

TAKING YOUR EMPLOYER TO AN EMPLOYMENT TRIBUNAL

If you believe your employer has acted unlawfully, you may be able to bring a claim before an Employment Tribunal. Employment Tribunals are independent judicial bodies that hear disputes between workers and employers relating to employment rights.

COMMON TYPES OF EMPLOYMENT TRIBUNAL CLAIMS

Depending on your circumstances, *claims may include:*

- **Unfair dismissal** - When an employee is dismissed without a fair reason or where the employer has not followed a fair process.
- **Constructive dismissal** - When an employee resigns because their employer has seriously breached their employment contract, making it unreasonable for them to continue working.
- **Discrimination** - When someone is treated unfairly because of a protected characteristic under the Equality Act 2010, such as age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership, or pregnancy and maternity.
- **Harassment** - Unwanted conduct related to a protected characteristic that violates someone's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment.
- **Victimisation** - When someone is treated unfairly because they have made, supported or are believed to have made a complaint about discrimination or exercised their rights under equality law.
- **Whistleblowing detriment or dismissal** - When a worker suffers a disadvantage or is dismissed because they made, or are believed to have made, a protected disclosure about wrongdoing in the public interest.
- **Unlawful deduction from wages** - When an employer makes deductions from a worker's pay without legal authority, contractual agreement or the worker's consent.
- **Breach of contract** - When either an employer or employee fails to meet the terms agreed in the employment contract, such as pay, notice periods or other contractual obligations.
- **Failure to make reasonable adjustments** - When an employer does not take reasonable steps to remove barriers that place a disabled employee or job applicant at a substantial disadvantage compared with others.

Many cases involve more than one legal claim.

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IMPORTANT THINGS TO REMEMBER:

Time Limits and Before You Can Make a Claim:

Employment Tribunal claims are subject to **strict legal time limits**. Missing a deadline could mean you lose the right to bring your claim, even if it would otherwise have been successful.

For many claims, including:

- Unfair dismissal
- Constructive dismissal
- Discrimination
- Harassment
- Victimisation
- Whistleblowing detriment or dismissal

the time limit is usually **three months less one day** from:

- the date your employment ended (for dismissal claims), or
- the date of the act or incident you are complaining about.

Some claims, such as unlawful deduction from wages, may have different rules, so it is important to **check which time limit applies to your circumstances**.

ACAS Early Conciliation:

Before making most Employment Tribunal claims, you **must** notify ACAS and begin Early Conciliation.

Early Conciliation is a **free service** that gives you and your employer an opportunity to resolve the dispute without going to Tribunal.

Starting Early Conciliation usually pauses ("stops the clock") on the Tribunal time limit while the conciliation process is taking place. Once Early Conciliation ends, the time limit begins running again, and ACAS will issue an Early Conciliation Certificate, which is normally required when submitting your Employment Tribunal claim.

Because calculating time limits can be complex, it is strongly recommended that you begin the ACAS process as early as possible rather than waiting until the deadline is approaching.

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POTENTIAL BENEFITS



Independent Decision-Making

Employment Tribunals are independent of your employer and will consider evidence from both sides before reaching a decision.

Accountability

Bringing a claim allows employers to be held accountable where employment laws may have been breached.

Financial Compensation

Where a claim succeeds, a Tribunal may award compensation or other legal remedies, depending on the facts of the case.

Public Judgments

Most Tribunal hearings and judgments are public, helping to promote transparency and develop employment law through published decisions.



POTENTIAL IMPLICATIONS

It Can Take Time

Employment Tribunal proceedings often take many months, and in some cases more than a year, before reaching a final hearing.

Evidence Is Important

The Tribunal will decide cases based on the evidence presented. Keeping copies of emails, documents, meeting notes, policies and other relevant records can be invaluable.

No Guaranteed Outcome

Every case is decided on its own facts. Bringing a claim does not guarantee success, and outcomes will depend on the evidence and the applicable law.

Emotional Impact

Preparing evidence, responding to legal documents and attending hearings can be emotionally demanding, particularly if you have experienced bullying, discrimination or retaliation.

Legal Representation

Although many people represent themselves successfully, others choose to instruct a solicitor, barrister or other representative. Legal representation can be costly and is not always available through legal aid.

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SETTLEMENT

Many Employment Tribunal claims are resolved before a final hearing through **negotiation** or **ACAS-supported settlement**. Settlement can provide certainty and avoid the time, cost and stress of litigation.

Whether to settle or continue to a hearing is a personal decision and will depend on your circumstances, objectives and appetite for risk.

Before You Decide

Consider asking yourself:

- *Have I sought independent legal advice?*
- *Do I understand the relevant time limits?*
- *Do I have evidence to support my claim?*
- *What outcome am I hoping to achieve?*
- *Am I prepared for the time and emotional commitment involved?*
- *Have I considered whether settlement may be appropriate?*

An Employment Tribunal is one way of resolving workplace disputes, but it is not the right path for everyone. Before starting legal proceedings, it is important to understand the process, the potential outcomes and the challenges involved.

Speak Up Now UK provides information and signposts individuals to organisations that may be able to offer legal advice, representation and emotional support. We do not provide legal advice, and the information on this website is intended as general guidance only.