



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

^{F1}Dependants

^{F2}^{F1}**57B Complaint to employment tribunal.**

- (1) An employee may present a complaint to an employment tribunal that his employer has unreasonably refused to permit him to take time off as required by section 57A.
- (2) 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 date when the refusal occurred, 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.

[Section 207A(3) (extension because of mediation in certain European cross-border ^{F3}(2A) disputes) [^{F4}and section 207B (extension of time limits to facilitate conciliation before institution of proceedings) apply] for the purposes of subsection (2)(a).]

- (3) Where an employment tribunal finds a complaint under subsection (1) well-founded, it—
 - (a) shall make a declaration to that effect, and
 - (b) may make an award of compensation to be paid by the employer to the employee.
- (4) The amount of compensation shall be such as the tribunal considers just and equitable in all the circumstances having regard to—
 - (a) the employer's default in refusing to permit time off to be taken by the employee, and

Status: Point in time view as at 30/06/2014. This version of this provision has been superseded.

Changes to legislation: Employment Rights Act 1996, Section 57B is up to date with all changes known to be in force on or before 19 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) any loss sustained by the employee which is attributable to the matters complained of.]

Textual Amendments

- F1** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, **Sch. 4 Pt. II**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II**
- F2** Ss. 57A, 57B and heading inserted (15.12.1999) by 1999 c. 26, s. 8, **Sch. 4 Pt. II**; S.I. 1999/2830, art. 2(2), **Sch. 1 Pt. II**
- F3** S. 57B(2A) inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), **regs. 2, 38**
- F4** Words in s. 57B(2A) substituted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 24**; S.I. 2014/253, art. 3(g)

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