

Supreme Court rule Employment Tribunal fees are unlawful

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The Supreme Court today allowed [UNISON](#)'s appeal and held that fees imposed in respect of proceedings in employment tribunals ([ET](#)) and the Employment Appeal Tribunal ([EAT](#)) are unlawful because of their effects on [access to justice](#). This means that the government must repay fees paid by claimants to date.

Until the coming into force of the Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013 (the [Fees Order](#)), a claimant could bring and pursue proceedings in an ET and appeal to the EAT without paying any fee. However, the Fees Order prescribes various fees with amounts depending on the type of claim and whether it was brought by a single claimant or a group.

UNISON sought judicial review of the Fees Order because it unlawfully prevents/restricts access to justice.

The lower courts dismissed UNISON's claim but a seven-judge Supreme Court unanimously allowed its appeal, holding that the Fees Order was unlawful from the beginning "ab initio" and must therefore be quashed. It has been deemed to be a massive win for workers.

View the full judgment [here](#) or speak to employment lawyer, Karen Cole to find out more.

Karen Cole
020 7299 6909
karen.cole@riaabg.com
www.riaabarkergillette.com



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

