



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART V

#### PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

##### *Enforcement*

#### **48 Complaints to [<sup>F1</sup>employment tribunals].**

- (1) An employee may present a complaint to an [<sup>F1</sup>employment tribunal] that he has been subjected to a detriment in contravention of section [<sup>F2</sup>43M,]<sup>[F3</sup>44(1)] , 45, [<sup>F4</sup>46, 47, 47A,]<sup>[F5</sup>47C(1)]<sup>[F6</sup>, 47E [<sup>F7</sup>, 47F or 47G]]].
- <sup>[F8]</sup>(1XA) A worker may present a complaint to an employment tribunal that the worker has been subjected to a detriment in contravention of section 44(1A).]
- <sup>[F9]</sup>(1YA) A shop worker may present a complaint to an employment tribunal that he or she has been subjected to a detriment in contravention of section 45ZA.]
- <sup>[F10]</sup>(1ZA) A worker may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 45A.]
- <sup>[F11]</sup>(1A) A worker may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 47B.]
- <sup>[F12]</sup>(1AA) An agency worker may present a complaint to an employment tribunal that the agency worker has been subjected to a detriment in contravention of section 47C(5) by the temporary work agency or the hirer.]
- <sup>[F13]</sup>(1B) A person may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 47D.]
- (2) On [<sup>F14</sup>a complaint under subsection (1), [<sup>F15</sup>(1XA),] (1ZA), (1A) or (1B)] it is for the employer to show the ground on which any act, or deliberate failure to act, was done.

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[<sup>F16</sup>(2A) On a complaint under subsection (1AA) it is for the temporary work agency or (as the case may be) the hirer to show the ground on which any act, or deliberate failure to act, was done.]

(3) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under this section unless it is presented—

- (a) before the end of the period of three months beginning with the date of the act or failure to act to which the complaint relates or, where that act or failure is part of a series of similar acts or failures, the last of them, 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.

(4) For the purposes of subsection (3)—

- (a) where an act extends over a period, the “date of the act” means the last day of that period, and
- (b) a deliberate failure to act shall be treated as done when it was decided on; and, in the absence of evidence establishing the contrary, an employer<sup>F17</sup>, a temporary work agency or a hirer] shall be taken to decide on a failure to act when he does an act inconsistent with doing the failed act or, if he has done no such inconsistent act, when the period expires within which he might reasonably have been expected to do the failed act if it was to be done.

[<sup>F18</sup>(4A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (3)(a).]

[<sup>F19</sup>(5) In this section and section 49 any reference to the employer [<sup>F20</sup>includes—]

- [ where] a person complains that he has been subjected to a detriment
- <sup>F20</sup>(a) in contravention of section 47A, the principal (within the meaning of section 63A(3)).
- [ in the case of proceedings against a worker or agent under section 47B(1A),
- <sup>F21</sup>(b) the worker or agent.]]

[<sup>F22</sup>(6) In this section and section 49 the following have the same meaning as in the Agency Workers Regulations 2010 ( S.I. 2010/93)—

- “agency worker”;
- “hirer”;
- “temporary work agency”.]

#### Textual Amendments

- F1** Words in s. 48(1)(3) and sidenote to s. 48 substituted (1.8.1998) by 1998 c. 8 , s. 1(2)(a)(b) (with s. 16(2) ); S.I. 1998/1658 , art. 2(1) , Sch. 1
- F2** Words in s. 48(1) inserted (6.4.2005) by Employment Relations Act 2004 (c. 24) , ss. 40(2) , 59(2)-(4) ; S.I. 2005/872 , arts. 4 , 5 , Sch. (subject to arts. 6-12 )
- F3** Word in s. 48(1) substituted (31.5.2021) by The Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021 (S.I. 2021/618) , arts. 1 , 4(a)
- F4** Words in s. 48(1) substituted (1.9.1999) by 1998 c. 30 , s. 44(1) , Sch. 3 para. 11(a) (with s. 42(8) ); S.I. 1999/987 , art. 2
- F5** Word in s. 48(1) substituted (1.10.2014) by Children and Families Act 2014 (c. 6) , ss. 129(2)(a) , 139(6) ; S.I. 2014/1640 , art. 4(b)

