

Jersey tribunal case dismissal underlines need for swift action by employers

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An employer's defence against claims under both the employment and discrimination laws was rejected for being filed late – and employment law specialist Helen Ruelle says that the case should remind employers of the need to stick to the tribunal's 21-day deadlines.

The judgment in the case of Miss Karolina Gorazd v Mr Stephen Drakes & Quayside Café highlights the importance of sticking to the strict time limits imposed under the Employment (Jersey) Law 2003 and the Discrimination (Jersey) Law 2013.

In the case, the applicant, Miss Gorazd, had made a number of claims under both the employment and discrimination laws, and the respondents, Mr Drakes and Quayside Café, had failed to present their response forms to the Tribunal within the relevant time limits. Consequently, the forms were rejected by the Secretary of the Tribunal.

The respondents applied to the tribunal for reconsideration – saying that the late submission was unintentional, that the tribunal's correspondence had been unopened due to a large volume of mail received, and that the completed form had been delivered, albeit late.

But the tribunal rejected the application – saying that the law did not permit it to accept the forms.

Helen, Director in Ogier's top-tier Jersey employment law team, said: "This judgement highlights the importance of observing the time frames imposed by the Tribunal, which they will clearly note in their correspondence, as failure to do so will not prevent the Tribunal from hearing and making a decision regarding the Applicant's claims.

"The deadlines are very clearly set out, as are the rules – in this case, the Secretary to the tribunal had no choice but to reject the submission and the tribunal had no power to vary that decision, because there was no error."

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