



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Public duties*

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

- (1) An employee may present a complaint to an [<sup>F1</sup>employment tribunal] that his employer has failed to permit him to take time off as required by section 50.
- (2) An [<sup>F1</sup>employment tribunal] shall not consider a complaint under this section that an employer has failed to permit an employee to take time off unless it is presented—
  - (a) before the end of the period of three months beginning with the date on which the failure occurred, 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 207B (extension of time limits to facilitate conciliation before institution of proceedings) 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—
  - (a) shall make a declaration to that effect, and
  - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
  - (a) the employer's default in failing to permit time off to be taken by the employee, and

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*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: Employment Rights Act 1996, Section 51 is up to date with all changes known to be in force on or before 30 June 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)*

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- (b) any loss sustained by the employee which is attributable to the matters to which the complaint relates.

**Textual Amendments**

- F1** Words in s. 51(1)-(3) and sidenote to s. 51 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. 51(2A) 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(6)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

**Status:**

Point in time view as at 31/12/2020.

**Changes to legislation:**

Employment Rights Act 1996, Section 51 is up to date with all changes known to be in force on or before 30 June 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.