

Example witness statement for an employment tribunal hearing

Witnesses give evidence on matters within their own experience/ about which they can reasonably comment. In England and Wales a witness's evidence is given by the individual reading out their written witness statement (in Scotland by a representative asking non-leading questions of the witness – ie open questions which don't imply a specific answer).

The Claimant's witness statement must include reference to all relevant matters upon which the Claimant relies. In other words where a matter is important to the Claimant's case, comment must be provided by the relevant witness. Failure of a witness to comment on a material issue may mean that the tribunal finds that no evidence/ insufficient evidence has been provided to support an accusation. This can result in the employer's evidence being accepted on the basis that it's uncontested.

The claimant's witness statement is therefore a vitally important document and it is worth spending quite a bit of time perfecting it. While questions designed to illicit information supplementary to the witness statement can be put to the claimant by his or her representative, they are usually limited to unforeseen matters/ matters arising out of the respondent's witness statements.

The following witness statement is designed to assist readers of the LRD booklet Employment Tribunals – a Guide for Trade Unionists. Please refer to section 5 of that booklet for further information.

IN THE BIRMINGHAM EMPLOYMENT TRIBUNAL

1234567/2009

BETWEEN: -

Peter Trudeau

Claimant

- and -

Bell Pictures Ltd

Respondent

WITNESS STATEMENT OF PETER TRUDEAU

I, Peter Trudeau, of 24 Sussex Drive, Little Ottawa, Birmingham SAY AS FOLLOWS:

[IDENTIFY YOURSELF]

1. I started work with Bell Pictures on 21 June 2003 as a Picture Framer (no written statement or contract of employment was provided). I have always had very good relationships with my work mates as well as very good feedback from my manager (BS/ my uncle) about my performance.

[START OFF WITH WHEN YOU COMMENCED WORK, YOUR POSITION, WHO YOU WORKED FOR/ TYPE OF ORGANISATION]