



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

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

#### 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—
- has unreasonably refused to permit him to take time off as required by section 52, or
  - 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—
- 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
  - 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) [<sup>F3</sup>and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply] 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—
- make a declaration to that effect, and
  - order the employer to pay to the employee the amount which it finds due to him.

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*Status: Point in time view as at 05/03/2015. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 54 is up to date with all changes known to be in force on or before 17 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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- (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.

#### **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
- F3** Words in s. 54(2A) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 2 para. 21; S.I. 2014/253, art. 3(g)

**Status:**

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