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Submitted to **Law Commission Consultation on Employment Law Hearing Structures**

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About you

What is your name?

Name:

[REDACTED]

What is the name of your organisation?

Organisation:

Liverpool Law Society Employment Law Committee

What is your email address?

Email:

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What is your telephone number?

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Are you responding to this consultation in a personal capacity or on behalf of your organisation?

Response on behalf of organisation

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The exclusive jurisdiction of employment tribunals

Consultation Question 1: We provisionally propose that employment tribunals' exclusive jurisdiction over certain types of statutory employment claims should remain. Do consultees agree? (Please see paragraph 2.57 of the consultation paper.)

Yes

Please expand on your answer. :

The Employment Law Committee of Liverpool Law Society (the Committee) agrees that there should be no change in the current areas where employment tribunal's jurisdiction is exclusive.

Consultation Question 2: Should there be any extension of the primary time limit for making a complaint to employment tribunals, either generally or in specific types of case? (Please see paragraph 2.61 of the consultation paper.)

Yes, generally

Please expand on your answer. :

The members of the Committee agree that it would be of benefit to have a more consistent approach to time limits within the employment tribunal. It was considered this could have a number of benefits including being more understandable for unrepresented parties to know that all claims brought within the employment tribunal have the 6 month time limit rather than the position that it is at the moment whereby the majority have 3 months however, there are some types of claim which have the 6 month time limit. It was also felt that it could be an advantage in some cases to allow further time for internal processes to be finalised. Therefore while it is agreed that there should be an extension of the primary time limit for making a complaint to employment tribunals generally rather than 2 specific types of cases, it was not felt that this primary time limit should be amended to more than 6 months for all types of cases. It was felt that to extend the time limit for longer than 6 months could cause difficulty in relation to witnesses as in the employment field individuals within an organisation who may well be witnesses can and do move jobs which then makes it difficult for them to be witnesses in certain cases.

If so, should the amended time limit be six months or some other period?:

It was felt that to have an amended time limit of 6 months for all types of cases would be of real benefit and of course if individuals wish to put in a claim earlier they would still be free to do so.

Consultation Question 3: In types of claim (such as unfair dismissal) where the time limit can at present only be extended where it was “not reasonably practicable” to bring the complaint in time, should employment tribunals have discretion to extend the time limit where they consider it just and equitable to do so? (Please see paragraph 2.62 of the consultation paper.)

Other

Please expand on your answer. :

The view of the Committee was that if there was to be an amendment to the time limit for all types of cases to 6 months then it would provide plenty of time in order for claims to be submitted and then therefore the current test of whether it is not reasonably practical to bring the complaint in time should remain. If the tribunal is to be given discretion to extend the time limit where they consider it justifiable to do so, in line with discrimination claims, this would add extra complexity and uncertainty to time limits for those types of claims (such as unfair dismissal) where the current test of whether it was 'not reasonably practical' is certain and understood.

Restrictions on the jurisdiction of employment tribunals - discrimination

Consultation Question 4: We provisionally propose that the county court should retain jurisdiction to hear non-employment discrimination claims. Do consultees agree? (Please see paragraph 3.24 of the consultation paper.)

Yes

Please expand on your answer. :

Subject to our answers to 5, 6 and 7, we do agree that the County Court should retain jurisdiction to hear non employment discrimination claims.

Consultation Question 5: Should employment tribunals be given concurrent jurisdiction over non-employment discrimination claims? (Please see paragraph 3.32 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee agreed that giving concurrent jurisdiction to employment tribunals and the County Court over non employment discrimination claims would provide the benefit of opportunities to allocate more discrimination cases to the most appropriate forum and so to determine them more efficiently. We therefore do think that employment tribunals should be given concurrent jurisdiction for some non employment discrimination claims subject to appropriate guidance and criteria for deciding which cases are appropriate for a transfer.

Consultation Question 6: If employment tribunals are to have concurrent jurisdiction over non-employment discrimination claims, should there be power for judges to transfer claims from one jurisdiction to the other? (Please see paragraph 3.33 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that there should be power for judges to transfer claims from one jurisdiction to the other. The criteria used for deciding whether the case should be transferred are down to the level of expertise. It was felt that some cases where primary issues were outside of the normal expertise of employment tribunals, for example housing issues, should be stated within criteria as appropriate to remain or be transferred to the County Court. We felt that claimant choice remained important for the transfer either from the County Court to the employment tribunals or vice versa. We agreed that County Courts should be given the power to refer questions relating to discrimination cases to employment tribunals when they feel it necessary in order to benefit from that level of expertise where a case has not been transferred.

