



PRESS RELEASE

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Industrial Tribunal Reform

Her Majesty's Government of Gibraltar is pleased to announce that it has now finalised its substantive and wide-ranging reforms of the Industrial Tribunal. The review leads to amendments to the Employment Act and the introduction of new and various subsidiary legislation. On commencement of the new legal architecture, there will be a separate set of rules regulating the constitution and procedure applicable to an Employment Tribunal. New fees will be paid to chairpersons presiding over Employment Tribunal cases, and, to mediators, who will meet with the parties in dispute before the case proceeds to a hearing. Further, rules regulating the calculation of compensation and an order extending the type of cases that can be heard before the Employment Tribunal, will also be ushered in, as part of the reforms.

The Ministry of Employment, in partnership with the University of Gibraltar, will offer a tailor made course for lawyers who may be eligible for selection as Chairpersons to the Tribunal. The Training will provide Chairpersons who preside over Employment Tribunals with an opportunity to develop their knowledge and understanding of the new laws and procedure. The training will include topics on managing and solving the problems commonly encountered in assessing evidence, structuring decisions and formulating reasons.

The Hon Neil F. Costa MP commented: "On behalf of HM Government of Gibraltar, and as part of a long overdue review of the Industrial Tribunal processes, I am extremely pleased to announce that we have presented a Bill to Parliament to amend the Employment Act. Our legal reforms will provide a fresh and simple adjudication process to the benefit of claimants and respondents before an Employment Tribunal. In an important innovation, compulsory mediation services are provided to parties in dispute, with the hope that cases will settle instead of proceeding to trial. The finalisation of this review follows my visit to the UK Employment Tribunals and after extensive consultation with all relevant stakeholders. As the public will recall, HMGoG decided not to introduce fees for filing or defending a claim with the Employment Tribunal, or, by the parties receiving mediation services. Further, parties will not be required to make any deposit payments. Our reforms will also see the introduction of a new claim and response form and detailed guidelines aimed at easing the burden of initiating and defending a claim. The forms will be available from the newly created Employment Tribunal website, which will go live after the



Employment Bill is passed in Parliament. In an exciting and welcome innovation, the website will allow users to access Industrial Tribunal judgements from 1999 onwards.

I started this root and branch legislative review immediately on becoming Employment Minister and there has been considerable work in bringing these reforms to fruition. I wish to acknowledge the tremendous effort from the Bar Council, who have been invaluable in their review and feedback of the draft legislation. I also wish to place on the record my thanks to the Chamber of Commerce, the Gibraltar Federation of Small Businesses, Unite the Union, the Gibraltar Teachers Association and the Gibraltar General and Clerical Association for their invaluable input. In addition, I also wish to thank the Honourable, the Chief Justice, for his views and advice and for unstintingly giving of his time to discuss the various aspects of our wide-ranging and substantive reforms. I must also express my gratitude to my Ministry's Legal Counsel, John Paul Fa, for his excellent work in preparing the different pieces of legislation."

The new and revised legislation is accessible for viewing on www.gibraltarlaws.gov.gi.

For further information please contact the Ministry of Business and Employment on 20078871.