

Guidance Notes: Completion of a Complaint to the Employment & Equality Tribunal

Welcome to the PDF form to enable you to present a Complaint to the Employment and Equality Tribunal. The Full Guidance Notes below will assist you when completing this form. If you are at all unclear about the Complaint(s) that you wish to present then further assistance can be obtained from the relevant conciliator, whose contact details can be obtained via the buttons shown below.

How to complete your Complaint to the Employment & Equality Tribunal

These guidance notes have been prepared to assist with the completion of a complaint to the Employment & Equality Tribunal ("the Tribunal"). They do not purport to be a complete or definitive statement of the law.

Guidance Notes

You should carefully read these notes before completing your complaint to the Tribunal.

[Further information about the Tribunal](#)

[Employment & Equality Tribunal Information](#)

Discussing the matter before making a Complaint

You may wish to discuss the matter before making a Complaint with the relevant conciliation service provider. Click one of the following links according to the nature of your Complaint (for contact details):

- For **Work** related issues the **Manx Industrial Relations Service**, who provide a free and impartial service, and are available to talk to individuals and employers with regard to matters such as employment rights and employment disputes. They can seek to resolve matters through conciliation either prior to a complaint being made to the Tribunal, or after a Complaint and Response have been submitted. The **Manx Industrial Relations Service (MIRS)** can be contacted via this [Link](#)
- For **Education** related issues the person appointed by the **Department of Education, Sport and Culture** to conciliate in proceedings can be contacted via this [Link](#)
- For **Goods & Services/Other** related issue arising under the provisions of the Equality Act 2017. The **Office of Fair Trading** can be contacted via this [Link](#)

Help may also be available from other sources or you may wish to seek legal advice.

Time Limits and Complaints to the Employment and Equality Tribunal

It should be borne in mind that **strict time limits** apply with regard to presenting a complaint to the Tribunal. Details of the time limit for any particular complaint can be obtained by contacting the relevant conciliator - see contact details above.

Please note that discussions with a conciliator will not alter or extend the legal time limits.

If you are presenting a complaint outside of the relevant time limit you must apply to the Tribunal for an extension of time, which must be submitted with your complaint **and** include an explanation as to why you could not comply with the time limit. Your application can be set out in the section of this form entitled **Extension of Time Application**.

If no such application is made, the complaint will be returned and treated as if it had not been submitted.

If you are close to the expiry of a time limit then you should be mindful of the office opening hours of the Tribunals' Centralised Administration Office, which are 9:30am to 4:30pm Monday to Thursday (4:00pm Friday). This is because the Tribunal Rules provide that **any document submitted after the office closes will be treated as having been delivered the next day that the office is open for business**.

Filling in the Complaint Form

Please complete the form **clearly in ink**. In the event that there is insufficient space, please continue on a separate sheet(s) of A4 paper as necessary, marking each additional sheet at the top with the name of the Complainant and the name of the Respondent.

As indicated below by questions marked with an asterisk (*), certain **information must be provided in the complaint** otherwise the complaint will be returned and treated as if it had not been presented.

Please note that a **complaint form may only be used by one complainant** to present their complaint.

