

SCHEDULE 2

Regulation 7(3)

Provision as to industrial tribunals

1. An industrial tribunal shall have jurisdiction to determine complaints in accordance with paragraphs 2 to 5.

2. A person (referred to in this Schedule as the “complainant”) may present a complaint to an industrial tribunal that—

- (a) his employer has failed to permit him to take time off in accordance with regulation 7(1)(b) or 7(2); or
- (b) his employer has failed to pay him in accordance with regulation 7(1)(b) or 7(2) and Schedule 1.

3. An industrial tribunal shall not consider a complaint under paragraph 2 unless it is presented within three months of the date when the failure occurred or 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 the period of three months.

4. Where an industrial tribunal finds a complaint under paragraph 2(a) well-founded the tribunal shall make a declaration to that effect and may make an award of compensation to be paid by the employer to the complainant which shall be of such amount as the tribunal considers just and equitable in all the circumstances having regard to the employer’s default in failing to permit time off to be taken by the complainant and to any loss sustained by the complainant which is attributable to the matters complained of.

5. Where on a complaint under paragraph 2(b) an industrial tribunal finds that the employer has failed to pay the complainant the whole or part of the amount required to be paid in accordance with regulation 7(1)(b) or 7(2) and Schedule 1, the tribunal shall order the employer to pay the complainant the amount which it finds due to him.