

Annual report 2007/08

Office of the Industrial Tribunals and
The Fair Employment Tribunal

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Introduction by the Secretary

I am delighted to report that, for the third consecutive year, the Industrial Tribunals and The Fair Employment Tribunal have exceeded their target to reduce waiting times for tribunal cases involving discrimination complaints. At 31 March 2008, the waiting time for a full hearing date in such complaints had been reduced to 10 months.

At 31 March 2008, there were 7350 live claims in the tribunal system. This represents a continued reduction for the fourth consecutive year.

Whilst the year ending March 2008, saw an overall reduction in the number of claims registered by the tribunals compared to 2006/07 (as shown on page 10), it has still been an extremely busy year at the Office of the Industrial Tribunals and The Fair Employment Tribunal (OITFET). In 2007/08, 2320 claims were registered. This represents a 17% reduction on the 2788 claims registered by OITFET in 2006/07.

The statutory dispute resolution procedures set out in the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004 remain a challenge for both tribunal administration and tribunal users alike and it is worth noting that the Department for Employment and Learning plan to undertake a major consultation exercise on possible reform of systems for resolving individual employment rights disputes in Northern Ireland.

Our office re-location plans are now at an advanced stage. We envisage that the move to our new premises at Killymeal House in the Gas Works site will take place in February 2009. We will of course publicise our exact plans nearer to the time.

In 2007/08 we have continued to promote and develop the OITFET website www.employmenttribunalsni.co.uk. I am particularly pleased with the positive feedback that we have received regarding our on-line decisions facility which makes the (main) decisions of Industrial Tribunals and the Fair Employment Tribunal more easily accessible to those interested in the outcome of tribunal proceedings. Furthermore, we intend to publish our procedural booklet on-line in a number of languages other than English and as a start we aim to have it available on-line in Polish and Slovakian by 31 March 2009.

Our webstats also show that there was a 100% increase in the submission of on-line Claims and Responses to OITFET, with 336 claims and some 89 responses having been received on-line. While we wish to encourage tribunal users to avail of our on-line information and publications, we have produced a single Claim and Response form to the Industrial Tribunal and Fair Employment Tribunal in hard copy along with updated procedural information. These documents are also available from our website's 'Publication' section in PDF format, as requested by some users.

I am delighted to present our third Annual Report which, I trust, will provide tribunal users and stakeholders with an insight to our role and the standard of administration provided in support of the important work of the Industrial Tribunals and The Fair Employment Tribunal.

Rene Murray
Secretary

Overview of the tribunals

The Industrial Tribunals and The Fair Employment Tribunal are independent judicial bodies set up to hear and resolve certain matters of dispute in the employment field. They deal with specific complaints and appeals together with the determination of certain disputes and questions relating to compensation which have been delegated to them.

Tribunals are mainly comprised of three persons, a legally qualified chairman appointed by the Lord Chancellor and two lay members currently appointed by the Department for Employment and Learning. In certain matters, however, a tribunal chairman may sit without lay members. To date* lay members have been selected after consultation with bodies representing employers and employees. Once appointed, lay members remain totally independent i.e. they do not represent those organisations or the employer/employee side on a tribunal. Any future appointment of panel members will be made through a full public appointment process.

The tribunals are like courts but are less formal in that no one wears wigs or gowns. However, like a court they must act independently and cannot give legal advice. Unlike Courts, legal aid is not available for the parties attending a tribunal.

In April 2005, new employment legislation was introduced covering revised rules of procedure and introducing the dispute resolution regulations. The impact of this legislation has resulted in the introduction of pre-acceptance procedures for claims and responses and default judgements. Coupled with previous changes in 2004 that introduced case management discussions, the net effect of these changes has been to increase pre-hearing activity.

Principal legislation in the employment field includes provision for Industrial Tribunals to determine complaints and appeals:

Complaints:

- under provisions of the Sex Discrimination (Northern Ireland) Order 1976 and the Race Relations (Northern Ireland) Order 1997 relating to employment, partnerships, membership or non-membership of trade unions, the granting of trade and professional qualifications, vocational training, employment agencies and appeals against non-discrimination notices;
- under the Equal Pay Act 1970 (as amended);
- under the employment provisions of the Disability Discrimination Act 1995;
- under the Employment Equality (Sexual Orientation) Regulations 2003;