If so, what criteria should be used for deciding whether a case should be transferred: (1) from county courts to employment tribunals; :

and/or (2) from employment tribunals to county courts?:

Should county courts be given the power to refer questions relating to discrimination cases to employment tribunals? :

Consultation Question 7: If employment tribunals are to have concurrent jurisdiction over non-employment discrimination claims, should a triage system be used to allocate the claim as between the county court or the employment tribunal? (Please see paragraph 3.34 of the consultation paper.)

Yes

Please expand on your answer. :

We agreed that a triage system should be used to allocate the claim as between the County Court and employment tribunal and this triage system should take place when a claim is received or alternatively at case management stage. Certainly allocation of a claim should be reviewed at the case management stage to ensure that the claim has been allocated to the appropriate forum.

If so, what form should this triage take?:

Consultation Question 8: Do consultees consider that employment judges should be deployed to sit in the county court to hear non-employment discrimination claims? (Please see paragraphs 3.40 of the consultation paper.)

Yes

Please expand on your answer. :

Either as a good alternative to concurrent jurisdiction or in addition to concurrent jurisdiction where perhaps a claimant has not agreed to their case being transferred, we consider it to be a benefit for employment judges to be deployed to sit in the County Court to hear non employment discrimination claims where their experience and expertise in discrimination cases would be an advantage.

Consultation Question 9: If consultees consider that employment judges should be deployed to sit in the county court, should there be provision for them to sit with one or more assessors where appropriate? (Please see paragraph 3.41 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that if employment judges are to be deployed to sit in the County Court that there should be provision for them to sit with 1 or more assessors. This mirrors the position within the employment tribunal where discrimination cases are still heard by a panel consisting of the employment judge with 2 lay members.

Other restrictions on the jurisdiction of employment tribunals

Consultation Question 10: Should employment tribunals have jurisdiction to hear a claim by an employee for damages for breach of contract where the claim arises during the subsistence of the employee's employment? (Please see paragraph 4.14 of the consultation paper.)

Yes

Please expand on your answer. :

The view of the Committee was a resounding yes that employment tribunals certainly should have jurisdiction to hear a claim by an employee for damages for breach of contract where the claim arises during the subsistence of the employee's employment. A view was shared by all that the current position whereby a claim of breach of contract while the employment relationship was continuing had to be dealt with in the County Court was an anomaly when it is clear that the most appropriate forum to consider such a claim is within the employment tribunal. Given that the employment relationship is continuing, the employment tribunal which is a generally more straight forward, less formal and familiar to employers is the most appropriate forum to potentially help facilitate the employment relationship in continuing.

Consultation Question 11: Should employment tribunals have jurisdiction to hear a claim for damages for breach of contract where the alleged liability arises after employment has terminated? (Please see paragraph 4.16 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee agree that employment tribunals should have jurisdiction to hear claims for damages for breach of employment contracts where the alleged liability arises after employment is terminated. Again based on the employment tribunal being the forum with the required expertise to deal with matter involving the employment relationship.

Consultation Question 12: We provisionally propose that the current £25,000 limit on employment tribunals' contractual jurisdiction should be increased. Do consultees agree? (Please see paragraph 4.28 of the consultation paper.)

Yes

Please expand on your answer.:

The Committee were in no doubt that we agree that the current £25,000.00 limit on the employment tribunal's contractual jurisdiction should be increased.

Consultation Question 13: What (if any) should the financial limit on employment tribunals' contractual jurisdiction be, and why? (Please see paragraph 4.30 of the consultation paper.)

Please provide your answer below. :

The Committee consider that raising the financial limit on employment tribunal's contractual jurisdiction to £100,000.00 to align with the high court minimum value for breach of contract claims would be appropriate. This would align the employment tribunal with the position in the County Courts as it is felt that employment tribunals are at a similar level to the County Court in terms of proceedings with the employment appeal tribunal being at the level of the high court when considering it from that point of view.

Consultation Question 14: If the financial limit on employment tribunals' contractual jurisdiction is increased, should the same limit apply to counterclaims by the employer as to the original breach of contract claim brought by the employee? (Please see paragraph 4.31 of the consultation paper.)

