

REFORMING EMPLOYMENT TRIBUNAL ACCESS

As many of you will have seen in press coverage, the Coalition Government has launched a consultation exercise on major reforms to Employment Tribunal access. The main proposals are:-

- Increasing the qualifying period to claim unfair dismissal to 2 years. It is estimated this will reduce the number of unfair dismissal claims by 3,700 – 4,700 a year.
- Introducing fees in Employment Tribunal and EAT proceedings (subject to separate consultation).
- Encouraging early dispute resolution, including through mediation and a compulsory period of ACAS pre-claim conciliation for up to 1 month.
- Encouraging earlier settlement by the provision of mandatory information in relation to losses and an offer to settle process similar to Part 36 of the CPR.
- Improved powers for the Employment Tribunal to tackle weak claims, including more flexible deposit orders of up to £1,000 and costs awards of up to £20,000 for weak and vexatious claims.
- Financial penalties for employers who breach employment rights, payable on top of compensation.
- Unfair dismissal cases to be heard by a single Employment Judge, instead of the tripartite panel.

The consultation runs until 20 April 2011 and you can view a copy of the consultation document here: <http://www.bis.gov.uk/resolving-workplace-disputes-consultation.pdf>

An “Employers’ Charter” has also been launched: <http://www.businesslink.gov.uk/employerscharter>

We will update you again once the consultation exercise concludes.

DISCLAIMER

All information in this update is intended for general guidance only and is not intended to be comprehensive, or to provide legal advice. If you have any questions on any issues either in this update or on other areas of employment law, please contact Parker & Co. We do not accept responsibility for the content of external internet sites linked to in this update.

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