



RESEARCH PAPER 05/59
26 AUGUST 2005

Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill

Bill 14 of 2005-06

The *Employment Tribunals (Representation and Assistance in Discrimination Proceedings) Bill* is sponsored by Marsha Singh MP who came first in the ballot for Private Members' Bills. It is due for its Second Reading on 14 October 2005.

At present legal aid is generally not available for representation in employment tribunals. The Bill seeks to establish a body independent of Government and the Legal Services Commission which will be responsible for administering the delivery of assistance and advice to Claimants in discrimination proceedings before an employment tribunal.

Vincent Keter

BUSINESS AND TRANSPORT SECTION

Ed Beale

ECONOMIC POLICY AND STATISTICS SECTION

HOUSE OF COMMONS LIBRARY

Recent Library Research Papers include:

05/43	The <i>Identity Cards Bill</i> [Bill 9 of 2005-06]	13.06.05
05/44	Social Indicators [includes articles: General Election 2005, NHS Waiting Lists and Targets in England]	13.06.05
05/45	The Future of the European Constitution 13.06.05	
05/46	Modernisation of the House of Commons 1997-2005	14.06.05
05/47	Unemployment by Constituency, May 2005	15.06.05
05/48	The <i>Racial and Religious Hatred Bill</i> [Bill 11 of 2005-06]	16.06.05
05/49	The <i>Violent Crime Reduction Bill</i> [Bill 10 2005-06]	17.06.05
05/50	<i>Regulation of Financial Services (Land Transactions) Bill</i> [Bill 7 of 2005-06]	17.06.05
05/51	<i>Civil Aviation Bill</i> [Bill 12 of 2005-06]	23.06.05
05/52	The <i>Immigration, Asylum and Nationality Bill</i> [Bill 13 of 2005-06]	30.06.05
05/53	Economic Indicators, June 2005	01.07.05
05/54	Unemployment by Constituency, June 2005	13.07.05
05/55	The <i>London Olympics Bill</i> [Bill 45 of 2005-06]	14.07.05
05/56	<i>Armed Forces (Parliamentary Approval for Participation in Armed Conflict) Bill</i> [Bill 16 of 2005-06]	08.08.05
05/57	Unemployment by Constituency, July 2005	17.08.05

Research Papers are available as PDF files:

- to members of the general public on the Parliamentary web site,
URL: <http://www.parliament.uk>
- within Parliament to users of the Parliamentary Intranet,
URL: <http://hcl1.hclibrary.parliament.uk>

Library Research Papers are compiled for the benefit of Members of Parliament and their personal staff. Authors are available to discuss the contents of these papers with Members and their staff but cannot advise members of the general public. Any comments on Research Papers should be sent to the Research Publications Officer, Room 407, 1 Derby Gate, London, SW1A 2DG or e-mailed to PAPERS@parliament.uk

Summary of main points

The Bill was presented on 22 June 2005.¹ It is almost identical to a previous Private Members' Bill of the same title, presented in January 2005, also sponsored by Marsha Singh.² Discrimination claims have a comparatively low success rate at tribunal. Discrimination remains a problem in employment as is evidenced in part by continuing race and gender pay gaps and work segregation. There is also concern about the complexity of discrimination law and the impact this has had on discrimination cases.

Legal aid is not available for hearings in employment tribunals in England and Wales. Legal aid can however be sought for appeals to the Employment Appeals Tribunal (EAT) and beyond. In Scotland legal aid in employment tribunals has been made available in complex cases where the failure to make legal assistance available would amount to a violation of the right to a fair hearing under Article 6(1) of the *European Convention on Human Rights*. Claimants in discrimination claims may nevertheless be able to access legal help in a variety of ways. Solicitors may, in some cases, provide publicly-funded legal help for all stages of the claim except the final hearing. Many claims do not reach final hearing but are settled or withdrawn.

Employer's organisations sometimes complain that employers cannot recover legal costs from unsuccessful claimants. Small firms often say that the burden of employment regulations is one of their prominent concerns. This forms part of a wider debate about whether there is a need to reduce regulatory burdens and red tape which have a disproportionate impact on small firms. In addition small firms have found that the costs of insuring themselves against employer's liabilities have been increasing substantially.

The current *Equality Bill* (HL Bill 17 of 2005-06) proposes establishing a new Commission for Equality and Human Rights (CEHR). This body, together with other Government reviews, is intended to pave the way for a simplification of discrimination law in a *Single Equality Act* by the end of the current Parliament. Whether this will substantially improve the prospects of claimants in discrimination claims has not been assessed. The proposed CEHR will in any event have broadly similar powers to support litigation as the existing three equality commissions which it will replace.

While the *Equality Bill* will preserve existing powers, this Bill proposes to complement these powers by establishing an independent board with the primary aim of ensuring that eligible complainants are provided with assistance and representation in discrimination claims both in case preparation and in the proceedings themselves. Since representation in employment tribunals is not restricted or regulated, the delivery of these services can take different forms than would normally be the case in the provision of civil legal aid. The Bill therefore also provides for the accreditation of bodies which will be able to deliver these services at the lowest cost on a not-for-profit basis. The board will be publicly funded and will have the power to fund accredited bodies. The board will also be able to fund other providers of such services in areas where an accredited body has for some reason not been established.

¹ HC Deb 22 June 2005 c815

² Bill 28 of 2004-05, 12 January 2005

CONTENTS

I	The Bill	7
II	Statistics and analysis	9
III	Employment Tribunals Procedure	13
IV	Discrimination Law and Policy	15
	A. Discrimination	15
	B. Legislative Reform	16
	1. Review	16
	2. The <i>Equality Bill 2005-06</i>	17
V	Public Funding for Legal Services	18
	A. Civil Legal Aid	18
	B. Legal Services in Employment Tribunals	19
	C. Compensation and Regulation	20
	1. “Compensation Culture”	20
	2. Employment Regulation	22
	3. Employers Liability Insurance	23
	D. Legal Aid for Employment Tribunals in Scotland	24
	Appendix 1: Help and advice in employment disputes	26
	Appendix 2: Contacts	27

I The Bill

The Bill proposes to create a Tribunal Assistance and Representation Board. The constitution of the Board is set out in Schedule 1. The drafting of the constitution fits the general model of a Non Departmental Public Body (NDPB), described in Cabinet Office guidance as follows:

The term ‘NDPB’ has been in existence since 1980 when it was coined by Sir Leo Pliatsky in his ‘Report on Non Departmental Public Bodies’. An NDPB is described as:

“ A body which has a role in the processes of national government, but is not a government department, or part of one, and which accordingly operates to a greater or lesser extent at arm’s length from ministers.”

NDPBs have a national or regional remit and carry out a wide range of important functions. Their distance from government means that the day-to-day decisions they make are independent as they are removed from ministers and Civil Servants. Ministers are however ultimately responsible to parliament for an NDPB’s independence; its effectiveness; and efficiency.³

Legal aid is not available for representation in employment tribunals in England and Wales, although it is available to a limited extent in Scotland. Although the proposed body will have no apparent relationship with the Legal Services Commission (responsible for the provision of legal aid) its functions are effectively the same, albeit transferred to the employment tribunal environment where rights of audience are not regulated and anyone may represent anyone else.