- under the Employment Equality (Age) Regulations (Northern Ireland) 2006;
- that an employer has failed to consult with a trade union regarding proposed redundancies, for protective awards and payment of protective awards under the Employment Rights (Northern Ireland) Order 1996;
- of unfair dismissal under the Employment Rights (Northern Ireland) Order 1996 as amended by the Employment Relations (Northern Ireland) Order 1999 and the Employment (Northern Ireland) Order 2002 arising from:
 - disputes regarding entitlement to and amounts of redundancy payments under the Employment Rights (Northern Ireland) Order 1996;
 - trade union membership/activities or non-membership of a trade union;
 - an action seeking to assert a statutory employment right;
 - certain specified types of action on health and safety grounds;
 - reasons relating to pregnancy or any reason connected with maternity;
 - taking, or seeking to take, maternity, parental, adoption or paternity leave;
 - taking, or seeking to take, time off for dependants;
 - eligibility for the National Minimum Wage (or a higher rate of National Minimum Wage) or seeking to enforce a right to either;
 - reasons relating to the Working Time Regulations (Northern Ireland) 1998; or
 - reasons relating to part-time working.
- involving other rights arising under the Employment Rights (Northern Ireland) Order 1996;
- that employers have not informed and consulted trade unions about transfers of undertakings under the Employment Rights (Northern Ireland) Order 1996;
- alleging breach of contract under Article 7 of the Industrial Tribunal Extension of Jurisdiction Order (Northern Ireland) 1994;
- under the Employment Act 2002 for ensuring that fixed-term employees are treated no less favourable than their comparable permanent employees.

Appeals:

- against improvement and prohibition notices issued under the Health and Safety at Work (Northern Ireland) Order 1978;
- against determinations under a variety of compensation regulations delegated to the tribunals;
- against unjustifiable discipline by a trade union under the Trade Union and Labour Relations (Northern Ireland) Order 1995;
- under the Reserve Forces Appeals Legislation or,
- under the Gangmasters (Appeals) Regulations 2006.

When determining matters of dispute, the Industrial Tribunals and the Fair Employment Tribunal are bound by decisions of the Northern Ireland Court of Appeal, the European Court and Human Rights Legislation. They are not bound by the decisions of the Employment Appeals Tribunal (EAT) in Great Britain but tend to follow them and the British Court of Appeal decisions can be persuasive.

Industrial Tribunals and The Fair Employment Tribunal

The greatest percentage of claims to the tribunals relate to complaints of a non discriminatory nature such as unfair dismissal, failure to pay wages - unauthorised deductions from wages, breach of contract and right to paid annual leave.

Complaints involving discrimination under the Fair Employment and Treatment Order 1998, Equal Pay Act (Northern Ireland) 1970, Sex Discrimination (Northern Ireland) Order 1976, Disability Discrimination Act 1995, Race Relations (Northern Ireland) Order 1997, Employment Equality (Sexual Orientation) Regulations 2003, Employment Equality (Age) Regulations (Northern Ireland) 2006, Part Time Working (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 and/or European law normally require considerably more preparation and time for hearing. Such cases are actively case managed by Tribunal Chairmen. Consequently complaints which do not involve discrimination are likely to be listed for hearing more quickly than discrimination complaints and will normally be listed with other cases on a particular day. Due to the number of complaints listed for hearing, some cases may not begin at the specified time. However, the vast majority of complaints are heard on the date for which the hearing is listed.

In addition to the President and Vice President at 31 March 2008 there were six full-time chairmen and 23 part-time chairmen.

A tribunal is usually comprised of three members:

- A legally qualified chairman drawn from a pool of chairmen including the President and Vice President who are all appointed by the Lord Chancellor.
- One member drawn from a panel currently* appointed by the Department for Employment and Learning after consultation with bodies representing employers.
- One member drawn from a panel currently* appointed by the Department for Employment and Learning after consultation with bodies representing employees.

Lay members do not have to be members of the nominating organisations. Once appointed they do not represent those organisations or the employee/employer side on a tribunal. Each member of a tribunal is totally independent. Presently there are some 156 lay members.

In certain matters, however, a tribunal chairman may sit without lay members and in others; a tribunal may proceed in the absence of one lay member with the consent of the parties.

**Any future appointment of panel members will be made through a full public appointment process.*

Contacting the tribunals

All claims to a tribunal and all subsequent correspondence should be sent to the Secretary of the Tribunals at the address given on page 21 of this publication.

Claims and responses may be submitted on-line at www.employmenttribunalsni.co.uk. Schedules of hearings, main decisions and other procedural information can be found on the website.

Please note that there are various time limits to present particular types of claims. Information and/or advice can be obtained from the relevant bodies (see page 23).

The Public Registers

Details of claims to the Industrial Tribunals and The Fair Employment Tribunal and the tribunal's decisions are required by law to be kept in a register. These registers, which are available for inspection by the public free of charge, are held separately at the Office of the Tribunals. Registers contain, amongst other things, the names of claimants and respondents, the nature of the complaint made as well as the decisions of the tribunals. As noted above, the main decisions are also available on the tribunals' website.

It should, however, be noted that in cases appearing to involve allegations of a sexual offence, as defined in the Industrial Tribunals (Northern Ireland) Order 1996, or if a Chairman has granted anonymity, any identifying matter is required to be omitted from, or subsequently deleted from, the Public Register and from any document or record of proceedings available to the public.

Observing the tribunals

Most tribunal hearings are open to the public (although the rules allow for private hearings in certain circumstances). You can attend without prior contact with the Office of the Industrial Tribunals and the Fair Employment Tribunal. The weekly schedule of tribunal hearings is available on www.employmenttribunalsni.co.uk under "online services", however, it is advisable to telephone to ensure certain cases listed will be running on a particular day.

