

Employment Tribunals

Unfair Dismissal & Discrimination

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Purpose of Presentation

- To provide a brief outline on statutory complaints and procedures
- Raise awareness of common issues where legal redress is sought
- Explain the function and workings of Employment Tribunals

Unfair Dismissal

- Employment Qualification Period – 1 year continuous service
- Claim must be logged within 3 months of last day of service
- Statutory Disciplinary Procedures
- Reverse “Polkey”
- Time limit can be extended by further 3 months if disciplinary process ongoing e.g awaiting appeal

Discrimination & Other Complaints where Tribunals have Jurisdiction

- No employment qualification period for discrimination cases
- ET Pre-acceptance requirement (inc Constructive Dismissal)
- Statutory Grievance Procedures
- Must submit a written grievance to employer within 3 months and give employer 28 days to respond **before** submitting an ET claim

Who judges the Case

- 3 person panel
 - Employment Judge (Legally qualified – minimum 7 years)
 - 1 member sympathetic to employers
 - 1 member sympathetic to employees
- Employee bringing claim – Claimant
- Employer resisting claim - Respondent

Role of Tribunal

- Apply Law to facts of a case
- Not a re-run of an appeal
- Written evidence (bundle of documents) & oral evidence
- All witness evidence on Oath/Affirmation
- All witnesses open to cross examination by other party
- What about risk of costs

Remedies – Unfair Dismissal

- Re-instatement or Re-engagement
- Financial Compensation for actual losses
- Future loss & Pension loss (Only applicable if no re-instatement or re-engagement)
- Extra compensation for refusing to comply with re-instatement or re-engagement order

Remedies - Discrimination

- Declaration of Rights
- Compensation (including interest)
 - Loss of earnings
 - Injury to feelings
 - Personal Injury damages
- Recommendations