



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

### CHAPTER II

#### REMEDIES FOR UNFAIR DISMISSAL

#### *Introductory*

#### **111 Complaints to industrial tribunal**

- (1) A complaint may be presented to an industrial tribunal against an employer by any person that he was unfairly dismissed by the employer.
- (2) Subject to subsection (3), an industrial 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.
- (3) Where a dismissal is with notice, an industrial 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—
  - (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

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*Status: This is the original version (as it was originally enacted).*

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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.

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

- (1) This section applies where, on a complaint under section 111, an industrial 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 127) to be paid by the employer to the employee.