In Northern Ireland the Industrial Tribunals sit mainly in Belfast but from time to time in provincial centres such as Omagh, Londonderry, Strabane, Limavady and Enniskillen.

Tribunal administration

The Office of the Industrial Tribunals and The Fair Employment Tribunal provides administrative support to the tribunals.

Our main objective is to service the Industrial Tribunals and The Fair Employment Tribunal in a fair, impartial, effective and efficient manner. This key objective for the Office is broken down further to various sub-objectives:

- **Effective business**
To ensure that casework is dealt with effectively and in a timely manner to meet internal standards and customer expectations;
- **Customer service**
To promote and ensure that the customer receives a focused service;
- **Office effectiveness**
To ensure that the Office of Industrial Tribunals and The Fair Employment Tribunal operates effectively and efficiently with staff who have the necessary skills and competencies to achieve both current and future business objectives;
- **Staff development**
To provide timely, high quality staff training and development which meets identified business needs; and
- **Information technology**
To develop and put in place a comprehensive information system which will assist in delivering business effectively.

Currently there are 60 members of staff led by the Secretary of the Tribunals who provide all the administrative support functions to enable the Office to meet its main objective. Duties include:

- Dealing with casework and correspondence relating to cases.
- Making practical arrangements for hearings and supporting tribunals during them
- Providing information on tribunal procedures to the public.
- Providing human resources, finance, information and communication technologies, accommodation and operational support to tribunals.

Administrative staff do not have a direct role in the legal proceedings and furthermore cannot provide legal advice or direction, views or opinions on matters relating to proceedings.

Statistical information

Introduction:

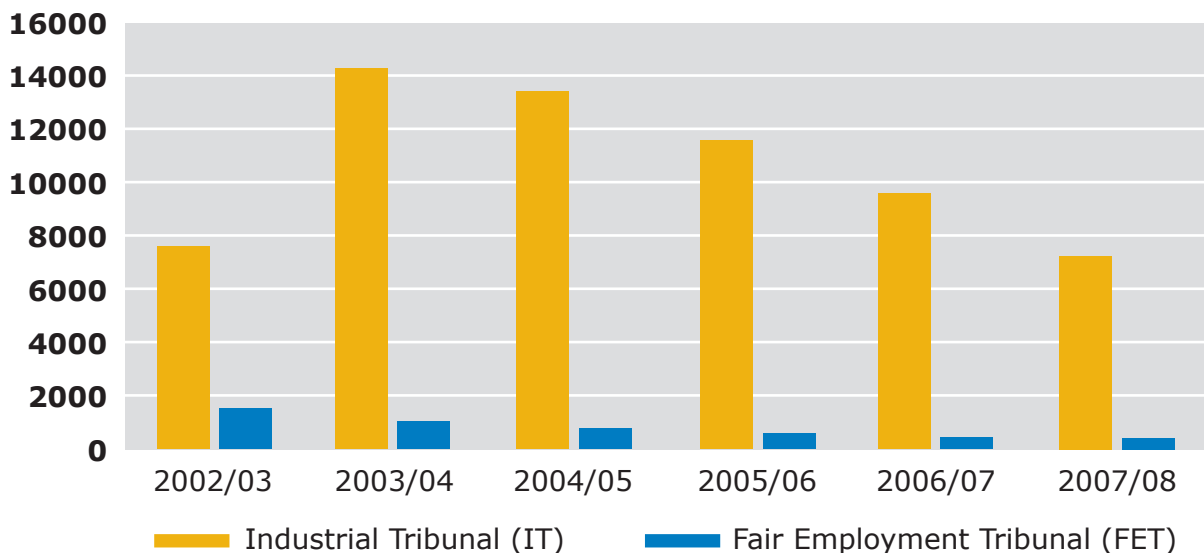
In our previous annual reports we reported that the Office of the Tribunals was committed to reducing the waiting times in discrimination cases by 10% year on year. By April 2008, we had exceeded our target to the point that, where a tribunal claim which included a complaint of discrimination were being offered a full hearing date within 10 months of the date that their claim was presented to the tribunals.

Again, we must point out that there are still many older claims in the tribunal system, however, in most circumstances these can be attributed to parties to the proceedings requiring time to prepare for hearing in what are often complicated cases or large 'Multiple' cases which require active case management by a tribunal chairman.

Live tribunal claims:

The table below compares the number of live claims at year end over the last six years.

