

# ET fees. What now?

Yesterday employment practitioners up and down the land celebrated Unison's victory in the Supreme Court but now as the news sinks the judgment raises many questions.

1. How will the arrangements for repaying fees work? In cases where the Claimant brought a claim, fought it and lost it may be relatively straightforward but there will be a whole myriad of other situation including cases that reached confidential settlement based on a global compensation figure and did not expressly deal with the question of fees and cases where the Respondent was ordered to pay some or all of the fees.

2. Will individuals successfully be able to argue that out of time claims should be permitted to proceed on the basis that the individual was dissuaded from bringing a claim (or indeed an appeal) because of the fees.

3. Is there going to be a marked increase in claims? The likes of the Daily Mail have already run a front page story referring to 'the gravy train'. Those of us who regularly appear in the Tribunal will no doubt be wondering how the system which is already severely lacking in resources could cope with even a small increase in work.

4. What, if anything will the government put in its place. The huge reduction in claims that occurred must make it extremely tempting to try and keep some kind of fee system in place.

Of course all this will fall to be considered at a time where the government are negotiating to leave the EU which is where many of our most fundamental employment protections originate.

What will happen? Watch this space.....



“The Supreme Court recognised the important role fees can play, but ruled that we have not struck the right balance in this case,” he said. “We will take immediate steps to stop charging fees in employment tribunals and put in place arrangements to refund those who have paid.

 <http://www.independent.co.uk/news/business/news/ministry-of-justice-government-refund-tribunal-fees-supreme-court-ruling-conservatives-a7860816.html>

