



Employment Rights Act 1996

1996 CHAPTER 18

PART VI

TIME OFF WORK

[^{F1}Ante-natal care: agency workers]

[^{F1}57ZC Complaint to employment tribunal: agency workers]

- () An agency worker may present a complaint to an employment tribunal that the temporary work agency—
 - (a) has unreasonably refused to permit her to take time off as required by section 57ZA, or
 - (b) has failed to pay the whole or any part of any amount to which she is entitled under section 57ZB.
- () An agency worker may present a complaint to an employment tribunal that the hirer has unreasonably refused to permit her to take time off as required by section 57ZA.
- () An employment tribunal shall not consider a complaint under subsection (1) or (2) unless it is presented—
 - (a) before the end of the period of three months beginning with the date of the appointment concerned, 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}(3A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) applies for the purposes of subsection (3)(a).]

- () Where an employment tribunal finds a complaint under this section well-founded, the tribunal shall make a declaration to that effect.
- () If the complaint is that the temporary work agency or hirer has unreasonably refused to permit the agency worker to take time off, the tribunal shall also order payment to

Status: Point in time view as at 31/12/2020.

Changes to legislation: Employment Rights Act 1996, Section 57ZC is up to date with all changes known to be in force on or before 18 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)

the agency worker of [^{F3}an amount that is twice the amount of] the remuneration to which she would have been entitled under section 57ZB if she had not been refused the time off.

- () Where the tribunal orders payment under subsection (5), the amount payable by each party shall be such as may be found by the tribunal to be just and equitable having regard to the extent of each respondent's responsibility for the infringement to which the complaint relates.
- (7) If the complaint is that the temporary work agency has failed to pay the agency worker the whole or part of any amount to which she is entitled under section 57ZB, the tribunal shall also order the temporary work agency to pay to the agency worker the amount which it finds due to her.]

Textual Amendments

- F1** Ss. 57ZA-57ZD and heading inserted (1.10.2011) by [The Agency Workers Regulations 2010 \(S.I. 2010/93\)](#), [Reg. 25](#), [Sch. 2 para. 93](#)
- F2** S. 57ZC(3A) substituted (31.12.2020) by [The Cross-Border Mediation \(EU Directive\) \(EU Exit\) Regulations 2019 \(S.I. 2019/469\)](#), [reg. 1\(1\)](#), [Sch. 1 para. 12\(9\)](#) (with [reg. 5](#)) (as amended by [S.I. 2020/1493](#), [regs. 1\(1\)](#), [4\(5\)\(6\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F3** Words in s. 57ZC(5) substituted (1.10.2014) by [Children and Families Act 2014 \(c. 6\)](#), [ss. 130\(2\)](#), [139\(6\)](#); [S.I. 2014/1640](#), [art. 4\(c\)](#) (with [art. 11](#))

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