

UNISON's second challenge to employment tribunal fees is rejected

```
[et_pb_section admin_label="Section" global_module="136"
fullwidth="on" specialty="off" transparent_background="off"
background_color="#ffffff" allow_player_pause="off"
inner_shadow="off" parallax="off" parallax_method="off"
padding_mobile="off" make_fullwidth="off"
use_custom_width="off" width_unit="on" make_equal="off"
use_custom_gutter="off"] [et_pb_fullwidth_code
global_parent="136" admin_label="Post
Header"] [Page_Header_Start] Employment Law News
[Page_Header_End] [/et_pb_fullwidth_code] [/et_pb_section]
[et_pb_section admin_label="section"] [et_pb_row
admin_label="row"] [et_pb_column type="3_4"] [et_pb_text
admin_label="Text" background_layout="light"
text_orientation="left" use_border_color="off"
border_color="#ffffff" border_style="solid"]
```

UNISON's second challenge to employment tribunal fees is rejected

[post_details]

[Social-Share]

[post_tags]

The High Court has rejected UNISON's second challenge to the imposition of fees to issue claims in the employment tribunal.

It found no evidence to support the claim that the fee regime has a prejudicial effect on protected groups (women in particular) or on workers generally.

UNISON initially sought judicial review of the Lord Chancellor's fee regime in February 2014. This was dismissed on grounds that the challenge was premature and lacked evidence. However, in March 2014, the Ministry of Justice released statistics showing a 79% drop in employment tribunal claims. In light of this evidence, UNISON brought a fresh judicial challenge of the fee regime.

The challenge centred on two grounds. Firstly, UNISON submitted that the requirement to pay a fee made it 'virtually impossible, or 'excessively difficult' to exercise EU employment rights in tribunals. Secondly, it was argued that that the requirement to pay higher fees for bringing certain claims (including discrimination claims) indirectly discriminates against protected groups, particularly women.

The High Court dismissed the application on both grounds. In relation to the first ground, the Court held that there was a lack of evidence on the reason for the drop in the number of claims. It found that the statistics show that more people are unwilling to bring tribunal claims, but not that they are unable to do so. On the second ground, the Court found that the proportion of men and women bringing claims broadly reflects the gender balance of the workforce in the UK (approximately 55% male and 45% female); therefore, there was no significant adverse impact on women. The Court found that, even if women are worse affected, the fee regime is justified because it: (i) transferred part of the costs of running the Employment Tribunal System to the users who benefit from it; (ii) discourages unmeritorious claims; and (iii) encourages alternative dispute resolution.

UNISON has announced its plans to appeal.

R (Unison) v Lord Chancellor and another (No.2) [2014] EWHC 4198 (Admin)

```
[/et_pb_text][/et_pb_column][et_pb_column
type="1_4"][et_pb_sidebar      admin_label="Sidebar"
orientation="right" area="sidebar-1" background_layout="light"
remove_border="off"]
[/et_pb_sidebar][/et_pb_column][et_pb_row][et_pb_section]
```