
STATUTORY INSTRUMENTS

1998 No. 1833

The Working Time Regulations 1998

PART IV

MISCELLANEOUS

Remedies

- 30.**—(1) A worker may present a complaint to an employment tribunal that his employer—
- (a) has refused to permit him to exercise any right he has under—
 - (i) regulation 10(1) or (2), 11(1), (2) or (3), 12(1) or (4) or 13(1);
 - (ii) regulation 24, in so far as it applies where regulation 10(1), 11(1) or (2) or 12(1) is modified or excluded; or
 - (iii) regulation 25(3) or 27(2); or
 - (b) has failed to pay him the whole or any part of any amount due to him under regulation 14(2) or 16(1).
- (2) An employment tribunal shall not consider a complaint under this regulation unless it is presented—
- (a) before the end of the period of three months (or, in a case to which regulation 38(2) applies, six months) beginning with the date on which it is alleged that the exercise of the right should have been permitted (or in the case of a rest period or leave extending over more than one day, the date on which it should have been permitted to begin) or, as the case may be, the payment should have been made;
 - (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 or, as the case may be, six months.
- (3) Where an employment tribunal finds a complaint under paragraph (1)(a) well-founded, the tribunal—
- (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the worker.
- (4) The amount of the compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
- (a) the employer's default in refusing to permit the worker to exercise his right, and
 - (b) any loss sustained by the worker which is attributable to the matters complained of.
- (5) Where on a complaint under paragraph (1)(b) an employment tribunal finds that an employer has failed to pay a worker in accordance with regulation 14(2) or 16(1), it shall order the employer to pay to the worker the amount which it finds to be due to him.