



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Occupational pension scheme trustees

60 Complaints to [F¹employment tribunals].

- (1) An employee may present a complaint to an [F¹employment tribunal] that his employer—
 - (a) has failed to permit him to take time off as required by section 58, or
 - (b) has failed to pay him in accordance with section 59.
- (2) An [F¹employment 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 when 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.
- (3) Where an [F¹employment tribunal] finds a complaint under subsection (1)(a) 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

Status: Point in time view as at 01/11/1998. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 60 is up to date with all changes known to be in force on or before 06 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)

- (b) any loss sustained by the employee which is attributable to the matters complained of.
- (5) Where on a complaint under subsection (1)(b) an [^{F1}employment tribunal] finds that an employer has failed to pay an employee in accordance with section 59, it shall order the employer to pay the amount which it finds to be due.

Textual Amendments

- F1** Words in s. 60(1)-(3)(5) and sidenote to s. 60 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
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Commencement Information

- I1** S. 60 wholly in force at 6.10.1996, see Sch. 2 para. 15(1) and S.I. 1996/2514, art. 2

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