



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER II

##### REMEDIES FOR UNFAIR DISMISSAL

##### *Introductory*

#### **111 Complaints to [<sup>F1</sup>employment tribunal].**

- (1) A complaint may be presented to an [<sup>F1</sup>employment tribunal] against an employer by any person that he was unfairly dismissed by the employer.
- (2) Subject to subsection (3), an [<sup>F1</sup>employment tribunal] shall not consider a complaint under this section unless it is presented to the tribunal—
  - (a) before the end of the period of three months beginning with the effective date of termination, 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 dismissal is with notice, an [<sup>F1</sup>employment tribunal] shall consider a complaint under this section if it is presented after the notice is given but before the effective date of termination.
- (4) In relation to a complaint which is presented as mentioned in subsection (3), the provisions of this Act, so far as they relate to unfair dismissal, have effect as if—
  - (a) references to a complaint by a person that he was unfairly dismissed by his employer included references to a complaint by a person that his employer

*Status: Point in time view as at 01/11/1998.*

*Changes to legislation: Employment Rights Act 1996, Cross Heading: Introductory is up to date with all changes known to be in force on or before 25 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)*

has given him notice in such circumstances that he will be unfairly dismissed when the notice expires,

- (b) references to reinstatement included references to the withdrawal of the notice by the employer,
- (c) references to the effective date of termination included references to the date which would be the effective date of termination on the expiry of the notice, and
- (d) references to an employee ceasing to be employed included references to an employee having been given notice of dismissal.

#### Textual Amendments

- F1** Words in s. 111(1)-(3) and sidenote to s. 111 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1

## 112 The remedies: orders and compensation.

- (1) This section applies where, on a complaint under section 111, an [<sup>F2</sup>employment tribunal] finds that the grounds of the complaint are well-founded.
- (2) The tribunal shall—
  - (a) explain to the complainant what orders may be made under section 113 and in what circumstances they may be made, and
  - (b) ask him whether he wishes the tribunal to make such an order.
- (3) If the complainant expresses such a wish, the tribunal may make an order under section 113.
- (4) If no order is made under section 113, the tribunal shall make an award of compensation for unfair dismissal (calculated in accordance with sections 118 to 127 [<sup>F3</sup>or in accordance with regulations under section 127B]) to be paid by the employer to the employee.

#### Textual Amendments

- F2** Words in s. 112(1) substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), Sch. 1
- F3** Words in s. 112(4) inserted (2.7.1998 for specified purposes and otherwise *prosp.*) by 1998 c. 23, s. 8(1)

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**Changes to legislation:**

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