**What is an employment tribunal?**

Employment tribunals deal with legal hearings between workers and employers to resolve disputes about employment rights.

This means that disputes involving, for example, equal pay, redundancy payments, unfair dismissal, and discrimination (on grounds of race, sex, disability, age, sexual orientation and religion or belief) can be taken to an employment tribunal to be resolved. An employment tribunal claim can also be made against a trade union.

Employment tribunals are not as formal as court hearings, but decisions made by an employment tribunal are legally binding.

**When is it appropriate to make a claim to an employment tribunal?**

If you feel you have grounds to take a case to an employment tribunal, make sure you have contacted your UNISON rep to find out what options are available to you.

Your rep will be able to advise you on trying to resolve the dispute before making an employment tribunal claim. It is preferable to try to resolve the issue without an employment tribunal claim if possible.

It is important to contact your rep quickly because there are strict time limits and procedural steps in order to bring an employment tribunal claim.

You must normally lodge a claim with the employment tribunal within three months less one day of the last day of your employment or the incident you are complaining about taking place (in Northern Ireland the time limit is usually three months exactly, save in cases of disability discrimination where the time limit is three months less one day).

As of 6 May 2014, it has been necessary to contact Acas and notify them of the dispute, to help you see if there is a possibility of resolving the dispute without making a claim.

An extension of time may be provided to try to resolve the dispute through early conciliation. You should contact your UNISON rep to find out more at the earliest opportunity.

**What kind of claim can I make to an employment tribunal?**

There are many reasons why you might make a claim to an employment tribunal, including:

* disputes around equal pay;
* unfair dismissal, including when you are forced to resign because your employer has committed a serious breach of the contract of employment or where you have been dismissed unfairly as part of an unfair redundancy process;
* Discrimination for disability, sex, race, age, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief.

**How to make a claim to an employment tribunal**

Before making a claim to an employment tribunal, consult your UNISON representative to find out what options are available to you.  You may be entitled to free legal advice, as well as get advice on resolving the dispute before going to an employment tribunal.

It is very important to contact your rep quickly because there are strict time limits for bringing an employment tribunal claim. You must normally lodge a claim with the employment tribunal within three months less one day of the last day of your employment or the incident you are complaining about taking place (in Northern Ireland the time limit is usually three months exactly, save in cases of disability discrimination where the time limit is three months less one day).

In order to lodge a claim with the employment tribunal you must submit an ET1 claim form.

Before you are permitted to lodge the ET1, you must notify Acas about the dispute, to help you see if there is a possibility of resolving the dispute without making a claim.

An extension of time may be provided to try to resolve the dispute through early conciliation.

Between 29 July 2013 and 26 July 2017, the government introduced fees for starting a claim and for the hearing. A four-year legal battle by UNISON saw these declared unlawful by the Supreme Court on the latter date.

Between these dates, UNISON operated a scheme which ensured that no union members was required to pay the fee themselves in a union-supported case.

The effect of early conciliation on time limits is complicated and it is easy to make a mistake. Contact with your rep should be made at the earliest opportunity. See the common questions section for more information on both these issues.

**What happens next?**

Once the claim has been submitted, the respondent has the opportunity to reply and submit their account of events to the employment tribunal.

Then the parties in dispute will provide relevant information and documents for their case to each other. They will exchange witness statements and then the matter will go to a hearing at the employment tribunal. The claimant and respondent both attend the hearing with their representatives (if they have them).

At the hearing you and the respondent (the person who the claim is made against) will be asked questions and asked for evidence. The employment tribunal will then decide whether or not the claimant succeeds, and if so, what the compensation (if any) should be.

**Key facts**

* Employment tribunals deal with legal hearings between workers and employers when there’s a dispute about employment rights that can’t be resolved less formally.
* Employment tribunals deal with disputes between workers and employers.
* Before making a claim to an employment tribunal, speak to your UNISON representative who will be able to advise you on what options are available to you. You may be entitled to free legal advice, as well as advice on resolving the dispute before going to an employment tribunal.

**FAQs: Employment tribunals**

* [**Will I have to pay to go to an employment tribunal?**](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/employment-tribunals/)

The government introduced fees of up to £1,200 for taking employment tribunal cases on 29 July 2013.

These were declared unlawful by the Supreme Court after a four-year legal fight by UNISON on 26 July 2017

Between those dates, workers had to pay an initial fee to start the claim and another fee if the claim goes to a hearing. These could add up to £1,200 for the more complex cases.

However, UNISON made sure that members seeking justice at a tribunal in a union-supported case, did not pay a penny under a scheme which ensured that:

* + members did not pay the fees;
  + an application for fee remission was submitted with the claim;
  + the union advanced the fee, where applicable, to members through a loan;
  + the union’s solicitors were instructed to ensure that fees are recovered in all cases which settle or are successful at tribunal.

The level of fee varied with the type of case. “Short” cases (such as unlawful deduction of wages) had an issue fee of £160 and a hearing fee of £230.

Other cases had an issue fee of £250 and a hearing fee of £950 (eg the fees for taking a discrimination claim would total £1,200).

The 2017 Supreme Court ruling should mean that fees which were paid during that period will be refunded.

* [**What should I do if you want to take my employer to an employment tribunal?**](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/employment-tribunals/)

Contact your UNISON rep to find out what options are available to you. You may be entitled to free legal advice, as well as get advice on resolving the dispute before going to an employment tribunal.

* [**What is early conciliation?**](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/employment-tribunals/)

Early conciliation gives an opportunity to try and resolve a workplace dispute without the need for Employment Tribunal proceedings.

The service is free and run by ACAS.

From 6 May 2014, anyone who wishes to lodge an Employment Tribunal claim will have to contact ACAS to notify them of a dispute.

The ACAS early conciliation service, to help you see if there is a possibility of resolving the dispute without making a claim, is available from 6 April.

Extensions to normal Employment Tribunal deadlines may be granted to allow time for early concilliation.

The effect on dealines is complicated and you should contact your UNISON rep at the earliest opportunity to discuss further.

* [**What happens at an employment tribunal?**](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/employment-tribunals/)

At the employment tribunal hearing the claimant and the respondent (the person who the claim is made against) will be asked questions and asked for evidence to support their version of events. The employment tribunal will then decide whether or not the claimant succeeds, and if so, what any award should be.

* [**What kind of claim can you make to an employment tribunal?**](https://www.unison.org.uk/get-help/knowledge/disputes-grievances/employment-tribunals/)

There are many reasons why you might make a claim to an employment tribunal.

* + Disputes around equal pay.
  + Unfair dismissal, including when you are forced to resign because your employer has committed a serious breach of the contract of employment or where you have been dismissed unfairly as part of an unfair redundancy process.
  + Discrimination for disability, sex, race, age, sexual orientation, gender reassignment, marriage or civil partnership, pregnancy and maternity, religion or belief.