Question 1 – Complainant's Details	
1.1	Give your full title.
1.2*	Give your forename(s) in full.
1.3*	Give your surname.
1.4	Give your date of birth in day/month/year format (for example 25/06/1970).
1.5*	<p>Give your full postal address including the postcode.</p> <p>This will be the address to which correspondence will be sent unless you have chosen to be represented by someone else and have provided their details (see question 4.). If you have chosen to be represented by someone else, correspondence will only be sent to that person.</p> <p>If you or your representative change address (or if you choose to be represented by someone else at a later date) you should immediately provide notice of such change to the Clerk and to the other party/parties and to the conciliator dealing with your case.</p>
1.6	If you are happy to be contacted by telephone during normal working hours, please provide mobile, home and/or work telephone numbers as appropriate (including the full dialling code).
1.7	If you are happy to be contacted by email please provide your email address. If you provide an email address you should ensure that you check your emails every day as all correspondence will be by e-mail.
1.8	If you are able to take part in a hearing by an audio/visual solution (examples being via telephone conference call and or Microsoft Teams). Please indicate if you are able to or not. If Yes is selected you will require internet access.
Question 2* – Please State The Type of Complaint(s) You Wish The Tribunal To Consider	
<p>Please select from the following areas, dependent on what you are seeking the Tribunal to consider:-</p> <ul style="list-style-type: none">• Work• Education• Goods/Services/Other	
<p>Please indicate the type of complaint you are making by ticking one or more of the boxes below to detail the nature of the complaint or complaints that you are asking the Tribunal to consider, for example Unfair Dismissal, Unlawful Deduction from Pay, Sex Discrimination etc. Remember that a complaint for Unlawful Deduction from Pay includes a complaint for non-payment of monies you believe you are owed.</p>	
<p>If you are making another type of complaint which the Employment and Equality Tribunal can deal with, please provide a brief description of this, referring to the section within the Employment Act 2006, Equality Act 2017 and or any other relevant legislation.</p>	
<p>If your complaint alleges that you have made a protected disclosure (otherwise known as whistleblowing) as defined under the provisions of Section 49 of the Employment Act 2006, please tick the if you would wish for the Chairperson or Tribunal to consider sending a copy of your complaint to the relevant regulator.</p>	

Question 3* – Please Provide a Brief Summary of Facts Giving Rise to your Complaint(s)	
<p>Please use the space provided (and continue on a separate A4 sheet(s) as necessary) to explain briefly the facts giving rise to each of the complaints that you wish the Tribunal to consider as identified at question 2.</p> <p>If you are complaining of an Unlawful Deduction from Pay, please explain why you believe you are entitled to this payment, how much you are claiming and how you have worked this out. If you are complaining of more than one type of payment please give the amounts claimed and how you worked out each amount.</p>	
Question 4 - If you have chosen to be represented by someone else, please give their details	
<p>You only need to fill in this section if you have chosen to be represented by another person. Once the details of a representative have been provided all future correspondence will only be sent to that person, not to you.</p> <p>You can choose to be represented by someone at any time and, if you choose to be represented at a later date you should immediately give notice of your representative to the Clerk and to the other party or parties and, where appropriate, to the conciliator dealing with your case.</p>	
4.1	Specify the title, forename(s) and surname of the person who is to represent you.
4.2	Provide the type of representation you have engaged with. This can be the following; - IOM Advocate, Union, Family/Friend, HR Provider & Other. If Union, Family/Friend & Hr Provider are selected, then no further requirements are needed. But if IOM Advocate and or Other are selected, then please refer below. The dropdown list of Advocate's Firm is provided to give assistance to complete the local Advocate's Name and Address. This list will be regularly updated, but if your local Advocate is not contained within this list, you will be required to fill in the name and address manually via the postcode search and or Other option. If your representation falls outside of the above mentioned dropdown list, please provide your type of representation within this field.
4.3	Give the full postal address, including the postcode, of your representative. This will be the address to which all correspondence will be sent in future.
4.4	Please provide mobile, home and/or work telephone numbers as appropriate and indicate which your representative would prefer us to contact them on during normal working hours.
4.5	If your representative is happy to be contacted by email, give their email address. If an email address has been provided, your representative should ensure that they check their emails every day as all correspondence will be by e-mail.
Question 5 – Respondent's Details	
<p>The Respondent is the employer, organisation or individual(s) against whom your complaint is made. In some cases there may be more than one Respondent to a complaint, in which case the details for any additional Respondent(s) should be provided on a separate sheet of paper.</p>	
5.1*	<p>Before completing this section it is important that you should carefully consider who it is that you are complaining against, and ensure, as far as you are able to that you accurately identify the details of the Respondent.</p> <p>For example, even if a Complainant works in a business generally known as "Joe Soaps" the Respondent's correct details may in fact be "Joe Soap Limited" or "Joe Soap & Fred Bloggs trading as Joe Soaps". Your Job Offer, Terms & Conditions of Employment or Pay Statement may help in identifying the correct details of the Respondent.</p>
5.2*	Give the full postal address, and the postcode, for the Respondent. It is important that you accurately identify, as far as you are able, the address details of the Respondent.
5.3	Give telephone number(s) (including the full dialling code) where the Respondent can be contacted during normal working hours.
5.4	If the Respondent has an email address which they are contactable on, please provide the details in this box.

