

# Industrial Tribunals and Fair Employment Tribunal

## Northern Ireland

### Completion of Response Form (ET3) - Guidance notes

You can make your response on-line, visit our website [www.employmenttribunalsni.co.uk](http://www.employmenttribunalsni.co.uk).

When you make your response on-line, receipt will be acknowledged electronically, there is no need to send a hard copy by fax or post.

#### Filling in the form

We have designed these guidance notes to be as helpful as possible. However, **they do not give a full statement of the law.** When responding please state the case reference number that we allocated to the claim that we sent to you and in any subsequent contact that you have with the Office of the Tribunals.

#### 1. Claimant details

	Please enter the case reference number which was provided on the letter sent to you by the Office
	Enter the claimant's name as it was written on the claim.
	Enter the respondent's name as it was written on the claim form. If it is incorrect you will be able to remedy this in the next section.

#### 2. Respondent's details

If this response includes more than one respondent, please provide the same details as in this section, in section 11.

2.1	Please provide the full name of <b>your organisation</b> (and say whether it is a plc, limited company (Ltd), a partnership or a sole trader).
2.2	Please provide the name of the person in your organisation that we should use as a contact point if you have not appointed a representative.

	If the respondent's name is different from that shown on the claim form that we sent to you, please explain why here.
2.3	Give your organisation's full address including the post code.
2.4	You should give us the phone number (landline and/or mobile), including the full dialling code, for the contact person named at <b>2.2</b> .
2.5	Please indicate how you would prefer us to contact you – either by post or by email. Please note that not all documents can be sent by email.
2.6	Please provide your email address. Do not provide an e-mail address unless you check your e-mails every day.

### 3. 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.

3.1	If you know the name of the person representing you, give their name here
3.2	If applicable, give the name of your representative's organisation (for example, the firm of solicitors or employers' association for which the representative works).
3.3	Give the full address and post code of the representative's organisation.
3.4	Please provide the telephone number of the employer, person or organisation you have identified in 3.1.
3.5	Give the representative's mobile phone number if you know it.

3.6	If you are the representative completing this form, please indicate how you would prefer us to contact you – either by post or by email. Please note that not all documents can be sent by email.
3.7	Please provide your email address.

#### 4. Early Conciliation

4.1	Please tick the relevant box to indicate whether you agree with the details provided by the claimant about Early Conciliation.
4.2	If you do not agree, please explain.  Please note that as the discussions relating to Early Conciliation are confidential, no details of them should be shared with the Tribunal.

#### 5. Claim 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	Please tick the appropriate box to tell us what your relationship is or was to the claimant. In most cases, this should be a straightforward question to answer. However, in some cases, particularly where a ‘non-traditional’ working arrangement is involved, it may raise legal issues. An ‘employee’, for these purposes, is someone who works under a ‘contract of employment’ – but bear in mind that a contract need not be in writing: it can be written, oral, implied by the parties’ behaviour, or a combination of all three. If you are in any doubt about whether or not the claimant is or was an employee, you might want to get advice.  A worker, for these purposes, is someone who is not working under a contract of employment but who has a contract under which the worker
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	agrees personally to perform work for, or provide service to you. Please tick the appropriate box to say whether the claimant is, or was, an employee
5.2	If the claim, or part of it, is about a dismissal, please tick the appropriate box to say whether or not you agree that the claimant was dismissed.
5.3	If the claim, or part of it, includes a complaint about something other than a dismissal, please tick the appropriate box to say whether or not it relates to something that you did on the grounds of the claimant's conduct or capability.
5.4	If you answered 'Yes' to 5.2 or 5.3, please explain what stage you have reached in the dismissal and disciplinary procedure giving dates and details of meetings held where relevant.

## 6. Employment Details

This section is relevant if the claimant is or was an employee or a worker providing services to the respondent.

6.1	Please tick the appropriate box to say whether or not you agree with the dates of employment given by the claimant in 5.2 on their claim form. If you tick 'Yes', please now go straight to 6.3.
6.2	If you disagree, please give the details you believe to be correct here and say why you disagree with the dates given by the claimant.
6.3	Please tick the box to say whether the claimant's employment is continuing or not.
6.4	Please tick the appropriate box to say whether or not you agree with the claimant's answer about the description of their job or their job title. If you disagree with the claimant's job description or job title, please give the details you believe to be correct here.

## 7. Earnings and benefits

7.1	Please tick the appropriate box to say whether or not you agree with the hours of work the claimant gave in 7.1 on their claim form. If you disagree, please give the number of hours you believe to be correct here.
7.2	Please tick the appropriate box to say whether you agree with the earnings details the claimant has given in 7.2 on the claim form. If you disagree, please give the number of hours you believe to be correct here.
7.3	Please tick the appropriate box to say whether you agree with the details in respect of the notice period provided by the claimant at 7.3 of the claim form. If you disagree, please give the details you believe to be correct here.
7.5	Please tick the appropriate box to say whether you agree with the details in respect of pension and other benefits provided by the claimant at 7.4 and 7.5 of the claim form. If you disagree, please give the details you believe to be correct here.

## 8. Response

8.1	Tell us whether or not you intend to resist the claim made by the claimant. If you only plan to resist a part of the claim, please tick 'Yes' and tell us which part of the claim you are resisting in 8.2 below.
8.2	If you have ticked 'Yes' at 8.1 please explain the grounds on which you are resisting the claim. If the claim is about more than one issue, you will need to respond to each issue. Please explain what points you disagree with and give information to support your argument. If your organisation dismissed the claimant, explain the procedure you followed before the actual dismissal and give full reasons why you dismissed the claimant. If the claim is about discrimination, please provide a response to each of the statements made by the claimant and describe the action you took when the claimant raised the matter with you. Give full reasons if you

	<p>disagree that your organisation owes the claimant money or if you disagree with the amount the claimant expects. <b>At this stage you should not send any documents to support your response.</b> However, you may have to produce them if the claim goes to hearing.</p> <p>If there is not enough space for your answer, please continue in section 11, making it clear which question you are responding to.</p>
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## 9. Employer's Contract Claim

9.1	If you are making an Employer's contract claim please tick the box.
9.2	Please provide the detail to support your claim including any significant dates.

## 10. Reasonable Adjustments and Special Arrangements

	<p>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 proceedings.</p>
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## 11. Other information

	<p>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 response is out of time or to let us know that internal dismissal and disciplinary procedures have not yet been completed. However, you <b>should not</b> send us documents or evidence relevant to the case at this stage. Any documentation received will be returned to you or deleted from our email system if you have submitted it electronically.</p>
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## **12. 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 response for yourself. Once you are satisfied that you have completed the form correctly, please sign and date it.

If you are submitting your response via email a physical signature is not required – please simply type your name on the form and email it to [mail@employmenttribunalsni.org](mailto:mail@employmenttribunalsni.org).

If you are going to post your response 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.