

## PART TWO

# INTRODUCTION

**Morag McDermont**

The chapters in this part explore the experience of giving and receiving advice in a specific field, namely that of employment disputes. Here we draw on the stories of the 158 CAB clients who took part in one of the research projects, people who had approached their local Citizens Advice after experiencing a problem at work. When we began this research we were particularly interested in how the Employment Tribunal system did, or did not, function as a mechanism for accessing justice. We knew from a pilot research project that many found it an intimidating, highly legalised institution that was very difficult to engage in without specialist legal help. While our research confirmed this, it also confirmed the importance to many workers of the tribunal as a space independent from the workplace – a space where they could get their dispute heard.

Unfortunately, part-way through our research the landscape changed dramatically for workers with employment problems with the introduction of fees for taking a case to an Employment Tribunal. As Laura's story demonstrates (the case study that opens Part Two), the impact of having to pay a fee – which could be up to £1200 to get to a hearing for a more complex case – was to make access to the tribunal impossible for many. Laura's story has become the 'new normal', as Michael Ford says in his 'Reflection' which follows.

Michael provides a barrister's perspective on the impact of fees, drawing on his many years' experience of representing workers in complex legal cases at Employment Tribunals, along with a detailed analysis of the government's own statistics which show the dramatic decline in applications following the introduction of fees.

Chapter Four provides a summary of the legal provisions that create numerous challenges, and barriers, for those seeking to access the ET system, starting from the historical perspective of Industrial Tribunals and the principles they attempted to establish of easily accessible and affordable routes to justice. Chapter Five returns to the research data to explore two key questions through the eyes of advisers and their clients: how do people think about the law in relation to problems at work, or disputes with their employers, and how do advisers transform or augment these notions into action or inaction in relation to employment disputes? Chapter Six concludes this part with a sociologist's perspective, using the workers' stories to explore the precarity, insecurity and inequality experienced by many workers, and the importance in this respect of the CAB advisers who attempt to negotiate settlements with employers.