

Industrial Tribunals and The Fair Employment Tribunal

Making a claim to an Industrial Tribunal and/or The Fair Employment Tribunal

To make your claim on-line visit our website www.employmenttribunalsni.co.uk When you make your claim on-line, receipt will be acknowledged electronically, there is no need to send a hard copy by fax or post.

Before you fill in this form, make sure that you:

- read the guidance that accompanies this form on statutory dispute resolution procedures. This tells you what you have to do before the tribunal will accept some types of complaint;
- read the notes that came with this form on how to fill it in. **Pay particular attention to time limits**; if we don't receive your claim on time, it usually won't be accepted;
- consider whether or not you need to take advice, particularly if your claim involves discrimination.

How to fill in this claim form:

By law, you **must** provide the information marked with ★ and, if it is relevant, the information marked with ●.

- **Please make sure that all the information you give is as accurate as possible.**
- **Please use black ink as we have to photocopy the form.**
- **Please write clearly and use CAPITAL letters for names and addresses.**
- **If you are sending your claim by fax there is no need to send a copy in the post.**
- Where there are tick boxes, please tick the one that applies.
- If you have a representative acting for you, correspondence will be sent to him/her and not to you.
- If your complaint includes a claim of unlawful discrimination on grounds of religious belief or political opinion, we will regard this as a claim to The Fair Employment Tribunal which deals with unlawful discrimination on these grounds.
- Two or more claimants may present their claims using the same form if their claims arise out of the same set of facts.

*with certain exceptions – if you are bringing a **levy appeal**, an appeal against a **health and safety** or **non-discrimination** notice, or an appeal against the **Gangmasters Licensing Regulations** you should fill in **section 1** and, where appropriate, **section 2**, giving the grounds for your appeal in **section 7**.

*IF YOU WANT THIS FORM AND THE GUIDANCE THAT CAME WITH IT
IN LARGE PRINT OR ANOTHER FORMAT
PLEASE TELEPHONE (028) 9032 7666*

Claim to an Industrial Tribunal and/or The Fair Employment Tribunal

FOR OFFICE USE

Case number:
(Industrial Tribunal)

Case number:
(Fair Employment Tribunal)

1 Claimant details

1.1★ Title (if 'Other', please indicate): Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other

1.2★ First name (or names):

1.3★ Surname or family name:

1.4● Date of birth (date/month/year): - -

Are you: male? ☐ female? ☐

1.5★ Address:

No.:

Street:

Town / City:

County:

Post code:

1.6 National Insurance Number

1.7 Contact details:
**(where we can contact you
during normal working hours)**

Tel. (Day):

Tel. (other):

Fax:

Email:

2 Respondent's details

- 2.1 ★ Give the name of the employer, person or body you are complaining about (the respondent). (If you are complaining about more than one respondent, give additional details at **2.5** below).

- 2.2 ★ Address:

No.:

Street:

Town / City:

County:

Post code:

- 2.3 Telephone number:

- 2.4 If you worked at an address different from the one you have given at **2.2**, please give the full address.

- 2.5 ● If your complaint is against more than one respondent please give their names and addresses. (It would be helpful if you could give postal codes and phone numbers here if known).

3 Your representative

Please fill in this section only if an individual or organisation has agreed to represent you. If you have appointed a representative, we will in future only send correspondence to your representative and not to you.

3.1 Representative's name:

3.2 Name of representative's organisation:

3.3 Address:

No.:

Street:

Town/City:

County:

Post code:

3.4 Contact details: Tel. (Day):

Tel. (other):

Fax:

Email:

4 Trade Union Membership

4.1 Are you a member of a trade union? ☐ Yes ☐ No

4.2 If 'Yes', please give its name

5 Employment details

You should complete this section if you are or were an employee of the respondent or a worker providing services to the respondent.

5.1 Please give the following details if possible.

Date when your employment started

	-		-	
--	---	--	---	--

Is your employment continuing?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--------------------------	-----	--------------------------	----

Date when your employment ended or will end

	-		-	
--	---	--	---	--

5.2 Please say what job you do or did. If this does not apply, please say what your connection was with the respondent.

--

5.3 How many basic hours do or did you have to work each week?

..... hours each week

5.4 How much are or were you usually paid?

Pay before tax

£	each hour	<input type="text"/>	week	<input type="text"/>	month	<input type="text"/>
---	-----------	----------------------	------	----------------------	-------	----------------------

Normal take-home pay
(including overtime, commission,
bonuses etc.).

