



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART VIII

^{F1}CHAPTER II

PARENTAL LEAVE

^{F2}[^{F1} 80 Complaint to employment tribunal.

- (1) An employee may present a complaint to an employment tribunal that his employer—
 - (a) has unreasonably postponed a period of parental leave requested by the employee, or
 - (b) has prevented or attempted to prevent the employee from taking parental leave.
- (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 date (or last date) of the matters complained of, 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.

[Section 207A(3) (extension because of mediation in certain European cross-border ^{F3}(2A) disputes) [^{F4}and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply] for the purposes of subsection (2)(a).]

- (3) Where an employment tribunal finds a complaint under this section well-founded it—
 - (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.

Status: Point in time view as at 30/06/2014. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 80 is up to date with all changes known to be in force on or before 17 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)

- (4) The amount of compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
- (a) the employer's behaviour, and
 - (b) any loss sustained by the employee which is attributable to the matters complained of.]

Textual Amendments

- F1** Pt. 8 (ss. 71-80) substituted for Pt. 8 (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. 1**; S.I. 1999/2830, art. 2(1)(2), **Sch. 1 Pt. 2** (with transitional provisions in Sch. 3 para. 10)
- F2** Pt. VIII (ss. 71-80) substituted for Pt. VIII (ss. 71-85) (15.12.1999) by 1999 c. 26, s. 7, **Sch. 4 Pt. I**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II** (with Sch. 3 para. 10)
- F3** S. 80(2A) inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **regs. 2, 44**
- F4** Words in s. 80(2A) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 31**; S.I. 2014/253, art. 3(g)

Status:

Point in time view as at 30/06/2014. This version of this provision has been superseded.

Changes to legislation:

Employment Rights Act 1996, Section 80 is up to date with all changes known to be in force on or before 17 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.