

SCHEDULE

ACAS ARBITRATION SCHEME

XX. AWARDS OF REINSTATEMENT OR RE-ENGAGEMENT

Permanent replacements

130. Where in any case an Employer has engaged a permanent replacement for a dismissed Employee, the arbitrator shall not take that fact into account in determining, for the purposes of paragraphs 127(ii) and 128(ii) above, whether it is practicable to comply with an order for reinstatement or re-engagement. This does not apply, however, where the Employer shows:

- (i) that it was not practicable for him or her to arrange for the dismissed Employee's work to be done without engaging a permanent replacement, or
- (ii) that:
 - (a) he or she engaged the replacement after the lapse of a reasonable period, without having heard from the dismissed Employee that he or she wished to be reinstated or re-engaged, and
 - (b) when the Employer engaged the replacement it was no longer reasonable for him or her to arrange for the dismissed Employee's work to be done except by a permanent replacement.