



EMPLOYMENT APPEAL TRIBUNAL

Hearing Arrangements from 16 April 2020

The ongoing Government measures to combat the Coronavirus pandemic mean that the Employment Appeal Tribunal (“the EAT”) continues to be operationally severely restricted. However, as from 16 April 2020, the EAT will be holding hearings via telephone, Skype or other internet-based platform (“remote hearings”) in a **limited number** of appeals. Until further notice, the following measures will apply.

- 1 Remote hearings, where directed, will be conducted with all parties participating remotely. Physical attendance at the EAT will not be required for remote hearings.
- 2 Where it is considered by the EAT that a remote hearing may be practicable in a particular case, the EAT will contact the parties in that case to ask:
 - a. for their views on whether a remote hearing should be held; and
 - b. whether they can ensure that the Judge and all parties will be provided with, and have access to, an electronic version of the hearing bundle and (if appropriate) the authorities bundle.

The final decision as to whether a hearing shall be conducted remotely shall lie with a Judge of the EAT.

- 3 Where it is considered by the EAT that a remote hearing is not practicable in a particular case, it will be postponed to a later date. The EAT will inform the parties in such cases of any postponement as soon as possible. The EAT will endeavour to re-list postponed cases as soon as practicable. No precise guidance can be given at this stage as to when such re-listing will occur, as this may depend on, amongst other matters, the operational impact, and extent, of any ongoing measures related to the pandemic.
- 4 If any party has not heard from the EAT pursuant to 2 or 3 above about their appeal by 4.00pm on the 7th day before their hearing is due to commence, they should contact the EAT by email immediately (LondonEAT@justice.gov.uk) requesting an update on their appeal. Parties are requested to refrain from seeking updates on their appeals outside this time frame.
- 5 Parties should note that the EAT is endeavouring to conduct as many hearings remotely as current operational limitations will permit. It is not possible to conduct all listed hearings remotely. If a case has been postponed, its relisting will be considered as soon as circumstances permit, and will be given priority in terms of a hearing date, subject to the need to consider any appeals of exceptional urgency.
- 6 Members of the public and the media may, upon the provision of appropriate contact details, be sent an invitation to participate in any remote hearing that would otherwise have been conducted in open court. However, such participation will be strictly limited to

observing proceedings. Members of the public and the media will not be permitted to speak during the remote hearing. The restrictions on recording court proceedings apply to remote hearings. The recording of proceedings without permission will amount to a contempt of court.

- 7 The time limits for instituting appeals, and the requirements for the proper and effective institution of an appeal, remain as set out in the EAT's Rules and Practice Direction. Copies of these, and guidance in relation to them, are available at <https://www.gov.uk/appeal-employment-appeal-tribunal>. During this period of limited operational capacity, Notices of Appeal and accompanying documents must be sent by email in all cases. Please note the limit on email attachment size when doing so.
- 8 During this period, the EAT may not be in a position to respond immediately to email or telephone enquiries. Parties should anticipate that it may take appreciably longer for the EAT administration to respond to communications than usual.

The Hon. Mr Justice Choudhury
President
Employment Appeal Tribunal
9 April 2020