



Employment Rights Act 1996

1996 CHAPTER 18

PART VII

SUSPENSION FROM WORK

General

VALID FROM 01/10/2011

[^{F1}70A Complaints to employment tribunals: agency workers

- () An agency worker may present a complaint to an employment tribunal that the temporary work agency has failed to pay the whole or any part of remuneration to which the agency worker is entitled under section 68C.
- () An employment tribunal shall not consider a complaint under subsection (1) relating to remuneration in respect of any day unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, 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 within that period of three months.
- () Where an employment tribunal finds a complaint under subsection (1) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of remuneration which it finds is due to her.
- () An agency worker may present a complaint to an employment tribunal that in contravention of section 68B the temporary work agency has failed to offer to propose the agency worker to a hirer that has suitable alternative work available.

Status: Point in time view as at 01/02/2006. This version of this provision is not valid for this point in time.

Changes to legislation: Employment Rights Act 1996, Section 70A is up to date with all changes known to be in force on or before 22 July 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)

- () An employment tribunal shall not consider a complaint under subsection (4) unless it is presented—
 - (a) before the end of the period of three months beginning with the day on which the supply of the agency worker to a hirer was ended on maternity grounds, 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 within that period of three months.
- () Where an employment tribunal finds a complaint under subsection (4) well-founded, the tribunal shall order the temporary work agency to pay the agency worker the amount of compensation which it finds is due to her.
- () The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the infringement of the agency worker's right under section 68B by the failure on the part of the temporary work agency to which the complaint relates, and
 - (b) any loss sustained by the agency worker which is attributable to that failure.
- () Expressions used in this section and sections 68A to 68C have the same meaning as in those sections (see section 68D).]

Textual Amendments

- F1** S. 70A inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), reg. 25, [Sch. 2 para. 14](#)

Status:

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