

The changing nature of employment tribunals

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The format

ETs

Then: easily accessible, informal, speedy, inexpensive

Now: have increasingly become like the civil courts

Lay members add value

International comparisons

Informality → Formality

- **Legal representation**
 - 1978 a third of claimants and half of respondents
 - 2008 almost two thirds of claimants and respondents
- **Procedural formalisation**
 - Case management discussions / preliminary hearings
- **Witnesses**
 - 1970s witnesses tell their story
 - Witness statements
 - Witness statements as read
 - Scotland excepted

Costs & Mergers

- **Costs**
 - 1971 **Frivolously or vexatiously**
 - 1980 **otherwise unreasonably**
 - 1993 **abusive or disruptive behaviour**
 - 2001 **otherwise misconceived**
- **£500 → £10,000 → £20,000**
- **Mergers**
 - **ETs/EAT brought into Tribunal Service**
 - **Tribunals Courts and Enforcement Act 2007**
 - **Tribunals merged with courts 1.5 2011 as integrated agency**
 - **Cross-ticketing**

Tripartism eroded

1994 Judge alone in 'technical cases'

Long list now including

Unauthorised deductions from wages

Redundancy payment

Complaints under the NMW

Holiday Pay

Unfair dismissal

Lay members self nominate

Advertisements/HR techniques



Some evidence on the impact of
lay members
at the EAT...

*(see Prezi link to be available from July
on www.uclan.ac.uk/workplaceconflictseminars)*

Lay Members & Labour Courts



Appellate systems

