

C250591

- (a) the former employee does not, within two weeks from the termination of his employment on essential work, apply to the employer for reinstatement;
- (b) the former employee fails without reasonable excuse to present himself for employment at a time and place notified to him by the employer after his request for reinstatement;
- (c) by reason of a change of circumstances, other than the employment of some person to replace him, it is not reasonably practicable to reinstate him;
- (d) his reinstatement in a position and under conditions not less favourable to him than the position which he would have held and the circumstances which would have been applicable to him had he not undertaken the essential work is impracticable and the employee refuses, within a reasonable time, to accept the most favourable position under the most favourable conditions in which it is reasonably practicable for the employer to reinstate him;
- (e) the former employee is physically or mentally incapable of performing the work available in the employer's service; or
- (f) the former employee was originally employed to replace a person who had been accepted for service in His Majesty's forces or to replace a person who entered employment in essential work at the request of the Minister.

(3) Where an employer has reinstated a technical person pursuant to this section, he shall not discharge him or lay him off without reasonable cause; and if he discharges him or lays him off within six months of the reinstatement, the onus shall be on the employer to prove that he had reasonable cause for so doing.