

Industrial Tribunals and The Fair Employment Tribunal

GUIDANCE NOTES

**To assist you in completing a
Claim Form ET1 (NI)
to an Industrial Tribunal
and/or
The Fair Employment Tribunal**

Guidance notes

Claim Form ET1 (NI) to an Industrial Tribunal and/or The Fair Employment Tribunal

To make your claim on-line visit our website www.employmenttribunalsni.co.uk When you make your claim 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**. By law you **must** provide us with the information marked with a ★ and if it is relevant to your claim, the information marked ● .

1 Claimant details

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

- 1.1 Tick the relevant box to show whether you want to be referred to as Mr, Mrs, Miss or Ms. If none of these is correct, put your title in the space after 'Other'.
- 1.2 ★ Give the first name or names you usually use.
- 1.3 ★ Give your surname or family name.
- 1.4 ● Give your date of birth in day/month/year format (for example 24/07/1971). This is a mandatory question for those making a claim to an industrial tribunal which relates to a complaint concerning a redundancy payment.

Tick the relevant box to tell us whether you are male or female.

- 1.5 ★ Give your full address, including house number, road, area, town, county and post code.
- 1.6 Give your National Insurance number.
- 1.7 If possible, you should give us the phone number (landline and/or mobile), including the full dialling code, **where we can contact you during normal working hours**. If there is a phone number we can use to contact you outside working hours if necessary, please give us details here. This might be the number of a mobile phone or landline on which we can contact you if you are not at work. Please also give us your fax number and/or e-mail address if relevant. Please do not provide an e-mail address unless you check your e-mails every day. *Note that we will only use e-mail or fax to communicate with you if we think it is appropriate to do so.*

2 Respondent's details

We can only process your claim if you provide accurate information about the 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.

- 2.1 ★ Give the name of your employer or the organisation or person you are complaining about. Generally, your complaint is likely to be against a company, a business or an organisation, rather than an individual. However, if you are claiming discrimination, you may be able to claim against both the organisation and the person (or people) responsible for the acts of discrimination.
- 2.2 ★ Give the respondent's full address, including number, road, area, town, county and post code. Please make sure that this is the address which is normally used by the organisation or person you are complaining about. Additional addresses may be included at **2.5**.
- 2.3 Give their phone number including the full dialling code.
- 2.4 Give the full address and post code of the place where you worked, or applied to work, if this is different from the respondent's address you have given in **2.2**. Please say if you worked from home, as we will treat your home address as your workplace.
- 2.5 ● Generally, your complaint is likely to be against a company, a business or an organisation, rather than an individual. However, if you are claiming discrimination, you may be able to claim against both the organisation and the person (or people) responsible for the acts of discrimination. If the business has transferred from one company to another, you may want to get advice on whether to name both organisations as respondents. Give the full names, addresses, post codes and phone numbers of any further respondents here.

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 it here.
- 3.2 Give the full name of the representative's organisation (for example, the union, firm of solicitors or Citizens Advice).
- 3.3 Give the organisation's full address, including number, road, area, town, county and post code.
- 3.4 Give the representative's phone number including the full dialling code. Also give the fax number and/or email address for your representative, if available.

4 Trade Union membership

A tribunal is usually composed of a legally qualified chairperson and two "lay" members, one of whom has an employer background and the other a Trade Union background. Information about your Trade Union, if you are a member of one, will help us decide how the tribunal dealing with your case is made up.

- 4.1 Tick the box to indicate if you are a member of a Trade Union.
- 4.2 If you are a member of a Trade Union, give its name.

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.

- 5.1 If your complaint is against your employer or ex-employer, please give the date when your employment started and, if it applies, the date when it ended or (if you're on a fixed-term contract, for example) when it will end. Use day/month/year format (for example 08/04/2008). If you are still employed and your employment is continuing, please tick 'Yes'. If your employment has ended, or will end, please give the date when this happened or will happen.

If you are not, or were not, an employee, but are, or were, a worker providing services to the respondent (or one of them, if there is more than one), please answer this and the following questions as if 'employment' referred to your working relationship with the respondent.

- 5.2 Please say what job you do or did for your employer and give your job title if you have one or had one. If this does not apply, please say what your connection was with the employer.
- 5.3 Please give the basic number of hours you work or worked each week – do not include overtime even if you work or worked it regularly.
- 5.4 Give details of your basic pay, before tax and any deductions and **not** including any overtime payments. Please make clear whether the figures are for each hour, each week or each month. Then give details of your normal take-home pay (in other words, after tax, National Insurance and any other deductions but including overtime, commissions and bonuses) each week or each month.
- 5.5 If your employment has ended, please tick the appropriate box to say whether you worked or were paid for a period of notice. If so, please tell us how long you worked or were paid for?
- 5.6 Please tick the appropriate box to say whether or not you were in your employer's pension scheme.
- 5.7 Give details of any other benefits you received from your employer. Examples might include a company car or medical insurance. Please describe what kind of benefit you received and give an idea of how much it was worth.
- 5.8 Please tick 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 **5.12**.
- 5.9 If you have got another job, please tell us when you started (or will start) work. Please say whether the job is permanent or temporary.