Live Claims	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
IT	7634	14136	13536	11533	9498	7146
FET	1300	1073	761	549	343	204
TOTAL	8934	15209	14297	12082	9841	7350

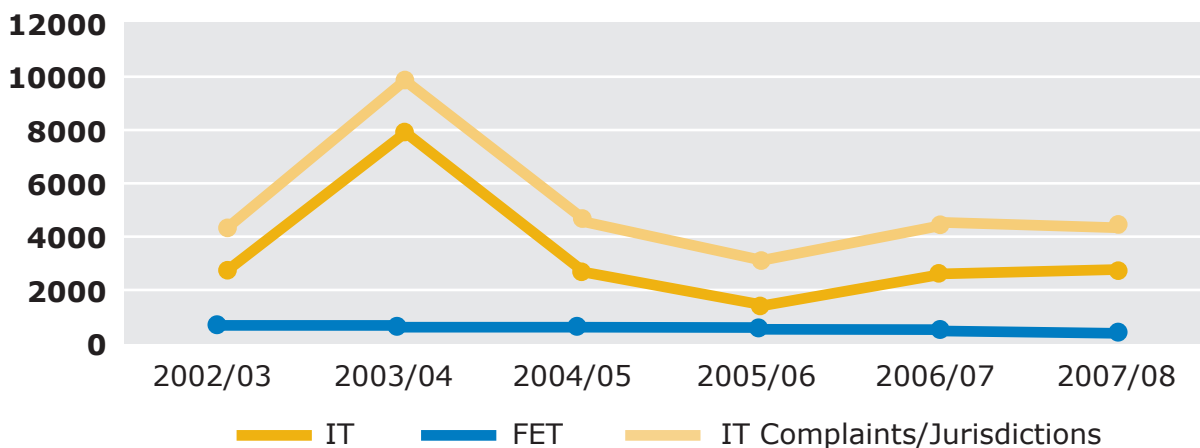


Tribunal claims and complaints registered:

The table below gives details of claims and complaints registered by OITFET over the last five years. You should note that there may be more than one complaint raised by a claimant in a single IT claim, for instance in 2006/07 2628 claims generated 4331 complaints. Claims to the FET do not generate more than one complaint.

	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
IT Claims	2886	*9502	3076	1506	*2628	*2163
IT Complaints/ Jurisdictions	4410	*11370	5020	2857	*4331	*4383
FET Claims	499	476	375	175	160	157
TOTAL	3385	9978	3451	1681	2788	2320

*Some 6250 Industrial Tribunal Cases in 2003/04 relate to a common complaint against one respondent under Working Time Regulations. In 2006/07, 1062 Industrial Tribunal cases relate to a common complaint against one respondent under Part Time Workers Regulations. In 2007/08, 296 cases relate to a common complaint against one respondent under Protection of Wages regulations.



Pre-acceptance checking of tribunal claims:

The table below gives details of claims rejected/part rejected since the introduction of the revised Tribunal Rules of Procedure in April 2005. The main reason for rejection of these claims was failure to comply with the statutory dispute resolution procedures introduced by, the Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004.

	2005/06	2006/07	2007/08
Claims Part Rejected	233 (13%)	248 (8%)	291 (12%)
Claims Fully Rejected	238 (13%)	212 (7%)	194 (8%)

Industrial Tribunals - complaints / jurisdictions:

Below are details of the type of complaints / jurisdictions registered by OITFET during the last three years:

NON DISCRIMINATORY	April 2005/06		April 2006/07		April 2007/08	
	Number	%	Number	%	Number	%
Failure to pay wages - unauthorised deduction of wages	420	14.70	446	10.30	936	21.36
Unfair dismissal	786	27.51	769	17.76	896	20.44
Breach of contract	470	16.45	434	10.02	685	15.63
Right to paid annual leave - working time regulations	N/A	N/A	254	5.86	443	10.11
Failure to pay - redundancy payment	185	6.48	86	1.99	141	3.22
Right to receive particulars of contract	62	2.17	71	1.64	124	2.83
Right to receive written reason for dismissal	49	1.72	33	0.76	56	1.28
Failure to pay remuneration under a protective award	4	0.14	47	1.09	52	1.19
Right to receive an itemised pay statement	45	1.58	34	0.79	52	1.19
Right to be accompanied to a disciplinary / grievance hearing	38	1.33	32	0.74	24	0.55
Working time regulations	159	5.57	32	0.74	22	0.50
Health and Safety department	18	0.63	22	0.51	20	0.46
Miscellaneous	124	4.35	187	4.31	81	1.85
Non discrimination complaints sub total	2360	82.6%	2447	56.5%	3532	80.6%
DISCRIMINATION	Number	%	Number	%	Number	%
Sex discrimination	240	8.40	339	9.21	327	7.46
Disability discrimination	121	4.24	120	2.77	147	3.35
Equal pay	26	0.91	141	3.26	116	2.65
Race relations	79	2.77	108	2.49	116	2.65
Part time working	20	0.70	1072	24.75	67	1.53
Age discrimination	N/A	N/A	24	0.55	66	1.51
Sexual orientation	11	0.39	20	0.46	12	0.27
Discrimination complaints sub total	497	17.4%	1884	43.5%	851	19.4%
TOTAL	2857	100%	4331	100%	4383	100%

Outcome of tribunal cases and complaints:

