

## Employment

### **Charges for Employment Work**

Employment law applies to every business in the UK and is integral to workplace management and to every working individual. Managing the requirements of employment law can be daunting for employers and employees alike and failing to comply with employment legislation can have serious repercussions for both parties.

At FJG we have a team of specialist employment lawyers who manage the full spectrum of contentious and non-contentious employment cases.

Our employment team works closely with our corporate team to ensure that the right people are in place to strategise with you.

Our employment team forms part of our dispute resolution department, which equips it to provide the best advice and representation on the full breadth of contentious employment matters. That includes Employment Tribunal matters, professional disciplinary issues before regulators and internal investigations involving both statutorily and contractually appointed authorities.

### **Employee Services**

We are experts in handling contentious employment cases. Areas that our employment lawyers typically advise employees on include:

- Unfair dismissal claims
- Wrongful dismissal claims
- Unlawful deduction claims
- Whistleblowing claims
- Discrimination claims
- Other breach of contract claims
- Disputes relating to bonuses, commission and/or share entitlements
- Employment issues relating to employees in the regulated sector, including FCA regulated professionals
- Flexible working disputes
- Restrictive covenants
- Minority shareholder rights
- Shares and share options
- Confidentiality and fiduciary duties
- Individual redundancy
- Collective redundancies
- Bullying and harassment
- Transfer of undertakings rights
- Settlement agreements, settlement negotiations and enforcement of claims in relation to the same

### **Employer Services**

- Defending Unfair Dismissal and Wrongful Dismissal actions
- Defending Discrimination, Equal Pay, Flexible Working, Unlawful Deductions and Maternity Claims

- Protection of business interests
- Protection of confidential information
- Enforcement of post-termination restraint / restrictive covenants
- Team moves and poaching
- Fraud by employees
- Harassment and discrimination in the workplace

## **Employment Tribunals Matters**

We are high level tacticians with years of experience in resolving employment disputes.

Many of the employment disputes we advise on settle without recourse to formal litigation steps and we believe that this is a testament to our team's tactical approach to handling negotiations in contentious cases.

We are frequently engaged nonetheless with managing litigation in the Employment Tribunal, County Court and High Court on issues including discrimination, whistleblowing and enforcement of restrictive covenants.

We are risk managers, with a very good understanding of when to take risks and when to minimise them. We are adept at applying proportionate force at the best time to offer our clients the best chances of success and to keep costs - which are irrecoverable from a losing party in employment proceedings generally - proportionate to the matters in dispute.

We typically offer fixed fee appointments with our experienced solicitors to both employers and employees, to enable them to obtain initial advice on cases, so we can provide the earliest possible advice regarding how to resolve an employment case.

There are usually different ways to resolve an employment dispute, no matter how entrenched the parties may seem and we aim to set out all of the options available to clients at the earliest opportunity.

Whether we act for claimant individuals or respondent businesses our approach to charges is the same. We offer fixed fee appointments with our specialist solicitors who take initial instructions about the circumstances of a case to obtain a feel for the issues, give some initial advice and help tailor a strategy to approach the matter at hand.

The costs of a fixed fee appointment with one of our solicitors can range between £200 to £500 plus VAT (£240 / £600) depending on the seniority of the solicitor involved in the case. Our fixed fee interviews last up to one hour.

After an initial fixed fee interview we typically charge on a time recorded basis. Our charges in cases will be based on the amount of time spent on conduct of work and our Terms of Business.

The hourly rates of our fee earners are set out below:

Grade A fee earner (Partner or Senior solicitor or legal executive) with over 8 years' experience, hourly rates: £240 - £260 plus VAT (£288 / £312)

Grade B fee earner (Solicitor or Legal Executive) with over 4 years' experience, hourly rates £170 - £190 plus VAT (£204 / £228 )

Grade C fee earner (Other solicitors or legal executives and fee earners of equivalent experience) hourly rates £150 - £170 plus VAT (£180 / £204)

Grade D fee earner (Trainee Solicitors, Paralegals and other fee earners) £80 - £120 plus VAT (£96 / £144).

### **Employment Tribunal Fees**

Payment of Employment Tribunal fees was abolished in July 2017 to help provide better access to justice for litigants.

