

Publication of Employment Tribunal Judgments

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What does this mean for employers facing a claim in the Employment Tribunal (ET)?

Prior to the launch of the new Ministry of Justice (MOJ)'s [website](#), Welsh and English ET decisions were found in the Bury St Edmunds ET and Scottish decisions found in the Glasgow ET. Decisions were only accessible upon request and were subject to a fee, which was at odds with both the civil courts and the Employment Appeal Tribunal, where judgments were and are available to the public. This discrepancy caused concern and, in the interests of [access to justice](#), the MOJ launched its new [website](#), making all British ET decisions publicly available.

The [MOJ's website](#) currently contains some 200 decisions from 2015 onwards, with future ET decisions being uploaded to the website.

The way in which ET proceedings are dealt with has not changed, with hearings usually being heard in public unless an ET makes an order for privacy restrictions.

There could well be a practical impact for employers because of the increased accessibility of the decisions.

The [MOJ's website](#) includes a search tool, enabling the user to search the content of the ET decisions. This means that a member of the public can search against the name of an employer, employee or any term that may be industry specific. In due course, the content of decisions may be listed on the results page of internet search engines when an employer's name is simply entered in the search bar.

This development may well cause concern for some employers. The risks of adverse publicity have always factored in the decision-making process when pursuing /

defending a claim, however more weight will need to be given to the subject. Such consideration may encourage the early settlement of employment disputes.

Employees bringing a claim could try to draw inferences about the business from previous decisions. These have the potential to be taken out of context. Written reasons are not always given in ET decisions and this gives rise to only a partial view being given if a judgment is viewed in that instance.

There is always a flip side...

Employers can now search for any decisions involving applicants or employees. However, care must be taken to ensure employers do not fall foul of giving detrimental treatment because of the search.

The laws protecting individuals from acts of discrimination do not stop at just employees.

Increased transparency in ET decisions should also give useful examples of how ETs treat issues of fact and law. This could prove particularly useful to those acting in person to clearly present their case to the ET, making it easier for employers to provide a response.

ET decisions will also include details of the sum awarded in claims which should help to encourage realistic expectations for settlement purposes.

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Note: This is not legal advice; it is intended to provide information of general interest about current legal issues.