Yes

Please expand on your answer. :

The committee felt that in the interest of justice for both parties that if the financial limit on employment tribunals contractual jurisdiction is to be increased the same limit should apply to counter claims by the employer as the original breach of contract claim brought by the employee.

Consultation Question 15: Do consultees agree that the time limit for an employee's claim for breach of contract under the Extension of Jurisdiction Order should remain aligned with the time limit for unfair dismissal claims? (Please see paragraph 4.39 of the consultation paper.)

Yes

Please expand on your answer. :

Working on the basis that the committee agreed there should be an extension of time limits to 6 months for all employment tribunal claims it was agreed that time limits for employers breach of contract would remain aligned with the timing for unfair dismissal claims. It therefore follows that if there was not to be an extension to the time limit of unfair dismissal claims then likewise the time limit for the employers claim for breach of contract would remain aligned and the same at the current 3 months.

Should a different time limit apply if tribunals are given jurisdiction over claims that arise during the subsistence of an employee's employment? :

In the interests of consistency and certainty for those using the employment tribunal system we do not think that different time limits should apply for tribunals if they are given jurisdiction over claims that have arisen during the subsistence of an employee's employment.

Consultation Question 16: We provisionally propose that employment tribunals' contractual jurisdiction should not be extended to include claims for damages, or sums due, relating to personal injuries. Do consultees agree? (Please see paragraph 4.44 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that employment tribunals contractual jurisdiction should not be extended to include claims for damages or sums due relating to personal injury. Personal injuries are a specific area of law of which the County Court has considerable experience in dealing with and is the appropriate forum for such cases.

Consultation Question 17: We provisionally propose that the prohibition against employment tribunals hearing claims for contractual breaches relating to living accommodation should be retained. Do consultees agree? (Please see paragraph 4.46 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that the prohibition against employment tribunals hearing claims for contractual breaches relating to living accommodation should be retained.

Consultation Question 18: We provisionally propose that the prohibition against employment tribunals hearing breach of contract claims relating to intellectual property rights should be retained. Do consultees agree? (Please see paragraph 4.49 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that the prohibition against the employment tribunal hearing breach of contract claims relating to intellectual property rights should be retained. Once again due to most employment judges having little if any experience of intellectual property litigation and the points made at 4.48 within the consultation

Consultation Question 19: We provisionally propose that the prohibition against employment tribunals hearing claims relating to terms imposing obligations of confidence (or confidentiality) should be retained. Do consultees agree? (Please see paragraph 4.59 of the consultation paper.)

No

Please expand on your answer. :

Whilst the Committee did agree with the facts set out in 4.58 in relation to expanding the employment tribunal's jurisdiction to cover breach of confidentiality we do not agree that the prohibition against employment tribunals hearing claims relating to terms imposing obligations of confidence should be retained. It was felt by the Committee that the employment tribunal judges have the necessary expertise to deal with such cases and that this was an area whereby the concurrent jurisdiction could apply with the appropriate triage system, transfer capability and the case management considerations.

Consultation Question 20: We provisionally propose that the prohibition against employment tribunals hearing claims relating to terms which are covenants in restraint of trade should be retained. Do consultees agree? (Please see paragraph 4.60 of the consultation paper.)

No

Please expand on your answer. :

The Committee do not agree that the prohibition against the employment tribunals hearing claims relating to terms which are covenants in restraint of trade should be retained. It was felt by the Committee that in certain cases the employment tribunal may well be the best place to deal with such cases. If concurrent jurisdiction is given with appropriate triage in place we felt that the employment tribunal could form part of jurisdiction in certain cases to be able to deal with such cases efficiently and effectively.

Consultation Question 21: We provisionally propose that employment tribunals expressly be given jurisdiction to determine breach of contract claims relating to workers, where such jurisdiction is currently given to tribunals in respect of employees by the Extension or Jurisdiction Order. Do consultees agree? (Please see paragraph 4.64 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee entirely agreed that employment tribunals should be given expressed jurisdiction to determine breach of contract claims relating to workers where such jurisdiction is currently given to tribunals in respect of employees by the extension of the jurisdiction order. We consider that the jurisdiction to determine breach of contract claims relating to workers should exactly mirror employment tribunal's jurisdiction to determine breach of contract claims relating to employees.

Consultation Question 22: If employment tribunals' jurisdiction to determine breach of contract claims relating to employees is extended in any of the ways we have canvassed in consultation questions 10 to 20, should tribunals also have such jurisdiction in relation to workers? (Please see paragraph 4.65 of the consultation paper.)