Every complaint made to a tribunal must be concluded by a decision of a tribunal. The numbers of cases and complaints determined in the past three years are as follows:-

	April 2005 to March 2006	April 2006 to March 2007	April 2007 to March 2008
IT cases	3503	4660	4508
IT complaints/jurisdictions	5130	6402	6121
FET	390	366	297

Further details of the last three years are as follows:

BREAKDOWN	Apr 05 - Mar 06		Apr 06 - Mar 07		Apr 07 - Mar 08		
	Number	%	Number	%	Number	%	
IT	Allowed	350	6.80	299	4.67	338	5.52
	Dismissed	266	5.19	257	4.01	257	4.20
	Dismissed after Pre-hearing review	62	1.21	104	1.62	93	1.52
	Dismissed for Failure to Comply	103	2.01	317	4.95	1577	25.76
	Withdrawn	2218	43.24	3358	52.46	1358	22.19
	Conciliation with the assistance of the LRA	1169	22.79	1250	19.53	1091	17.82
	Settled between the parties	937	18.27	804	12.56	1406	22.97
	Stayed	25	0.49	13	0.20	1	0.02
IT TOTAL	5130	100%	6402	100%	6121	100%	
FET	Allowed	2	0.51	7	1.91	25	8.42
	Dismissed	23	5.90	25	6.83	19	6.40
	Dismissed after Pre-hearing review	3	0.77	16	4.37	6	2.02
	Dismissed for Failure to Comply	7	1.79	23	6.28	9	3.03
	Withdrawn	201	51.54	153	41.80	125	42.09
	Conciliation with the assistance of the LRA	65	16.67	69	18.86	56	18.85
	Settled between the parties	87	22.31	73	19.95	57	19.19
	Stayed	2	0.51	0	0.00	0	0.00
FET TOTAL	390	100%	366	100%	297	100%	

It does not follow that because a complaint is withdrawn, it had no merit. It may have been withdrawn on terms agreed between the parties before, during or even after the hearing if the decision of the tribunal has not yet been announced. For an explanation of the above terms see Glossary of Terms on page 22.

Industrial Tribunals decision outcomes by jurisdiction April 2005 - March 2006

Complaint / Jurisdiction	Allowed	Dismissed	Dismissed/ Failure to comply	Withdrawn	Conciliated	Settled	Stayed	Total
NON DISCRIMINATORY JURISDICTIONS								
Unfair dismissal	55	98	37	505	380	311	6	1392
Failure to pay wages - unauthorised deduction from Wages	78	50	11	276	201	141	5	762
Breach of contract	75	61	9	193	191	112	6	647
Working time regulations	3	4	0	300	31	25	2	365
Failure to pay redundancy payment	65	19	12	79	35	27	0	237
Right to receive particulars of contract	9	2	1	14	41	21	1	89
Failure to consult (TU) on redundancy or relevant transfer	25	6	5	39	2	4	1	82
Right to receive written reasons for dismissal	3	2	0	14	26	18	2	65
Right to be accompanied - disciplinary/grievance hearing	0	4	2	19	17	18	0	60
Right to receive itemised pay statement	9	5	1	12	18	13	0	58
Failure to pay remuneration under a Protective Award	0	0	1	38	0	0	0	39
Action short of dismissal Trade Union membership/activity	0	1	1	12	5	13	0	32
Miscellaneous	2	3	2	60	41	26	0	134
SUB TOTAL	324	255	82	1561	988	729	23	3962
DISCRIMINATORY JURISDICTIONS								
Sex discrimination	17	40	9	440	94	126	1	727
Disability discrimination	2	17	1	69	39	46	0	174
Equal pay	1	2	2	88	23	14	0	130
Race relations	5	8	6	48	13	14	1	95
Part time working	1	6	2	5	7	3	0	24
Sexual orientation	0	0	1	7	5	5	0	18
SUB TOTAL	26	73	21	657	181	208	2	1168
IT TOTAL	350	328	103	2218	1169	937	25	5130
FET TOTAL	2	26	7	201	65	87	2	390

