


# Doubling employment claim time limits: Enhancing justice or prolonging dispute?

07 January 2025  Tim Williams

As reported in [The Law Society Gazette](#), the UK government is amending the Employment Rights Bill to extend the limitation period for bringing employment claims from three months to six months.

While this extension arguably aligns with the broader agenda of employment law reform (as set out in our recent article on the [Employment Rights Bill](#)), its omission from the original Bill introduced last month has raised eyebrows. Many lawyers have questioned why such a substantial change was relegated to a later stage, rather than being a centrepiece of the initial proposal.

In this article, we unpack the impact of this amendment, looking at how doubling the limitation period could affect employees and employers respectively.

## What are the benefits of extending employment claim deadlines?

On the surface, we see three main positive consequences of the amendment which would be in the public interest, should it come into effect in the future:

### 1. Increased access to justice

Extending the time limit provides employees with significantly more time, such as to come to terms with their employment situation and comprehend if they have a claim, seek appropriate legal counsel, and make informed decisions about pursuing a claim. This would be particularly beneficial for those who may be dealing with challenging, complex, or unusual personal issues which may make it difficult to hit the current three-month deadline.

By allowing more time to initiate a claim, the system arguably becomes more accessible and equitable, potentially leading to fairer outcomes for individuals who might otherwise miss the opportunity to seek redress.

### 2. Better prepared cases

With more time at their disposal, claimants can more thoroughly gather evidence, consult with multiple legal experts if required, and better consider the strengths and weaknesses of their case. This enhanced preparation in theory could lead to the presentation of stronger, more coherent arguments at the tribunal, enhancing the quality of the legal process. One would hope that this better preparation would contribute to more precise and just tribunal decisions, benefiting the legal system as a whole (but of course, this is not guaranteed).

### 3. Flexibility for complex cases

Employment disputes can range from straightforward claims to complex cases involving intricate legal issues or substantial evidence gathering. Complex cases, in particular, may require extensive preparation, including the collection of documents, witness statements, and expert opinions. A six-month timeframe may better accommodate these complexities, ensuring that cases are not rushed or inadequately prepared due to time constraints.

# What are the drawbacks of extending employment claim deadlines?

However, in addition to these three points above, we also see three main drawbacks that could undermine the undoubtedly positive intention of extending the time limitation period to bring a claim:

## 1. Increased litigation and tribunal resource strain

With more time before the limitation period expires, there would undoubtedly be an increase in the number of claims brought to the Employment Tribunal.

However, the Employment Tribunal system is already under strain – it is already reporting delays of up to two years. An increase in the volume of claims would place even greater strain on the system, leading to longer wait times for preliminary hearings and final decisions.

This strain would likely compromise the efficiency and effectiveness of the tribunal system, potentially affecting the quality of adjudication and the timely administration of justice.

Any increase to the time limitation period would need to be supported by adequate new resources to enable the increase in cases to be properly dealt with. This seems unlikely at this moment in time.

## 2. Delayed resolution

The extension of the time limit could result in both parties waiting longer for a resolution. It is not unforeseeable, given the two year delays the Employment Tribunal is already reporting, that in the future it takes three or four years to resolve claims, maybe even longer for more complex cases.

In a way, this may actually deter some employees from bringing claims, because they may not want to go through such a long, arduous, stressful process over what may be a minor breach of their rights with minimal compensation available to them. In other scenarios, we may also see employees bring claims and then later withdraw their claim due to the effect the process takes on their mental health and wellbeing. In neither of these scenarios would justice be done.

Furthermore, in situations where claimants are still engaged by the entity they are claiming against, the prolonged process may exacerbate tensions and hinder the possibility of reconciliation or amicable settlements, and it wouldn't be surprising to see a breakdown in the relationship. Again, this arguably puts employees off bringing a claim because of the possible impact on their employment.

## 3. Prolonged uncertainty for employers

For employers specifically, an extended period before claims can be brought means a longer duration of uncertainty. This uncertainty can affect strategic planning, financial forecasting, and the overall morale within the workplace.

Employers may find themselves in a state of limbo, unsure of whether a current or former employee will initiate legal proceedings, which could hinder decision-making and operations.

Given employers were the main target for cash in the UK government's most recent budget, arguably it is more important than ever that employers are able to make clear, strategic, and future-focused decisions.

# Concluding remarks on the Employment Rights Bill amendment

While extending the time limit for bringing claims to the Employment Tribunal may arguably enhance access to justice and allow for better-prepared cases, as set out above it also introduces challenges that could act as a barrier to the actual delivery of justice. Clearly, the overall impact of such a policy change would need to find a careful balance between the benefits of accessibility and fairness and the potential drawbacks related to system efficiency and employer concerns.

In terms of next steps, the Bill is currently being scrutinised by a Public Bill Committee, which will report to the House of Commons by 21 January 2025. From there the Bill will progress to its third reading in the House of Commons.

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