

SCHEDULE

Employment rights and protections in connection with consultation

Right to time off and remuneration

- 4.—(1) An employee may present a complaint to an employment tribunal that his employer—
- (a) has unreasonably refused to permit him to take time off as required by paragraph 2, or
 - (b) has failed to pay the whole or part of any amount to which the employee is entitled under paragraph 3.
- (2) A tribunal shall not consider a complaint under this paragraph unless it is presented—
- (a) before the end of the period of three months beginning with the day on which the time off was taken or on which it is alleged the time off should have been permitted, 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.

[^{F1}(2A) Paragraph 4A (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of sub-paragraph (2).]

(3) Where a tribunal finds a complaint under this paragraph well-founded, the tribunal shall make a declaration to that effect.

(4) If the complaint is that the employer has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer to pay to the employee an amount equal to the remuneration to which he would have been entitled under paragraph 3 if the employer had not refused.

(5) If the complaint is that the employer has failed to pay the employee the whole or part of any amount to which he is entitled under paragraph 3, the tribunal shall also order the employer to pay to the employee the amount it finds due to him.

Textual Amendments

F1 Sch. para. 4(2A) inserted (6.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Consequential Amendments\) \(Employment\) Order 2014 \(S.I. 2014/386\)](#), art. 1, **Sch. para. 41**

Changes to legislation:

There are currently no known outstanding effects for the The Occupational and Personal Pension Schemes (Consultation by Employers and Miscellaneous Amendment) Regulations 2006, Paragraph 4.