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STATUTORY INSTRUMENTS

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**2022 No. 1145**

**The Exclusivity Terms for Zero Hours Workers  
(Unenforceability and Redress) Regulations 2022**

**PART 4**

**Redress and Remedies**

**Remedies**

**9.—(1)** Where an employment tribunal finds that a complaint presented to it under regulation 8 is well founded, it must take such of the following steps as it considers just and equitable—

- (a) making a declaration as to the rights of the complainant and the employer in relation to the matters to which the complaint relates; and
- (b) ordering the employer to pay compensation to the complainant.

(2) Subject to paragraphs (5) and (6), where a tribunal orders compensation under paragraph (1) (b), the amount of compensation awarded must be such as the tribunal considers just and equitable in all the circumstances having regard to—

- (a) the infringement to which the complaint relates; and
- (b) any loss which is attributable to the act, or failure to act, which infringed the complainant's right.

(3) The loss must be taken to include—

- (a) any expenses reasonably incurred by the complainant in consequence of the act, or failure to act, to which the complaint relates; and
- (b) loss of any benefit which the complainant might reasonably be expected to have had but for that act or failure to act.

(4) In ascertaining the loss the tribunal must apply the same rule concerning the duty of a person to mitigate loss as applies to damages recoverable under the common law of England and Wales or (as the case may be) the law of Scotland.

(5) Where—

- (a) the detriment to which the worker is subjected is the termination of their specified contract, but
- (b) that contract is not a contract of employment,

any compensation awarded under paragraph (1)(b) must not exceed the limit specified in paragraph (6).

(6) The limit is the total of—

- (a) the sum which would be the basic award for unfair dismissal, calculated in accordance with section 119 of the 1996 Act, if the zero hours worker had been an employee and the specified contract terminated had been a contract of employment; and

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**Changes to legislation:** There are currently no known outstanding effects for the The Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022, Section 9. (See end of Document for details)

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(b) the sum for the time being specified in section 124(1ZA)(1) of the 1996 Act which is the limit for a compensatory award to a person calculated in accordance with section 123 of the 1996 Act.

(7) Where the tribunal finds that the act, or failure to act, to which the complaint relates was to any extent caused or contributed to by action of the complainant, it must reduce the amount of the compensation by such proportion as it considers just and equitable having regard to that finding.

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**Commencement Information**

**II** Reg. 9 in force at 5.12.2022, see [reg. 1\(2\)](#)

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(1) Section 124(1ZA) was inserted by the Unfair Dismissal (Variation of the Limit of Compensatory Award) Order 2013, (S.I. 2013/1949), articles 2(1) and (3). Section 124(1ZA)(a) was amended by the Employment Rights (Increase of Limits) Order 2022, (S.I. 2022/182), Article 3 and Schedule 1, paragraph 6.

**Changes to legislation:**

There are currently no known outstanding effects for the The Exclusivity Terms for Zero Hours Workers (Unenforceability and Redress) Regulations 2022, Section 9.