

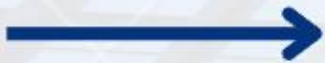
**UNIVERSITAS KRISTEN WIRA WACANA SUMBA**

**WEEK 11**

**EMPLOYMENT TRIBUNAL**

**SALMON PANDARANGGA, S.S., M.TESOL**

**ENGLISH FOR LAW**



# Review

An employer is a person who have a business and pay people who work for him or her. An employer must :

- define job responsibilities
- set up working hours
- manage remuneration
- comply with labor law

# Key Vocabulary

employer	admin work	wages	suppliers
atasan/pemberi kerja	pekerjaan administrasi	upah	para pemasok
employees	payroll	order	employ
pegawai/karyawan	sistem penggajian	pesanan	mempekerjakan
staff	part-time	full-time	payment
staf/pegawai	paruh waktu	penuh waktu	pembayaran
manager	salary	remuneration	office
manajer	gaji	remunerasi	kantor
secretary	pay	invoices	maternity leave
sekretaris	membayar	faktur transaksi	cuti hamil

## Ending of employment contract

- Resignation
- Retirement
- Redundancy
- Dismissal
- A fixed-term contract

## Employment tribunals

Employment tribunals are not as formal as a court but they must follow the correct rules of procedure in the same way as a normal court. Employment tribunals:

- hear cases on matters of employment.
- encourage both parties to reach agreement before a case is heard.
- deal cases in the areas of employment, for example, discrimination at work, unfair dismissal, breaches of health and safety regulations, payment and redundancy claims.
- have the power to make decisions.

## Key Vocabulary Before reading

employment	tribunal office	collect	online version
decisions	enquiries	seek help	correct form
agreement	legal advice	complaints	strict
unfair dismissal	trade union	conditions	cases
safety	member	respondent	address

# Key Vocabulary Before reading

<b>employment</b> pekerjaan	<b>tribunal office</b> kantor pengadilan	<b>collect</b> mengumpulkan	<b>online version</b> versi online
decisions keputusan-keputusan	enquiries permintaan keterangan	seek help mencari bantuan	correct form form yang benar
agreement kesepakatan	legal advice nasehat hukum	complaints pengaduan-pengaduan	strict tegas
unfair dismissal pemecatan tidak yang adil	trade union organisasi pekerja	conditions syarat-syarat	cases kasus-kasus
safety keselamatan	member anggota	respondent tergugat	address alamat

## **Reading.**

### **What does employment tribunal do?**

Employment tribunals have the power to make decisions but there is a period where the parties are encouraged to reach agreement before a case is heard. Employment tribunals hear cases and make decisions on matters connected with employment. Employment matters include cases in the areas of discrimination at work, unfair dismissal, breaches of health and safety regulations and a range of claims dealing with payments relating to wages and redundancy.

Staff at the tribunal office can answer general enquiries and give you information how the tribunal system works. They cannot give you legal advice or advise you as to whether your claim be successful. If you need help with your claim, you can contact a solicitor, or seek help from your trade union if you are a member. You can also collect a full list of the complaints that employment tribunal deal with from the tribunal office.

## Cont....

Your claim must meet certain conditions before it can be accepted. It must be submitted to the tribunal on the correct form provided by an employment tribunal office. You must inform:

- your name and address
- the name and address of the respondent that you are making a claim against.
- the details of your complaint.

Before making a claim, you should write to the respondent and give details of your complaint. You should then allow the respondent 28 days to reply before bringing your claim to a tribunal office. In most cases, you have three months to make your claim. This time is very strict and if you wait longer than three months, the tribunal may not be able to deal with your claim. You can send your claim to the nearest employment tribunal office or you can complete the online version of tribunal office website.

(Catherine, Mason, 2016, pp.150)

## Question

1. What do employment tribunals do?
2. What employment matters do employment tribunals accept?
3. What can staff at the tribunal office answer?
4. Who can give legal advice to a client on employment matters?
5. How does a client know what the employment tribunal deal with?
6. What information do you provide before making a claim in employment tribunal?
7. How long does it take for a respondent to reply your complaint?
8. Where can you send your claim on employment matters?

## Answer

1. What do employment tribunals do?

- Employment tribunals hear cases and make decisions on employment matters. The tribunals also encourage both parties to reach agreement before a case is heard.

