

A TRIBUNAL TALE

Jack Sack has been fired from Surfwork. He has now commenced employment tribunal proceedings for unfair dismissal and disability discrimination. His ET1 has just arrived at Surfwork.

Gemima Friendly, Surfwork's HR Director, looks furiously at the ET1 just served by Jack Sack. She also looks at the 768 questions contained in Jack's disability questionnaire. Gemima calls Surfwork's employment lawyer, Vincent Van Hire.

Vincent calls Gemima. "Looks pretty bad" says Vince. "Looks like we'll go down for unfair dismissal - but I don't rate the disability claim - alcoholism is exempt from the DDA and the depression-related claim is very thin. I think we should go for a strike-out". "We'll deduct any compensation from Les' wages" snaps Gemima.

Vincent and Gemima prepare the ET3 defending the dismissal claim as best they can. They also request a pre-hearing review for a strike-out action on the grounds that the disability claim is vexatious, misconceived and on an exempt ground.

Once the ET3 is served, the Employment /Tribunal holds a Case Management Discussion and sets a date for the pre-hearing review. Half a day is allowed. The Tribunal also makes Orders for disclosure of documents and witness statements. A date for the main unfair dismissal/disability discrimination hearing arrives, with two/three days being the time estimate for the hearing.

Although his claim is going well - Jack Sack is as unhappy as ever. He meets Heidi Evidens, who he is alleged to have sexually harassed. Heidi is Surfwork's star witness. "I know you didn't mean any harm" says Heidi "You were drunk and, although that's no excuse, I wasn't upset by it". Heidi tells Jack to cheer up – she's heard about a job at one of Surfwork's competitors, Luton Hardware Co. She says Jack should apply for a job.

Meanwhile the two sides prepare witness statements and disclose relevant documents to each other. They prepare for the pre-hearing review.

The Chairman assigned to the case is the feared Charlie Chewpy, a grumpy ex- SAS officer who once hospitalised a barrister with one blow from his special reinforced copy of "Butterworth's Employment Law Statutes".

Next episode – Strike-out!! - Les flees across the border to Essex, Vincent and Cindy cross swords, Charlie just gets very cross and the Tribunal hearings begin.

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