

## Employment

### Employment Tribunal Fees Abolished - Claims Increasing

In the summer, the Supreme Court ruled that Employment Tribunal fees were unlawful as they prevent access to justice and are indirectly discriminatory. This means that, from 26 July 2017, there have been no fees due to be paid by claimants when filing or pursuing claims in the Employment Tribunal.

The Employment Tribunal fee regime was introduced in 2013. It meant that claimants had to pay both a claim fee and a hearing fee when bringing a claim in the Employment Tribunal. The government introduced these fees to encourage earlier settlements between an employee and employer and to deter people from bringing groundless claims. Since the introduction of the fee regime, the number of claims brought to Employment Tribunals dropped by 70%. As a result, the Supreme Court held that the fees interfere with individuals rights of access to the tribunal system. It was also held that the fees discriminated against women and other protected groups indirectly, as they are more likely to bring discrimination claims which attract a higher fee.

As a consequence, a rise in the number of employment claims was expected and this certainly has been our experience at 3HR in the past few months.

In order to minimise the possibility of your business being subjected to expensive and time-consuming Employment Tribunal proceedings, you should follow these steps:

1. **Ensure all staff receive a suitable contract** - whether you engage employees, casual workers, self-employed individuals or agency staff, you should have the appropriate documentation in place that makes the working relationship clear and prevents disputes.
2. **Update your policies and procedures** - to help prevent disputes in the workplace and/or claims of discrimination, employers should have an up-to-date staff handbook which sets out all of the relevant policies and procedures. The handbook will also set down expected and forbidden standards of conduct, helping to prevent issues.
3. **Training** - regular training to ensure that your managers and staff are all aware of their obligations under your equality and anti-harassment and anti-discrimination policies is essential to help demonstrate the business' commitment to equality and also to avoid claims. 3HR can provide general or bespoke workshops to deliver this training.
4. **Deal with employee issues reasonably and swiftly** - any employee issues, from grievances and disciplinaries to long-term absences should be dealt with without unreasonable delay. Failure to deal with matters swiftly and in a reasonable manner can lead to claims of unfair dismissal and discrimination. You should have policies in place which deal with all types of employee issues and these policies should be complied with.
5. **Compliance with the law** - employers have certain obligations that must be complied with by law, including in relation to health and safety. Employers must also keep up-to-date with any changes to the law to ensure compliance and prevent otherwise avoidable claims being brought in the Tribunal (e.g. in relation to the calculation for holiday pay). 3HR can deliver a workshop on the fundamental Employment Law matters that you need to be aware of, as well as offering a Helpline Service where any general HR or Employment Law matters will be answered by telephone or email within one working day.

If you have any questions and would like to receive some support in any claims, please contact a member of the Employment team.

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