



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART X

#### UNFAIR DISMISSAL

#### CHAPTER II

##### REMEDIES FOR UNFAIR DISMISSAL

##### *Interim relief*

#### **132 Consequence of failure to comply with order.**

- (1) If, on the application of an employee, an [<sup>F1</sup>employment tribunal] is satisfied that the employer has not complied with the terms of an order for the reinstatement or re-engagement of the employee under section 129(5) or (7), the tribunal shall—
  - (a) make an order for the continuation of the employee's contract of employment, and
  - (b) order the employer to pay compensation to the employee.
- (2) Compensation under subsection (1)(b) shall be of such amount as the tribunal considers just and equitable in all the circumstances having regard—
  - (a) to the infringement of the employee's right to be reinstated or re-engaged in pursuance of the order, and
  - (b) to any loss suffered by the employee in consequence of the non-compliance.
- (3) Section 130 applies to an order under subsection (1)(a) as in relation to an order under section 129.
- (4) If on the application of an employee an [<sup>F1</sup>employment tribunal] is satisfied that the employer has not complied with the terms of an order for the continuation of a contract of employment subsection (5) or (6) applies.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Employment Rights Act 1996, Section 132 is up to date with all changes known to be in force on or before 05 August 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)*

- (5) Where the non-compliance consists of a failure to pay an amount by way of pay specified in the order—
- (a) the tribunal shall determine the amount owed by the employer on the date of the determination, and
  - (b) if on that date the tribunal also determines the employee’s complaint that he has been unfairly dismissed, it shall specify that amount separately from any other sum awarded to the employee.
- (6) In any other case, the tribunal shall order the employer to pay the employee such compensation as the tribunal considers just and equitable in all the circumstances having regard to any loss suffered by the employee in consequence of the non-compliance.

#### Textual Amendments

- F1** Words in s. 132(1)(4) 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**

#### Modifications etc. (not altering text)

- C1** Ss. 128-132 extended (4.12.2000) by 1999 c. 26, s. 12(5) (with ss. 14, 15); S.I. 2000/2242, **art. 2**
- C2** Ss. 128-132 applied (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), regs. 1(1), 47, **Sch. 6 para. 13(6)** (with regs. 44-46, Sch. 7)
- C3** Ss. 128-132 applied (6.4.2010) by The Employee Study and Training (Procedural Requirements) Regulations 2010 (S.I. 2010/155), **reg. 18(5)**

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

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