£	each hour	<input type="text"/>	week	<input type="text"/>	month	<input type="text"/>
---	-----------	----------------------	------	----------------------	-------	----------------------

5.5 If your employment has ended, did you work
(or were you paid for) a period of notice?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A
--------------------------	-----	--------------------------	----	--------------------------	-----

If 'Yes', how many weeks or months notice
did you work or were you paid for?

..... weeks months

5.6 Are you or were you in your employer's pension scheme?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--------------------------	-----	--------------------------	----

5.7 If you receive or received any other benefits from your employer, please give details.

--

5 Employment details (continued)

- 5.8 If you have left your employment, have you since got another job? (if necessary, use section 8 to give more detail) ☐ Yes ☐ No ☐ N/A

If 'No' Please now go to section 5.12

- 5.9 If you answered 'Yes' to **5.8**, please say when you started (or will start) work.

- 5.10 If you answered 'Yes' to **5.8** and the job is temporary, please tell us when it likely to end.

- 5.11 Please say how much you are now earning before tax

Normal take-home pay (including overtime, commission, bonuses etc).

- 5.12 If your employment has ended, have you claimed Jobseeker's Allowance or Income Support since your employment ended? ☐ Yes ☐ No ☐ N/A

If 'Yes', please give details.

- 5.13 Please say what remedy you want if your case is successful at a tribunal. (Tick the box that applies).

- (a) To get your old job back and compensation (reinstatement) ☐
- (b) To get another job with the same employer and compensation (re-engagement) ☐
- (c) Compensation only ☐

6 Important statutory procedures before making a claim

You are legally required, in most cases, to raise your grievances in writing with your employer / respondent and then allow 28 days before presenting your claim to the Office of the Tribunals. For exceptions, please see the guidance notes.

If these procedures apply to you and you send your claim to us without first putting your complaint in writing to the respondent and waiting 28 days, we will return your claim form to you and give you an extra three months to try to resolve the problem.

Generally, you must follow the statutory procedures if:

- **you are or were an employee working for the respondent under a contract of employment; and**
- **your claim is about an issue listed in Schedule 3 to the Employment (Northern Ireland) Order 2003, or is about the kinds of discrimination covered by the Fair Employment and Treatment (Northern Ireland) Order 1998.**

These include:

- discrimination on grounds of age, sex, sexual orientation, race, disability, religious belief or political opinion (but not discrimination in recruitment unless you are an existing employee of the employer concerned);
- equal pay;
- detriment in relation to trade union membership and activities;
- detriment in relation to trade union recognition rights;
- unauthorised deductions from wages;
- detriment in employment in relation to various matters (health and safety representation, Sunday working, betting shop/on-course working, working time, being an occupational pension scheme trustee, being an employee representative for the purposes of consultation over collective redundancies or the transfer of an undertaking, exercising the right to time off work for study or training, protected disclosures, taking leave for family and domestic reasons, exercising the right to request flexible working);
- constructive dismissal;
- redundancy payments;
- detriment in relation to the National Minimum Wage;
- detriment in relation to Tax Credits;
- breach of the Working Time Regulations;
- detriment relating to European Works Councils.

To help us decide whether the legal requirements apply to you, we need to know certain information about your relationship with the respondent, the steps you have taken before sending us your claim, and the issues you are going to raise in your claim.

If you have followed the statutory dispute resolution procedures by raising the subject matter of your complaint(s) in writing with your employer / respondent and you do this before the normal time limit for presenting your tribunal claim expires (there are different time limits for different matters), then the time limit for presenting your claim to the Office of the Tribunals will automatically be extended for a further three months.

- ### 6.1★ What is or was your relationship to the respondent?

(a) Employee under a contract of employment

(b) Worker providing services

(c) Other. (If none of the above, what was your relationship to the respondent?)

- 6.2● If your claim is to an industrial tribunal, please tell us whether any part of your claim is about dismissal.

If your claim is only about dismissal, tick the appropriate box under ‘**All**’.

If part of your claim is about dismissal, tick the appropriate box under '**Part**'.

If your claim is not related to dismissal or contemplated dismissal, tick the appropriate box under 'None'.

All Part None

(a) the respondent dismissed you

--	--	--

(b) the respondent contemplated dismissing you

--	--	--

(c) you were constructively dismissed (see below)

The Employment Rights (Northern Ireland) Order 1996 defines constructive dismissal as when ‘the employee terminates the contract under which he is employed (with or without notice) in circumstances in which he is entitled to terminate it without notice by reason of the employer’s conduct.

