



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER II

##### REMEDIES FOR UNFAIR DISMISSAL

##### *Introductory*

#### 111 Complaints to [<sup>F1</sup>employment tribunal].

- (1) A complaint may be presented to an [<sup>F1</sup>employment tribunal] against an employer by any person that he was unfairly dismissed by the employer.
- (2) [<sup>F2</sup>Subject to the following provisions of this section], an [<sup>F1</sup>employment tribunal] shall not consider a complaint under this section unless it is presented to the tribunal—
  - (a) before the end of the period of three months beginning with the effective date of termination, or
  - (b) within such further period as the tribunal considers reasonable in a case where it is satisfied that it was not reasonably practicable for the complaint to be presented before the end of that period of three months.

[<sup>F3</sup>(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).]

- (3) Where a dismissal is with notice, an [<sup>F1</sup>employment tribunal] shall consider a complaint under this section if it is presented after the notice is given but before the effective date of termination.
- (4) In relation to a complaint which is presented as mentioned in subsection (3), the provisions of this Act, so far as they relate to unfair dismissal, have effect as if—

Status: Point in time view as at 20/05/2011.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Introductory is up to date with all changes known to be in force on or before 22 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) references to a complaint by a person that he was unfairly dismissed by his employer included references to a complaint by a person that his employer has given him notice in such circumstances that he will be unfairly dismissed when the notice expires,
- (b) references to reinstatement included references to the withdrawal of the notice by the employer,
- (c) references to the effective date of termination included references to the date which would be the effective date of termination on the expiry of the notice, and
- (d) references to an employee ceasing to be employed included references to an employee having been given notice of dismissal.

- [<sup>F4</sup>(5) Where the dismissal is alleged to be unfair by virtue of section 104F (blacklists),
- (a) subsection (2)(b) does not apply, and
  - (b) an employment tribunal may consider a complaint that is otherwise out of time if, in all the circumstances of the case, it considers that it is just and equitable to do so.]

**Textual Amendments**

**F1** Words in s. 111(1)-(3) and sidenote to s. 111 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

**F2** Words in s. 111(2) substituted (2.3.2010) by The Employment Relations Act 1999 (Blacklists) Regulations 2010 (S.I. 2010/493), reg. 12(5)(a)

**F3** S. 111(2A) inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), regs. 2, 46

**F4** S. 111(5) inserted (2.3.2010) by The Employment Relations Act 1999 (Blacklists) Regulations 2010 (S.I. 2010/493), reg. 12(5)(b)

**112 The remedies: orders and compensation.**

- (1) This section applies where, on a complaint under section 111, an [<sup>F5</sup>employment tribunal] finds that the grounds of the complaint are well-founded.
- (2) The tribunal shall—
  - (a) explain to the complainant what orders may be made under section 113 and in what circumstances they may be made, and
  - (b) ask him whether he wishes the tribunal to make such an order.
- (3) If the complainant expresses such a wish, the tribunal may make an order under section 113.
- (4) If no order is made under section 113, the tribunal shall make an award of compensation for unfair dismissal (calculated in accordance with sections 118 to [<sup>F6</sup>126]<sup>F7</sup>. . .) to be paid by the employer to the employee.

[<sup>F8</sup>(5) <sup>F9</sup>.....]

(6) <sup>F9</sup>.....]

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#### Textual Amendments

- F5** Words in s. 112(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F6** Word in s. 112(4) substituted (1.10.2004) by Employment Act 2002 (c. 22), ss. 53, 55(2), **Sch. 7 para. 36**; S.I. 2004/2185, **art. 2**
- F7** Words in s. 112(4) repealed (25.10.1999) by 1999 c. 26, s. 44, **Sch. 9(11)**; S.I. 1999/2830, art. 2(3), **Sch. 2 Pt. I**
- F8** S. 112(5)(6) inserted (1.10.2004) by Employment Act 2002 (c. 22), **ss. 34(3)**, 55(2); S.I. 2004/1717, **art. 2(2)** (subject to art. 3)
- F9** S. 112(5)(6) omitted (6.4.2011) by virtue of The Employment Equality (Repeal of Retirement Age Provisions) Regulations 2011 (S.I. 2011/1069), **reg. 3(6)** (with regs. 5-7, 9)

**Status:**

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