

SCHEDULE

ACAS ARBITRATION SCHEME

XIX.

AWARDS OF REINSTATEMENT OR RE-ENGAGEMENT

Choice of remedy

107. If the arbitrator decides not to make an order for reinstatement, he or she shall then consider whether to make an order for re-engagement and, if so, on what terms. In so doing, the arbitrator shall take into account:

- (i) any wish expressed by the Employee as to the nature of the order to be made;
- (ii) whether it is practicable for the Employer (or a successor or an associated employer) to comply with an order for re-engagement, and
- (iii) where the Employee caused or contributed to some extent to the dismissal, whether it would be just to order his or her re-engagement and (if so) on what terms.