Yes

Please expand on your answer. :

We do not consider that there should be any differences between employment tribunal's contractual jurisdiction in relation to employees and workers.

If consultees consider that there should be any differences between employment tribunals' contractual jurisdiction in relation to employees and workers, please provide details.:

Consultation Question 23: We provisionally propose that employment tribunals should not be given jurisdiction to determine breach of contract disputes relating to genuinely self-employed independent contractors. Do consultees agree? (Please see paragraph 4.67 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that employment tribunals should not be given jurisdiction to determine breach of contract disputes relating to genuinely self employed independent contractors as this is moving away from the employment relationship. We do however, think that there needs to be consideration in relation to those cases whereby a so called self employed contractor is claiming that they are in fact a worker or an employee and for example are claiming unlawful deduction of wages in relation to any outstanding wages. If they are unsuccessful in their determination of status and are found to be genuinely self employed then there needs to be a mechanism where they are open to bring their case within the county court at that point easily which could be by way of a transfer.

Consultation Question 24: We provisionally propose that employment tribunals should continue not to have jurisdiction to hear claims originated by employers against employees and workers. Do consultees agree? (Please see paragraph 4.70 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that employment tribunals should continue not to have jurisdiction to claims originated by employers against employees and workers.

Consultation Question 25: We provisionally propose that employers should continue not to be able to counterclaim in employment tribunals against employees and workers who have brought purely statutory claims against them. Do consultees agree? (Please see paragraph 4.73 of the consultation paper.)

Yes

Please expand on your answer. :

We agree that employers should continue not to be able to counter claim in employment tribunals against employees and workers who have brought purely statutory claims against them.

Consultation Question 26: Should employment tribunals have jurisdiction to interpret or construe terms in contracts of employment in order to exercise their jurisdiction under Part I of the ERA 1996? (Please see paragraph 4.78 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee felt it was sensible that employment tribunals should have jurisdiction to interpret or construe terms in contracts of employment in order to exercise the jurisdiction under part 1 of the ERA 1996. This would be particularly useful where parties are unrepresented and it was considered that the tribunal have necessary expertise and would make such cases much more workable in practice.

Consultation Question 27: Should employment tribunals be given the power to hear unauthorised deductions from wages claims which relate to unquantified sums? (Please see paragraph 4.99 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee firmly agree that the tribunals should be given power to hear unauthorised deductions from wages claims which relate to un quantified sums. Once again this would make such claims much more workable specifically to unrepresented parties. Employment Judges are often required to 'roll their sleeves up' get stuck in and calculate compensation and holiday pay and we saw no reason why they could not be involved in calculating the value of claim in unauthorised deductions of wages cases. This seems an unnecessary bar to some claims where individuals may find quantifying the sums that they are claiming for difficult.

Consultation Question 28:Where an employment tribunal finds that one or more of the “excepted deductions” listed by section 14(1) to 14(6) of the Employment Rights Act 1996 applies, should the tribunal also have the power to determine whether the employer deducted the correct amount of money from an employee’s or worker’s wages? (Please see paragraph 4.105 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee also felt that in order to make claims more workable employment tribunals should have the power to determine whether the employer deducted the correct amount of money from an employee or workers wages. It was felt by the Committee that the employment judges have the necessary expertise and experience in carrying out such calculations and determinations on a daily basis when calculating the compensation in other types of cases.

Consultation Question 29: Should employment tribunals be given the power to apply setting off principles in the context of unauthorised deductions claims? (Please see paragraph 4.108 of the consultation paper.)

Other

Please expand on your answer. :

We discussed both the pros and cons of employment tribunals being given the power to apply setting off principles in the context of unauthorised deductions claims. The majority view of the Committee was the making of unlawful deductions is an abuse of an employers process and powers and that employees should therefore be protected against this so Tribunal should not be given the power to apply the setting of principles in the context of unauthorised deductions claims. However, it was also felt that in some cases when it is clear that set off would bring justice to the situation it is difficult to argue against this. The Committee were keen to avoid employers being given the power to threaten to make setting off claims from a tactical point of view which could put off claimants, certainly those representing themselves, from bringing claims in the first place.

If so: (1) should the jurisdiction to allow a set off be limited to liquidated claims (ie claims for specific sums of money due)? :

It was felt that if the jurisdiction were to be extended that set off should certainly be limited to liquidated claims.

(2) should the amount of the set off be limited to extinguishing the employee’s claim?:

Any amount set off should be only limited to extinguishing an employees claim.