This means that legal and other services can be delivered in different ways than would necessarily be the case in the provision of legal aid, which is mostly disbursed as payments to solicitors and barristers. Accordingly, the Bill provides for a system of accreditation managed by the Board which will result in a number of “accredited bodies” which will then be funded by the Board to provide representation and assistance in employment tribunals at the lowest possible cost and on a not-for-profit basis.⁴

In addition, the Board may alternatively arrange for and fund the provision of such services by “bodies or persons” other than accredited bodies.⁵

The Board and the accredited bodies will be publicly funded. The Board will present the Lord Chancellor with estimates of its funding needs for a given financial year. Following this, the Lord Chancellor will be under a duty to secure funding at this level or at a greater level from public funds. Clause 3 reads as follows:

³ Cabinet Office, [Non Departmental Public Bodies A Guide for Departments c\) Policy and characteristics of an NDPB](#).

⁴ Clauses 4 and 5

⁵ Clause 5, paragraphs (5) and (6)

(1) At least three months before the beginning of each relevant financial year, the Board shall prepare and send to the Lord Chancellor an estimate of its funding needs for that financial year.

(2) An estimate prepared under subsection (1) shall specify the needs in relation to each of the functions of the Board set out in section 2(2) and the overall funding needs of the Board.

(3) It shall be the duty of the Lord Chancellor to secure that there is paid to the Board out of money provided by Parliament in respect of each financial year an amount that is equal to or greater than the total funding needs of the Board contained in the estimate relating to that financial year prepared under subsection (1).

(4) *In pursuance of his duty under subsection (3), the Lord Chancellor may direct—*

(a) the Secretary of State, and

(b) an equality Commission,

to pay to the Board such amounts as may be specified in the direction.

(5) In this section, “relevant financial year” means each financial year referred to in paragraph 15(7)(b) of Schedule 1

This would give the proposed body a high level of independence and can be compared to the normal funding provisions for NDPBs. For example the relevant clause relating to the new Commission for Equality and Human Rights (CEHR) proposed in the current *Equality Bill 2005-06* states as follows:

The Secretary of State shall pay to the Commission such sums as appear to the Secretary of State appropriate for the purpose of enabling the Commission to perform its functions.

Assistance and representation will be afforded to “eligible complainants” in an employment tribunal or the Employment Appeals Tribunal (EAT). The provision of the services will not be means tested. Claimants who are already receiving assistance from an equality commission or a union will not be eligible. The three current equality commissions are:

- Equal Opportunities Commission (EOC) ⁶
- Commission for Racial Equality (CRE) ⁷
- Disability Rights Commission (DRC) ⁸

Clause 12(3)(b) refers to assistance by the CRE or “under section 30 of the *Equality Act 2005*”. This is intended to take into account of the current *Equality Bill* (yet to become the “*Equality Act 2005*”) which contains provision for the powers of the three current equality commissions to be transferred to a new body which will be called the Commission for Equality and Human Rights (CEHR). The Government have announced that the CRE, unlike the other two commissions, will not be dissolved until at least 2009, to allow for a gradual transition of powers.

⁶ <http://web.archive.org/web/20040318151510/http://www.eoc.org.uk/>

⁷ <http://web.archive.org/web/20040405220852/http://www.cre.gov.uk/>

⁸ <http://web.archive.org/web/20040325034632/http://www.drc-gb.org/>

II Statistics and analysis

Table 1 shows the number of employment tribunal claims registered by the nature of the claim in each of the last three years. Discrimination claims registered have increased from 11.6% of all claims registered in 2002/03 to 13.2% in 2004/05. Equal pay and sex discrimination claims were higher in 2004/05 compared with 2002/03, while disability and race discrimination claims had both fallen over this period.

Table 1: Employment tribunal claims registered by nature of claim^(a)

	Number of claims			% of total claims		
	2002/03	2003/04	2004/05	2002/03	2003/04	2004/05
Unfair dismissal ^(b)	46,534	46,370	39,727	27.0	23.5	25.5
Unauthorised deductions	39,451	42,524	37,470	22.9	21.5	24.0
Breach of contract	29,635	29,661	22,788	17.2	15.0	14.6
Sex discrimination	11,001	17,722	11,726	6.4	9.0	7.5
Working Time Directive	6,436	16,869	3,223	3.7	8.5	2.1
Redundancy pay	8,558	9,087	6,877	5.0	4.6	4.4
Disability discrimination	5,310	5,655	4,942	3.1	2.9	3.2
Redundancy - failure to inform and consult	3,112	5,630	3,664	1.8	2.9	2.3
Equal pay	5,053	4,412	8,229	2.9	2.2	5.3
Race discrimination	3,638	3,492	3,317	2.1	1.8	2.1
Written statement of terms and conditions	2,753	3,288	1,992	1.6	1.7	1.3
Written statement of reasons for dismissal	1,658	1,829	1,401	1.0	0.9	0.9
Written pay statement	1,117	1,387	1,076	0.6	0.7	0.7
Transfer of an undertaking - failure to inform and consult	1,054	1,321	1,031	0.6	0.7	0.7
Suffered a detriment/Unfair dismissal - pregnancy ^(c)	1,028	1,170	1,345	0.6	0.6	0.9
Part Time Workers Regulations	500	833	561	0.3	0.4	0.4
National minimum wage	829	613	597	0.5	0.3	0.4
Discrimination on grounds of Religion or Belief	0	70	307	0.0	0.0	0.2
Discrimination on grounds of Sexual Orientation	0	61	349	0.0	0.0	0.2
Others	4,655	5,371	5,459	2.7	2.7	3.5
All discrimination claims ^(d)	19,949	27,000	20,641	11.6	13.7	13.2
All claims	172,322	197,365	156,081	100.0	100.0	100.0

Notes: (a) A claim may be brought under more than one jurisdiction or subsequently amended or clarified in the course of proceedings but will be counted only once.

(b) This figure now includes the jurisdiction for unfair dismissal as a result of a transfer of an undertaking, which was previously shown separately.

(c) This figure now includes three jurisdiction relating to pregnancy that were previously recorded under 'Other'.

(d) This column is the sum of sex, disability, race, religious and sexual discrimination claims.

Source: Employment Tribunal Service, *Annual Report and Accounts 2004/05*, p28, table 1.

Table 2 displays the number of discrimination claims disposed of in each of the financial years since 1999/00. The number of all types of discrimination claims disposed of has increased over the time period shown. However, the largest proportionate increases have been in sex discrimination and equal pay claims. Furthermore, as a proportion of all claims disposed of, sex discrimination case were 6.5 percentage points higher in 2004/05 than in 1999/00. In contrast race discrimination cases had fallen from 3.0% of all claims disposed of in 1999/00 to 2.1% in 2004/05.

