

GUIDANCE NOTE: LATE FILING OF TRIBUNAL CLAIMS

The time-limit for issuing a claim in the Tribunal depends on the type of claim which you are issuing. In most cases (including unfair dismissal and discrimination claims) the Tribunal must receive your claim form within 8 weeks from termination of employment or from the last act of discrimination.

The Tribunal enforces these time-limits very strictly and if the tribunal does not receive your claim within the relevant time-limit, it will only be where it was not reasonable practicable for you to file in time that it will accept your claim. It is therefore important that you ensure that the Tribunal receives your claim before the relevant time-limit expires or you risk your claim being rejected.

If you are unsure about the relevant time-limits for your claim/s, you should take advice as soon as possible.

WHAT HAPPENS IF I FILE MY CLAIM OUTSIDE THE RELEVANT TIME-LIMIT?

If the Tribunal receives your claim after the expiry of the relevant time-limit the Tribunal will write to you explaining that your claim will be rejected unless you can show to the Tribunal that it was not “*reasonably practicable*” for you to file your claim before the expiry of the relevant time-limit.

The Tribunal will also write to the person or company against whom you are seeking to issue the claim or counterclaim to inform them that a claim has been received out of time and that the Tribunal will update them in due course.

WHAT IS THE DEADLINE FOR ASKING THAT MY CLAIM BE ACCEPTED OUT OF TIME?

If you wish to argue that it was not “*reasonably practicable*” for you to file your claim before the expiry of the relevant time-limit, you must do so in writing within 14 days of the date on which the Tribunal wrote to you. Therefore, if the Tribunal sent the letter/email to you on Thursday 1 March, you must ensure that the Tribunal receives your application for your claim to be accepted by midnight on Thursday 15 March.

If you do not respond with the 14 day period, your claim will be rejected and returned to you.

HOW DO I APPLY FOR THE TRIBUNAL TO ACCEPT MY CLAIM?

If you wish to argue that it was not “*reasonably practicable*” for you to file your claim within the relevant time-limit, you will have 14 days from the date of the Tribunal’s letter/email to you to set out your reasons in writing for the late filing of your claim. If you have any documents which support your assertion that it was not ‘*reasonably practicable*’ for you to file your claim within the time-limit, you should include these documents with your email. Please note, however, that the Tribunal will not consider the merits of your claim at this stage, so please only provide documents which deal with the reason for the late filing of your claim. The Chair will not read any documents which relate to the claim itself.

WHERE SHOULD I SEND MY APPLICATION?

You should send your application to the Tribunal’s offices. The Tribunal prefers to receive applications by email unless circumstances make this difficult:

Employment and Discrimination Tribunal
1st Floor
International House
41 The Parade
St Helier
Jersey
JE2 3QQ
Email: RegistrarTribunalService@gov.je
Office hours are 9.30am to 4pm.

WHAT HAPPENS ONCE THE TRIBUNAL RECEIVES MY APPLICATION?

Your application for the Tribunal to accept your claim will be passed to a Chair who will decide how your application should proceed. In some circumstances, the Chair may decide that a decision can be made based on the information which you have provided. Alternatively, the Chair may decide that an interim hearing is necessary to gather further information from both you and the respondent.

WHAT HAPPENS IF THE CHAIR CALLS AN INTERIM HEARING?

If the Chair decides that it is necessary to call an interim hearing, both you and the Respondent will be notified of the hearing date and asked to attend. At the interim hearing, you will be asked to explain the reasons for the late filing of your claim. If necessary, the Chair may also ask questions to the Respondent to establish whether or not it was “*reasonably practicable*” for you to file your claim within the relevant time-limit.

WHAT HAPPENS IF MY APPLICATION IS SUCCESSFUL?

If the Tribunal accepts that it was not “*reasonably practicable*” for you to file your claim within the relevant time-limit, the Tribunal will send your claim form to the Respondent so that it/they can file a response. Your claim will then proceed through the Tribunal’s process in the normal manner (please see [Guidance Note: Employment and Discrimination Tribunal Process](#)).

WHAT CAN I DO IF THE TRIBUNAL REJECTS MY CLAIM?

If a Chair rejects your application that it was not “*reasonably practicable*” for you to file your claim within the relevant time-limit, a judgment will be issued, rejecting your claim.

In these circumstances you may:

- request that the Tribunal reconsider the judgment; and/or
- seek permission to appeal against the judgment.

If you want to ask the Tribunal to reconsider the judgment or if you wish to appeal against the judgment, please refer to [Guidance Note: Challenging a Judgment](#).

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