



Employment Rights Act 1996

1996 CHAPTER 18

[^{F1}PART 8A

FLEXIBLE WORKING]

VALID FROM 06/04/2003

80H Complaints to employment tribunals

- (1) An employee who makes an application under section 80F may present a complaint to an employment tribunal—
 - (a) that his employer has failed in relation to the application to comply with section 80G(1), or
 - (b) that a decision by his employer to reject the application was based on incorrect facts.
- (2) No complaint under this section may be made in respect of an application which has been disposed of by agreement or withdrawn.
- (3) In the case of an application which has not been disposed of by agreement or withdrawn, no complaint under this section may be made until the employer—
 - (a) notifies the employee of a decision to reject the application on appeal, or
 - (b) commits a breach of regulations under section 80G(1)(a) of such description as the Secretary of State may specify by regulations.
- (4) No complaint under this section may be made in respect of failure to comply with provision included in regulations under subsection (1)(a) of section 80G because of subsection (2)(k), (l) or (m) of that section.
- (5) 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 relevant date, or

Status: Point in time view as at 22/08/1996. This version of this provision is not valid for this point in time.

Changes to legislation: Employment Rights Act 1996, Section 80H is up to date with all changes known to be in force on or before 13 May 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)

- (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.
- (6) In subsection (5)(a), the reference to the relevant date is—
- (a) in the case of a complaint permitted by subsection (3)(a), the date on which the employee is notified of the decision on the appeal, and
 - (b) in the case of a complaint permitted by subsection (3)(b), the date on which the breach concerned was committed.

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