



Employment Rights Act 1996

1996 CHAPTER 18

PART V

PROTECTION FROM SUFFERING DETRIMENT IN EMPLOYMENT

Enforcement

48 Complaints to [^{F1}employment tribunals].

- (1) An employee may present a complaint to an [^{F1}employment tribunal] that he has been subjected to a detriment in contravention of section 44, 45, [^{F2}46, 47 [^{F3}, 47A or 47C]].
- [^{F4}(1ZA) A worker may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 45A.]
- [^{F5}(1A) A worker may present a complaint to an employment tribunal that he has been subjected to a detriment in contravention of section 47B.]
- [^{F6}(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 such a complaint it is for the employer to show the ground on which any act, or deliberate failure to act, was done.
- (3) An [^{F1}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)—

Status: Point in time view as at 01/09/2002. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 48 is up to date with all changes known to be in force on or before 08 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. (See end of Document for details)

(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 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.

[^{F7}(5) In this section and section 49 any reference to the employer includes, where a person complains that he has been subjected to a detriment in contravention of section 47A, the principal (within the meaning of section 63A(3)).]

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) 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
- F3** Words in s. 48(1) substituted (15.12.1999) by 1999 c. 26 , s. 9 , **Sch. 4 Pt. III para. 9** ; S.I. 1999/2830 , art. 2(2) , **Sch. 1 Pt. II** (with Sch. 3 paras. 10 , 11)
- F4** S. 48(1ZA) inserted (1.10.1998) by S.I. 1998/1833 , **reg. 31(2)**
- F5** S. 48(1A) inserted (2.7.1999) by 1998 c. 23 , s. 3 ; S.I. 1999/1547 , **art. 2**
- F6** 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**
- F7** 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**

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(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)**

Status:

Point in time view as at 01/09/2002. This version of this provision has been superseded.

Changes to legislation:

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