

UK workers get free access to justice thanks to union's court victory



(1st Auguts 2017) Last week the UK trade union UNISON won a landmark case against the Conservative government over the cost of employment tribunal cases. Four years ago the government introduced fees of up to £1,200 (1340 Euros) for workers who wanted to pursue a complaint against the employer in an employment tribunal. The charges have been withdrawn with immediate effect and the government will have to repay £27 million (30.2m Euros) to workers who have incurred fees over the past four years.

The Conservative government claimed that the fees would reduce the number of cases that were spurious, frivolous and weak and official statistics show that there were indeed 79% fewer cases over a three-year period. Unions, employment lawyers and others argued that this was because it prevented workers and especially the poorer and more vulnerable from accessing justice. It was an austerity measure of the type that benefits the employer. Unison pursued the case

in court as basic principles of fairness were violated, with workers being denied access to justice.

In its ruling the Supreme Court:

- stated that workers from lower and middle-income households would be severely affected as they would have to devote a large share of their spending on the fees impacting on their normal lives;
- ruled that the nature of the fees, with discrimination cases costing more due to their complexity and longer time frames, was indirect discrimination, with women bringing a far higher number of such cases;
- stressed that the government had ignored the public benefits flowing from the enforcement of legal rights enacted by Parliament; and
- underlined that effective enforcement of employment rights is fundamental to parliamentary democracy and integral to the development of UK law.

The decision marks the end of a four-year fight by UNISON to overturn the government's introduction of these fees.

For more information:

UNISON press release: <https://www.unison.org.uk/news/article/2017/07/tribunal-fees-victory/>

Supreme Court decision: <https://www.supremecourt.uk/cases/uksc-2015-0233.html>

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