



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART VI

#### TIME OFF WORK

##### *Occupational pension scheme trustees*

#### **60 Complaints to industrial tribunals**

- (1) An employee may present a complaint to an industrial 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 industrial 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 industrial 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
  - (b) any loss sustained by the employee which is attributable to the matters complained of.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Where on a complaint under subsection (1)(b) an industrial 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.