Table 2: Discrimination claims disposed of: 1999/00 to 2004/05

	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05
Level						
Sex discrimination	3,809	5,857	13,268	9,249	10,254	16,211
Race discrimination	2,499	3,831	3,438	3,390	3,117	3,080
Disability discrimination	1,374	3,341	3,627	4,030	3,925	4,673
Equal pay ^(a)	590	1,591	3,717	1,730	2,195	3,943
All discrimination claims ^(b)	8,272	14,620	24,050	18,399	19,491	27,907
All claims	83,409	129,725	139,059	132,492	126,793	146,951
% of all claims						
Sex discrimination	4.6	4.5	9.5	7.0	8.1	11.0
Race discrimination	3.0	3.0	2.5	2.6	2.5	2.1
Disability discrimination	1.6	2.6	2.6	3.0	3.1	3.2
Equal pay ^(a)	0.7	1.2	2.7	1.3	1.7	2.7
All discrimination claims ^(b)	9.9	11.3	17.3	13.9	15.4	19.0
All claims	100.0	100.0	100.0	100.0	100.0	100.0

Note: (a) The number of equal pay claims rose significantly from 2000/01 due to a ruling by the House of Lords in 2001 on part-time worker pensions cases.

(b) This column is the sum of equal pay and sex, disability and race discrimination claims.

Sources: Employment Tribunal Service, *Annual Report and Accounts*, 1999/00 to 2004/05, table 2.

Table 3 shows the outcome of all employment tribunal claims disposed of in 2004/05 by the nature of the claim. The proportion of successful claims at tribunal for sex, race and disability discrimination claims were 1.8%, 3.5% and 5.1% respectively compared with a success rate of 28.5% for redundancy pay claims. Equal pay was the only type of claim that had a lower success rate at tribunal than sex, race or disability discrimination.

Table 3: Outcome of Employment Tribunal cases disposed of in 2004/05 by nature of claim

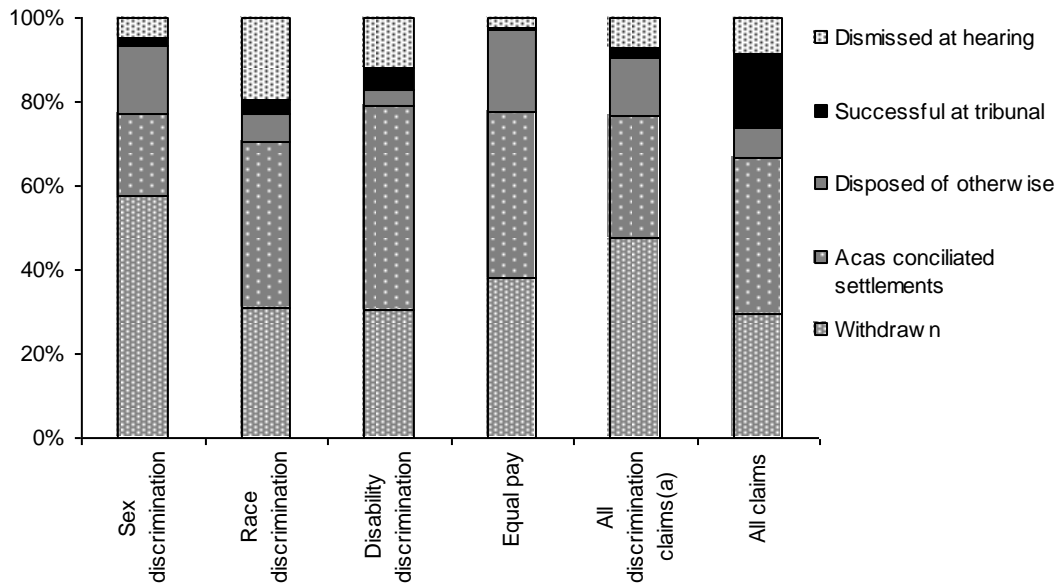
	Withdrawn	Acas conciliated settlements	Disposed of otherwise	Successful at tribunal	Dismissed at hearing	Total
Number of cases						
Unfair dismissal	9,274	16,631	2,033	3,493	4,051	35,482
Unauthorised deduction of wages	8,066	12,078	1,622	5,314	2,206	29,286
Breach of contract	4,323	6,409	1,037	2,414	1,553	15,736
Redundancy pay	1,747	1,501	552	1,699	464	5,963
Sex discrimination	9,355	3,157	2,623	299	777	16,211
Race discrimination	960	1,215	195	107	603	3,080
Disability discrimination	1,419	2,280	172	236	566	4,673
Working time	747	1,693	344	9,249	222	12,255
Equal pay	1,493	1,559	778	20	93	3,943
National minimum wage	34	47	54	25	79	239
Others	6,066	7,663	1,046	3,616	1,692	20,083
All discrimination claims ^(a)	13,227	8,211	3,768	662	2,039	27,907
All claims	43,484	54,233	10,456	26,472	12,306	146,951
% of total						
Unfair dismissal	26.1	46.9	5.7	9.8	11.4	100.0
Unauthorised deduction of wages	27.5	41.2	5.5	18.1	7.5	100.0
Breach of contract	27.5	40.7	6.6	15.3	9.9	100.0
Redundancy pay	29.3	25.2	9.3	28.5	7.8	100.0
Sex discrimination	57.7	19.5	16.2	1.8	4.8	100.0
Race discrimination	31.2	39.4	6.3	3.5	19.6	100.0
Disability discrimination	30.4	48.8	3.7	5.1	12.1	100.0
Working time	6.1	13.8	2.8	75.5	1.8	100.0
Equal pay	37.9	39.5	19.7	0.5	2.4	100.0
National minimum wage	14.2	19.7	22.6	10.5	33.1	100.0
Others	30.2	38.2	5.2	18.0	8.4	100.0
All discrimination claims ^(a)	47.4	29.4	13.5	2.4	7.3	100.0
All claims	29.6	36.9	7.1	18.0	8.4	100.0

Note: (a) This column is the sum of sex, disability and race discrimination claims.

Source: Employment Tribunal Service, Annual Report and Accounts, 2004/05, table 2.

Chart 1 below displays outcome of selected types of employment tribunal claims disposed of in 2004/05:

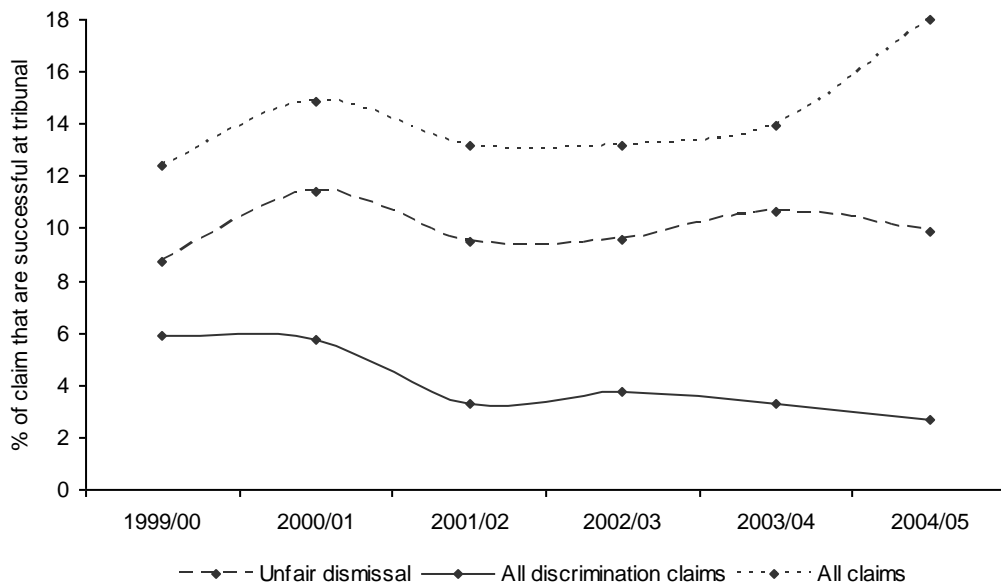
Chart 1: Outcome of employment tribunal cases by nature of claim in 2004/05; % of total