This means that although you will not have to pay the government fees to commence or defend an employment claim, if one chooses to be represented in a case it is usual for them to meet their own legal costs.

### **Other Services and Information**

We recognise that legal costs can sometimes be prohibitive to individuals and small businesses obtaining legal advice promptly, or at all.

Navigating an Employment Tribunal or Court matter can be a minefield. The process can also present hidden opportunities for litigants to obtain tactical advantages over opponents, which clients naturally wish to benefit from. Having an employment specialist in the background who is familiar with Employment Tribunal rules in a case can often be advantageous if full representation cannot be afforded.

We offer services designed to help litigants who require *ad hoc* advice with preparation of statements of case (ET1's and ET3's , preparing witness statements, representation at Preliminary Hearings and

with making various applications , without us going on the record as acting for that party. This is to enable our client's to gain access to our employment services when they need them the most.

Some cases settle early and others require to go to trial. The spectrum of different contested employment matters is vast. As a guide though, in non-complex Unfair Dismissal cases an employee's solicitor own-client costs to trial (if represented from the outset) could be in the range of between £5,000 and £30,000 plus VAT (£6000 / £36000) and disbursements.

Factors which may increase legal costs includes but is not limited to: the complexity of the legal issues involved, any prior handling of the dispute by managers or by other legal representatives, the volume of documentation involved in the case, the number of witnesses to be called, variations to client objectives or established evidence, any applications that may be advised in the lead up to trial and the other side's attitude towards settlement.

The maximum amount that one can be awarded as compensation for Unfair Dismissal is presently the statutory cap of £80,541, or 52 weeks gross salary - whichever is the lower. This is in addition to the basic award which can be ordered by the Tribunal of up to a maximum of £14,670. These figures are correct as at 2018.

A difficult opponent can considerably increase the incurrence of another parties' costs.

In discrimination cases costs can be higher, ranging in non- complex cases between £7,000 and £35,000 plus VAT and disbursements to trial.

In cases where sums of money are being sought by way of recovery up to the limit of £25,000 and where the County Court has jurisdiction to hear a matter in addition to the Employment Tribunal, costs can be recoverable from a losing opponent (see link to debt recovery page).

## **Disbursements**

In some cases a barrister may be employed by us on your behalf to represent you at the hearing of an application or at trial.

We work with a number of highly regarded local barristers and other city based barristers (generally for higher value or more complex cases) to provide advocacy services on your behalf.

Barristers' fees are part of a family of costs known as 'disbursement costs' because you incur them by requiring to pay fees to third parties. Barristers' fees in debt collection matters typically range between £400 and £1200 plus VAT (£480 / (£1440) for making court applications (including a brief fee) and between £800 and £2,000 plus VAT (£960 / £2400) for conduct of up to a day's trial. Thereafter one can usually expect to pay a further £1,000 plus VAT (£1200) a day on average for each further day that the Barrister is engaged at a trial.

Employment trials can be disposed of by the Tribunal in the space of a few hours to one day or in larger substantive matters over weeks. If your matter is likely to fall outside of these general costs parameters we will inform you during the currency of your case. The nature and complexity of a matter will usually be known to us after a fixed fee meeting.

### **Court Fees**

In applicable cases court fees may be payable at different stages during a contentious case. These costs are also known as disbursement costs.

A list of court fees, including enforcement costs are published by HM Courts & Tribunal Service on form EX50, which can be viewed via the following link:

<http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder>

There may be other disbursement costs incurred by our clients including travel expenses, which are chargeable by us at the rate of 45p per mile plus VAT (54p), the costs of tracing a debtor in the context of enforcement proceedings (which range between £50 plus VAT (£60) and £500 plus VAT (£600) depending on the nature of the searches conducted), obtaining credit reference reports (between £100 plus VAT (£120) and £750 plus VAT (900)) and process serving fees (which range between £100 plus VAT (£120) and £500 plus VAT (£600)).

In the event of enforcement action becoming necessary to engage a High Court Enforcement agent the applicable fee for transfer up of these proceedings from County Court to the High court is £66 and in the event that no recovery is possible the High Court Enforcement Officer's fee is typically £75 plus VAT (£90)

The above information is provided as a general guide to costs in employment matters and is not a costs guarantee. More information regarding likely costs will usually be provided to our clients at a fixed fee interview.