- 5.10 If the job is temporary, give the likely date it is due to end (if you know it).
- 5.11 Please tell us the amount you are earning (or will earn) each hour, week or month in your new job.
- 5.12 If your employment has ended please indicate if you have claimed the social security benefits detailed. If you have, please give details (type of benefit, amount you are receiving).
- 5.13 Please tick the appropriate box to say what outcome you want if your case is successful. Reinstatement means that you would return to the job you did before you were dismissed and could include compensation for lost earnings. Re-engagement would mean you could start another job or new contract with your old employer and could include compensation for lost earnings. Please tick 'Compensation only' if you only want a payment of money. This would be worked out after taking all the circumstances into account,

6 Important statutory procedures before making a claim.

You are required to fill in the least part of this section unless you are a person wishing to appeal against an assessment to a **levy** by the Construction Industry Training Board, a **health and safety** prohibition or improvement notice, a **non-discrimination** notice or an appeal against the Gangmasters Licensing Regulations. **For all other purposes, you must answer question 6.1.** In practice, the types of case described above are quite rare and are unlikely to be relevant to you.

- 6.1 ★ Please tick the appropriate box to tell us what your relationship is or was to the respondent. 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 you are, or were, an employee of the respondent, 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 with the respondent under which the worker agrees personally to perform work for, or provide services to, the respondent.
- 6.2 ● If you were employed by the respondent, please tick the appropriate box to say whether or not your complaint, or part of your complaint, is about a dismissal.
- 6.3 ● Please tick the appropriate box to say whether or not you have raised your complaint or any part of it as a grievance against your employer in writing.

Please tick the appropriate box to say whether or not you have allowed at least 28 days from the date you sent your complaint to your employer. If you have raised your complaint in writing with the respondent, please give the date on which you did this using day/month/year format (for example 25/04/2008).

- 6.4 ● Please explain why you did not put all or part of your complaint in writing to the respondent, or, if you did, why you did not allow at least 28 days to pass before sending us your claim.

The following notes on the statutory dispute resolution procedures give a full list of the possible circumstances in which it is not necessary to go through this procedural step.

Valid reasons for failing to follow the statutory procedures

The following is a list of possible valid reasons that you could give, if they apply in your particular case, in answer to question **6.4** of the claim form. **(The introduction to question 6 on the claim form lists types of claim in which the minimum procedures do apply)**. If you are not sure whether or not any of these apply in your particular case, we recommend that you get advice as there are sometimes complicated legal issues involved. The valid reasons mentioned above are as follows:

- Your tribunal claim relates to an issue not listed in Schedule 3 of the Employment (Northern Ireland) Order 2003 and is not about discrimination on the grounds of religious belief or political opinion.
- You are no longer employed by the employer,
and
you did not put your grievance in writing to your employer before your employment ended,
and
it has since become not reasonably practicable for you to do so;
- Your grievance is about disciplinary action (not including a warning or suspension on full pay) that your employer says was taken wholly or mainly because of your conduct or capability. Please note that there are exceptions to this. More detailed guidance is available in the Department for Employment and Learning's booklet, 'Resolving disputes: "Key information for employees"'.)
- You have reasonable grounds to believe that putting your grievance in writing to your employer would result in a significant threat to you or your property, or to another person or their property;
- You have been harassed and have reasonable grounds to believe that putting your grievance in writing to your employer would result in you being harassed further;
- It is not practical for you to put your grievance in writing to your employer within a reasonable period (for example, because your employer is a sole trader and is not available due to long-term illness);
- An appropriate representative (for example, an official of a recognised trade union, where there is one) acting on behalf of you and at least one other employee has put your grievance in writing to your employer;
- You have raised your grievance under an industry-level grievance procedure that has been collectively agreed between at least two employers or an employers' association and one or more independent trade unions;
- You have chosen to raise your grievance as a 'protected disclosure' ('whistleblowing') under Part VA of the Employment Rights (Northern Ireland) Order 1996.

- If your complaint is about discrimination in recruitment, you do not need to put your complaint in writing to the employer and wait 28 days, unless you are an existing employee of the employer concerned.

More detailed guidance is available in the Department for Employment and Learning's booklet, 'Resolving disputes: Key information for employees'.

7 Details of your claim(s)

- 7.1 We have listed the main complaints that have in the past been presented to the tribunals, please tick whichever is applicable to you. If your claim is not detailed here, please select 'Other' and specify the complaint that you wish to present to the tribunal.

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 allegations be heard by The Fair Employment Tribunal.

- 7.2 ● If you are complaining about discrimination, please give the date relating to the matters you are complaining about in day/month/year format (for example 01/04/2008). You may use the space at 7.4 to provide additional dates if relevant.
- 7.3 ● If your complaint includes allegations of discrimination on the grounds of religious belief or political opinion, please give (in day/month/year format) the date or dates on which you first knew about these matters.
- 7.4 ★ You must tell us about your claim giving us enough detail to support the complaint that you selected at 7.1 of the claim form.

Examples of what 'details of the claim' may include are listed at the introduction to question 7.4.

If there is not enough space for your answer, please enter additional text at section 8.

8 Other information

You can also use this space to complete your answers to any of the other questions on this form. If you do this, please tell us which question you are answering.

You may want to give an explanation of why your claim is out of time or to let us know that internal grievance or dismissal and disciplinary procedures have not yet been completed.

You should not send us documents or evidence relevant to your case at this stage.

9 Special arrangements

Please tell us of any special arrangements you think we need to make in dealing with your claim. For example, let us know if you or someone helping you with your case have a disability or if we need to arrange for an interpreter or someone to translate for you.

Now please sign your name and date the form. Appointed representatives can sign their name. Make sure you keep a copy of the form that you are sending to us.