[Source: Employment Tribunal Service, Annual Report and Accounts, 1999/00 to 2004/05, table 2]

Chart 2 below shows that, historically, the proportion of discrimination claims that are successful at tribunal has been consistently low compared with other types of claims.

Chart 2: Outcome of discrimination claims disposed of: 1999/00 to 2004/05



[Source: Employment Tribunal Service, Annual Report and Accounts, 1999/00 to 2004/05, table 2]

The level and proportion of discrimination claims that are successful, broken down by type, since 1999/00 are show in table 4 below. In 2004/05, of all types of discrimination claim, disability discrimination claims were likely to be most successful (5.1%), while equal pay claim were likely to be least successful (0.5%).

Table 4: Discrimination claims successful at tribunal

	Sex discrimination		Race discrimination		Disability discrimination		Equal pay ^(a)		All discrimination claims ^(b)		All claims	
	Level	% of total	Level	% of total	Level	% of total	Level	% of total	Level	% of total	Level	% of total
1999/00	233	6.1	170	6.8	67	4.9	9	1.5	479	5.9	10,349	12.4
2000/01	417	7.1	220	5.7	185	5.5	18	1.1	840	5.7	19,287	14.9
2001/02	368	2.8	129	3.8	137	3.8	161	4.3	795	3.3	18,271	13.1
2002/03	363	3.9	115	3.4	148	3.7	59	3.4	685	3.7	17,469	13.2
2003/04	306	3.0	120	3.8	156	4.0	58	2.6	640	3.3	17,707	14.0
2004/05	299	1.8	107	3.5	236	5.1	20	0.5	662	2.7	26,472	18.0
Level & % point change												
1999/00-2004/05:	66	-4.3	-63	-3.3	169	0.2	11	-1.0	183	-3	16,123	5.6

Notes: (a) The number of equal pay claims rose significantly from 2000/01 due to a ruling by the House of Lords in 2001 on part-time worker pensions cases.

(b) This column is the sum of equal pay and sex, disability and race discrimination claims.

Sources: Employment Tribunal Service, *Annual Report and Accounts*, 1999/00 to 2004/05, table 2.

Table 5 below displays civil legal aid budgets in England and Wales for each year since 2000/01. As a proportion of the total Legal Services Commission's budget, the civil legal aid budget has fallen from 47.6% in 2000/01 to 43.2% in 2003/04.

Table 5: Civil legal aid budget allocations
England & Wales

	Community Legal Services		Total Legal Services Commission budget (£ million)
	£ million	% of total	
2000/01	791.9	47.6	1,664.4
2001/02	734.5	42.8	1,716.9
2002/03	812.8	42.6	1,908.6
2003/04	897.9	43.2	2,076.4

Source: Annual Report, Legal Services Commission, various editions

III Employment Tribunals Procedure

An employment tribunal generally consists of three members. The chairman is a solicitor or barrister of at least seven years standing. Of the remaining two lay members, one is chosen from a panel of employer representatives and the other from a panel of employee representatives. The tribunal determines the case between the Applicant and Respondent after hearing evidence and submissions. The hearing is less formal than a court hearing. The chairman can deal with some matters sitting alone. Since 1997, the administration of the tribunals and their caseload has been done by the Employment Tribunals Service, an executive agency of the Department for Trade and Industry. Appeals lie to the EAT, on a point of law, and thereafter to the Court of Appeal.

There are a variety of ways that cases can be settled before a hearing. Many of these involve the services of the Advisory Conciliation and Arbitration Service (ACAS). *The Employment Act 2002* introduced a new focus on encouraging dispute resolution in the

workplace intended to reduce the burdens of litigation on tribunals, employees and industry.

There is no restriction on rights of audience in tribunals and parties may choose whomever they want to represent them or they can represent themselves. Lay consultants often appear as representatives and the tribunal service publishes guidelines for lay representatives on how to conduct themselves at hearings. Bar school students are also encouraged to take on cases through the Free Representation Unit as a way of gaining advocacy experience.⁹ The position of non-legally qualified advisers giving legal advice generally, particularly in relation to employment law matters, was considered in the Blackwell Report.¹⁰ The report, commissioned by the Lord Chancellor in 1999, concluded that restricting representation was not advisable but did suggest that the trade unions should publish a code of practice for lay advisers and take a more proactive role in representation of their own members.

The current employment tribunal rules of procedure are contained in the *Employment Tribunals (Constitution and Rules of Procedure) Regulations 2004* SI No.1861. A duty to ensure that parties are on an equal footing is contained in the overriding objective:

3 Overriding objective

[(1) The overriding objective of these Regulations and the rules in Schedules 1, 2, 3, 4, 5 and 6 is to enable tribunals and chairmen to deal with cases justly.]

(2) Dealing with a case justly includes, so far as practicable:—

- (a) ensuring that the parties are on an equal footing;
- (b) dealing with the case in ways which are proportionate to the complexity or importance of the issues;
- (c) ensuring that it is dealt with expeditiously and fairly; and
- (d) saving expense.

[(3) A tribunal or chairman shall seek to give effect to the overriding objective when it or he:

- (a) exercises any power given to it or him by these Regulations or the rules in Schedules 1, 2, 3, 4, 5 and 6; or
- (b) interprets these Regulations or any rule in Schedules 1, 2, 3, 4, 5 and 6.]

(4) The parties shall assist the tribunal or the chairman to further the overriding objective.

