

# Labour calls on the Government to address the injustice and damage caused by their unlawful Employment Tribunal Fees policy

Richard Burgon MP,  
Labour's Shadow Justice Secretary has written to David Lidington MP,  
Secretary  
of State for Justice, following Unison's Supreme Court victory, where the  
Employment Tribunal Fees introduced by the Conservative and Liberal Democrat  
coalition were declared unlawful, to call on the Government to make sure that  
all those who were treated unfairly are now able to access the justice they  
deserve.

In the letter, Burgon  
condemns the Government's shameful decision to unlawfully restrict access to  
justice  
for its own citizens, and calls for answers on how much public money was  
wasted  
defending their unjust policy, as well as a Government commissioned  
independent  
review of the effects on access to justice of the fees in other Courts and  
Tribunals.

Full text of the  
letter

Dear Secretary of State,

I'm writing to you  
following the Supreme Court's Judgment yesterday that the Employment Tribunal  
Fees introduced by the Conservative / Liberal Democrat Coalition in 2013 are  
unlawful and impede access to justice.

This means the Ministry  
of Justice has been operating unlawfully for four years. Given this, it is  
now  
vital that you take urgent steps to address the injustice, unfairness and  
damage caused by your unlawful policy.

Your junior Minister  
Dominic Raab MP had no other option than to concede that the Government will  
have to "take immediate steps to stop charging fees in employment tribunals  
and  
put in place those who have paid".

Please could you inform

me:

- How much money from the public purse your Government has spent defending its unlawful and unjust policy?
- When the Government will be issuing a full and unequivocal apology to working people and their families for deliberately and unlawfully blocking their access to justice?
- When the Government will be issuing a full and unequivocal apology to people and families who had to undertake disclosure of their personal financial circumstances in an intrusive and even humiliating level of detail as part of the Government's failed 'Fee Remission' Scheme for Employment Tribunals?
- By what date the Government will have fully reimbursed all those who were unlawfully required to pay Employment Tribunal Issue Fees and Employment Tribunal Hearing Fees?
- Whether your Government will be setting up a scheme, system or arrangements to ensure that all those who were unlawfully treated by their employers but didn't issue an Employment Tribunal case because of the applicable Issue Fee, or didn't proceed to the Employment Tribunal Hearing because of the applicable Hearing Fee, are restored to the position in which they would have been had it not been for your Government's unlawful policy?
- Given the Supreme Court's Judgment states that "In order for the fees to be lawful, they have to be set at a level that everyone can afford, taking into account the availability of full or partial remission", will your Government now commission an independent review of the effects on access to justice of the fees in other Courts and Tribunals? Given your Government's record of denial in relation to your unlawful Employment Tribunal Fees, it is clear that your Government cannot be trusted to carry out this review itself.

Congratulations are due to Unison for righting this wrong at the Supreme Court. It is just a shame that the Government did not listen to the trade unions, the legal community, the Labour Party or myself. If the Government had done so, it would not have found itself in the shameful position it now does – found to have unlawfully restricted access to justice for its own citizens.

Given the level of public interest in this matter, I have made this letter public. I believe it would also be in the public interest for your reply to be made public.

Yours sincerely,

Richard Burgon MP

Shadow Secretary of State  
for Justice & Shadow Lord Chancellor