Consultation Question 30:We provisionally propose that employment tribunals should continue not to have jurisdiction in relation to employers’ statutory health and safety obligations. Do consultees agree? (Please see paragraph 4.116 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 31:We provisionally propose that employment tribunals should continue not to have jurisdiction over workplace personal injury negligence claims. Do consultees agree? (Please see paragraph 4.118 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 32:We provisionally propose that employment tribunals should retain exclusive jurisdiction over Equality Act discrimination claims which relate to references given or requested in respect of employees and workers and former employees and workers. Do consultees agree? (Please see paragraph 4.124 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 33: Do consultees consider that employment tribunals should have any jurisdiction over common law claims (whether in tort or contract) which relate to references given or requested in respect of employees and workers (and former employees and workers)? (Please see paragraph 4.125 of the consultation paper.)

No

Please expand on your answer. :

The Committee felt that common law claims (whether in tort or contract) relating to references given or requested in respect of employees and workers was moving into the law of defamation for which Tribunal judges may not have the necessary expertise. It was felt that with other areas where there could be power for judges to transfer claims from one jurisdiction to the other the ability to transfer common law claims where appropriate may be advantageous.

Concurrent jurisdiction

Consultation Question 34:Should employment tribunals and civil courts retain concurrent jurisdiction over equal pay claims? (Please see paragraph 5.36 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 35:Should the time limit for bringing an equal pay claim in employment tribunals be extended so that it achieves parity with the time limit for bringing a claim in the civil courts? (Please see paragraph 5.38 of the consultation paper.)

No

Please expand on your answer. :

The Committee felt that the time limit for bringing an equal pay claim in the employment tribunals should remain the same and not be extended to achieve parity with the time limit for bringing a claim in the civil courts.

Consultation Question 36: What other practical changes, if any, are desirable to improve the operation of employment tribunals' and civil courts' concurrent equal pay jurisdiction? (Please see paragraph 5.39 of the consultation paper.)

Please provide your views below. :

The Committee discussed the other practical changes to improve the operation of employment tribunals and civil courts having concurrent equal pay jurisdiction and considered the accurate assessment of where an equal pay case should be dealt with was important to ensure that the correct expertise was being applied in dealing with the case. There should be clear procedures put in place promoting the expertise required in the cases and making the transfer of cases to the Tribunals a straight forward process.

Consultation Question 37:Should the current allocation of jurisdictions across employment tribunals and the civil courts regarding the non-discrimination rule applying to occupational pension schemes remain unchanged? (Please see paragraph 5.49 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 38:The present demarcation of employment tribunals' and civil courts' jurisdictions over the TUPE Regulations 2006 should not be changed. Do consultees agree? (Please see paragraph 5.58 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 39:The present demarcation of employment tribunals', civil courts' and criminal courts' jurisdictions over the Working Time Regulations should not be changed. Do consultees agree? (Please see paragraph 5.67 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 40:Do consultees agree that the present demarcation of employment tribunals', civil courts' and criminal courts' jurisdictions over the NMW should not be changed? (Please see paragraph 5.79 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 41: We provisionally propose that the present demarcation of employment tribunals' and civil courts' jurisdictions over the Blacklists Regulations should not be changed. Do consultees agree? (Please see paragraph 5.87 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 42: Should the £65,300 cap applying to employment tribunal claims brought under the Blacklists Regulations be increased so that it is the same as the cap on compensatory awards for ordinary unfair dismissal claims, as amended from time to time? (Please see paragraph 5.88 of the consultation paper.)

Yes

Please expand on your answer. :

Are consultees aware of any cases affected by the £65,300 cap on compensation which have had to be brought in the civil courts?:

The Committee are not aware of any cases affected by the £65,300 cap on compensation which have had to be brought in the civil courts.

Consultation Question 43:Should members of trades or professions who are aggrieved by the decisions of their qualifications bodies be able to challenge such decisions on public law grounds in the High Court and separately be able to claim unlawful discrimination in the employment tribunal? (Please see paragraph 5.94 of the consultation paper.)

Yes

Please expand on your answer. :

If not, please would consultees explain why and what changes they would make.:

Consultation Question 44:Should any other changes be made to the jurisdiction of employment tribunals or of the civil courts in respect of alleged discrimination by qualifications bodies? (Please see paragraph 5.95 of the consultation paper.)

