



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Looking for work and making arrangements for training*

#### **52 Right to time off to look for work or arrange training.**

- (1) An employee who is given notice of dismissal by reason of redundancy is entitled to be permitted by his employer to take reasonable time off during the employee's working hours before the end of his notice in order to—
  - (a) look for new employment, or
  - (b) make arrangements for training for future employment.
- (2) An employee is not entitled to take time off under this section unless, on whichever is the later of—
  - (a) the date on which the notice is due to expire, and
  - (b) the date on which it would expire were it the notice required to be given by section 86(1),he will have been (or would have been) continuously employed for a period of two years or more.
- (3) For the purposes of this section the working hours of an employee shall be taken to be any time when, in accordance with his contract of employment, the employee is required to be at work.

#### **53 Right to remuneration for time off under section 52.**

- (1) An employee who is permitted to take time off under section 52 is entitled to be paid remuneration by his employer for the period of absence at the appropriate hourly rate.

*Status: Point in time view as at 01/04/2013.*

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- (2) The appropriate hourly rate, in relation to an employee, is the amount of one week's pay divided by the number of normal working hours in a week for that employee when employed under the contract of employment in force on the day when the notice of dismissal was given.
- (3) But where the number of normal working hours differs from week to week or over a longer period, the amount of one week's pay shall be divided instead by the average number of normal working hours calculated by dividing by twelve the total number of the employee's normal working hours during the period of twelve weeks ending with the last complete week before the day on which the notice was given.
- (4) If an employer unreasonably refuses to permit an employee to take time off from work as required by section 52, the employee is entitled to be paid an amount equal to the remuneration to which he would have been entitled under subsection (1) if he had been permitted to take the time off.
- (5) The amount of an employer's liability to pay remuneration under subsection (1) shall not exceed, in respect of the notice period of any employee, forty per cent. of a week's pay of that employee.
- (6) A right to any amount under subsection (1) or (4) does not affect any right of an employee in relation to remuneration under his contract of employment ("contractual remuneration").
- (7) Any contractual remuneration paid to an employee in respect of a period of time off under section 52 goes towards discharging any liability of the employer to pay remuneration under subsection (1) in respect of that period; and, conversely, any payment of remuneration under subsection (1) in respect of a period goes towards discharging any liability of the employer to pay contractual remuneration in respect of that period.

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

- (1) An employee may present a complaint to an [<sup>F1</sup>employment tribunal] that his employer—
  - (a) has unreasonably refused to permit him to take time off as required by section 52, or
  - (b) has failed to pay the whole or any part of any amount to which the employee is entitled under section 53(1) or (4).
- (2) 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 on which it is alleged that the time off should have been permitted, 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>F2</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 an [<sup>F1</sup>employment tribunal] finds a complaint under this section well-founded, the tribunal shall—
  - (a) make a declaration to that effect, and

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- (b) order the employer to pay to the employee the amount which it finds due to him.
- (4) The amount which may be ordered by a tribunal to be paid by an employer under subsection (3) (or, where the employer is liable to pay remuneration under section 53, the aggregate of that amount and the amount of that liability) shall not exceed, in respect of the notice period of any employee, forty per cent. of a week's pay of that employee.

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**Textual Amendments**

- F1** Words in s. 54(1)-(3) and sidenote to s. 54 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** S. 54(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, 36

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