

2. Do you agree that raising the lower gross monthly income threshold is the fairest way to widen access to help under Help with Fees scheme and to alleviate the impact of fees on Employment Tribunals claims? Please give reasons.

We are concerned that this only equates to a gross annual salary of £15,000, in line with the National Living Wage (NLW). The National Living Wage does not take into account regional differences in the cost of living. It is encouraging that the proposals consider family size when calculating the fee remission threshold. However, variations in outgoings such as high rents in some areas is not factored into the proposal.

Those most able to risk losing the fee continue to be privileged under the proposed system. Evidence from a [recent report](#) by Business in the Community and the University of Manchester found that ethnic minority claimants were discouraged from bringing cases forward due to lack of access to resources.^{[1][1]} We believe that the most effective way to ensure access to Employment Tribunals for workplace discrimination cases is to abolish tribunal fees. Employment Tribunals – similar in nature to court proceeding – are unlikely to be taken lightly by claimants. We do not believe fees are a necessary deterrent.

3. Do you agree with the proposal to raise the gross monthly income threshold for a fee remission from £1,085 to £1,250? Please give reasons.

We welcome the gross monthly minimum increase to £1,250. However, this does not go far enough to widen access to Employment Tribunals. Those who experience racism and discrimination in the workplace should not have to pay to take action.

5. Do you agree with our assessment of the impacts of our proposed reforms to the fee remissions scheme on people with protected characteristics? Are there other factors we should take into account, or other groups likely to be affected by these proposals? Please give reasons.

We welcome government's consideration of the impact of the tribunal fee system on Black and Ethnic Minority (BME) groups. Employment tribunals are an essential lever for BME people to challenge workplace discrimination. A [recent report](#) by Business in the Community and the University of Manchester found that racism and discrimination is still commonplace at work.^{[2][2]} Yet the financial impact of fees has been disproportionately higher for Black and Asian people in particular (p.49). Accordingly, the number of discrimination claims has fallen significantly. We understand that it would not be appropriate to charge BME people a different level of fees to mitigate the impact. However, we do not believe the proposed reforms to the Help with Fees regime will significantly empower ethnic minorities to bring cases to an Employment Tribunal.

Our [previous analysis](#), found that a much higher proportion of BME people qualify for the National Living Wage.^{[3][3]} However, the Institute for Fiscal Studies (IFS) and National Institute of Economic and Social Research (NIESR) have made clear that a wage increase does not necessarily mean an

increase in income. This is particularly the case for many low income households, for lone parents, and the average single-earner family on in-work tax credits, household types that are likely to be more common among BME people. Furthermore, [our work](#) with the Women's Budget Group revealed that BME are disproportionately impacted by tax, benefit and public service changes.^[4]^[4] As the proposed reforms do not take these factors into account, they are unlikely to have the impact government anticipates. Hodge Jones and Allen LLP [have noted](#) that common unfair dismissal or discrimination claims cost employees £250 to issue the claim and a further £950 if the matter continues to a final hearing.^[5]^[5] It is clear that this cost could not be met by those just above the fee remission threshold, nearly equating to their monthly gross salary. More clarity is needed on how the partial fee remissions are structured.

Although it is positive that more cases are being resolved through conciliation services, we believe tribunals are an important tool in ensuring compliance with statutory equalities legislation. It is important that claims that cannot be resolved through conciliation services are not prevented from accessing redress through Employment Tribunals. Research carried out by Unpaid Britain has shown that fees ration the access to justice and they prevent claims which have merit.