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STATUTORY INSTRUMENTS

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**1996 No. 1919**

**The Employment Rights (Northern Ireland) Order 1996**

**PART VII**

**TIME OFF WORK**

*Ante-natal care*

**Complaints to industrial tribunals**

- 85.**—(1) An employee may present a complaint to an industrial tribunal that her employer—
- (a) has unreasonably refused to permit her to take time off as required by Article 83, or
  - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under Article 84.
- (2) An industrial tribunal shall not consider a complaint under this Article unless it is presented—
- (a) before the end of the period of three months beginning with the date of the appointment concerned, 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>F1</sup>(2A) Article 249B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).]

(3) Where an industrial tribunal finds a complaint under this Article well-founded, the tribunal shall make a declaration to that effect.

(4) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee [<sup>F2</sup>an amount that is twice the amount of] the remuneration to which she would have been entitled under Article 84 if the employer had not refused.

(5) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which she is entitled under Article 84, the tribunal shall also order the employer to pay to the employee the amount which it finds due to her.

**F1** Art. 85(2A) inserted (27.1.2020) by [Employment Act \(Northern Ireland\) 2016 \(c. 15\), s. 29\(2\), Sch. 2 para. 21](#); S.R. 2020/1, art. 2(n)

**F2** Words in art. 85(4) substituted (15.3.2015) by [Work and Families Act \(Northern Ireland\) 2015 \(c. 1\), ss. 16\(2\), 23\(1\)](#); S.R. 2015/86, art. 3(1)(m) (with art. 6(2))

**Status:**

Point in time view as at 27/01/2020.

**Changes to legislation:**

The Employment Rights (Northern Ireland) Order 1996, Section 85 is up to date with all changes known to be in force on or before 17 July 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.