Procedure in the Employment Appeal Tribunal (EAT) is set out in a Practice Direction. A similar overriding objective exists to ensure that parties are on an equal footing. This is set out in paragraph 1.4.1 of the Practice Direction.¹¹

⁹ FRU website: <http://web.archive.org/web/20040611044600/http://www.fru.org.uk/mainfrme.htm>

¹⁰ Dept. for Constitutional Affairs: *Blackwell Report*

¹¹ *Practice Direction (Employment Appeal Tribunal – Procedure) 2004*:
<http://www.justcite.com/Document/e7jsrUrxA0LxsKjloYidn2CdIIOuDYl2CKL2y0L2BULezlOdm9baa/practice-direction-employment-appeal-tribunal-procedure-2004>

IV Discrimination Law and Policy

A. Discrimination

The continued existence of discrimination and inequality remains a substantial concern of Government. The Regulatory Impact Assessment (RIA) for the current proposals in the *Equality Bill 2005-06* to establish the Commission for Equality and Human Rights (CEHR) gives the following broad account of the problem:

Extent of Discrimination in the UK

The changing nature of our society poses significant, complex and new challenges to social, economic and political life. There is still much discrimination, of many kinds, experienced in the UK, of which the following are just a few examples:

- a. The Prime Minister's Strategy Unit report of 2003 on the participation of people from ethnic minorities in the labour market illustrated the gap between white and non-white participation in employment, pointing to higher unemployment rates for ethnic minorities by some 10-15%. Due to their younger demographic profile, ethnic minorities are projected to account for over half the growth in Britain's working age population over the next decade.¹² Furthermore, 67% of people from BME communities live in the 88 most deprived districts in England (compared to 37% of the white population).¹³
- b. Although more women form part of the work force than ever before, they still earn significantly less than their male counterparts (pay gap has been measured at 18% for 2003¹⁴) and are concentrated in lower-skilled occupations and part-time employment. Women are also particularly prone to discrimination as a result of pregnancy¹⁵.
- c. There are around 10 million disabled adults (22% of the adult population) in Great Britain who are likely to be covered by the Disability Discrimination Act.¹⁶ While 6.9 million of these are of working age¹⁷, disabled people are nearly nine times as likely as non-disabled people to be out of work and claiming benefits. Furthermore, disabled people are twice as likely as non-disabled people to have no qualifications and half as likely to be in further or higher education. Health and social care, and public transport are areas where disabled people can experience real difficulties in accessing services.
- d. By 2006 there will be more people aged 55-64 than people aged 16-24 for the first time. 45-59 year olds will form the largest group in the labour

¹² Ethnic Minorities and the Labour Market, Prime Ministers Strategy Unit, Cabinet Office, 2003.

¹³ Strength in Diversity: Towards a Community Cohesion and Race Equality Strategy, 2004.

¹⁴ Source: Office of national Statistics

¹⁵ EOC Research findings "Pregnant and Productive" - 2005

¹⁶ Data sourced from Family Resource Survey 2002/03.

¹⁷ Data sourced from Labour Force Survey 2003

force by 2006.¹⁸ Older people – who already experience discrimination in the labour market – will need choices and opportunities to continue in work and save for their retirement. Younger workers can be disadvantaged in the labour market, because of assumptions made about their lack of ability and experience. In areas other than employment, there are the challenges of promoting civic participation and engagement of young people. It is estimated that the costs of age discrimination to Gross Domestic Product could be in the order of billions of pounds per year.¹⁹

- e. Discrimination against lesbians, gay men or bisexuals is still prevalent in our society. One survey of secondary school teachers found that 82% were aware of homophobic verbal bullying in their school.²⁰ Homophobic harassment and violence in Britain continues to affect the lives of lesbians, gay men and bisexuals, and many are fearful or lack confidence in reporting such incidents to the police.
- f. The majority of the UK population, just over three quarters, report having a religion with over 70% identifying themselves as Christian. A significant minority (over 15%) have no religious affiliation. Most faith groups believe that employers do not respect or understand their religious customs. Muslim, Sikh and Hindu organisations report that their members frequently experience unfair treatment in education, employment, housing, criminal justice and local government.²¹

It is not feasible to quantify the lost output from these and other exclusions, but the potential gains from reversing them could be felt throughout society. Indicators of social participation also suggest that the groups above figure to a large degree in many categories of disadvantage, with the high welfare costs and risks to social cohesion this implies.²²

B. Legislative Reform

1. Review

The piecemeal accumulation of discrimination legislation over many years has resulted in an extremely large and complex body of law which often requires professional expertise to operate and interpret. This in turn places greater burdens on employers and tribunals leading to protracted and costly litigation. Discrimination law is also uneven in the protections available to different equality strands.

¹⁸ Data sourced from The Employers' Forum on Age website. <http://www.efa.org.uk>

¹⁹ Partial Regulatory Impact Assessment for Age Discrimination Legislation. DTI, 2005. <http://collections.europarchive.org/tna/20070905121736/http://www.berr.gov.uk/files/file16398.pdf>

²⁰ Playing it Safe: Response of Secondary School Teachers to Lesbian and Gay Pupils, Bullying, HIV and AIDS Education and Section 28. Terence Higgins Trust, 1997

²¹ Religious Discrimination in England and Wales. Home Office 2001. <http://collections.europarchive.org/tna/20070906203022/http://www.homeoffice.gov.uk/rds/pdfs/hors220.pdf>

²² DTI, *Regulatory Impact Assessment for the Commission for Equality and Human Rights*, May 2005: http://collections.europarchive.org/tna/20060213220141/http://www.womenandequalityunit.gov.uk/publications/establishment_of_cehr.doc

In recognition of this, the Government have recently set up the Equalities Review and the Discrimination Law Review. The announcement came in a Ministerial Statement of 25 February 2005.²³ The Equalities Review was described in the press release as follows:

The Equalities Review, which will be chaired by Trevor Phillips and report to the Prime Minister by the summer of 2006, will:

- * investigate the social, economic, cultural and other factors that limit or deny people the opportunity to make the best of their abilities;
- * provide an understanding of the long term and underlying causes of disadvantage that need to be addressed by public policy;
- * make practical recommendations on key policy priorities for: the Government and public sector; employers and trade unions; civic society and the voluntary sector; and
- * inform both the modernisation of equality legislation, towards a Single Equality Act; and the development of the new Commission for Equality and Human Rights.²⁴

The Discrimination Law Review was described in the same press release as follows:

Working in parallel to the Equalities Review, the Department of Trade and Industry will begin new work informed by the Equalities Review on the development of a simpler, fairer legal framework. Involving several government departments, the Discrimination Law Review will assess how our anti-discrimination legislation can be modernised to fit the needs of Britain in the 21st Century. This work will consider the approaches that are effective in eradicating remaining discrimination but avoid imposing unnecessary, bureaucratic burdens on business and public services.²⁵

2. The Equality Bill 2005-06

The current *Equality Bill* dissolves the EOC, CRE and DRC and replaces them with a single equality body: The CEHR. Many commentators believe that a Single Equality Body will not work without a *Single Equality Act*.

For example, the TUC, in its response to a companion consultation document, *Equality and Diversity: The Way Ahead*, said:

In the interests of social justice and fairness, a single equality act should establish high and consistent standards of protection across all equalities areas. A single equality body established without the full statutory backing of fair, comprehensive

²³ HC Deb 25 February 2005 cc68-70WS

²⁴ Joint DTI and Cabinet Office Press Release, *Review of causes of discrimination announced*, 25 February 2005:
<http://web.archive.org/web/20050424113759/http://www.gnn.gov.uk/environment/detail.asp?ReleaseID=148053&NewsAreaID=2&NavigatedFromDepartment=False>

²⁵ *Ibid.*

and transparent equality legislation would lack authority and have trouble dealing with the expectations of different interest groups.²⁶

The CRE put forward the following case:

What is wrong with the current legislation?

