

Industrial Tribunals and Fair Employment Tribunal

Northern Ireland

Completion of Claim Form (ET1) - Guidance notes

These guidance notes are intended for use by claimants who wish to make a claim to an Industrial Tribunal and/or the Fair Employment Tribunal in Northern Ireland.

To make your claim on-line visit our website at www.employmenttribunalsni.co.uk.

When you make your claim on-line, receipt will be acknowledged electronically and there is no need to send a copy in the post.

Claimants wishing to make a claim in England, Wales or Scotland should apply to the Employment Tribunal Service in Great Britain, using the forms and guidance that they provide.

Please follow these instructions carefully and confirm that you have read and understood the information about Early Conciliation on page 1.

Filling in the form

We have designed these guidance notes to be as helpful as possible but please bear in mind that they do not give a full statement of the law.

By law you must provide us with the information marked with *. If you do not provide this information your claim will not be accepted and will be returned to you.

1. Your details

As the person making the claim to an Industrial Tribunal and/or The Fair Employment Tribunal, we need your full details.

1.1	Select the relevant box to indicate how you are referred to. If none of the options apply, please put your title in the box beside "other".
1.2*	Input the first name or names you usually use.
1.3	Input your surname or family name.
1.4	Provide your date of birth in day/month/year format e.g. 01/01/2010.

1.5	Please select the relevant box to tell us whether you are male or female.
1.6*	Give your full address including the house number/name, road name, town/city, county and post code.
1.7 & 1.8	Please provide your contact telephone numbers (landline and/or mobile number) including the full dialling code so that we can contact you during normal working hours i.e. between 9am and 5pm, Monday to Friday.
1.9	Please tell us how you would prefer us to contact you - either by post or by email. Select only one box and we will ensure that as much correspondence will be sent to you by this means. Please note that if you have a representative the majority of correspondence will be sent to him/her only.
1.10	Please provide 1 email address only if you have selected email as your preferred option at 1.9.

2. Your Representative

A person you ask to present your case to a tribunal and act for you throughout the course of your tribunal proceedings is known as your representative. Please fill in this section **only** if an individual or organisation has agreed to represent you. **Do not** give the name of a person or an organisation who only gives you advice on filling in this form.

If you have appointed a representative, we will in future only send correspondence to your representative and not to you (with the exception of a Notice of Hearing and any tribunal decision). Please ensure you keep in contact with your representative.

2.1	Please provide the full name of your representative.
2.2	Please provide the full name of your representative's organisation e.g. the union or firm of solicitors.
2.3	Please provide the full postal address so that correspondence may be sent to your representative.

2.4	Please provide the representative's telephone number including the dialling code.
2.5	If you know the mobile number of your representative, please include it here.
2.6	To be completed only if you are the representative – please select how you would prefer us to contact you.
2.7	To be completed only if you are the representative - please provide 1 email address only if you have selected email as your preferred option at 2.6.

3. Respondent's Details

We can only process your claim if you provide accurate information about the employer, organisation or person you are complaining about (the “*respondent*”). It is important that you tell us the correct name of the respondent to avoid any delay in processing your claim. You should be able to identify this by looking at the letter that offered you your job, your contract of employment or your wage slip. Please remember to include ‘Ltd’ or ‘PLC’ if appropriate. We will send a copy of your claim to the respondent so that they can prepare a response to your complaint.

3.1*	Please provide the name of the respondent(s) you are complaining about. Usually the complaint is likely to be against a company, business or an organisation rather than an individual. However, if you are complaining about discrimination, you may be able to complain against both the organisation and the person (or people) responsible for the acts.
3.2*	Please provide the full address of the respondent(s). Please ensure that this is the address which is normally used by the organisation or person you are complaining about to avoid any delay in progressing your case.
3.3	Please provide the telephone number of the employer, person or organisation you have identified in 3.1.
3.4	From 27 January 2020, most people who wish to lodge a claim with the Industrial Tribunals or Fair Employment Tribunal will first have to notify