In the text:

“Employment tribunals have the power to make decisions but there is a period where the parties are encouraged to reach agreement before a case is heard. Employment tribunals hear cases and make decisions on matters connected with employment”

## Cont....

2. What employment matters do employment tribunals accept?

- The tribunals accept discrimination at work, unfair dismissal, breaches of health and safety regulation, and payment redundancy.

In the text:

“Employment matters include cases in the areas of discrimination at work, unfair dismissal, breaches of health and safety regulations and a range of claims dealing with payments relating to wages and redundancy”.

## Cont....

### 3. What can staff at the tribunal office answer?

- Staff can answer general enquiries and information how the tribunal system works but they cannot give legal advice.

In the text:

“Staff at the tribunal office can answer general enquiries and give you information how the tribunal system works. They cannot give you legal advice or advise you as to whether your claim be successful”.

## Cont....

4. Who can give legal advice to a client on employment matters?

- Solicitor or trade union

In the text:

“If you need help with your claim, you can contact a solicitor, or seek help from your trade union if you are a member”.

## Cont....

5. How do you know what the employment tribunal deal with?

- By collecting a full list of the complaints made by clients at the employment tribunals.

In the text:

“You can also collect a full list of the complaints that employment tribunal deal with from the tribunal office”.

## Cont....

6. What information do you provide before making a claim in employment tribunal?

- You need to provide personal information such as name, address, name and address of the respondent, and the details of the complaints.

In the text:

“You must inform:

- your name and address
- the name and address of the respondent that you are making a claim against.
- the details of your complaint.”

## Cont....

7. How long does it take for a respondent to reply your complaint?

- 28 days

In the text:

“You should then allow the respondent 28 days to reply before bringing your claim to a tribunal office”.

## Cont....

8. Where can you send your claim on employment matters?

- You can send your claim to the nearest employment tribunal office or download the online version of tribunal office website.

In the text:

“You can send your claim to the nearest employment tribunal office or you can complete the online version of tribunal office website”.

## Exercise

**Put the correct word from the key vocabulary into the sentences below.**

1. The judge at the \_\_\_\_\_ tribunal make a fair decision on that redundancy case.
2. The company and the employees have reach \_\_\_\_\_ before the case is heard.
3. Because of the \_\_\_\_\_ by their company, Tumpal, Yuven, and Yanto make a claim to the employment tribunal.
4. Diana usually answers general \_\_\_\_\_ on how the tribunal systems work.
5. They need \_\_\_\_\_ for discrimination they experienced at work.
6. Sepri is a \_\_\_\_\_ of the trade union in Waingapu.
7. The law firm deals with \_\_\_\_\_ on employment matters.
8. I have to send details of the complaints to the \_\_\_\_\_ before I bring my claim to the tribunal office.

## Answer

1. The judge at the **employment** tribunal make a fair decision on that redundancy case.
2. The company and the employees have reach **agreement** before the case is heard.
3. Because of the **unfair dismissal** by their company, Tumpal, Yuven, and Yanto make a claim to the employment tribunal.
4. Diana usually answers general **enquiries** on how the tribunal systems work.

## Cont...

5. They need **legal advice** for discrimination they experienced at work.
6. Sepri is a **member** of the trade union in Waingapu.
7. The law firm deals with **complaints** on employment matters.
8. I have to send details of the complaints to the **respondent** before I bring my claim to the tribunal office.

## Types of claims at an employment tribunal

1. My name is Umbu Lukas. I work in the office of shoe shop. I had attended a disciplinary meeting last week because I was accused of using internet to look at football websites during paid working hours. I was dismissed at the end of the meeting. I was extremely angry because my employer refused to allow my trade union to attend the meeting with me.
2. I am Donna Manandang. I work for a big store in my town. My employment contract clearly states that I will be paid on 22<sup>nd</sup> of each month but my employer always pays later than that. I have had some financial troubles as a result.
3. My name is Dion Nggaba. I am 40 years old. I applied for a job in petrol station in Jakarta. The job advertisement said that the applicants should be "young and dynamic". I was not selected for interview, despite lots of previous experience of doing similar jobs. I believed that the employer only wanted younger people than me.

