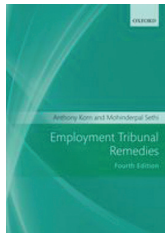


Book review



Employment Tribunal Remedies

Author: Anthony Korn & Mohinderpal Sethi

Publisher: OUP Oxford; 4th edition (Mar 2011)

ISBN: 978-0199586417

Price: £59.95

Whether you are acting for a respondent or claimant in an employment claim (whether in the High Court or the employment tribunal), it is vital to focus on the remedy the claimant is likely to secure if they are successful. Many practitioners will have seen claims which, although meritorious, are worth little in financial terms and if this can be identified and recognised early on, it can assist in settlement.

Korn & Sethi's book, now in its 4th edition, looks in detail at how compensation is calculated in wrongful dismissal claims. Particularly useful are the sections which examine thorny issues such as stigma damages, entitlement to commission or bonuses, dismissal in breach of contractual procedures and pensions. There are also specific sections on tax and the often overlooked recoupment regulations which guide practitioners through this particular minefield.

There is also an extensive examination of how employment tribunals determine losses for unfair dismissal. Those practitioners who represent respondents will be keen to read the sections dealing with reducing compensation. There are specific sections which look at reducing

an award on the basis that it is just and equitable to do so, how the duty to mitigate has been interpreted and deductions for contributory fault. Those representing applicants will be interested to read the sections dealing with the onus of proof in relation to alleging a failure to mitigate and giving practical tips to claimants to enable them to show that they have taken reasonable steps to mitigate.

“ The authors cut through the hype & examine the legal principles behind injury to feelings, aggravated damages & exemplary damages ”

Chapter 15 deals with ex-gratia payments and other deductions and sets out the correct order for deductions—another area which can bamboozle even the most experienced lawyer.

As one would expect, there is a detailed look at compensation in discrimination cases which, where relevant, looks at tensions and conflicts in the case law. Massive awards in respect of discrimination claims hit the headlines from time to time but

the authors cut through the hype and examine the legal principles behind injury to feelings awards, aggravated damages and exemplary damages. The frequently overlooked issue of interest on awards is also examined.

As well as dealing with remedies for what might be seen as the main claims of unfair dismissal and discrimination, Korn & Sethi also look at some of the more esoteric claims one sees less frequently. There is a specific chapter dealing with claims relating to written particulars, wages claims, flexible working and the right to be accompanied. There is also a section dealing with compensation claims against trade unions.

Overall, the book is extremely clear and well-written, with chapters broken down into specific topics and issues. Frequent

case references and worked examples are also very helpful. Trainees and assistant solicitors asked to prepare schedules of loss will also be assisted by the pro-forma schedule in the appendices which are set out various employment tribunal guideline charts and *Ogden* tables.

All in all, very helpful and highly recommended. NLJ

Review by: Jeremy Nixon, partner, employment team, Thrings LLP



Looking for a product or solution to solve your **business problems?**

[Make sure you visit Supplier Hub](#)

Visit www.supplierhub.co.uk/legal

Supplierhub.co.uk is the **directory website** from LexisNexis. Find all your:

• Expert Witnesses • Chambers • Legal Services • Education & CPD • Arbitration & Mediation • Private Investigators • Charities

