

Ministry of Justice confirms Government will refund those who have paid tribunal fees after Supreme Court ruling

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Ashley Cowburn , Josie Cox

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The Government will take steps immediately to stop charging employment tribunal fees and to refund thousands of people who have paid in recent years, [following a Supreme Court ruling](#), the Ministry of Justice said.

Justice Minister Dominic Raab said that in setting employment tribunal fees, “the Government has to consider access to justice, the costs of litigation, and how we fund the tribunals”.

“The [Supreme Court](#) recognised the important role fees can play, but ruled that we have not struck the right balance in this case,” he said.

“We will take immediate steps to stop charging fees in employment tribunals and put in place arrangements to refund those who have paid.

On Wednesday, Trade union Unison said that the ruling would force the Government to repay more than £27m forked out by employees for cases around unfair dismissal, discrimination and other [workplace issues](#) since July 2013, when fees were introduced by Chris Grayling, the then Lord Chancellor.

Over the past four years, anyone in England, Scotland and Wales wanting to pursue a case against an employer has had to pay up to £1,200.

Claim fees for unpaid wages, redundancy pay and breach of contract have been setting workers back £160 plus an additional £230 fee for a hearing. For other claims, such as unfair dismissal, equal pay, discrimination and whistle blowing, the claim fee had been £250 plus £950 for the hearing.



Welcoming the judgement, Richard Burdon, the Shadow Justice Secretary, said the Conservatives should “accept the ruling and consign their immoral Employment Tribunal fees to the dustbin of history”.

Mr Burdon, whose party had vowed to abolish the fees during the general election, continued: “It’s an important day for access to justice for ordinary working people everywhere.”

- [Taylor calls on Government to reduce cost of employment tribunal fees](#)
- [Matthew Taylor review calls for crackdown on ‘exploitative’ employers](#)
- [Taylor review into workers’ rights recommends new status of employee](#)

He said that the Conservative Government – which in coalition with the Lib Dems brought in this “immoral restricted access to justice” – would not have to pay as much as £32m for “attacking workers”.

Jonathan Bartley, the Green party co-leader, echoed Mr Burdon’s call for the fees to be scrapped. He added: “This ruling is a victory for access to justice and common sense – workers’ rights are not worth the paper they are printed on if they cannot be enforced.”

Earlier this month [Matthew Taylor](#), a former policy chief to [Tony Blair](#) and chief executive of the Royal Society of Arts, who was commissioned by the Prime Minister to conduct a study into workers’ rights, implied that regulation needed to be changed urgently – but stopped short of recommending it should be abolished in his report.

"We're saying everyone should be able to have a free judgement on whether or not they have those rights in the first place before they proceed with the case," he told the BBC Radio 4's Today programme at the time.

Frances O'Grady, the general secretary of the Trade Union Congress (TUC), said Wednesday's ruling was a "massive win for working people", adding: "Too many low-paid workers couldn't afford to uphold their rights at work, even when they've face harassment or have been sacked unfairly.

"Tribunal fees have been a bonanza for bad bosses, giving them a free rein to mistreat staff. Any fees paid so far should be refunded as soon as possible."

Citizens Advice, an organisation that has helped over 350,000 people with employment issues over the last year, including 17,500 enquiries regarding tribunals said the Supreme Court ruling should mark an end to fees in Britain.

"People's employment rights are only as good as their ability to enforce them," said the organisation's chief executive Gillian Guy.

He continued: "Employment Tribunal fees have prevented people from getting justice when they've been treated unfairly at work. We hope the Government acts swiftly to suspend the fees system and ensure all of those who are out of pocket get their money back."

"We have forked out a fortune on employment tribunal fees for our low-paid members who otherwise would not have been able to argue their cases," said Jason Moyer-Lee, general secretary of the IWGB which represents workers in the so-called gig economy.

"Given the near total absence of government enforcement of employment law and the government's refusal to get serious about addressing insecure work, today's decision is a game changer," he said. "This is what justice looks like."

Employment lawyers also described the Supreme Court's decision as game changing.

"This ground-breaking decision will mean employers will now have to brace themselves for a much more contentious environment as employees are once again free to assert their rights without financial barriers to a judicial remedy," said Crowley Woodford, employment partner at law firm Ashurst.

Philip Richardson, head of employment law at Stephenson Solicitors said that the decision is "a rare opportunity for those in a position of power to take stock of the failings of past fees regimes and set out a reasonable solution for all concerned".