	<p>the Labour Relations Agency (LRA) of their intention to bring a claim against the respondent(s) and discuss the option of Early Conciliation (EC). Potential claimants will not be able to proceed to tribunal without at least considering this option.</p> <p>Where potential claimants either decide not to avail of EC or if the process does not achieve a settlement, an Early Conciliation Certificate will be issued by the LRA. In order to proceed to a tribunal you must provide the Certificate number accurately here. Your claim may be rejected if the Early Conciliation Certificate number is incorrect.</p> <p>There are certain circumstances in which there may be an exemption to EC. If you believe you are exempt from EC you must select an exemption from one of the reasons shown.</p> <p>Please note that if you do not have an EC certificate number or have selected an exemption that does not apply in your case, the claim cannot be accepted and will be returned to you.</p>
3.5	<p>If you worked from home or at an address which is different to the Respondent's address, please state here as we will treat your home address as your workplace.</p>
3.6	<p>Please provide the telephone number of the workplace.</p>
3.7	<p>Please identify if there are other respondents related to your case. If the answer is yes, you must provide their full names and addresses in the same way as you have provided the information as above. An EC certificate number must be provided for each respondent. If you are using the online form you can add further respondents by selecting "add another respondent". If you are using the electronic or hard copy form you can record up to 3 respondents in this section. If you need to add further respondents, you should record the details in section 13.</p>

4. Multiple Cases

4.1	If your claim is one of a number of claims against the same employer arising from the same, or similar, circumstances please provide the names of any other claimants that you are aware of so that the claims may be linked.
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5. Employment Details

This section is relevant if you are or were an employee of the respondent or a worker providing services to the respondent. If your complaint is about discrimination in recruitment and/or you were not employed by the respondent please go to section 7.

5.1	<p>Please select the appropriate box to tell us what your relationship is/was with the respondent. In most cases this should be straightforward but if you are in a "non-traditional" working arrangement, it may raise legal issues.</p> <p>An "employee" for these purposes is someone who works under a contract of employment but please bear in mind that a contract need not be in writing, it can be oral, implied by the respondent's behaviour or a combination of all three. If you are in any doubt about whether or not you are/were an employee, you may wish to take advice.</p> <p>A "worker" for these purposes is someone who is not working under a contract of employment but who has a contract, whether express or implied and, if it is express, whether oral or in writing with the respondent, which the individual undertakes to do or perform personally.</p> <p>If you have selected "other" please provide the details of your relationship clearly.</p>
5.2	If your complaint is against your employer or ex-employer, please give the date your employment started and, if applicable, the date when it ended/will end (e.g. if you are on a fixed term contract). If you are still

	<p>employed please indicate if you are in a period of notice and if so, when that notice period will end.</p> <p>Please use the day/month/year format e.g. 01/01/2010.</p>
5.3	<p>Please state what job you do/did for your employer and give your job title if you have/had one. If this does not apply, please state what your relationship was with the employer.</p>

6. Trade Union membership

6.1	<p>A tribunal is usually composed of an Employment Judge and two “lay” members, one of whom has an employer background and the other a Trade Union background. To avoid any conflict of interest when the panel is constituted, it is helpful to know who your Trade Union is. This information will not be used in any other way.</p>
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7. Earnings and benefits

If you are/were not an employee but are/were a worker providing services to the respondent(s), please complete the following section as if "employment" referred to your working relationship with the respondent(s).

7.1	<p>Please give the basic number of hours you work or worked each week.</p>
7.2	<p>Give details of your basic pay, before tax and any deductions. Please make clear whether the figures are for each hour, each week or each month by selecting the appropriate box. Please also provide details of your normal take-home pay i.e. after tax and deductions. Please select the box to indicate if this is for each hour, each week or each month.</p>
7.3	<p>If your employment has ended, please select the appropriate box to say whether you worked or were paid for a period of notice. If yes, please tell us how many weeks/months’ notice did you work or were paid for.</p>
7.4	<p>Please select the appropriate box to indicate if you were in your employer’s pension scheme or not.</p>

7.5	Please provide details of any other benefits you received from your employer e.g. company car or medical insurance etc. If you can, please provide an estimate of how much the benefit was worth
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8. If your employment has ended, what has happened since?

8.1	Please select the appropriate box to say whether or not you have got another job since leaving your employment. If you have not, please go straight to 8.5.
8.2	Please enter the date when you started/will start in your new job.
8.3	Please select the appropriate box to say whether the job is temporary or not. If the job is temporary, please give the likely date your employment is due to end (if you know).
8.4	Please tell us how much you are now earning/will earn. Give details of your basic pay, before tax and any deductions. Please make clear whether the figures are for each hour, each week or each month. Please also provide details of your normal take-home pay i.e. after tax and deductions. Please select the box to indicate if this is for each hour, each week or each month.
8.5	Please select the appropriate box to indicate if you have claimed any social security benefits. If the answer is yes, please provide details of the type of benefit and the amount you are receiving.

