

MINIMISING THE RISK OF TRIBUNAL COSTS

The Equality Act 2010 means that companies must review and address their practices urgently or face legal challenges.

In particular, there must be a greater awareness of and engagement in equality and diversity issues. Companies must consider how they conduct their business, their practices and procedures, as well as how they train their employees, to ensure a respectful working environment.

If measures are not adopted and employees are subject to harassment or unfair treatment that amounts to

discrimination, then the employee can implement the employment tribunal process. The employment tribunal is to be avoided as the **costs** are prohibitive and include the following:

- The tribunal
- Preparation of the case
- Management of the process
- Legal fees*
- Internal disciplinary and grievance procedures

*Fees will initially be paid by the claimant, but the tribunal has the power to order that the employer reimburse, if the claimants case is proved. Where any settlement agreement is reached, that agreement will deal with the fees.

Nature of claim	2009-10	2010-11	2011-12
Sex discrimination	18,200	18,300	10,800
Disability discrimination	7,500	7,200	7,700
Equal pay	37,400	34,600	28,800
Race discrimination	5,700	5,000	4,800

Extract: Employment Tribunal and EAT statistics 2009 to 2012 – Costs in £

There is no limit on the amount that can be awarded at tribunal.

The BEST programme can help you. We can provide you with free support to assist you to adopt or improve ways of working around diversity and inclusion. **If you are interested in finding out more, please contact Natasha Owens on 029 2087 0939 or 029 2087 0990, or by e-mail at OwensN1@cf.ac.uk.**

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LLEIHAU'R Y RISG O GOSTAU TRIBIWNLYS



Mae Deddf Cydraddoldeb 2010 yn golygu fod rhaid i gwmnïau adolygu a rhoi sylw i'w harferion ar frys neu wynebu heriau cyfreithiol.

Yn benodol, rhaid cael gwell ymwybyddiaeth ac ymgysylltiad o ran materion cydraddoldeb ac amrywiaeth. Rhaid i gwmnïau ystyried sut maent yn rheoli eu busnes, eu harferion a'u gweithdrefnau, ynghyd â sut maent yn hyfforddi eu gweithwyr, er mwyn sicrhau amgylchedd gwaith parchus.

Oni fydd camau'n cael eu cymryd ac os yw gweithwyr yn destun aflonyddu neu

driniaeth annheg sy'n golygu gwahaniaethu, yna gall y gweithwyr droi at dribiwnlys cyflogaeth. Dylid osgoi'r tribiwnlys cyflogaeth oherwydd mae'r **costau** yn ofnadwy o uchel ac yn cynnwys y canlynol:

- Y tribiwnlys
- Paratoi'r achos
- Rheoli'r broses
- Ffioedd cyfreithiol*
- Gweithdrefnau mewnol ynglŷn â disgyblaeth ac achwyniadau

*I ddechrau, telir y ffioedd gan yr hawlydd, ond mae gan y tribiwnlys yr awdurdod i orchymyn ad-daliad gan y cyflogwr, os profir achos yr hawlydd. Pan geir unrhyw gytundeb setlo, bydd y cytundeb hwnnw'n delio â'r ffioedd.

Natur yr hawliad	2009-10	2010-11	2011-12
Gwahaniaethu ar sail rhyw	18,200	18,300	10,800
Gwahaniaethu ar sail anabledd	7,500	7,200	7,700
Cyflog cyfartal	37,400	34,600	28,800
Gwahaniaethu ar sail hil	5,700	5,000	4,800

Dyfyniad: Ystadegau Tribiwnlys Cyflogaeth a Thribiwnlys Apêl Cyflogaeth 2009-2012 – Costau mewn £

Nid oes derfyn ar faint y gellir ei ddyfarnu mewn tribiwnlys.

Gall rhaglen BEST eich helpu chi. Gallwn roi cymorth am ddim ichi er mwyn addasu neu wella ffyrdd o weithio o gwmpas amrywiaeth a chynhwysiant. **Os hoffech gael gwybod mwy am hyn, byddwchystal â chysylltu â Natasha Owens ar 029 2087 0939 neu 029 2087 0990, neu drwy e-bostio OwensN1@cf.ac.uk.**

best

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