



# Employment Rights Act 1996

## 1996 CHAPTER 18

### PART XIV

#### INTERPRETATION

#### CHAPTER I

##### CONTINUOUS EMPLOYMENT

### **219 Reinstatement or re-engagement of dismissed employee**

- (1) Regulations made by the Secretary of State may make provision—
- (a) for preserving the continuity of a person's period of employment for the purposes of this Chapter or for the purposes of this Chapter as applied by or under any other enactment specified in the regulations, or
  - (b) for modifying or excluding the operation of section 214 subject to the recovery of any such payment as is mentioned in that section,
- in cases where, in consequence of action to which subsection (2) applies, a dismissed employee is reinstated or re-engaged by his employer or by a successor or associated employer of that employer.
- (2) This subsection applies to any action taken in relation to the dismissal of an employee which consists of—
- (a) his making a claim in accordance with a dismissal procedures agreement designated by an order under section 110,
  - (b) the presentation by him of a relevant complaint of dismissal,
  - (c) any action taken by a conciliation officer under section 18 of the Industrial Tribunals Act 1996, or
  - (d) the making of a relevant compromise contract.
- (3) In subsection (2)(b) "relevant complaint of dismissal" means—
- (a) a complaint under section 111 of this Act,

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*Status: This is the original version (as it was originally enacted).*

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- (b) a complaint under section 63 of the Sex Discrimination Act 1975 arising out of a dismissal,
  - (c) a complaint under section 54 of the Race Relations Act 1976 arising out of a dismissal, or
  - (d) a complaint under section 8 of the Disability Discrimination Act 1995 arising out of a dismissal.
- (4) In subsection (2)(d) “relevant compromise contract” means—
- (a) an agreement or contract authorised by—
    - (i) section 203(2)(f) of this Act,
    - (ii) section 77(4)(aa) of the Sex Discrimination Act 1975,
    - (iii) section 72(4)(aa) of the Race Relations Act 1976, or
    - (iv) section 9(2)(b) of the Disability Discrimination Act 1995, or
  - (b) an agreement to refrain from instituting or continuing any proceedings before an industrial tribunal where the tribunal has jurisdiction in respect of the proceedings by virtue of an order under section 3 of the Industrial Tribunals Act 1996.