exception in subsection (2).
- (2) Participants in a scheme which, by virtue of regulations made under the National Minimum Wage Act 1998, do not qualify for the national minimum wage, do not in respect thereof participate in a trial work period.

2 Trial work period: employer requirements

If an employer (“E”) requires that a person (“P”) participates in a trial work period, E must, prior to the trial work period —

- (a) inform P how long the trial work period will last;
- (b) provide P with a job description outlining the qualities P needs to demonstrate in the trial work period;
- (c) inform P how many jobs are available for people who can demonstrate the qualities necessary to be offered a contract of employment;
- (d) agree to provide P with feedback from the trial work period; and
- (e) inform P what arrangements will be made for notifying P of the outcome of the trial work period.

3 National minimum wage for individuals participating in a trial work period

- (1) Where an employer (“E”) has arranged for a person (“P”) to participate in a trial work period, E must ensure that P is remunerated in respect of the work carried out during the trial work period at a rate which is not less than the national minimum wage.
- (2) To that end, the National Minimum Wage Act 1998 is amended as follows.
- (3) In section 54 (Meaning of “worker”, “employee” etc.), at the end of subsection (3)(b), insert—

“or

(c) an arrangement whereby the individual is participating in a trial work period, as defined by section 1 (meaning of “trial work period”) of the Unpaid Trial Work Periods (Prohibition) Act 2018;”.
- (4) In section 54(3), after “accordingly” insert “and so as to include such a trial work period arrangement”.
- (5) In section 54(4), after “was)” insert “(or, where a contract has not yet come into existence, may be)”.

4 Offence

Where an employer (“E”) has—

- (a) arranged for a person (“P”) to perform personally any work or service as part of a process to determine whether P can demonstrate the qualities necessary to be offered a contract of employment,
- (b) not met the requirements of section 2, and
- (c) refuses or wilfully neglects to remunerate P in accordance with section 3,

E is guilty of an offence under section 31(1) of the National Minimum Wage Act 1998.

5 Interpretation

In this Act—

“contract of employment” has the meaning given by section 54 of the National Minimum Wage Act 1998;

“national minimum wage” means the rate of the national minimum wage specified in regulations made under section 1 of the National Minimum Wage Act 1998;

“trial work period” has the meaning given by section 1.

6 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.

(3) This Act may be cited as the Unpaid Trial Work Periods (Prohibition) Act 2018.