



Employment Act 2002

2002 CHAPTER 22

PART 3

DISPUTE RESOLUTION ETC.

Statutory procedures

32 Complaints about grievances

- (1) This section applies to the jurisdictions listed in Schedule 4.
- (2) An employee shall not present a complaint to an employment tribunal under a jurisdiction to which this section applies if—
 - (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 2 applies, and
 - (b) the requirement has not been complied with.
- (3) An employee shall not present a complaint to an employment tribunal under a jurisdiction to which this section applies if—
 - (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 2 has been complied with, and
 - (b) less than 28 days have passed since the day on which the requirement was complied with.
- (4) An employee shall not present a complaint to an employment tribunal under a jurisdiction to which this section applies if—
 - (a) it concerns a matter in relation to which the requirement in paragraph 6 or 9 of Schedule 2 has been complied with, and
 - (b) the day on which the requirement was complied with was more than one month after the end of the original time limit for making the complaint.
- (5) In such circumstances as the Secretary of State may specify by regulations, an employment tribunal may direct that subsection (4) shall not apply in relation to a particular matter.

Status: Point in time view as at 01/10/2004. This version of this provision has been superseded.

Changes to legislation: Employment Act 2002, Section 32 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)

- (6) An employment tribunal shall be prevented from considering a complaint presented in breach of subsections (2) to (4), but only if—
- (a) the breach is apparent to the tribunal from the information supplied to it by the employee in connection with the bringing of the proceedings, or
 - (b) the tribunal is satisfied of the breach as a result of his employer raising the issue of compliance with those provisions in accordance with regulations under section 7 of the Employment Tribunals Act 1996 (c. 17) (employment tribunal procedure regulations).
- (7) The Secretary of State may for the purposes of this section by regulations—
- (a) make provision about the application of the procedures set out in Part 2 of Schedule 2;
 - (b) make provision about what constitutes compliance with paragraph 6 or 9 of that Schedule;
 - (c) make provision about circumstances in which a person is to be treated as having complied with paragraph 6 or 9 of that Schedule;
 - (d) make provision for paragraph 6 or 9 of that Schedule to have effect in such circumstances as may be specified by the regulations with such modifications as may be so specified.
- (8) The Secretary of State may by order—
- (a) amend, repeal or replace any of subsections (2) to (4);
 - (b) amend Schedule 4;
 - (c) make provision for this section to apply, with or without modifications, as if—
 - (i) any individual of a description specified in the order who would not otherwise be an employee for the purposes of this section were an employee for those purposes, and
 - (ii) a person of a description specified in the order were, in the case of any such individual, the individual's employer for those purposes.
- (9) Before making an order under subsection (8)(a), the Secretary of State must consult the Advisory, Conciliation and Arbitration Service.
- (10) In its application to orders under subsection (8)(a), section 51(1)(b) includes power to amend this section.

Modifications etc. (not altering text)

- C1** Ss. 29-32 modified by SI 2003/1964 art. 3 Sch. (as amended) (E.) (1.10.2004) by [Education \(Modification of Enactments Relating to Employment\) \(England\) \(Amendment\) Order 2004 \(S.I. 2004/2325\)](#), arts. 1, 2

Commencement Information

- I1** S. 32(1)-(6) in force at 1.10.2004 by [S.I. 2004/1717](#), **art. 2(2)** (with [art. 3](#))
- I2** S. 32(7)-(10) in force at 27.4.2003 by [S.I. 2003/1190](#), **art. 2(1)**

Status:

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