



# Employment Relations Act 1999

## 1999 CHAPTER 26

### *Disciplinary and grievance hearings*

#### **11 Complaint to employment tribunal.**

- (1) A worker may present a complaint to an employment tribunal that his employer has failed, or threatened to fail, to comply with section [F<sup>1</sup>10(2A), (2B)] or (4).
- (2) A tribunal shall not consider a complaint under this section in relation to a failure or threat unless the complaint is presented—
  - (a) before the end of the period of three months beginning with the date of the failure or threat, 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.

[F<sup>2</sup>(2A) Section 207B (extension of time limits to facilitate conciliation before institution of proceedings) of the Employment Rights Act 1996 applies for the purposes of subsection (2)(a).]

[F<sup>3</sup>(2B) Subsections (2) and (2A) are to be treated as provisions of the Employment Rights Act 1996 for the purposes of [F<sup>4</sup>section] 207B of that Act.]

- (3) Where a tribunal finds that a complaint under this section is well-founded it shall order the employer to pay compensation to the worker of an amount not exceeding two weeks' pay.
- (4) Chapter II of Part XIV of the <sup>M1</sup>Employment Rights Act 1996 (calculation of a week's pay) shall apply for the purposes of subsection (3); and in applying that Chapter the calculation date shall be taken to be—
  - (a) in the case of a claim which is made in the course of a claim for unfair dismissal, the date on which the employer's notice of dismissal was given or, if there was no notice, the effective date of termination, and
  - (b) in any other case, the date on which the relevant hearing took place (or was to have taken place).

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**Changes to legislation:** There are currently no known outstanding effects for the Employment Relations Act 1999, Section 11. (See end of Document for details)

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(5) The limit in section 227(1) of the Employment Rights Act 1996 (maximum amount of week's pay) shall apply for the purposes of subsection (3) above.

<sup>F5</sup>(6) .....

#### Textual Amendments

- F1** Words in s. 11(1) substituted (1.10.2004) by Employment Relations Act 2004 (c. 24), **ss. 37(2)**, 59(3); S.I. 2004/2566, art. 3(a) (with art. 8)
- F2** S. 11(2A) 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. 15(2)** (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** S. 11(2A)(2B) inserted (6.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 2 para. 40**; S.I. 2014/253, art. 3(g)
- F4** Word in s. 11(2B) 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. 15(3)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 11(6) repealed (1.11.2004) by Employment Act 2002 (c. 22), s. 55(2), **Sch. 8(1)**; S.I. 2004/2822, art. 2(b)

#### Marginal Citations

- M1** 1996 c. 18.

**Changes to legislation:**

There are currently no known outstanding effects for the Employment Relations Act 1999, Section 11.