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# REMEDIES

If the Tribunal finds the complaint to be well founded remedies include:

- Reinstatement
- Re-engagement
- Compensation

## EMPLOYMENT RIGHTS ACT 2012

### PART VI UNFAIR DISMISSAL



### Labour Department

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Warrens  
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*Employment Rights .....For All*

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The Employment Rights Act, 2012 provides the right not to be unfairly dismissed, that right is contravened if the dismissal -

- ◆ took place while the employee was certified by a medical practitioner to be incapable of work for a period of not more than 12 consecutive months.
- ◆ was as a result of the employee being involved in trade union activities or being a safety and health representative.
- ◆ is a result of a complaint from the employee regarding an allegation of a violation of law, contract of employment or the practice by the employer.
- ◆ is a result of the employee being diagnosed with or believed to have HIV/ AIDS or any other life-threatening illness or disease.

- ◆ is a result of the employee being disabled, where alternative employment could have been reasonably offered.
- ◆ is due to an employee's refusal to carry out an unlawful instruction given by the employer.
- ◆ is because of pregnancy.
- ◆ is a result of absence due to the performance of national duty.
- ◆ is a reason that relates to race, colour, gender, age, marital status, religion, political affiliation.
- ◆ is related to absence associated with an emergency of a child or dependent family member with a disability, for whom the employee has responsibility.



- The Tribunal would not consider a complaint unless it is presented before the end of three months from the effective date of termination.
- Special consideration can be granted if the Tribunal is satisfied that it was not reasonably practicable to do so within the three months.