



PRESS RELEASE

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Finalisation of Employment Tribunal Reforms

Her Majesty's Government of Gibraltar is extremely pleased to announce that the Employment Tribunal reforms will be effective as from today. The new Employment Tribunal will operate through separate sets of rules regulating its constitution and procedure. The Government has maintained its commitment not to introduce fees to commence or defend proceedings. The rules regulating the calculation of compensation, and an order extending the type of cases that can be heard before the Employment Tribunal, have also been ushered in as part of the reforms.

The new rules implement changes to procedures in relation to costs, prescribed forms, hearings, conciliation by mediators and contract claims. Contract claims will enable an employee to bring a claim for damages for breach of, or sums due under, her employment contract. Further, new rules have been introduced for the evidence to be given by witnesses in person, as well as in respect of timetabling, non-attendance and privacy and restrictions on disclosure. The new rules empower Chairpersons to issue costs orders, preparation time orders and wasted costs orders.

The University of Gibraltar, in conjunction with the Ministry for Business and Employment, will offer training for Employment Tribunal Chairpersons – the first time that such training will be offered in Gibraltar.

Any new employment related claims filed as from today, will need to be filed using the new Claim Forms. Existing claims filed prior to today, and that have not been determined, will continue under the repealed Industrial Tribunal framework.

The Minister for Business and Employment, the Hon Neil F. Costa MP, commented: "I am extremely pleased to announce that HM Government of Gibraltar has completed its manifesto commitment to simplify and speed up the employment adjudication process to the benefit of claimants and respondents before an Employment Tribunal. Compulsory mediation services will now be provided to parties in dispute, with the hope that cases will settle instead of proceeding to trial. As the public will recall, HMGoG decided not to introduce fees for filing or defending a claim with the Employment Tribunal, or, for the parties receiving mediation services. Further, parties will not be required to make any deposit payments. Our reforms will also see the introduction of new forms 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 is also live as from today. The website also has a link to the Employment Tribunal judgments on HMGoG's Law of Gibraltar website (www.gibraltarlaws.gov.gi). This will allow users, for the first time, to access Employment Tribunal judgments from 1999 onwards.

"I wish to acknowledge the tremendous efforts of the Bar Council, in particular, Kenneth Navas and Andrew Cardona, 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 valuable input.

"I 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 and my Ministry's Legal Counsel, John Paul Fa, for his excellent work in preparing the different pieces of legislation."

The new legislation is accessible on www.gibraltarlaws.gov.gi and on the Employment Tribunal's very own website: www.employmenttribunal.gov.gi, together with guidelines and general information regarding the Employment Tribunal.

For further information, please contact the Ministry of Business and Employment on 20078871 or the Employment Tribunal Secretary on 20011000.