



EMPLOYMENT LAW

Why AI is not replacing
employment lawyers just yet!



When it comes to unfair treatment at work it is always important to understand what your legal rights and remedies are with many individuals resorting to AI for guidance.

Whilst AI has its benefits and plenty of online resources to work from, such as the ACAS and Gov.UK websites, appropriate legal support remains key especially for more complex claims and this article explains why.

What AI cannot do, at least not currently!

At this time AI has some clear limitations, which it would itself acknowledge!

AI makes it clear that it cannot provide legal advice. It will generally encourage you to seek this separately. This is because AI cannot apply professional judgment in the same way humans can. It can tell you where there may be a claim, but not how a tribunal is likely to view your case, or what level of compensation might be realistic.

As just one example we asked AI to provide guidance in a scenario that was a clear case of gross misconduct, with the dismissal following a disciplinary process.

Just by adding in some entirely subjective views on why we felt the outcome was unfair the headline response was we had a claim for unfair dismissal when the reality of the situation was far from it!

When asked to then prepare the grounds of complaint for the tribunal claim, those grounds included claims we had been treated differently to colleagues, dismissed when others had not for the same offence, despite our not even suggesting this!

AI also cannot replace strategic decision-making. Tactical choices require human judgment, experience and understanding of risk.

It can also oversimplify complex situations. Accordingly, any information it provides should only be treated as general guidance. To fully understand your specific legal position, appropriate human advice remains key.

The general guidance produced will also only be as good as the information you feed in and the questions you ask, which risks key points being overlooked. We have recently had a client seek support when looking to appeal their immediate dismissal for alleged gross misconduct with their draft AI generated appeal letter unfortunately missing some key points, an issue we helped address.

Our recommendations when using AI

AI should be used as a first step to work out if it is worth the cost of seeking legal support. It should not be used as a final answer. It can help you understand if there may be legal issues worth exploring further with a professional. It will also generally flag up the importance of acting early due to short time limits for presenting claims.

However, whilst AI will highlight the claims you may have based on the information you provide it, legal advice remains key to determine the strengths and values of those claims. Tribunal claims can be time consuming and stressful, so it will be important to properly understand your chances of success.

If your employer is willing to talk settlement, knowing how strong your claim is and what it is actually worth will also help you negotiate the right outcome for you.



Where several potential claims are identified you may also be inclined to throw them all at your employer, rather than take advice and focus only on the claims you actually have. This is not recommended and risks your claim taking longer to resolve.

It could also increase the number of and length of any tribunal hearings you need to attend. You may also find your employer threatening to try and recover costs from you if you continue to insist on pursuing very weak claims, something a tribunal can consider.

When using AI to draft documents also be alive to the fact that currently AI generated grievances, appeal letters and tribunal claims do not always pick up all of the key points that legal advisors would include. If something important it missed, it could cost you more in the long run to correct this mistake, if the tribunal even allows you to do so.

AI can also inadvertently create facts to suit a narrative or provide you with overly complex drafts which could create issues later on. It will always be important to ensure any documentation you lodge with an employment tribunal is factually correct and not inadvertently misleading.

Ultimately, AI can help you recognise that something may be legally wrong. It if does professional legal advice remains crucial.

HOW CAN WE HELP?

At Lightfoots Solicitors we support individuals navigate the complexities of employment law and tribunal proceedings.

Whether you simply want advice on the merits of a claim, guidance on ensuring the key points are covered in any documents you plan to send your employer or the tribunal, or require ongoing support throughout your tribunal journey contact us for a no obligation chat today.



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