- It is complex and inaccessible – there are 30 Acts, 38 Statutory Instruments, 11 Codes of Practice and 12 EC Directives and Recommendations, which makes it hard for employers to keep track of their responsibilities.
- It is unequal, giving more rights to some people than to others. In particular, it is still legal for suppliers of goods and services to discriminate against people on grounds of their religion, sexual orientation and age. So, for example, a Muslim family who are refused accommodation because they are Muslim have no redress, but a Jewish or Sikh family could take action because the law treats them as belonging to an ethnic group as well as a religious group. This is unfair, illogical and works against the principle of equality.
- It is confusing because it is inconsistent – key terms are still defined differently in different Acts, and the remedies victims get vary depending on the reason for the discrimination. This makes no sense to people facing discrimination and is confusing for employers.
- It is backward looking, relying on victims to challenge discrimination after the event instead of making sure institutions act to prevent discrimination happening. The only exception is the innovative and relatively new law that requires public sector bodies to take active steps to promote race equality.

What needs to change?

Ideally we need a single Act bringing everything together in a clear, straightforward way. But the key is getting the content of a new Act right. Our priorities are:

- Common, clear standards that employers and the public can understand, including consistent definitions of key terms and common and effective remedies
- A positive duty for all public bodies to promote equality for all, not just for race equality
- Protection from discrimination on grounds of sexual orientation, religion and belief and age to be extended to goods, facilities and services
- A general principle of equality: an over-riding principle of UK domestic law that no unjustified discrimination is permissible.²⁷

V Public Funding for Legal Services

A. Civil Legal Aid

The *Access to Justice Act 1999* introduced a number of changes to publicly funded legal services in England and Wales. Amongst other things it created the Legal Services

²⁶ TUC response January 2003

²⁷ Commission for Racial Equality, *Why Britain needs a single equality act*, July 2002

Commission, a non-departmental public body which administers two new services, the Community Legal Service (CLS) and the Criminal Defence Service (CDS).²⁸ The CLS, which began work in April 2000, provides access to legal and advice services in relation to civil proceedings, in place of what had previously been known as civil legal aid. The CDS provides legal advice, assistance or representation to people suspected of involvement in a crime, as the interests of justice require, in place of the previous arrangements for criminal legal aid. There have been calls for a ring fencing of the civil legal budget by the Constitutional Affairs Committee:

148. There are human rights obligations in relation to civil cases. There is significant evidence of unmet need for legal services by many in society—often among those who are most vulnerable. Too much has been squeezed out of the CLS budget as a result of the twin pressures of criminal and asylum work. Civil Legal Aid has become the Cinderella of the Government's services to address social exclusion and poverty. The highly desirable extension of provision and services has been possible only at the expense of cutting back on eligibility, scope and remuneration. This process has now gone too far.²⁹

Proposals for reform of civil legal aid set were out in a July 2004 Legal Services Commission consultation paper *A New Focus for Civil Legal Aid—Encouraging Early Resolution; Discouraging Unnecessary Litigation*. The main theme of the paper was to refocus the civil legal aid scheme to encourage early resolution and the use of alternative dispute resolution (ADR) measures such as negotiation or mediation and away from contested litigation. From the Ministerial statement on the results of the consultation it is clear that there will be no change to the civil legal aid position in respect of employment tribunals in England and Wales.³⁰

B. Legal Services in Employment Tribunals

Employment tribunals are intended to be accessible to those who are representing themselves so the basic rule is that public funding will not be available except for appeals. However, legal help is sometimes available in appropriate cases from a variety of sources. This may or may not include representation at a contested hearing. On 1 April 2000 legal aid was replaced by “legal help” which covers advice and “help at court” covering representation in court. This would cover appeals to the EAT and cases involving an employment contract claim pursued through the courts instead of the tribunal system. As in the past with legal aid, these are means tested services and are now administered by the Legal Services Commission which replaced the Legal Aid Board.³¹

²⁸ Useful website on legal aid: <https://web.archive.org/web/20020601170528/http://www.justask.org.uk>

²⁹ Constitutional Affairs Committee, *Civil Legal Aid: adequacy of provision*, (HC 391) 16 July 2004, <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmconst/391/391.pdf>

³⁰ HC Deb 2 March 2005 c85-7WS:

http://www.publications.parliament.uk/pa/cm200405/cmhansrd/vo050302/wmstext/50302m01.htm#50302m01.html_sbhd0

³¹ Qualification levels were changed on 7 April 2003 - see LCD Press Release 107/03 of 11 March 2003 and the [Community Legal Service \(Financial\) \(Amendment\) Regulations 2003 SI 2003/650](#)

The Legal Service Commission does not provide financial help for representation before employment tribunals. However, solicitors can give limited free advice under what was formerly known as the “Green Form” scheme, now called “legal help”. This is available to those with low disposable income and low savings or capital and generally covers drafting and correspondence in relation to the claim, but not representation in the hearing. In discrimination cases the various equality commissions can provide financial assistance for representation at tribunals.

There are a number of organisations which provide free legal advice and representation in employment tribunals. Details of some of these are given in Appendix I below. Access to these services tends to be concentrated in London, although there are law centres and citizens advice bureaux all over the UK.

Another way in which parties can access legal services for tribunal proceedings is through conditional fee agreements.³² This allows lawyers to operate on a “no win no fee” or other arrangement. The client may be required to pay a sum up front to cover a costs insurance premium. The most common type of agreement is a hybrid agreement whereby the client pays fees up to an agreed maximum, thereafter a conditional fee agreement is engaged.

C. Compensation and Regulation

1. “Compensation Culture”

An Equal Opportunities Review survey found that awards in discrimination cases have been rising.³³ The largest increase has been in compensation awards in disability discrimination cases. Concerns are often raised about “compensation culture” in the belief that individuals are increasingly resorting to litigation as a quick route to large compensation payouts with detrimental economic results. These fears are most often voiced by employers anxious about the liabilities they face under the large and complex body of employment law which often requires specialist legal expertise to understand. Compensation claims may relate to discrimination and matters before employment tribunals, although a large number are health and safety at work claims in the civil courts. Of course not all the claims in employment tribunals relate to discrimination, but are about other matters such as unfair dismissal and redundancy.³⁴

Most commentators have recognised that the introduction of discrimination law has been driven by an underlying need for social change. The most common legislative response to this need has been to create rights for individuals to sue for compensation as victims of discrimination. The extent to which this has been an effective response to the underlying problem has been questioned.³⁵ Other regulatory approaches such as placing

³² See [Conditional Fee Agreements Order 2000, SI No.823](#)

³³ “Tribunals pushing up value of awards in discrimination *Financial Times* cases”, *Financial Times*, 8 August 2005

³⁴ See Section II above on employment tribunal statistics

³⁵ Bob Hepple, *Have twenty five years of the Race Relations Acts in Britain been a failure?* Chapter in *Discrimination: The Limits of the Law*, UCL 1992

a duty on public sector employers to promote equality and combat discrimination are often seen as holding greater potential for social change.

