



Employment Rights (Dispute Resolution) Act 1998

1998 CHAPTER 8

PART III

AWARDS OF COMPENSATION

13 Internal appeal procedures and unfair dismissal awards

After section 127 of the Employment Rights Act 1996 insert—

“127A Internal appeal procedures

- (1) Where in a case in which an award of compensation for unfair dismissal falls to be made under section 112(4) or 117(3)(a) the tribunal finds that—
- (a) the employer provided a procedure for appealing against dismissal, and
 - (b) the complainant was, at the time of the dismissal or within a reasonable period afterwards, given written notice stating that the employer provided the procedure and including details of it, but
 - (c) the complainant did not appeal against the dismissal under the procedure (otherwise than because the employer prevented him from doing so),

the tribunal shall reduce the compensatory award included in the award of compensation for unfair dismissal by such amount (if any) as it considers just and equitable.

- (2) Where in a case in which an award of compensation for unfair dismissal falls to be made under section 112(4) or 117(3)(a) the tribunal finds that—
- (a) the employer provided a procedure for appealing against dismissal, but
 - (b) the employer prevented the complainant from appealing against the dismissal under the procedure,

Status: This is the original version (as it was originally enacted).

the award of compensation for unfair dismissal shall include a supplementary award of such amount (if any) as the tribunal considers just and equitable.

- (3) In determining the amount of a reduction under subsection (1) or a supplementary award under subsection (2) the tribunal shall have regard to all the circumstances of the case, including in particular the chances that an appeal under the procedure provided by the employer would have been successful.
- (4) The amount of such a reduction or supplementary award shall not exceed the amount of two weeks' pay.”

14 Acts which are both unfair dismissal and disability discrimination

- (1) In section 117(6) of the Employment Rights Act 1996 (which provides for a higher additional award for an unfairly dismissed employee who is not reinstated or re-engaged as ordered in a case where the dismissal is sex or race discrimination), at the end insert “and
 - (c) a dismissal which is an act of discrimination within the meaning of the Disability Discrimination Act 1995 which is unlawful by virtue of that Act.”
- (2) Section 126 of that Act (which prohibits recovery under more than one provision in the case of an act which is both unfair dismissal and sex or race discrimination) is amended as follows.
- (3) In subsection (1) (which describes the circumstances in which the section applies), for paragraph (b) substitute—
 - “(b) any one or more of the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995.”
- (4) In subsection (2) (which prohibits recovery under more than one provision)—
 - (a) omit “two or three”, and
 - (b) for “the other, or any of the others,” substitute “any other of them”.