



Employment Relations Act 1999

1999 CHAPTER 26

Disciplinary and grievance hearings

11 Complaint to employment tribunal

- (1) A worker may present a complaint to an employment tribunal that his employer has failed, or threatened to fail, to comply with section 10(2) or (4).
- (2) A tribunal shall not consider a complaint under this section in relation to a failure or threat unless the complaint is presented—
 - (a) before the end of the period of three months beginning with the date of the failure or threat, or
 - (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.
- (3) Where a tribunal finds that a complaint under this section is well-founded it shall order the employer to pay compensation to the worker of an amount not exceeding two weeks' pay.
- (4) Chapter II of Part XIV of the Employment Rights Act 1996 (calculation of a week's pay) shall apply for the purposes of subsection (3); and in applying that Chapter the calculation date shall be taken to be—
 - (a) in the case of a claim which is made in the course of a claim for unfair dismissal, the date on which the employer's notice of dismissal was given or, if there was no notice, the effective date of termination, and
 - (b) in any other case, the date on which the relevant hearing took place (or was to have taken place).
- (5) The limit in section 227(1) of the Employment Rights Act 1996 (maximum amount of week's pay) shall apply for the purposes of subsection (3) above.
- (6) No award shall be made under subsection (3) in respect of a claim which is made in the course of a claim for unfair dismissal if the tribunal makes a supplementary award under section 127A(2) of the Employment Rights Act 1996 (internal appeal procedures).