Question 6 – Employment Details

If you are not, or were not, an employee, but are, or were, a worker providing services to the Respondent (examples of which might include an agency worker, a casual worker or a freelance worker), please answer this question as if “employment” referred to your working relationship with the Respondent. (Note if you are not, or were not, an employee your employment rights may be more limited than if you are, or were, an employee).

- | | |
|-----|---|
| 6.1 | Please indicate if you are, or were you, an employee of the Respondent by ticking one of the following tick box (Yes/No). |
| 6.2 | If No, you will need to confirm what is your working relationship is and will be presented with the following options:- Applicants for work, Other workers contracted to employer, NHS primary care providers, Trainees & work experience, Self-employed, Partners or Other. If you select “Other”, please clarify your working relationship with the Respondent. |
| 6.3 | If Yes, you will need to confirm if your complaint is against your employer or ex-employer and give the date when your employment started in DD/MM/YYYY format (for example 10/06/1990). If you are still employed no further detail is required. However if your employment has concluded you will be required to provide your End Date, which if applicable, the date when it ended or is due to end. This will follow the same format of DD/MM/YYYY format (for example 10/06/1990). |
| 6.4 | Please indicate your job title which you had during your employment with the Respondent. |
| 6.5 | <p>Please provide details of how much you are or were paid by the Respondent, firstly in terms of your pay (gross) before deductions for Income Tax and National Insurance Contributions, and then your normal take-home (net) pay (in other words including overtime, commissions and bonuses but after deductions for Income Tax and National Insurance Contributions).</p> <p>Please indicate whether your pay is for an hour, a week, a month or a year.</p> <p>Please also provide details of any additional earnings or benefits, not already included in your gross or net pay figures (continuing on a separate sheet of paper as necessary).</p> |

Question 7 – Supporting Documentation

Please **do not** submit any supporting documentation or evidence with this form. If you plan to rely upon documentation or evidence later in the proceedings please provide a simple list of it, e.g. contract of employment, pay slip etc. (Please continue on a separate sheet of paper if necessary)

Question 8 – Extension of Time Application

If you are not responding to the complaint within 28 days of the date on which you were sent a copy of the complaint, a written application to the Tribunal to extend the time for responding to the complaint must be submitted with your response, including an explanation as to why you could not comply with the time limit. If no such application is made, the response will be returned and treated as if it had not been presented. Please use the box below to give your explanation.

Question 9 – Additional Needs

Should you have any additional needs, e.g. any reduced mobility, or restriction in your vision or hearing, or English is not your first language, please let us know if we need to make any special arrangements for you when dealing with your case (e.g. if we need to arrange for a hearing loop, interpreter etc.) If you are unsure, please feel free to contact the clerk and discuss the matter as appropriate.

Sign, Date and Print Your Full Name

This part should be completed by you, or your representative, if you wish.

What Next?

Please check that you have answered all of the questions to the best of your ability, paying particular attention to the questions that are marked with an asterisk to indicate that it is mandatory for you to provide the information, and then forward your complaint to:

Clerk to the Employment & Equality Tribunal
Tribunals Office
Murray House
Mount Havelock
Douglas
Isle of Man
IM1 2SF.

Contact details:

Tel: +44 (0)1624 685941

Email: tribunals@gov.im

Office opening hours

9:30am to 4:30pm Monday to Thursday (4:00pm Friday)