The TUC have challenged the idea that the UK is in the grip of a US style compensation culture.³⁶ They cite a report from the Better Regulation Task Force (BRTF) – an independent advisory body set up in 1997 – which found that the total cost of compensation cases has remained the same in real terms since 1989 despite the introduction of conditional fee arrangements.³⁷ The BRTF report on compensation culture was published in May 2004 and was summarised in a press release as follows:

"The compensation culture may be a myth – but the perception of it results in real and costly burdens." Task Force Chairman calls for action and vigilance.

David Arculus, chairman of the Better Regulation Task Force, today launched the Task Force's report "Better Routes to Redress" which looks at the controversial issue of the "compensation culture" in the UK. The report considers how those with a genuine grievance can secure appropriate redress efficiently and effectively, whilst ensuring the system is not clogged up by spurious claims.

Launching the report, Mr Arculus said: "It is a commonly held perception that the United Kingdom is in the grip of a "compensation culture". Newspapers complain that the UK is becoming like the United States with stories of people apparently suing others for large sums of money, and often for what appear to be trivial reasons. In 2000, the cost of litigation in the UK as a percentage of GDP was less than a third of that in the US. Media reports and claims management companies encourage people to "have a go" by creating a perception, quite inaccurately, that large sums of money are easily accessible. Over 55 per cent of county court awards in 2002 were for less than £3000."

"It is this perception that causes real problems. The judicial process is very good at sorting the wheat from the chaff. The Compensation Recovery Unit's statistics show that the number of accident claims registered fell by nearly 60,000 in 2003/04.

"But we need to be ever vigilant. Every claim made, many of which may never reach an insurance company or the courts, must be assessed in the early stages. This imposes burdens on organisations trying to handle claims. Redress for genuine claimants is hampered by the spurious claims created by the perception of a compensation culture. Whilst the compensation culture may be an urban myth, the costs associated with it are very real."

Teresa Graham, who chaired the group which carried out the study, continued: "It must be right that people who have suffered an injustice through someone else's negligence should be able to claim redress. What is not right is that some people should be led to believe that they can absolve themselves from any personal responsibility for their actions and then expect someone else to pick up the pieces when something goes wrong, regardless of whose fault it was."

³⁶ "'Payout culture' a myth, says TUC report", *Financial Times*, 28 July 2005

³⁷ BRTF website: <https://web.archive.org/web/20030211133701/http://www.brta.gov.uk/>

"We look at what has created the perception of a compensation culture; how it has been fuelled; and the damage that this perception, unless tackled, will have on the prosperity and well-being of the UK. We consider how people with genuine grievances – especially those who in the past may not have had access to justice - can have better access to appropriate redress. Compensation is not the only form of redress available. We want the Government to explore greater mediation and no-fault rehabilitation, as well as allowing people to apologise. Often an apology will go a long way."

"We make a number of recommendations about how the process can be improved. We would like to see the Government raise the limit under which personal injury claims can be pursued through the small claims track, the present limit is only £1,000, and also to research the viability of contingency fees, which would make legal charges more transparent and less subject to dispute."

Summing up, David Arculus said: "We want this report to act as catalyst for an informed debate about how the perception of the compensation culture can be tackled. The issue is too important to ignore – what's needed is a good dose of reality to dispel this damaging myth.

"Government and its Agencies have a large part to play in starting the debate, but they cannot provide all the solutions to the problem. Others, in particular insurance companies, all branches of the legal profession, the media and commentators must play their part." ³⁸

2. Employment Regulation

The largest body of discrimination law is in the area of employment. Protection in the provision of goods services and facilities is also clearly very significant. This means that discrimination law inevitably impacts on enterprise, in particular small firms, since small enterprises currently account for 99% of all enterprises.³⁹ A recurring complaint of the business community has been the burden placed on them by regulations and the disproportionate impact of some regulations on small firms. One of the main complaints is that excessive regulation is damaging to UK competitiveness.

However, a March 2005 Trade and Industry Select Committee report considered the question of employment regulation and came to the following conclusions:

Debates about labour market flexibility in the UK have appeared polarised. Business organisations consider that an increasing burden of regulation is constraining employers' ability to run their companies efficiently; whereas trade unions have been rather uneasy with the notion of labour market flexibility, which has at times appeared as a synonym for making it easier for companies to hire and fire. We are not convinced that the burden of regulation is excessive or damaging to competitiveness at present. But we do not argue for significant extra

³⁸ [BRTF Press release](#), 27 May 2004

³⁹ *National Statistics* data for firms employing between 0 and 49 employees; <http://collections.europarchive.org/tna/20050301192910/http://sbs.gov.uk/analytical/>

regulation: we support the principles of flexibility allied to social cohesion set out in the Lisbon Agenda.⁴⁰

3. Employers Liability Insurance

A related issue to compensation is employers' liability insurance. Many employers insure themselves against discrimination claims in an employment tribunal to cover against compensation awards and/or legal costs of defending a claim. The *Employers' Liability (Compulsory Insurance) Act 1969* requires employers to hold insurance cover in respect of their liability for any personal injury or disease which their employees sustain as a consequence of their employment. Employers are currently required to hold cover of at least £5m for each event which gives rise to a claim.⁴¹ Cover for other types of claim such as discrimination would be in addition to this compulsory element. Where employers are represented by legal professionals funded by insurance and claimants are representing themselves it is clear that an inequality of arms may arise. Employment tribunals will normally do what they can to make allowance for this but they are limited by their role as impartial adjudicators of a legal dispute and of course cannot legally advise either party.

Many businesses since 2002 have found that they were either unable to obtain replacement insurance or were being quoted premiums substantially higher than before. These complaints typically involved employers' liability compulsory insurance. Some sectors appeared to have been particularly badly affected, including the construction sector and engineering firms. Since cover to prescribed levels is a legal requirement, if a firm was not able to renew cover, it could face a choice between trading illegally or closing down the business.⁴² The reason for the rise in insurance premiums is often blamed on increases in compensation claims and awards.⁴³ This has been disputed by the TUC. A recent article in the *Financial Times* reported the TUC statement that:

Premiums charged for employers' liability insurance represented just 0.25 per cent of total payroll costs and were the lowest in Europe. Charges had risen recently but this was because insurance companies had used liability insurance as a "loss leader".

The cost of claims including insurance company expenses were 54 per cent higher in 1999 than the premiums they were charging, according to figures published by the Department of Work and Pensions.

