

THE INDUSTRIAL TRIBUNALS

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JUDGMENT OF THE INDUSTRIAL TRIBUNALS

EXPLANATORY NOTES

The judgment of an industrial tribunal in proceedings to which you were a party is attached. These notes are intended to assist parties in understanding the implications of the judgment but they are not in any sense, a complete or authoritative statement of the law. You should read them carefully, in particular the time limits set out in paragraphs 6, 12, 13, 16 and 17 below for seeking a reconsideration of the judgment and/or appealing against it on a point of law.

Industrial Tribunal Awards and Orders

1. Where an industrial tribunal –
 - (a) finds that an employee was unfairly dismissed by his employer and orders that employee to be reinstated or re-engaged by that employer, the employee should notify the Secretary of the Industrial Tribunals and the Fair Employment Tribunal immediately if the employer fails to comply with the reinstatement/re-engagement order within the time allowed to him to do so; and
 - (b) finds that a complaint of unlawful discrimination is well founded and makes a recommendation that the person/body discriminating take action within a specified period in relation thereto, the person in whose favour the tribunal found should notify the Secretary of the Tribunals immediately if the recommendation made by the tribunal is not complied with within the specified time.
2. A sum of money awarded by an industrial tribunal is payable, without further notice by the party against whom the award is made, direct to the party entitled to receive it except when Jobseeker's Allowance, Income related Employment and Support Allowance and/or Income Support has been paid during a period of unemployment. In such cases the whole or part of these benefits may be recovered by the Department for Communities from the award before it is paid. In that event, the appropriate notice is attached to the judgment. The respondent may be obliged by law to make some deductions from gross wages or salary in respect of income tax and/or national insurance. If in doubt you should consult the appropriate authorities.

Reconsideration of a Judgment of the Industrial Tribunals

6. A tribunal may, either on its own initiative or on the application of a party reconsider any judgment where it is necessary in the interests of justice to do so.
7. Except where it is made at a hearing, an application for reconsideration shall be presented in writing, and copied to all other parties, within 14 days of the date on which the original judgment was sent to the parties or within 14 days of the date that the written reasons were sent (if later). The application must set out why reconsideration of the original judgment is necessary in the interests of justice. There is no right to have the judgment reconsidered because someone thinks it is the wrong judgment.
8. An employment judge shall consider any application for reconsideration. If the employment judge considers that there is no reasonable prospect of the original judgment being varied or revoked (including, unless there are special reasons, where substantially the same application has already been made and refused), the application will be refused and the parties informed accordingly.
9. If the application is not refused, a notice shall be sent to the parties setting a time limit for any response to the application by the other parties; seeking the views of the parties on whether the application can be determined without a hearing; and, where the employment judge considers it appropriate, setting out the employment judge's provisional views on the application.
10. If the sum payable is varied after a reconsideration of the industrial tribunal's judgment, then interest will accrue after 42 days from the date of issue of the original judgment which was the subject of reconsideration, but on the varied amount and not on the amount that the industrial tribunal first awarded. (See paragraph 3 above and "Interest on Tribunal Awards: Guidance Note").
11. The Industrial Tribunals and Fair Employment Tribunal (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2020 allow an Employment Judge to extend the time in which an application can be made. An application to extend the time should be made to the Secretary of the Industrial Tribunals and the Fair Employment Tribunal at the above address setting out the reason(s) for that application to extend time.

Direct Appeal against Judgment of the Industrial Tribunal to the Court of Appeal

12. A party, known as the appellant, who is dissatisfied on a point of law with a judgment of an industrial tribunal must serve a notice of appeal on all parties to the case and the industrial tribunal within 6 weeks of receiving a copy of the industrial tribunal's judgment. The notice of appeal must state the questions of law upon which the appeal is brought.
13. The appellant must also, within 7 days after serving the notice of appeal (referred to at paragraph 12 above) on all the parties to the case and the

19. If you are considering appealing a judgment of an industrial tribunal either directly to the Court of Appeal or by way of case stated with the **LEAVE** of the Court of Appeal, you should take advice on what constitutes a 'point of law'.
20. Where oral reasons have been provided by a tribunal or the Employment Judge at the hearing written reasons shall only be provided in writing if requested by any party:-
 - (a) at the hearing; or
 - (b) within 14 days of the date on which judgement was sent.

If no request is received as above, the tribunal shall provide written reasons only if requested to do so by a court.