Industrial Tribunals decision outcomes by jurisdiction April 2006 - March 2007

Complaint / jurisdiction	Allowed	Dismissed	Dismissed/ Failure to comply	Withdrawn	Conciliated	Settled	Stayed	Total
NON DISCRIMINATORY JURISDICTIONS								
Working time regulations	19	9	7	2254	25	16	8	2338
Unfair dismissal	64	91	78	240	462	256	2	1193
Failure to pay wages - unauthorised deduction from wages	66	51	52	156	157	88	0	570
Breach of contract	66	54	29	104	179	110	2	544
Failure to pay redundancy payment	30	12	17	63	25	20	0	167
Right to paid annual leave	13	8	1	22	56	13	0	113
Right to receive particulars of contract	2	7	1	12	39	16	0	77
Right to receive written reasons for dismissal	1	12	1	7	27	15	1	64
Failure to consult (TU) on redundancy or relevant transfer	4	3	38	1	4	1	0	51
Right to receive itemised pay statement	4	5	3	7	18	13	0	50
Right to be accompanied - disciplinary/grievance hearing	2	4	3	6	18	8	0	41
Transfer of undertakings (protection of employment)	0	0	1	25	12	3	0	41
Miscellaneous	11	14	6	86	39	38	0	194
SUB TOTAL	282	270	237	2983	1061	597	13	5443
DISCRIMINATORY JURISDICTIONS								
Part time working	1	4	2	6	7	3	0	23
Sex discrimination	11	53	42	190	99	121	0	516
Equal pay	0	16	18	70	10	11	0	125
Disability discrimination	2	13	8	73	42	36	0	174
Race relations	3	4	9	29	25	30	0	100
Sexual orientation	0	1	1	7	6	6	0	21
SUB TOTAL	17	91	80	375	189	207	0	959
IT TOTAL	299	361	317	3358	1250	804	13	6402
FET TOTAL	7	41	23	153	69	73	0	366

Industrial Tribunals Decision Outcomes by Jurisdiction April 2007 - March 2008

Complaint / jurisdiction	Allowed	Dismissed	Dismissed/ Failure to comply	Withdrawn	Conciliated	Settled	Stayed	Total
NON DISCRIMINATORY JURISDICTIONS								
Working time regulations	2	16	1406	163	12	8	0	1607
Failure to pay wages - unauthorised deduction from wages	41	42	23	155	154	648	0	1063
Unfair dismissal	69	71	26	289	315	247	1	1018
Breach of contract	52	49	15	137	177	113	0	543
Right to paid annual leave	29	19	6	160	88	37	0	339
Failure to pay redundancy payment	17	11	6	48	35	18	0	135
Failure to consult (TU) on redundancy or relevant transfer	37	22	0	19	0	11	0	89
Right to receive particulars of contract	5	6	1	19	37	17	0	85
Right to receive written reasons for dismissal	4	2	1	11	23	11	0	52
Failure to pay remuneration under a protective award	40	10	0	0	1	0	0	51
Right to receive itemised pay statement	4	4	1	10	14	8	0	41
Action short of dismissal - Trade Union membership/activity	0	5	0	31	3	1	0	40
Miscellaneous	5	23	0	43	46	60	0	177
SUB TOTAL	305	280	1485	1085	905	1179	1	5240
DISCRIMINATORY JURISDICTIONS								
Part time working	1	6	2	5	7	3	0	24
Sex discrimination	21	26	53	117	85	111	0	413
Equal pay	6	5	30	39	1	22	0	103
Disability discrimination	3	19	2	52	42	47	0	165
Race relations	2	12	4	39	34	30	0	121
Sexual orientation	0	0	1	7	5	5	0	18
Age discrimination	0	2	0	14	12	9	0	37
SUB TOTAL	33	70	92	273	186	227	0	881
IT TOTAL	338	350	1577	1358	1091	1406	1	6121
FET TOTAL	25	25	9	125	56	57	0	297

Complaints heard and determined by a tribunal

	Year	Complaints heard and determined	Found in favour of	
			Claimant	Respondent
IT	Apr 05- Mar 06	678	52%	48%
	Apr 06- Mar 07	660	45%	55%
	Apr 07- Mar 08	688	49%	51%
FET	Apr 05 - Mar 06	28	7%	93%
	Apr 06 - Mar 07	48	15%	85%
	Apr 07 - Mar 08	50	50%	50%

Representation at hearing:

At the hearing a claimant or respondent may present their case themselves or they may (at any time) nominate a person to represent them with his/her agreement. This representative could be a trade union official, an officer of an employer's organisation or they can be legally represented.

Representation at tribunal

	Year	Claimant			Respondent		
		Apr 05 Mar 06	Apr 06 Mar 07	Apr 07 Mar 08	Apr 05 Mar 06	Apr 06 Mar 07	Apr 07 Mar 08
IT	In person	32%	38%	31%	20%	11%	33%
	Legal	45%	38%	36%	62%	57%	45%
	Trade Union	4%	5%	1%	0%	0%	0%
	Party did not attend tribunal	11%	18%	29%	15%	30%	19%
	Other	8%	1%	3%	3%	2%	3%
FET	In person	33%	15%	24%	13%	3%	10%
	Legal	38%	71%	52%	87%	91%	79%
	Trade Union	10%	3%	0%	0%	0%	0%
	Party did not attend tribunal	5%	5%	24%	0%	3%	7%
	Other	14%	6%	0%	0%	3%	4%

Awards

In most cases there are limits on the amounts which may be awarded by the tribunals for infringement of the employment rights contained in the legislation.

The table below shows the increases in the limits applying to certain awards at 2nd March 2008 as set out in the Employment Rights (Increase of Limits) Order (Northern Ireland) 2008.