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- F6** Words in s. 48(1) substituted (6.4.2010 for certain purposes and otherwise prosp.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) , ss. 40 , 269(4) , **Sch. 1 para. 2** ; S.I. 2010/303 , **art. 4** , Sch. 3 (with arts. 8-14 ) (as amended by S.I. 2010/1151 , art. 22 )
- F7** Words in s. 48(1) substituted (1.9.2013) by Growth and Infrastructure Act 2013 (c. 27) , **ss. 31(3)** , 35(1); S.I. 2013/1766 , **art. 2**
- F8** S. 48(1XA) inserted (31.5.2021) by The Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021 (S.I. 2021/618) , arts. 1 , **4(b)**
- F9** S. 48(1YA) inserted (4.5.2016 for specified purposes) by Enterprise Act 2016 (c. 12) , s. 44(1)(d) , **Sch. 5 para. 8**
- F10** S. 48(1ZA) inserted (1.10.1998) by S.I. 1998/1833 , **reg. 31(2)**
- F11** S. 48(1A) inserted (2.7.1999) by 1998 c. 23 , **s. 3** ; S.I. 1999/1547 , **art. 2**
- F12** S. 48(1AA) inserted (1.10.2014) by Children and Families Act 2014 (c. 6) , **ss. 129(2)(b)** , 139(6); S.I. 2014/1640 , **art. 4(b)**
- F13** S. 48(1B) inserted (1.9.2002 for certain purposes, otherwise prosp.) by Tax Credits Act 2002 (c. 21) , s. 27 , **Sch. 1 para. 1(3)** ; S.I. 2002/1727 , **art. 2**
- F14** Words in s. 48(2) substituted (1.10.2014) by Children and Families Act 2014 (c. 6) , **ss. 129(2)(c)** , 139(6); S.I. 2014/1640 , **art. 4(b)**
- F15** Word in s. 48(2) inserted (31.5.2021) by The Employment Rights Act 1996 (Protection from Detriment in Health and Safety Cases) (Amendment) Order 2021 (S.I. 2021/618) , arts. 1 , **4(c)**
- F16** S. 48(2A) inserted (1.10.2014) by Children and Families Act 2014 (c. 6) , **ss. 129(2)(d)** , 139(6); S.I. 2014/1640 , **art. 4(b)**
- F17** Words in s. 48(4) inserted (1.10.2014) by Children and Families Act 2014 (c. 6) , **ss. 129(2)(e)** , 139(6); S.I. 2014/1640 , **art. 4(b)**
- F18** S. 48(4A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469) , **reg. 1(1)** , **Sch. 1 para. 12(5)** (with **reg. 5**) (as amended by S.I. 2020/1493 , **regs. 1(1)** , 4(5)(6)); 2020 c. 1 , **Sch. 5 para. 1(1)**
- F19** S. 48(5) inserted (1.9.1999) by 1998 c. 30 , s. 44(1) , **Sch. 3 para. 11(b)** (with s. 42(8) ); S.I. 1999/987 , **art. 2**
- F20** Words in s. 48(5) substituted (25.6.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24) , **ss. 19(2)(a)** , 103(3) (with s. 24(6) ); S.I. 2013/1455 , **art. 2(a)** (with **art. 4(2)** )
- F21** S. 48(5)(b) inserted (25.6.2013) by Enterprise and Regulatory Reform Act 2013 (c. 24) , **ss. 19(2)(b)** , 103(3) (with s. 24(6) ); S.I. 2013/1455 , **art. 2(a)** (with **art. 4(2)** )
- F22** S. 48(6) inserted (1.10.2014) by Children and Families Act 2014 (c. 6) , **ss. 129(2)(f)** , 139(6); S.I. 2014/1640 , **art. 4(b)**

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**Modifications etc. (not altering text)**

- C1** S. 48 applied (4.9.2000) by 1999 c. 26 , **s. 12(2)** (with **ss. 14** , 15 ) ; S.I. 2000/2242 , **art. 2**
- C2** S. 48 applied (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031) , **regs. 1(1)** , 47 , **Sch. 6 para. 13(3)** (with **regs. 44-46** , **Sch. 7** )
- C3** S. 48 applied (6.4.2010) by The Employee Study and Training (Procedural Requirements) Regulations 2010 (S.I. 2010/155) , **reg. 18(2)**
- C4** S. 48(2)-(4) applied (with modifications) (1.11.1998) by 1998 c. 39 , **s. 24(2)(a)** ; S.I. 1998/2574 , **art. 2(1)** , **Sch. 1**  
S. 48(2)-(4) extended (with modifications) (5.10.1999) by 1999 c. 10 , **ss. 7** , 20(2) , **Sch. 3 para. 2(2)(a)**  
S. 48(2)-(4) applied (with modifications) (15.1.2000) by S.I. 1999/3323 , **reg. 32(2)(a)**
- C5** S. 48(2)-(4) applied (with modifications) (8.10.2004) by The European Public Limited- Liability Company Regulations 2004 (S.I. 2004/2326) , **regs. 1(2)** , **45(2)**
- C6** S. 48(2)-(4) applied (with modifications)(6.4.2005) by The Information and Consultation of Employees Regulations 2004 (S.I. 2004/3426) , **regs. 1(1)** , **33(2)** (with **reg. 3** )
- C7** S. 48(2)-(4) applied (6.4.2006) by The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006 (S.I. 2006/349) , **regs. 1(2)(3)** , 17 , **Sch. para. 8(2)**