No

Please expand on your answer. :

The Committee did not think there were any other changes which should be made to the jurisdiction of employment tribunals or of the civil courts in respect of alleged discrimination by qualifications bodies.

Consultation Question 45:Should a police officer who is aggrieved by the decision of a police misconduct panel be able to challenge that decision by way of statutory appeal to the Police Appeals Tribunal and separately to complain that the decision is discriminatory in an employment tribunal? (Please see paragraph 5.97 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee agree with the judgement of the Supreme Court in the case of P v Metropolitan Police Commissioner.

If consultees take the view that the answer is “no”, what changes do they suggest?:

Restrictions on orders which may be made in employment tribunals

Consultation Question 46:Our provisional view is that employment tribunals should not be given the power to grant injunctions. Do consultees agree? (Please see paragraph 6.7 of the consultation paper.)

Yes

Please expand on your answer. :

Consultation Question 47:Should employment tribunals have the power to apportion liability between co-respondents in discrimination cases, so that each is separately liable to the claimant for part of the compensation? (Please see paragraph 6.13 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee consider that in certain cases it will be clear that liability should be apportioned between co-respondents in discrimination cases. To allow this to happen the Committee therefore felt that there should be power to apportion liability and the basis for doing so would be if and when the Tribunals considers it appropriate.

If so, on what basis should tribunals apportion liability? :

If and when the Tribunals considers it appropriate.

Consultation Question 48:We provisionally propose that employment tribunals should be given the power to make orders for contribution between respondents in appropriate circumstances and subject to appropriate criteria. Do consultees agree? (please see paragraph 6.20 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee felt that the risk of being held personally liable for contribution could be useful tool for employers in training and in working towards reducing harassment. If those within organisations know that they themselves could be ordered to pay compensation personally this may make them think twice about their actions rather than thinking they can hide behind their employer at least from a financial liability point of view.

If so, we welcome consultees' views as to appropriate circumstances and criteria.:

Consultation Question 49:If respondents are given the right to claim contribution from one another in employment tribunals, do consultees consider that... (Please see paragraph 6.21 of the consultation paper.)

this right should precisely mirror the position as regards common law claims brought in the civil courts?:

The Committee felt that right to claim contribution from one another in employment tribunals should precisely mirror the position in common law claims brought in the civil courts.

or be modified to suit the employment context? If the latter, we would be grateful to hear consultees' views on appropriate modifications.:

Consultation Question 50:Should employments tribunals be given the jurisdiction to enforce their own orders for the payment of money? (Please see paragraph 6.28 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee felt that the current enforcement regime was ok. However, the Committee consider that if it is felt that the current improved enforcement regime could be improved further, either speeded up or made more straightforward and effective, by giving employment tribunals jurisdiction to enforce their own orders for the payment of money then yes certainly the jurisdiction should be extended.

If so, what powers should be available to employment tribunals and what would be the advantages of giving those powers to tribunals instead of leaving enforcement to the civil courts? :

The employment appeal tribunal's jurisdiction

Consultation Question 51:Should the EAT be given appellate jurisdiction over the CAC's decisions in respect of trade union recognition and derecognition disputes? (Please see paragraph 7.18 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee consider that the EAT should be given appellate jurisdiction over the Central Arbitration Committee (CAC's) decisions in respect of trade union recognition and derecognition disputes. It is considered that the EAT have the necessary expertise and it is a benefit to bring such decisions closer to the employment tribunals system.

If such an appellate jurisdiction were created, do consultees agree that it should be limited to appeals on questions of law?:

Consultation Question 52:We provisionally propose that there is no need to alter or remove the EAT's current jurisdiction to hear original applications in certain limited areas. Do consultees agree? (Please see paragraph 7.22 of the consultation paper.)

Yes

Please expand on your answer. :

An employment and equalities list?

Consultation Question 53:We provisionally propose that an informal specialist list to deal with employment-related claims and appeals should be established within the Queen's Bench Division of the High Court. Do consultees agree? (Please see paragraph 8.8 of the consultation paper.)

Yes

Please expand on your answer. :

The Committee agree that it makes sense that an informal specialist list to deal with employment related claims and appeals should be established within the Queen's Bench Division of the High Court.

If so, what subject matter should come within its remit?:

Consultation Question 54:What name should it be given: Employment List, Employment and Equalities List or some other name? (Please see paragraph 8.9 of the consultation paper.)

Employment and Equalities List

Please expand on your answer. :

We consider that the Employment and Equalities List would be a suitable name.