	Relevant statutory provision	Subject of provision	Old limit	New limit
	Article 40(6) of the 1995 Order	Minimum amount of compensation awarded by the industrial tribunal where individual expelled from union in contravention of Article 38 of the 1995 Order and where, when the application is made, the applicant has not been re-admitted to the union.	£6,600	£6,900
	Article 23(1) of the 1996 Order	Maximum amount of "a week's pay" for the purpose of calculating a redundancy payment or for various awards including the basic or additional award of compensation for unfair dismissal.	£310	£330
	Article 63(1) of the 1996 Order	Limit on amount of guarantee payment payable to an employee in respect of any day.	£19.60	£20.40
	Article 154(1) of the 1996 Order	Minimum amount of basic award of compensation where dismissal is unfair by virtue of Article 132(1)(a) and (b), 132A(d), 133(1), 134 or 136(1) of the 1996 Order.	£4,200	£4,400
	Article 158(1) of the 1996 Order	Limit on amount of compensatory award for unfair dismissal.	£60,600	£63,000
	Article 231(1) of the 1996 Order	Limit on amount in respect of any one week payable to an employee in respect of debt in which Part XIV of the 1996 Order applies and which is referable to a period of time.	£310	£330
	Article 77E(3) of the 1996 Order (23)	Amount of award for unlawful inducement relating to union membership or activities, or for unlawful inducement relating to collective bargaining.	£2,700	£2,900

There is no limit to the compensation payable where an employee is unfairly dismissed or selected for redundancy for reasons connected with health and safety matters or public interest disclosure.

There is no limit to the compensation payable in claims of unlawful discrimination, for example on the grounds of disability, gender, part-time working, race, sexual orientation or age.

There is also no limit on the amount that may be awarded by the Fair Employment Tribunal.

Appeals

Parties have the right of appeal to Her Majesty's Court of Appeal against the decision of an Industrial Tribunal or The Fair Employment Tribunal on a point of law. Written notice must be given to the Secretary of the Tribunals within 42 days of the date on which the tribunal's decision was issued and the notice must specify the point(s) of law relied upon. Any application to extend that time limit can only be granted by the Court of Appeal.

If the tribunal is satisfied that the request does contain a genuine point of law, it must refer the matter to the Court of Appeal for an opinion.

Details of applications received and subsequently lodged with the Court of Appeal during the last three years are as follows:

	April 2005 March 2006		April 2006 March 2007		April 2007 March 2008	
	IT	FET	IT	FET	IT	FET
Appeal applications						
Received	20**	3	27	11	14	9
Case stated by tribunal	13	2	22	8	8	6
Under consideration	0	0	0	0	1	1
Subsequently lodged with Court of Appeal	12	2	19	7	5	3
Appeal withdrawn by claimant after lodgement	5	1	4	0	1	1
Tribunal decision upheld by Court of Appeal	6	1	9	5	0	1
Tribunal decision varied by Court of Appeal	0	0	1	0	0	0
Tribunal decision overturned by Court of Appeal	1	0	3	2	3	0
Heard by Court of Appeal - awaiting judgement	0	0	2	0	1	1

** two applications of appeal were in respect of 14 claimants in two multiple cases.

Reviews

In certain circumstances an Industrial Tribunal or the Fair Employment Tribunal may review its decision, and confirm, vary or revoke it. These circumstances are:

- the decision was wrongly made as a result of an administrative error;
- a party did not receive notice of the proceedings leading to the decision;
- the decision was made in the absence of a party;
- new evidence has become available since the conclusion of the hearing to which the decision relates, provided that its existence could not have been reasonably known of or foreseen at that time; or
- the interests of justice require such a review.

A tribunal will not review its decision merely because a party disagrees with that decision.

A party may apply to the tribunal at the hearing immediately after the decision has been given. Alternatively a party may send a written request for a review to the Office of the Industrial Tribunals. This request should reach the Office of the Tribunals within 14 days of the date on which the decision was sent to the parties.

Details of applications for review received during the last three years are as follows:

	April 2005 March 2006		April 2006 March 2007		April 2007 March 2008	
Review applications	IT	FET	IT	FET	IT	FET
Received	28	7	48	13	63	11
Application withdrawn	5	0	10	0	6	1
Application refused	12	6	13	4	10	3
Application allowed	11	1	25	9	47	7
Outcome of review						
Refused - decision upheld	7	1	18	7	10	4
Allowed - decision varied	4	0	5	0	6	1
Allowed - decision revoked	0	0	2	2	30	1
Review hearing - ongoing	0	0	0	0	0	1

Expenses and allowances payable to parties and witnesses attending a tribunal

You may be able to claim certain expenses and allowances for attending an Industrial Tribunal or a Fair Employment Tribunal hearing. All claims should be made as soon as possible after the conclusion of the hearing and at the latest, within one calendar month of the conclusion of the hearing.

Please note that there is no provision for the reimbursement of allowances or expenses for a party's representative.

Payment of expenses and allowances is subject to certain conditions and limits. These limits may change periodically. If you are in any doubt as to what you may claim please contact the tribunal office for help or check our website www.employmenttribunalsni.co.uk to obtain guidance on allowances for attending a tribunal hearing.

