

A TRIBUNAL TALE

Jack Sack has been fired from his job as a software designer at Surfwork Limited. He believes he was fired because his line manager, Les Killum, has it in for him.

Jack and his lawyer, Cindy Slicker, meet to discuss his dismissal. Jack has brought with him a copy of his employment contract and the Surfwork Staff Handbook.

“OK Jack” snaps Cindy “ They say you sexually harassed Heidi Evidens, accessed inappropriate websites and were drunk at work”. Cindy listens while Jack explains all.

“Hmm” says Cindy – “I don’t like the Heidi incident. Let’s see the staff handbook”. From the handbook, Cindy discovers that accessing non-work related (and non-pornographic) websites would only warrant a verbal or written warning. Cindy discovers that Jack has only been drunk twice at work, once after a lunch celebration when everybody was legless, including Les, who had been so drunk he’d started a fight with a stationery cupboard.

Cindy advises Jack to file a Form ET1 to commence Employment Tribunal Proceedings for unfair and wrongful dismissal. Cindy also advises that the dismissal is automatically unfair because the disciplinary process did not follow statutory rules. “That means you go straight for their chequebook – and the Tribunal can increase your compensation by up to 50%”.

Cindy also includes a claim for disability discrimination on the basis that Jack was depressed due to his alcoholism and this was partly the reason for his dismissal. Surfwork also failed to make “reasonable adjustments” to accommodate his depressed and alcoholic condition.

Gemima Friendly, Surfwork’s HR Director, has now returned from holiday. She hears about Jack and goes ballistic. She calls Les “a complete idiot”.

Cindy prints off a Form ET1 from the Employment Tribunal website. Jack approves the draft and the ET1 is filed at the Tribunal by fax (only). Cindy also serves a disability discrimination act questionnaire on Surfwork, which contains lots of difficult time-consuming questions which Surfwork has to answer within eight weeks. An ACAS officer is notified of the claim.

Two days later, the ET1 arrives at Surfwork, sent by the Tribunal. The disability discrimination questionnaire arrives the next day. And on the same day, Jack checks his messages at home and discovers that Heidi Evidens has left him a message. “Hello Jack” says Heidi...

Next episode – Jack looks for work and pines for Heidi, Surfwork looks for a defence, the Tribunal looks for hearing dates and pines for lunch, Les looks and pines for a good employment lawyer and Phil Mcpocketts just looks very tired.

For advice on tackling employment tribunals, call Heather Cowley on 01582 731161 or email heather.cowley@taylorwalton.co.uk