STATUTORY INSTRUMENTS

1996 No. 1919

The Employment Rights (Northern Ireland) Order 1996

PART VII

TIME OFF WORK

[F1 Study or training

[F1 Complaints to industrial tribunals

91C.—(1) An employee may present a complaint to an industrial tribunal that—

(a) his employer, or the principal referred to in paragraph (3) of Article 91A, has unreasonably refused to permit him to take time off as required by that Article, or

(b) his employer has failed to pay the whole or any part of any amount to which the employee is entitled under Article 91B.

(2) An industrial tribunal shall not consider a complaint under this Article 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.

[
F2(2A) Article 249B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of paragraph (2)(a).**]**

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

(4) If the complaint is that the employer or the principal has unreasonably refused to permit the employee to take time off, the tribunal shall also order the employer or the principal, as the case may be, to pay to the employee an amount equal to the remuneration to which he would have been entitled under Article 91B if the employer or the principal 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 Article 91B, the tribunal shall also order the employer to pay to the employee the amount which it finds due to him.**]**

F1 1998 NI 15

F2 Art. 91C(2A) inserted (27.1.2020) by Employment Act (Northern Ireland) 2016 (c. 15), s. 29(2), **Sch. 2 para. 30**; S.R. 2020/1, art. 2(n)

Changes to legislation:
The Employment Rights (Northern Ireland) Order 1996, Section 91C is up to date with all changes known to be in force on or before 10 July 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.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 7A inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 1
- Ch. 5 inserted by 2022 c. 27 (N.I.) s. 1(1)
- art. 21(4B) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 2
- art. 23(1)(zza) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 3
- art. 70F inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 4
- art. 70G inserted by 2020 c. 7 Sch. 7 para. 20
- art. 71(1C) inserted by 2020 c. 7 Sch. 7 para. 21(a)
- art. 72(8) inserted by 2020 c. 7 Sch. 7 para. 22(b)
- art. 85ZS(3)(a)-(c) substituted for words by 2022 c. 18 (N.I.) Sch. 3 para. 47(4)
- art. 95F(5A) inserted by 2016 c. 15 (N.I.) Sch. 2 para. 32
- art. 135E inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 6
- art. 135G inserted by 2020 c. 7 Sch. 7 para. 25
- art. 137(6D) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 7
- art. 137(7N) inserted by 2020 c. 7 Sch. 7 para. 26(b)
- art. 140(3)(fj) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 8
- art. 140(3)(fl) inserted by 2020 c. 7 Sch. 7 para. 27
- art. 143(2)(ddd) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 9
- art. 144(2)(ddd) inserted by 2011 c. 13 (N.I.) Sch. 3 Pt. 2 para. 10