

A GUIDE TO EMPLOYMENT TRIBUNAL CLAIMS

1. Grievances

- Most claims to a tribunal require that a *written grievance* must be raised with the employer *before* Tribunal proceedings have started. The exception being claims for unfair dismissal. If due to time constraints (see below) this is not possible then you should lodge your claim to the Tribunal and then submit your grievance to the employer.
- The employer is required to invite the employee to a meeting to try and resolve your grievance
- If no grievance is made the Tribunal can reduce any award by *up to 25%*

2. Time limits for submitting claims

- Most claims must be received by the Tribunal *within 3 months* of the incident(s) of which you are complaining
- If the Tribunal receives your application out of time, although there is a power to hear late applications it is very rarely exercised.

In one case, an employee *submitted* a claim online at *2 seconds before midnight* on the last day but it was *not received* by the Tribunal until *8 seconds after midnight* - the claim was held to be out of time!

3. Making a Claim

- Claims must be made using the correct form known as an **ET1**
- The ET1 sets out the basis for your claim. It is essential that it is *properly drafted* and includes everything for which you wish to claim, e.g. unfair dismissal, sex discrimination, holiday pay etc...

4. What happens after the Claim Form has been submitted?

- The Respondent (the employer) has *28 days to respond* to your ET1 after it has received a copy of it from the Tribunal. The Respondent can however ask the Tribunal for an extension of time to respond.
- After the Tribunal has received the Response, if the employer is denying any part of your claim the Tribunal will issue a *Case Management Order* setting out dates when documents and witness statements must be exchanged.
- The Tribunal will list the case for the Hearing. As a rough rule of thumb this is generally between *4 and 6 months* after you submitted your ET1.