

## SCHEDULES

### SCHEDULE 3

#### EMPLOYMENT RIGHTS IN HEALTH AND SAFETY CASES

#### PART III

#### ARTICLES 33 TO 34 OF THE NO. 1 ORDER, AS SUBSTITUTED

##### **Compensation for unfair dismissal**

**33.**—(1) Subject to paragraph (2), where an industrial tribunal makes an award of compensation for unfair dismissal under Article 32(2)(a) or (5) the award shall consist of—

- (a) a basic award calculated in accordance with Article 34; and
- (b) a compensatory award calculated in accordance with Article 36.

(2) In a case where the reason (or, if more than one, the principal reason) for the dismissal or, in a redundancy case, for selecting the employee for dismissal was one of those specified in Article 22A(1) or 22B(1)(a) and (b), then, unless—

- (a) the complainant does not request the tribunal to make an order under Article 31; or
- (b) the case falls within Article 34(2),

the award shall include a special award calculated in accordance with Article 37A.