

The Rt Hon Robert Buckland QC MP

House of Commons
London
SW1A 0AA

27 April 2020

Dear Lord Chancellor,

We are writing to you to ask that you protect access to justice for workers who have been subjected to harassment and discrimination by temporarily extending the time limit for those claims to the Employment Tribunal from 3 to 6 months.

COVID-19 has seen an unprecedented shift in the British public's everyday priorities as we strive to ensure the health of our families and friends, look after our children who are being home-schooled, as well as trying to continue to work – all whilst putting in to effect safe social distancing measures.

The 3-month time limit for bringing a discrimination or harassment claim is one of the shortest limitation periods for any kind of civil case. The argument for such a limit – that it encourages the prompt resolution of workplace disputes – cannot be maintained in current conditions. Even before this crisis, the Tribunal's backlog meant an average of 8.5 months before conclusion and now, with all trials until at least 26 June 2020 converted to case management hearings, this will only lengthen.

The COVID-19 pandemic and our national efforts to combat it have made it increasingly difficult for current and former workers to comply with the 3-month limit for discrimination and harassment claims. Many law firms and not-for-profit advice agencies are furloughing staff and reducing some services, such as free drop-in clinics. As the time limit for harassment and discrimination cases runs from what the Tribunal concludes is the last unlawful act, this puts individuals without the benefit of specialist legal advice at a particular disadvantage, as they may not be able to identify when their time will run out. Further problems arise from the fact that these kinds of claims are more likely to prompt internal grievance investigations than other types of claim and those resulting processes are being delayed significantly by the ongoing lockdown. Nonetheless, limitation periods run on, meaning people are currently forced to start the ACAS process and issue proceedings before internal investigations are completed. Finally, the personal and often damaging nature of discrimination and harassment claims often adversely impacts the mental wellbeing of claimants. There can be no doubt that the current COVID-19 situation exacerbates this particular harm.

While judges have a power to extend the time limit when it is 'just and equitable,' this is a high and uncertain bar upon which no prudent claimant would ever rely. Proper mitigation of these concerns requires the introduction of a temporary extension to the relevant time limits. As was acknowledged by the Presidents of the Employment Tribunal in guidance provided on 3 April 2020, this change must be made by Parliament. We call on you to ensure that the Government introduces the relevant legislation to safeguard access to justice for these vulnerable workers during the lockdown period. We would welcome the opportunity to discuss this crucial work with you in greater detail and to assist in the development of the necessary policy.

Yours sincerely,

Clare Collier, Advocacy Director, **Liberty**
Andrea Coomber, Director, **JUSTICE**
Julie Bishop, Director, **Law Centres Network**
Chilli Reed, Executive Director, **Advice UK**
Dr Omar Khan, Director, **Runnymede Trust**
David Laurence, Chief Executive, **Disability Law Service**
Ali Harris, Chief Executive, **Equally Ours**
Suzanne McKie QC, Principal, **Farore Law**
Harriet Wistrich, Director, **Centre for Women's Justice**
Deeba Syed, Senior Legal Officer, **Rights of Women**
Rosalind Bragg, Director, **Maternity Action**
Joeli Brearley, Chief Executive Officer, **Pregnant then Screwed**
Jane van Zyl, Chief Executive, **Working Families**
Barbara Drozdowicz, Chief Executive Officer, **Eastern European Resource Centre**
Lucila Granada, Chief Executive, **Focus on Labour Exploitation (FLEX)**
Jacqueline Abbott-Deane, Chief Executive Officer, **One Loud Voice**
Chris Atkinson, Administrator, **Discrimination Law Association**
Kathryn Nawrockyi, Director, **Improper Agency**
Dolores Modern, Policy and Communications Coordinator, **Latin American Women's Rights Service**
Abdullah Mohammed, Employment Solicitor, **Citizens Advice Redbridge**
Ellen Taylor, Employment Caseworker, **Derbyshire Law Centre**
Steve Collins, Employment Supervisor, **Kirklees Law Centre**
Annie Campbell Viswanathan, Director, **North Kensington Law Centre**
Charlotte Harwood, Employment Solicitor, **Plumstead Community Law Centre**

CC:

Rt Hon Boris Johnson MP, Prime Minister
Rt Hon Liz Truss MP, Minister for Women and Equalities
Rt Hon Sir Keir Starmer QC MP, Leader of the Opposition
Rt Hon David Lammy MP, Shadow Lord Chancellor
Marsha de Cordova MP, Shadow Secretary of State for Women and Equalities
Rt Hon Caroline Nokes MP, Chair of Women and Equalities Committee
Sir Bob Neill MP, Chair of Justice Committee