

Status: Point in time view as at 01/04/2002.

Changes to legislation: Teaching and Higher Education Act 1998, Cross Heading: Employment Rights Act 1996 (c.18) is up to date with all changes known to be in force on or before 01 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)

SCHEDULES

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

Employment Rights Act 1996 (c.18)

10 After section 47 of the Employment Rights Act 1996 insert—

“47A Employees exercising right to time off work for study or training.

(1) An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer or the principal (within the meaning of section 63A(3)) done on the ground that, being a person entitled to—

- (a) time off under section 63A(1) or (3), and
- (b) remuneration under section 63B(1) in respect of that time taken off, the employee exercised (or proposed to exercise) that right or received (or sought to receive) such remuneration.

(2) Except where an employee is dismissed in circumstances in which, by virtue of section 197, Part X does not apply to the dismissal, this section does not apply where the detriment in question amounts to dismissal (within the meaning of that Part).”

11 In section 48 of that Act (complaints to employment tribunals)—

- (a) in subsection (1) for “46 or 47” substitute “ 46, 47 or 47A ”; and
- (b) at the end insert—

“(5) In this section and section 49 any reference to the employer includes, where a person complains that he has been subjected to a detriment in contravention of section 47A, the principal (within the meaning of section 63A(3)).”

12 In section 58 of that Act (right to time off for occupational pension scheme trustees), at the end of subsection (3) add “, and

- (c) references to training are to training on the employer’s premises or elsewhere.”

13 In section 104 of that Act (assertion of statutory right) at the end insert—

“(5) In this section any reference to an employer includes, where the right in question is conferred by section 63A, the principal (within the meaning of section 63A(3)).”

14 In section 225 of that Act (rights during employment), after subsection (4) insert—

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“(4A) Where the calculation is for the purposes of section 63B, the calculation date is the day on which the time off was taken or on which it is alleged the time off should have been permitted.”

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