



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

[^{F1}Adoption appointments: agency workers

[^{F1}57ZQ Complaint to employment tribunal: agency workers

- (1) An agency worker may present a complaint to an employment tribunal that the temporary work agency—
 - (a) has unreasonably refused to let him or her take time off as required by section 57ZN or 57ZP, or
 - (b) has failed to pay the whole or any part of any amount to which the agency worker is entitled under section 57ZO.
- (2) An agency worker may present a complaint to an employment tribunal that the hirer has unreasonably refused to let him or her take time off as required by section 57ZN or 57ZP.
- (3) An employment tribunal may not consider a complaint under subsection (1) or (2) unless it is presented—
 - (a) before the end of the period of three months beginning with the day of the appointment in question, 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) Sections 207A(3) and 207B apply for the purposes of subsection (3)(a).
- (5) Where an employment tribunal finds a complaint under subsection (1) or (2) well-founded, it must make a declaration to that effect.
- (6) If the complaint is that the temporary work agency or hirer has unreasonably refused to let the agency worker take time off as required by section 57ZN, the tribunal

Status: Point in time view as at 06/04/2019. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 57ZO is up to date with all changes known to be in force on or before 25 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)

must also order payment to the agency worker of an amount that is twice the amount of the remuneration to which the agency worker would have been entitled under section 57ZO if the agency worker had not been refused the time off.

- (7) If the complaint is that the temporary work agency has failed to pay the agency worker the whole or part of any amount to which the agency worker is entitled under section 57ZO, the tribunal must also order the temporary work agency to pay to the agency worker the amount which it finds due to the agency worker.
- (8) If the complaint is that the temporary work agency or hirer has unreasonably refused to let the agency worker take time off as required by section 57ZP, the tribunal must also order payment to the agency worker of an amount determined in accordance with subsection (9).
- (9) The amount payable to the agency worker under subsection (8) is—

$$A \times B \times 2$$

where—

- a A is the appropriate hourly rate for the agency worker determined in accordance with section 57ZO(2) and (3), and
- b B is the number of working hours for which the agency worker would have been entitled under section 57ZP to be absent if the time off had not been refused.
- (10) Where the tribunal orders that payment under subsection (6) or (8) be made by the temporary work agency and the hirer, the proportion of that amount payable by each respondent is to be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.]

Textual Amendments

- F1** Ss. 57ZJ-57ZS and cross-headings inserted (5.4.2015) by [Children and Families Act 2014 \(c. 6\), ss. 128\(1\), 139\(6\); S.I. 2014/1640, art. 6\(d\)](#)

Status:

Point in time view as at 06/04/2019. This version of this provision has been superseded.

Changes to legislation:

Employment Rights Act 1996, Section 57ZQ is up to date with all changes known to be in force on or before 25 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.