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- C8** S. 48(2)-(4) applied (18.8.2006) by [The European Cooperative Society \(Involvement of Employees\) Regulations 2006 \(S.I. 2006/2059\)](#) , regs. 1(2) , **34(2)**
- C9** S. 48(2)-(4) applied (with modifications) (prosp.) by [Pensions Act 2008 \(c. 30\)](#) , **ss. 56(2)** , 149(1) (with s. 56(3)-(6) )
- C10** S. 48(2)-(4) applied (with modifications) (1.10.2009) by [The European Public Limited- Liability Company \(Employee Involvement\) \(Great Britain\) Regulations 2009 \(S.I. 2009/2401\)](#) , **reg. 32(2)** (with reg. 41 )
- C11** S. 48(2)-(4) applied (with modifications) (30.6.2012) by [Pensions Act 2008 \(c. 30\)](#) , **ss. 56(2)** , 149(1) (with s. 56(3)-(6) ); S.I. 2012/1682 , art. 2 , Sch. 2
- C12** S. 48(4) applied (31.5.2021) by [The Employment Rights Act 1996 \(Protection from Detriment in Health and Safety Cases\) \(Amendment\) Order 2021 \(S.I. 2021/618\)](#), arts. 1, **7(5)**

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**Changes and effects yet to be applied to :**

- s. 48(2) words substituted by [2020 c. 7 Sch. 7 para. 10\(b\)](#)
- s. 48(2) words substituted by [2023 c. 46 Sch. para. 6\(4\)](#)
- s. 48(2A) words inserted by [2023 c. 46 Sch. para. 6\(5\)](#)

**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):

- Pt. 8 Ch. 5 inserted by [2023 c. 20 Sch. para. 2](#)
- Pt. 8A Ch. 1 heading inserted by [2023 c. 46 s. 1\(3\)](#)
- Pt. 8A Ch. 2 inserted by [2023 c. 46 s. 1\(4\)](#)
- Pt. 8A Ch. 3 inserted by [2023 c. 46 s. 2](#)
- Pt. 8A Ch. 4 inserted by [2023 c. 46 s. 3\(2\)](#)
- s. 43K(1)(ca) and word omitted by [2013 c. 24 s. 20\(5\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 43K(2)(ba) omitted by [2013 c. 24 s. 20\(6\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 43K(1)(ba) by S.I. 2006/1056, Sch. para. 7 is to come into force on the day on which 2005 asp 13, s. 20 comes into force and that provision has never been brought into force)
- s. 47C(2)(cc) inserted by [2023 c. 20 Sch. para. 22](#)
- s. 47H inserted by [2020 c. 7 Sch. 7 para. 9](#)
- s. 47AA inserted by [2008 c. 25 s. 37](#)
- s. 47EA inserted by [2023 c. 46 Sch. para. 4](#)
- s. 47EB inserted by [2023 c. 46 Sch. para. 5](#)
- s. 48(1C) inserted by [2020 c. 7 Sch. 7 para. 10\(a\)](#)
- s. 48(1C) inserted by [2023 c. 46 Sch. para. 6\(2\)](#)
- s. 48(1D) inserted by [2023 c. 46 Sch. para. 6\(3\)](#)
- s. 49(8) inserted by [2020 c. 7 Sch. 7 para. 11\(b\)](#)
- s. 49(8) inserted by [2023 c. 46 Sch. para. 7\(4\)](#)
- s. 49C inserted by [2017 c. 16 s. 32\(4\)](#)
- s. 75I(3)(g) and word inserted by [2023 c. 20 Sch. para. 23\(b\)](#)
- s. 80A(6A) inserted by [2024 c. 17 s. 1\(2\)](#)
- s. 80B(6C) inserted by [2024 c. 17 s. 1\(3\)](#)
- s. 80C(2)(bc) inserted by [2023 c. 20 Sch. para. 24\(2\)](#)
- s. 80C(4)(bc) inserted by [2023 c. 20 Sch. para. 24\(3\)](#)
- s. 80D(1A) inserted by [2024 c. 17 s. 1\(4\)\(a\)](#)
- s. 80D(3) inserted by [2024 c. 17 s. 1\(4\)\(c\)](#)
- s. 80EB(2)(f) and word inserted by [2023 c. 20 Sch. para. 25\(b\)](#)
- s. 99(3)(cc) inserted by [2023 c. 20 Sch. para. 28](#)
- s. 101B inserted by [2008 c. 25 s. 38](#)
- s. 104H inserted by [2020 c. 7 Sch. 7 para. 14](#)
- s. 104CA inserted by [2023 c. 46 Sch. para. 9](#)
- s. 105(4B) inserted by [2008 c. 25 s. 39\(3\)](#)
- s. 105(7BC) inserted by [2020 c. 7 Sch. 7 para. 15](#)
- s. 105(7BAA) inserted by [2023 c. 46 Sch. para. 10](#)
- s. 108(3)(gia) inserted by [2023 c. 46 Sch. para. 11](#)
- s. 108(3)(de) inserted by [2008 c. 25 s. 39\(4\)](#)

- s. 108(3)(gn) inserted by [2020 c. 7 Sch. 7 para. 16](#)
- s. 110(3A) inserted by [2002 c. 22 s. 44](#)
- s. 205A(2)(ba) inserted by [2023 c. 46 Sch. para. 16\(2\)](#)
- s. 205A(8A) inserted by [2023 c. 46 Sch. para. 16\(3\)](#)
- s. 225(7)(8) inserted by [2023 c. 46 Sch. para. 17](#)
- s. 227(1)(zb)(zc) inserted by [2023 c. 46 Sch. para. 18](#)