

GMB DEFENDS ACCESS TO JUSTICE

Employment Tribunal (ET) fees of up to £1200 for an individual case, introduced on 29th July 2013, is the most fundamental change to the Tribunal system since the 1960s when it was established to offer a cost free alternative means of resolving disputes from taking industrial action. ET claims will be rejected if not accompanied by the correct fee payable by Claimants unless they qualify for full or part “fee remission” under the Courts and Tribunals Fee Remission System. Few are likely to escape fees as remission only applies to someone on an income-related (means tested) benefit or in a sufficiently low income household. Even then Claimants have to pay fees if they have certain levels of “disposable capital”. For example, employees unfairly dismissed for redundancy may have to pay up to half the ET fees from their redundancy pay irrespective of how low their current income is. ET fees are blatantly intended to price workers out of justice as a key measure in the Coalition’s relentless hostility to the rights of working people.

GMB MEMBERS WILL NOT BE PRICED OUT OF JUSTICE

Unlike non-Union employees, GMB members do not pay for legal representation in GMB supported ET cases. Also the new ET fees are covered by the Region’s *Employment Tribunal Fee Assistance Scheme* for members who do not qualify for a waiver under the Courts and Tribunals Remission System. GMB members with Union supported ET cases are simply required to remain within the rules of the Union and the GMB Fee Assistance Scheme. That principally involves cooperating with and acting on advice from the legal advisor provided by the Union and maintaining full GMB membership.

DON’T RUN OUT OF TIME

There are normally just three calendar months less one day to lodge most ET claims starting from the event that gave rise to the claim. For example, an unfairly dismissed employee whose employment ended on 30th July must lodge a claim by 29th October. It would be out of time on the 30th! GMB Full-time Officers are experienced in assessing potential ET claims and advising on time limits. Potential claims must be referred to the Region’s Legal Department by an Officer over 28 days before the ET deadline. This is to ensure sufficient time is available to assess the case, provide legal advice and where the advice is to lodge a claim, prepare and issue it in the Tribunal. Before a potential case is referred to the Regional Legal Department members will be given the questionnaire for the Courts and Tribunals Fee Remission Scheme to complete so we know if the fee should be waived in part or whole. Members must also sign the GMB Regional Fee Assistance Scheme Application Form to ensure their Tribunal fees can be paid if they are not eligible for remission which is likely to be in the majority of cases. This procedure means that where potential claims are confirmed as having reasonable prospects of succeeding we have all the information on file to get the claim issued and deal with the issue fee.

EMPLOYMENT TRIBUNAL HEARINGS

A further fee has to be paid by Claimants for their case to go to a hearing. As long as the case continues to be assessed as having reasonable prospects at the hearing the hearing fee will be covered by the GMB Regional Fee Assistance Scheme if remission is not available. Members must keep their legal advisor informed of changes in financial circumstances that may mean the hearing fee would be waived under the Courts and Tribunals Remission System.

Employment Tribunals can make an award of the cost of fees against a losing party in the case. We will always apply for the costs of the fees against the losing employer in cases we win in Tribunal. Also in cases settled before a hearing we will be seeking to recover fees as part of the settlement. Fees recovered go back into the Fund to use by the Region to ensure other members continue to have access to justice.

Bill Innes
Legal Officer

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