"Following the stock market crash and the attack on the World Trade Centre, the companies decided they could no longer afford to subsidise Employers Liability

⁴⁰ House of Commons Trade and Industry Committee, *UK Employment Regulation, Seventh Report of Session 2004–05*, (HC 90-I) 21 March 2005

⁴¹ i.e. per occurrence

⁴² A survey by the insurers AXA found that as many as 210,000 small and medium firms (representing 1.8 million employees) do not have employers' liability cover. Cited by Peter Hubbard, View from the top, *Post Magazine*, 19 December 2002

⁴³ Association of British Insurers press release, *Liability insurance reports "a good start - more needs to be done"* Major effort needed to reduce burden of legal costs, 3 June 2003

Insurance so premiums have gone up. This is not because of higher compensation or more claims," says the TUC.⁴⁴

Reports on the rising cost of insurance cover were published by the Department for Work and Pensions (DWP) and the Office of Fair Trading (OFT), both on 3 June 2003. The OFT's study, *The UK liability insurance market*, noted average premium increases in 2002 of 50% for employers' liability cover.⁴⁵ The DWP report noted that the various parties had been working to improve the market.⁴⁶

In a Lords debate in October 2003, Baroness Hollis of Heigham set out the Government's approach to the problem at length, and summarised the findings of the DWP and OFT reports:⁴⁷

At the heart of the problem is an uncomfortable truth. All the evidence suggests that the premiums now levied by insurers are not over-inflated. They reflect the true economic cost of the accidents that continue to dog UK business.⁴⁸

D. Legal Aid for Employment Tribunals in Scotland

Hearings in tribunals can involve complex legal issues and in some cases might require detailed preparation and effective presentation for a case to have any hope of success. Accordingly, the lack of availability of funded legal assistance has led to arguments that this could amount to non-compliance with Article 6(1) of the *European Convention on Human Rights* (the right to a fair trial). In Scotland, this led to the extension of legal aid to cover complex employment tribunal cases with effect from 15 January 2000.

In December 2000 the Scottish Executive announced that legal aid would be extended to employment tribunal cases where "failure to make legal assistance available for these proceedings amounts to a violation of the right to a fair hearing under Article 6(1) of the ECHR".⁴⁹ This followed a number of cases in Scottish employment tribunals which argued that the lack of legal aid contravened human rights law. Opponents described the proposals as a "chancer's charter".⁵⁰

Under the new rules, employees in Scotland now have the right to apply for a type of legal aid. Assistance by way of representation is a category of advice and assistance under the *Legal Aid (Scotland) Act 1986*. The current regulations provide that assistance by way of representation will be granted if the case is arguable; if it is reasonable in the

⁴⁴ "Payout culture' a myth, says TUC report", *Financial Times*, 28 July 2005

⁴⁵ Office of Fair Trading, *The UK liability insurance market: Summary of key findings*, OFT 659, June 2003, para 1.1

⁴⁶ Department for Work and Pensions, [Review of employers' liability compulsory insurance. First stage report](#), 3 June 2003, pp4-5

⁴⁷ HL Deb 9 October 2003 cc523-544:

⁴⁸ cc541-2

⁴⁹ Scottish Executive Press Release SE3211/2000, *Legal Aid for Employment Tribunals*, 12 December 2000:
<http://www.scotland.gov.uk/news/2000/12/se3211.asp>

⁵⁰ See for example: *Gerrie v Ministry of Defence*, Journal of the Law Society of Scotland, October 2000, page 23

particular circumstances of the case that assistance by way of representation be made available; and that the case is too complex to allow the applicant to present it to a minimum standard of effectiveness in person. These provisions are contained in the *Advice and Assistance (Assistance By Way of Representation) (Scotland) Regulations 2003* which refer to the *Legal Aid (Scotland) Act 1986*. Regulation 3(m) states:

3. Part II of the Act shall apply to assistance by way of representation in relation to-
- (...)
 - (m) proceedings before an employment tribunal;

Regulation 13 sets out the criterion as follows:

13. - (1) The approval of the Board shall be required as a pre-condition of the provision of assistance by way of representation in relation to the proceedings described in regulations 3(h), (k), (m) and (q) and 5 above.

(2) The Board shall only approve the provision of assistance by way of representation in relation to the proceedings described in regulation 3(m) where it is satisfied that-

- (a) the case is arguable;
- (b) it is reasonable in the particular circumstances of the case that assistance by way of representation be made available; and
- (c) the case is too complex to allow the applicant to present it to a minimum standard of effectiveness in person.

(3) The factors to be taken into account by the Board in determining whether paragraph (2)(c) above applies shall include-

- (a) the determination of the issue may involve procedural difficulty or consideration of a substantial question of law, or of evidence of a complex or difficult nature;
- (b) the applicant may be unable to understand the proceedings or to state the applicant's own case because of age, inadequate knowledge of English, mental illness, other mental or physical disability, or otherwise.

(4) The Board shall only approve the provision of assistance by way of representation in relation to the proceedings described in regulation 3(q) where it is satisfied that in all the circumstances of the case it is-

- (a) in the interests of justice; and
- (b) reasonable,

that assistance by way of representation be made available.

Current information and statistics on legal aid in Scotland can be obtained from the *Scottish Legal Aid Board Annual Report 2003-2004*.⁵¹

51

http://web.archive.org/web/20101130032730/http://slab.org.uk/annual_report/ANNUAL%20REPORT%2020032004.pdf

Appendix 1: Help and advice in employment disputes

Citizens Advice Bureau: <http://www.nacab.org.uk/>

National Association of Citizens Advice Bureaux
Myddelton House
115-123 Pentonville Road
London N1 9LZ

Law Centres: <http://www.lawcentres.org.uk/>

The Law Centres Federation
Duchess House,
18-19 Warren Street
London W1T 5LR
Tel 020 7387 8570
Fax 020 7387 8368

The Free Representation Unit: <http://www.freerepresentationunit.org.uk/>

(Croydon, London North and Stratford East employment tribunals)
1st Floor, 49/51 Bedford Row
London WC1R 4LR
Tel: 020 7831 0692

Bar Pro Bono Unit

<http://web.archive.org/web/20050410081324/http://www.barprobono.org.uk/navigate/home.html>

7 Gray's Inn Square
London WC1R 5AZ
Tel: 020 7831 9711

London Race Discrimination Unit

<http://www.misterwhat.co.uk/company/119204-london-race-discrimination-unit-london>

Unit 46, Eurolink Business Centre,
49 Effra Rd
London SW2 1BZ
Tel: 020 7737 9770

Employment Lawyers Association: <http://www.elaweb.org.uk/>

P.O. Box 353
Uxbridge
UB10 0UN
Tel: 01895 256972
Fax: 01895 256972

The Legal Services Commission

<http://web.archive.org/web/20050302090706/http://www.legalservices.gov.uk/>

Head Office:
85 Grays Inn Road
London WC1X 8AA
Tel: 020 7813 1000

Appendix 2: Contacts

The Employment Appeal Tribunal

Central Office
Audit House,
58 Victoria Embankment,
London EC4Y 0DS
(tel: 0207 273 1041;
fax: 0207 273 1045)
Scottish Divisional Office
54-56 Melville Street,
Edinburgh EH3 7HF
Tel: 0131-226 5584
Fax: 0131-220 6847
EAT Library, (for transcripts of EAT judgments)
Tel: 0207 273 1049
Fax: 0207 273 1068
EAT website (with full text of EAT decisions):
www.employmentappeals.gov.uk.

Department for Constitutional Affairs (Formerly the Lord Chancellor's Department)

Website: <http://www.dca.gov.uk/index.htm>
Court Service website: <http://www.courtservice.gov.uk/>
General Departmental Enquiries
Selborne House
54-60 Victoria Street
London SW1E 6QW, United Kingdom
Telephone: +44-(0)20-7210 8614