## Cont....

4. My name is Umbu Nicholas. I am 55 years old. I work for a department store. Last month, our manager resigned and the job of branch manager become available. Despite the fact that I have 25 years experience in this type of work, a younger man in my office chose over me. One of the executive managers told me afterward that I was too old for that position as the company needed someone younger, energetic and dynamic. I feel that this is extremely unfair.
5. I am Benyamin Muda. I am 22 years old. I do seasonal work at a local fruit grower near my town. I pick fruit for seven hours every day. The law says that my employer must pay me at least Rp. 50.000 an hour but my employer only pays me Rp. 30.000 an hour.
6. My name is Reny Cantika. I used to work as a manager of a book shop until I resigned last August. I didn't want to resign but when my employers found out that I was expecting a baby, they treated me very badly. I didn't feel that I could stay.

## Exercise

### Match each employee with the correct types of claims at an employment tribunal

- a. You have suffered a detriment or have been dismissed on the grounds of pregnancy.

Employee name:

- b. You have suffered a detriment or have been dismissed as a result of your employer's failure to pay the minimum wage.

Employee name:

- c. You have suffered a detriment or have been dismissed as a result of your employer's refusal to allow your trade union to attend the disciplinary hearing.

Employee name:

- d. You have a complaint based upon breach of contract

Employee name:

## Cont....

e. You have a complaint based upon a discriminatory advertisement.

Employee name:

f. You have suffered discrimination in the workplace on the grounds of age.

Employee name:

## Answer

a. You have suffered a detriment or have been dismissed on the grounds of pregnancy.

Employee name: Reni cantika

Text:

My name is Reny Cantika. I used to work as a manager of a book shop until I resigned last August. I didn't want to resign but when my employers found out that I was expecting a baby, they treated me very badly. I didn't feel that I could stay.

## Cont....

- b. You have suffered a detriment or have been dismissed as a result of your employer's failure to pay the minimum wage.

Employee name: Benyamin Muda

Text:

I am Benyamin Muda. I am 22 years old. I do seasonal work at a local fruit grower near my town. I pick fruit for seven hours every day. The law says that my employer must pay me at least Rp. 50.000 an hour but my employer only pays me Rp. 30.000 an hour.

## Cont....

- c. You have suffered a detriment or have been dismissed as a result of your employer's refusal to allow your trade union to attend the disciplinary hearing

Employee name: Umbu Lukas

Text:

My name is Umbu Lukas. I work in the office of shoe shop. I had attended a disciplinary meeting last week because I was accused of using internet to look at football websites during paid working hours. I was dismissed at the end of the meeting. I was extremely angry because my employer refused to allow my trade union to attend the meeting with me.

## Cont....

d. You have a complaint based upon breach of contract

Employee name: Donna Manandang

Text:

I am Donna Manandang. I work for a big store in my town. My employment contract clearly states that I will be paid on 22<sup>nd</sup> of each month but my employer always pays later than that. I have had some financial troubles as a result.

## Cont....

e. You have a complaint based upon a discriminatory advertisement.

Employee name: Dion Nggaba

Text:

My name is Dion Nggaba. I am 40 years old. I applied for a job in petrol station in Jakarta. The job advertisement said that the applicants should be "young and dynamic". I was not selected for interview, despite lots of previous experience of doing similar jobs. I believed that the employer only wanted younger people than me.

f. You have suffered discrimination in the workplace on the grounds of age.

Employee name: Umbu Nicholas

Text

My name is Umbu Nicholas. I am 55 years old. I work for a department store. Last month, our manager resigned and the job of branch manager become available. Despite the fact that I have 25 years experience in this type of work, a younger man in my office chose over me. One of the executive managers told me afterward that I was too old for that position as the company needed someone younger, energetic and dynamic. I feel that this is extremely unfair.

## **Employment tribunals:**

- have the power to make decisions
- encourage both parties to reach agreement before a case is heard.
- hear cases and make decisions on matters connected with employment.
- deal cases in the areas of discrimination at work, unfair dismissal, breaches of health and safety regulations, payment and redundancy claims.

## Cont....

### **You need to provide personal information before making a claim:**

- your name and address
- the name and address of the respondent that you are making a claim against.
- the details of your complaint.

# Reference

1. Catherine, Mason. (2016). *The Lawyer's English Language Teaching Coursebook* (2<sup>nd</sup> ed.). Global Legal English LTD.

**Terima kasih**