

Will there be a return of employment tribunal fees?

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According to the Times, Whitehall officials have requested that the Law Commission set up a think tank to provide recommendations on creating a new system for charging and updating fees.

In 2017, the Supreme Court ruled that the Government had acted unlawfully and unconstitutionally when introducing the fees in 2013. As a result, the Government had to refund Claimants approximately £32 million pounds.

It raises the question of how the Government intends to reintroduce these fees without acting in direct contravention of this ruling.

Some are predicting that if a new fee structure was to be introduced, this could be brought in within the next 12-18 months. If this is correct, it would likely see a rapid reduction in the number of claims brought, potentially mirroring the reduction in 2013 which led to 79% fewer cases being brought.

A swift introduction of a new fee structure could coincide with the recovery of businesses from the effects of Covid 19 but is unlikely to protect them from any potential claims flowing from this pandemic, given the current limitation periods for employment claims.

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