- 6.3● Please tell us, by ticking the appropriate boxes, whether you:

(a) Raised all, part or none of the subject matter of your complaint in writing with the respondent.

All Part None

--	--	--

(b) Allowed at least 28 days between the date you put your complaint to the respondent and the date you are sending us this claim.

Yes No N/A

--	--	--

(c) If you raised all or part of the subject matter of your complaint in writing with the respondent please give the date on which you did this:

_____ - _____ - _____

- 6.4● **If you did not put all or part of your complaint in writing** to the respondent please explain why you did not, or, if you did, **why you did not wait at least 28 days** before sending us your claim.

(In most cases it is a legal requirement to take these procedural steps. Your claim will not be accepted unless you give a valid reason why you did not have to meet the requirement in your case. For a list of valid reasons you should refer to the guidance notes. If you are not sure, you may want to get legal advice.)

*Please note that if your complaint is about discrimination in recruitment, you **do not** have to put your complaint in writing to the employer, unless you are an existing employee of the employer concerned.

7 Details of your claim

7.1 Please tick the box(es) to indicate the type of complaint you wish the tribunal to consider.

Discrimination – age	<input type="checkbox"/>	Discrimination – disability	<input type="checkbox"/>
Discrimination – equal Pay	<input type="checkbox"/>	Discrimination – Part Time Working	<input type="checkbox"/>
Discrimination – race	<input type="checkbox"/>	Discrimination – religious belief/ political opinion	<input type="checkbox"/>
Discrimination - sex	<input type="checkbox"/>	Discrimination – sexual orientation	<input type="checkbox"/>
Breach of contract	<input type="checkbox"/>	National Minimum Wage	<input type="checkbox"/>
Redundancy payment	<input type="checkbox"/>	Unauthorised deduction of wages	<input type="checkbox"/>
Unfair dismissal	<input type="checkbox"/>	Working Time Regulations	<input type="checkbox"/>
Other type of complaints (please specify)	<input type="text"/>		

***If you select the *religious belief / political opinion* box, we will regard your complaint as a matter for The Fair Employment Tribunal, which deals with unlawful discrimination on these grounds.**

7.2● If you are complaining about discrimination

please give the date or dates on which the matter about which you are complaining happened?

 - -

Where discrimination occurred on a number of occasions, give the most recent date when it happened.

If you wish to give additional dates you can do this at 7.4 below.

Please also indicate if the discrimination is ongoing.

Ongoing ☐

7.3● **You only need to answer this question if you are complaining about discrimination on the grounds of 'Religious Belief / Political Opinion'**

When did you first know of the matter about which you are complaining?

 - -

7.4★ **Details of your claim**

Please tell us in this section about your claim. It is important that you give us details to support the complaint(s) that you have selected at 7.1.

'Details' include:

- A description of the act or acts complained of
- When the act or acts took place
- The names of the people involved
- Why you believe the action was unlawful
- Why you believe you are entitled to claim for payment that you say is owed
- The amount of any payment you believe is owed
- If you are complaining about discrimination in recruitment – what job you applied for
- If you are complaining about discrimination by way of victimisation, the type of discrimination that you are relying on, e.g. sex, race, etc

7 Details of your claim (continued)

7 Details of your claim (continued)

If necessary, please use the space provided to continue your answer from the previous page.

8 Other information

- 8.1 You should add any extra information you want us to know here, giving the question number to which the information relates.

8 Other information (continued)

You should add any extra information you want us to know here, giving the question number to which the information relates.

9 Special arrangements

- 9.1 Please tell us what, if any, special arrangements you think we need to make in dealing with your case. For example, you should let us know if we need to arrange for an interpreter to translate for you. You should also tell us about any disability affecting you or someone helping you with your case.

You (or your representative, if you have one) should sign and date the form.

Signature: Date: – –

Data Protection Act 1998. We will send a copy of this form to the respondent(s), the Labour Relations Agency and the Equality Commission for Northern Ireland, where appropriate. We will put some of the information you give us on this form onto a computer. This helps us to monitor progress, produce statistics and carry out research. We are required by law, except in certain circumstances, to publish information on tribunal claims in the Register of Claims and in due course in the Register of Decisions. We are required to make the Registers available to the public.

Please ensure that you pay the correct postage when sending us your completed form, as failure to do so may lead to your mail not being received.

Please return your completed claim form to:

**The Secretary
Office of the Industrial Tribunals &
The Fair Employment Tribunal
Killymeal House
2 Cromac Quay
Ormeau Road
Belfast BT7 2JD**

For Office Use

Received at:

Initials: _____

Date: _____

