



Employment Disputes





What are employment disputes?

Employment disputes are claims brought by those who believe they have suffered a loss because of the actions of their employer. Claimants can be individuals or grouped together for the purposes of bringing a class action. Common examples of employment class actions include equal pay claims or gig economy workers seeking to establish that they should be treated as employees rather than contractors.

Is funding right for your claim?

We need to understand the details of your claim to ascertain whether it could be funded. It is also important for us to know we can rely on your support in bringing the claim to a successful resolution. Answers to the following questions will help us to quickly assess your claim.

Merits	<ul style="list-style-type: none">• Are there good grounds for bringing the action?• What is the value of the claim, and how is that substantiated?• If a group needs to be formed, what is the strategy and timetable relating to its formation/the bookbuild? Will a litigation/steering committee be established to provide instructions to the legal team?• Do you expect competing claims?
Economics	<ul style="list-style-type: none">• What amount of funding do you require?• What is the likely cost of forming the group/bookbuild (if relevant), and any quantum or valuation reports?• Is any payment likely to be required for security for costs? This is typically not relevant in the Employment Tribunal in the UK but can be relevant in other courts and can also be relevant in employee shareholder disputes.• How long do you expect the case will take?
Recoverability	<ul style="list-style-type: none">• Who is the claim against, and why are you confident that they can satisfy a judgment or award?
Experience	<ul style="list-style-type: none">• Who is in the legal team, and what is their track record in successfully bringing employment group actions or employment cases?• Who is in the wider team (experts, bookbuild agents, etc)?



What sets us apart?

Harbour is amongst the largest and most experienced funders in the world, having supported cases in 14 jurisdictions and 6 arbitral forums since 2007. Our experience of reviewing over 4,000 claims means we can quickly review the responses to the questions above and provide an indicative view on pricing, before guiding you through our due diligence process.

Our pricing

Harbour provides a flexible and tailored solution to suit your needs. We can cover all or part of your legal fees and disbursements, including potential adverse costs and funding for security for costs.

The pricing of our funding is bespoke and is informed by our view of the specific risks involved. We consider factors such as the claim value, the budget required, the merits, the jurisdiction of your claim, and any potential difficulties with enforcement.

A number of pricing options are available, with non-recourse funding being the most popular, where Harbour only receives a return when proceeds are recovered. Should the claim be unsuccessful, the risk is entirely ours, and you owe Harbour nothing. Pricing is generally structured as a return of invested capital plus the greater of a percentage of proceeds and a multiple of our invested capital.

Recourse funding is also available, which allows a claimant to maximise their return and free up capital. This financing is repayable at the end of the process, regardless of the outcome of the case.

We can also acquire interests in claims and judgments, providing immediate cash payments of an agreed percentage of the claim or judgment value, potentially with more to follow upon successful recoveries if the claimant wishes to remain involved.

We seek to agree pricing which fairly rewards the risk you and we are taking.

Pricing is agreed with our investment team at an early stage in our discussions, and before the case is presented to our investment committee you will know what the pricing is and how an agreement will be structured. More information on pricing and our processes is available on our website.

Employment dispute case study

Harbour is funding a group of employees bringing a claim against their large corporate employer. Under the UK Equality Act 2010, employers are obliged to treat male and female employees equally if they are employed to do the same work or work of equal value. This legislation has led to several high-profile claims against local authorities and large corporations. In these cases, large numbers of mainly female employees claim they have been paid less than men doing equivalent jobs.

Harbour has funded a number of such equal pay claims. In one example we are directly funding the law firm who is acting on contingency basis.



+44 20 3829 9320

8 Waterloo Place, London, SW1Y 4BE

harbourlitigationfunding.com