9. Details of your claim

9.1	We have listed the main complaints that have in the past been presented to the tribunals. Please select all the boxes that apply to your claim. If your claim is about discrimination, please insert an “x” against the type of discrimination you are claiming. If your complaint is not listed here, you can specify the complaint that you wish to present to the tribunal under “I am making another type of claim which the Employment Tribunal
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	can deal with” by including the details in respect of the nature of the claim.
9.2	<p>Alleged discrimination on grounds of religious belief or political opinion is dealt with by The Fair Employment Tribunal. If your complaint includes allegations relevant to both an Industrial Tribunal and the Fair Employment Tribunal, it will be registered for hearing before each tribunal but the President/Vice-President of the Tribunals may direct that all of your complaints be heard by the Fair Employment Tribunal.</p> <p>Please give the date on which the matter about which you are complaining happened. Where discrimination occurred on a number of occasions, give the most recent date when it happened. If you wish to give additional dates you can include this at 9.4. Please also indicate if the discrimination is ongoing by selecting the box at “ongoing”.</p>
9.3	<p>You only need to answer this question if you are complaining about discrimination on the grounds of religious belief/political opinion. Please provide the date when you first knew of the matter about which you are complaining.</p>
9.4	<p>You must tell us about your claim giving us enough detail to support the complaint(s) that you selected at 9.1 of the claim form. If there is not enough space for your answer, please enter additional information at section 13.</p> <p>Details should include:</p> <p>A description of the act(s) complained of;</p> <p>When the act(s) took place;</p> <p>The names of the people involved;</p> <p>Why you believe the action was unlawful;</p> <p>Why you believe you are entitled to claim for payment that you say is owed;</p> <p>The amount you believe is owed to you.</p> <p>If you are complaining about discrimination in recruitment – what job did you apply for?</p>

	If you are complaining about discrimination by way of victimisation, the type of discrimination that you are relying on e.g. sex, age, race, disability etc.
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10. Information to regulators in protected disclosure cases.

10.1	<p>If your claim consists of, or includes, a claim that you are making a protected disclosure under Article 67A of the Employment Rights Order (a “whistleblowing” claim), please select the box if you consent to a copy of your claim form being sent to the relevant regulator.</p> <p>It would be helpful if you would tell us which Regulator you believe is relevant to your claim.</p>
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11. What do you want if your claim is successful?

11.1	<p>Please select the appropriate box to say what outcome you want if your case is successful.</p> <p>Reinstatement means that you would return to the job you did before you were dismissed and could include compensation for lost earnings.</p> <p>Re-engagement would mean you could start another job or new contract with your old employer and could include compensation for lost earnings.</p> <p>Please select ‘Compensation only’ if you only want a payment of money. This would be worked out after taking all the circumstances into account.</p>
11.2	<p>If you are claiming financial compensation please give as much detail as you can about how much you are claiming and how you have calculated this. Please note that any figure you provide will be viewed as helpful information but it will not restrict what you can claim and you will be permitted to revise the sum claimed at a later stage. If you are seeking any other remedy from the Tribunal which has not been identified elsewhere in this form, please also provide details here.</p>

12. Reasonable Adjustments and Special Arrangements

12.1	Please tell us of any special arrangements you think we need to make in dealing with your case to enable you to fully participate in the process. This may include any reasonable adjustments due to a disability or a need for an interpreter to translate at hearings.
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13. Other information

13.1	You should provide any additional, relevant information you want us to know here. You can also use this space to complete your answers to any of the other questions on this form. It would be helpful if you would tell us which question you are providing further information on. You may want to give an explanation of why your claim is out of time or to let us know that internal dismissal and disciplinary procedures have not yet been completed. However, you <u>should not</u> send us documents or evidence relevant to your case at this stage. Any documentation received will be returned to you or deleted from our email system if you have submitted it electronically.
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14. Final Check

Please re-read your form and check that you have provided all the relevant information required. Please ensure that you keep a copy of the claim for yourself. Once you are satisfied that you have completed the form correctly, please sign and date it.

If you are submitting your claim via email a physical signature is not required – please simply type your name on the form and email it to mail@employmenttribunalsni.org.

If you are going to post your claim form you must physically sign the form and post it to:

The Secretary
Office of the Industrial Tribunals and Fair Employment Tribunal
Killymeal House
2 Cromac Quay, Ormeau Road
Belfast, BT7 2JD

General Data Protection Regulation (GDPR)

The Office of the Industrial Tribunals and Fair Employment Tribunal processes personal information about you in the context of tribunal proceedings. A copy of your claim form will be sent to the respondent(s) and the Labour Relations Agency, where appropriate. Some of the information you provide us will be held on a computer system which allows us to monitor the progress of your case, produce statistics and enable research. We are required by law, except in certain circumstances, to publish information on tribunal judgements and written reasons in the public register.