



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Ante-natal care*

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

- (1) An employee may present a complaint to an [<sup>F1</sup>employment tribunal] that her employer—
- has unreasonably refused to permit her to take time off as required by section 55, or
  - has failed to pay the whole or any part of any amount to which the employee is entitled under section 56.

- (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 of the appointment concerned, 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.
- (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>F4</sup>an

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*Status: Point in time view as at 06/04/2015. This version of this provision has been superseded.*

*Changes to legislation: Employment Rights Act 1996, Section 57 is up to date with all changes known to be in force on or before 29 August 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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amount that is twice the amount of] the remuneration to which she would have been entitled under section 56 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 section 56, the tribunal shall also order the employer to pay to the employee the amount which it finds due to her.

#### **Textual Amendments**

- F1** Words in s. 57(1)-(3) and sidenote to s. 57 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. 57(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, 37
- F3** Words in s. 57(2A) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 2 para. 22; S.I. 2014/253, art. 3(g)
- F4** Words in s. 57(4) substituted (1.10.2014) by Children and Families Act 2014 (c. 6), ss. 130(1), 139(6); S.I. 2014/1640, art. 4(c) (with art. 11)

**Status:**

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