



Employment Rights Act 1996

1996 CHAPTER 18

PART X

UNFAIR DISMISSAL

CHAPTER II

REMEDIES FOR UNFAIR DISMISSAL

Orders for reinstatement or re-engagement

114 Order for reinstatement

- (1) An order for reinstatement is an order that the employer shall treat the complainant in all respects as if he had not been dismissed.
- (2) On making an order for reinstatement the tribunal shall specify—
 - (a) any amount payable by the employer in respect of any benefit which the complainant might reasonably be expected to have had but for the dismissal (including arrears of pay) for the period between the date of termination of employment and the date of reinstatement,
 - (b) any rights and privileges (including seniority and pension rights) which must be restored to the employee, and
 - (c) the date by which the order must be complied with.
- (3) If the complainant would have benefited from an improvement in his terms and conditions of employment had he not been dismissed, an order for reinstatement shall require him to be treated as if he had benefited from that improvement from the date on which he would have done so but for being dismissed.
- (4) In calculating for the purposes of subsection (2)(a) any amount payable by the employer, the tribunal shall take into account, so as to reduce the employer's liability,

Status: This is the original version (as it was originally enacted).

any sums received by the complainant in respect of the period between the date of termination of employment and the date of reinstatement by way of—

- (a) wages in lieu of notice or ex gratia payments paid by the employer, or
 - (b) remuneration paid in respect of employment with another employer,
- and such other benefits as the tribunal thinks appropriate in the circumstances.

- (5) Where a dismissal is treated as taking place by virtue of section 96, references in this section to the date of termination of employment are to the notified date of return.