

Employment Tribunals

What is an Employment Tribunal?

Employment Tribunals hear claims about matters to do with employment, including claims from whistleblowers that they have been dismissed, suffered a detriment, or been victimised because of their whistleblowing.

What happens at Employment Tribunal?

Cases are usually heard by a panel of three people, a legally qualified Employment Judge and two non-legal members who are people who have experience dealing with employment problems. An Employment Tribunal hearing is less formal than a court hearing, but you will give evidence under an oath or affirmation. Employment Tribunals are nearly always open to the public, and it is possible that the press may attend if the topic is of interest to them.

In advance of the Tribunal, you will need to prepare a 'bundle' of papers and evidence to support your case. At the Tribunal hearing, you will need to make a statement of your case, calling witnesses as appropriate, and you and any witnesses are likely to be cross-examined by your employer and also the Tribunal panel.

What is the outcome of an Employment Tribunal?

The Employment Tribunal will consider the evidence and make a judgement in favour of either the individual or the employer. Employment Tribunals can decide to make an award (of money) if you win your case. Awards for breaches of the Public Interest Disclosure Act are uncapped and based on the losses suffered by the individual.

Unlike other courts, Employment Tribunals don't usually order either side to pay costs unless either:

- they decide you or your employer acted unreasonably in bringing (or in the case of the employer, defending) the case
- you or your employer or any representatives at the hearing behave unreasonably

Where can I find more detail?

More detailed information about making a claim to an Employment Tribunal can be found on the following links:

www.gov.uk/employment-tribunals

www.acas.org.uk/index.aspx?articleid=1889

How do I apply to go to Tribunal?

As the 'claimant', you will need to fill in an ET1, an application form to take your case to Employment Tribunal. In most cases, you must make an application within three months of either the date that your employment ended or the matter you are complaining about happened. Guidance on making a claim and filling out an ET1 can be found on:

www.gov.uk/employment-tribunals/make-a-claim

What about ACAS involvement?

ACAS (the Advisory, Conciliation and Arbitration Service) has a legal duty to offer free conciliation where a complaint about employment rights has been made to an employment tribunal, and a power to provide conciliation where a claim could be made, but hasn't yet been so. Conciliation means that ACAS will work with you and your employer to help find a solution that both sides find acceptable instead of going to a tribunal hearing. They don't impose solutions, but will try to help you settle your differences on your own terms.

A separate Factsheet is being written on the pre-claim conciliation (PCC) process. More information about conciliation can be found on the ACAS website:

www.acas.org.uk/index.aspx?articleid=1697

Fees

Fees are not currently charged by the Employment Tribunal. However, proposals have been made for fees to be introduced in the summer of 2013. The exact fees have not been confirmed, therefore keep checking the website as we will ensure that the website will be updated once the fees have been announced.

If a claimant can show they cannot afford the fees, they will be able to apply for either a contribution towards the fees or a full remission of the fees - more details will be available in Summer 2013.



08000 724 725



speakup@socialenterprisedirect.org.uk

Speak Up

www.speakup.direct