

THE EMPLOYMENT ACT 2008: A critical Overview

Institute of Employment Rights
Liverpool
12 May 2009

Employment Tribunals and the New Act

Dr Brian Doyle
Regional Employment Judge
Manchester & Liverpool

1. Introduction:

Employment Act 2008
Employment Act 2008 (Commencement No. 1 etc) Order 2008
Employment Tribunals (Constitution & Rules of Procedure) (Amendment)
Regulations 2008
Employment Tribunals Act 1996 (Tribunal Composition) Order 2009

2. Statutory dispute resolution procedures:

Repeal of Employment Act 2002 ss 29-33 and Schedules 2-4

- standard and modified statutory procedures
- adjustment of awards
- pre-acceptance procedures
- adjustment of time limits
- abolition of ACAS fixed conciliation periods
- new forms ET1 and ET3

3. Procedural fairness:

Repeal of Employment Rights Act 1996 s 98A

- restoration of principles in *Polkey* case
- new ACAS Code of Practice
- adjustment of awards

4. Unpaid wages and redundancy pay:

Compensation for non-payment

5. Default judgments:

Rules 8 and 33(8)

6. Withdrawals:

New rule 25A

7. Employment judges sitting alone:

- Stage 1 equal value hearings
- WTR holiday pay claims
- hearings on paper (not yet in force)