The claim form you will need can be obtained from the Tribunal Clerk on the date your hearing commences.

Special needs assistance

If you (or a person required to attend a tribunal) have particular needs because of a disability, you should advise the Office of the Tribunals so that we can provide any assistance which you may require. Examples of the help that we can provide include converting documents to Braille and arrangement/payment for sign language interpreters.

Where a particular need is identified, this should be notified to the Office of the Tribunals at the earliest possible date.

Language interpreters

If you (or a person required to attend a tribunal) have problems communicating with the tribunals in English, you should advise the Office of the Tribunals who can make arrangements for the translation of documents and arrange for an interpreter to be present at hearing, if appropriate.

Feedback or complaints about our service

We aim to deal with all claims and enquiries as accurately and quickly as possible and provide our customers with a professional and efficient service.

How to contact us or make a complaint

If you wish to comment on or complain about the administrative service you have received, you should write to:-

Customer Services Manager
Office of the Industrial Tribunals and The Fair Employment Tribunal
Long Bridge House
20-24 Waring Street
BELFAST
BT1 2EB
Tel: (028) 9032 7666
Email: mail@employmenttribunalsni.org

We welcome your comments and will ensure that your concerns are followed up promptly and fairly.

If we have made a mistake we will apologise. We will tell you what went wrong and what we are doing to put things right. We will acknowledge receipt of your complaint within five working days and deal with your complaint within 10 working days. We will keep you informed if it is going to take longer to deal with your complaint.

If you are not happy with the reply from the Customers Services Manager you should write to:

The Secretary
Office of the Industrial Tribunals and The Fair Employment Tribunal
Long Bridge House
20-24 Waring Street
Belfast
BT1 2EB
Tel: (028) 9032 7666
Email: mail@employmenttribunalsni.org

You should note that the Office of the Tribunals will be relocating to new premises during February 2009. While our email address and telephone number remains unchanged, anyone contacting the tribunals in writing after we have moved should note that our new address will be:

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

Glossary of terms

ALLOWED – The claim has been allowed by the tribunal following hearing.

DISMISSED – The claim has been dismissed by the tribunal following hearing.

FAILURE TO COMPLY – The claim has been dismissed because the claimant failed to comply with Orders.

WITHDRAWN – The claim has been withdrawn by the claimant. This may happen before the hearing date or at any time during the hearing.

CONCILIATED – Conciliated with the assistance of the Labour Relations Agency. The Labour Relations Agency in Northern Ireland equates broadly with the Advisory, Conciliation and Arbitration Service (ACAS) in Great Britain.

AGREED/SETTLED BETWEEN THE PARTIES – The parties have agreed a settlement. This may happen before the hearing date or at any time during hearing.

STAYED – The proceedings are stopped until further order. This outcome may result from a number of circumstances. The most common would be if the Office of Tribunals was unable to contact the claimant.

LRA – Labour Relations Agency.

Advisory and information bodies

Citizens Advice Bureau

211 Antrim Road
BELFAST
BT15 2GW
Tel: (028) 9050 3000
www.citizensadvice.org.uk

Equality Commission for NI

Equality House
7-9 Shaftesbury Square
BELFAST
BT2 7DP
Tel: (028) 9050 0600
www.equalityni.org

Labour Relations Agency

2-8 Gordon Street
BELFAST
BT1 2LG
Tel: (028) 9032 1442
www.lra.org.uk

Law Centre (Northern Ireland)

124 Donegall Street
BELFAST
BT1 2GY
Tel: (028) 9024 4401
www.lawcentreni.org

NI Legal Services Commission

2nd Floor Waterfront Plaza
8 Laganbank Road
Mays Meadow
BELFAST
BT1 3BN
Tel: (028) 9040 8888
www.nilsc.org.uk

Department for Employment and Learning

Employment Rights Division
Adelaide House
39-49 Adelaide Street
BELFAST
BT2 8FD
Tel: (028) 9025 7956
www.delni.gov.uk

Health and Safety Executive

83 Ladas Drive
BELFAST
BT6 9FR
Tel: (028) 9024 3249
www.hsenigov.uk

Labour Relations Agency

District Office
1-3 Guildhall Street
LONDONDERRY
BT48 6BJ
Tel: (028) 7126 9639

National Minimum Wage Enquiries

Free phone 0845 6000 678

Redundancy Payments Service

Department for Employment and Learning
Adelaide House
39-49 Adelaide Street
BELFAST
BT2 8FD
Tel: (028) 9025 7956
Freephone 0800 585811
www.delni.gov.uk/index/er/redundancy-andinsolvency/er-redundancy

Claim and Response forms to an Industrial Tribunal and/or The Fair Employment Tribunal can be completed online at our website www.employmenttribunalsni.co.uk. Forms can also be obtained from the Office of the Tribunals or from and JobCentre/ Jobs & Benefits office.

Notes

