



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

Employee representatives

^{F1} 63C Complaints to employment tribunals.

- (1) An employee may present a complaint to an employment tribunal that—
 - (a) his employer, or the principal referred to in subsection (3) of section 63A, has unreasonably refused to permit him to take time off as required by that section, or
 - (b) his employer has failed to pay the whole or any part of any amount to which the employee is entitled under section 63B.
- (2) An employment 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 day on which the time off was taken or on which it is alleged the time off should have been permitted, 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.

[^{F2}(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (2)(a).]

- (3) Where an 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 or the principal has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer or the principal, as the case may be, to pay to the employee an amount equal to the

Status: Point in time view as at 31/12/2020.

Changes to legislation: Employment Rights Act 1996, Section 63C is up to date with all changes known to be in force on or before 10 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)

remuneration to which he would have been entitled under section 63B if the employer or the principal 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 he is entitled under section 63B, the tribunal shall also order the employer to pay to the employee the amount which it finds due to him.

Textual Amendments

- F1** Ss. 63B, 63C inserted (1.9.1999) by 1998 c. 30, s. 33 (with s. 42(8)); S.I. 1999/987, art. 2
- F2** S. 63C(2A) substituted (31.12.2020) by The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), Sch. 1 para. 12(17) (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

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