

38) EMPLOYMENT TRIBUNAL FEES AND BABY BOXES - The latest in a series of articles by Iain Gregory of Caithness CAB

Last week a lady resident of the Royal Burgh of Wick was happily pottering around in her house when she received a phone call from a person who claimed to be the CAB Manager and who explained that CAB wanted to help her with her debts. The lady was a little taken aback, but recovered swiftly and advised the person in question that not only did she not have any debts but she knew with total certainty that he was not the CAB Manager. She knew this because she, Mrs Della Smith, was the person responsible for having given birth to the real Manager, Miss Jill Smith, and he, the caller, was certainly not there at the time. Mrs Smith, in common with her daughter, is not a woman to mess with and the scammer departed with a distinct flea in his ear and is probably now planning to become a Sunday school teacher. An irate call was made to Jill and relayed to me and I popped a swift warning on Facebook and some 25,000 people read it in 24 hours. It turns out that this is the latest ploy adopted by certain species of pond life and various people have told us that they have had a similar call. CAB will never make a "cold call" to anyone ever so please bear this in mind. Anyway, a happy end to our scams month.

We have two topics to cover today and the first one relates to Employment Tribunals. For some years we have been frustrated by the fact that a client will often present with a good case and plenty of evidence to take to a Tribunal but, due to a cynical and unfair requirement to have to pay for the privilege of obtaining justice after being the victim of Unfair Dismissal or similar, or even, unbelievably, when trying to get a rogue employer to actually pay you in the first place, many people locally have been unable to obtain their rights. The fees were made up of an "Issue Fee" which had to be paid right away and a "Hearing Fee" which had to be paid before the Tribunal would hear your case. The minimum cost was £390 (for say seeking to be given your Holiday Pay) and went up to £1200 if you objected to being discriminated against or being sacked wrongly. It was possible for people in straitened circumstances to obtain remission of the fees, but countless victims were excluded because they had some savings or other income. And if you wanted to appeal then Her Majesty's Government insisted that you find another £1600 for the privilege, (bearing in mind you might have no job and might quite possibly not have been paid your wages). All is now well and on 26th July 2017 the Supreme Court declared that the fee requirement was unlawful. Our spokesperson at CAS said "Citizens Advice Scotland warmly welcomes today's ruling by the Supreme Court that employment tribunal fees are an unlawful barrier to justice and should be ended. We have consistently opposed employment tribunal fees, as evidence has shown that fees make it harder for people to claim, even when they have been treated unfairly at work. Since the introduction of fees, the decision to bring a claim to an employment tribunal has become a financial one, not based on the merit of a person's claim. Fees have also negatively affected the power balance between workers and employers. This judgment should be implemented without delay, to refund

people who have paid out to bring their case to tribunal since 2013, and to help protect workers from unfair treatment.”

Depending which newspaper you read this has either been welcomed as a “victory for working people” or has “outraged employers”. CAB are not at all concerned who thinks what but we do know that we will be submitting a lot more cases to Her Majesty’s Courts and Tribunals Service in the very near future.

There are of course another couple of points to look at here. People who have had to pay the unlawful fees are clearly entitled to get their money back and the total cost is going to be many millions of pounds. As yet we do not have guidance as to the means by which one can do this, but rest assured that we will find out very soon and we will be delighted to let you know – just get in touch. The second point is going to be a tricky one. What if you had a case and were dissuaded from going to a Tribunal because you could not afford it or because you were scared of losing the money if you did not win? Caithness CAB never tend to be shy so we are already looking at presenting cases to HMCTS with a view to having them accepted on the grounds that our clients were denied a fair hearing because of an unlawful action on the part of the Government and thus the applicants should be allowed to proceed even though we are out of time. We shall await results with interest. And the next thing we need to do is overturn the equally nonsensical rule that says that, in most cases, you have to be employed for two years before you can claim Unfair Dismissal. Round Two will now commence.

The second subject today covers rights and entitlements for expectant and new mums. I know we have talked about this in the past, but registration for the new “Baby Box” scheme opened on the 15th June 2017 and boxes will be supplied in respect of all babies due on or after 15th August 2017. All the information you need is on news.gov.scot and I am sure midwives will keep you in the picture as well. As always CCAB are up to speed and we provide a service, working with referrals from Midwives, to make sure you get all of your entitlements. And if you simply want to contact us direct then we are ready and waiting. I mention this because we have had a few cases recently where we have found that families are not getting everything they should be simply because they didn’t know what was available. One of our lady Advisers specialises in this area and she will be happy to help you at every stage. There are still one or two anomalies around entitlement to Child Benefit (Family Allowance is it used to be called) and we hope that these will be sorted out in due course. This was always a “universal” payment and was introduced to make sure that no matter what, a mother would always have enough money in her purse to buy food and essentials for her children. This was a wise idea and it needs to be reverted back to full universality swiftly.

So there we have it. Progress is being made on the employment front and I now propose to see if Liz will accept my submission that I am due a weekend in the hills as compensation in terms of the European Working Time Regulations for exceeding my lawful hours of work on gardening duties