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Department for
**Employment
and Learning**
www.delni.gov.uk

Disputes in the workplace: a systems review summary

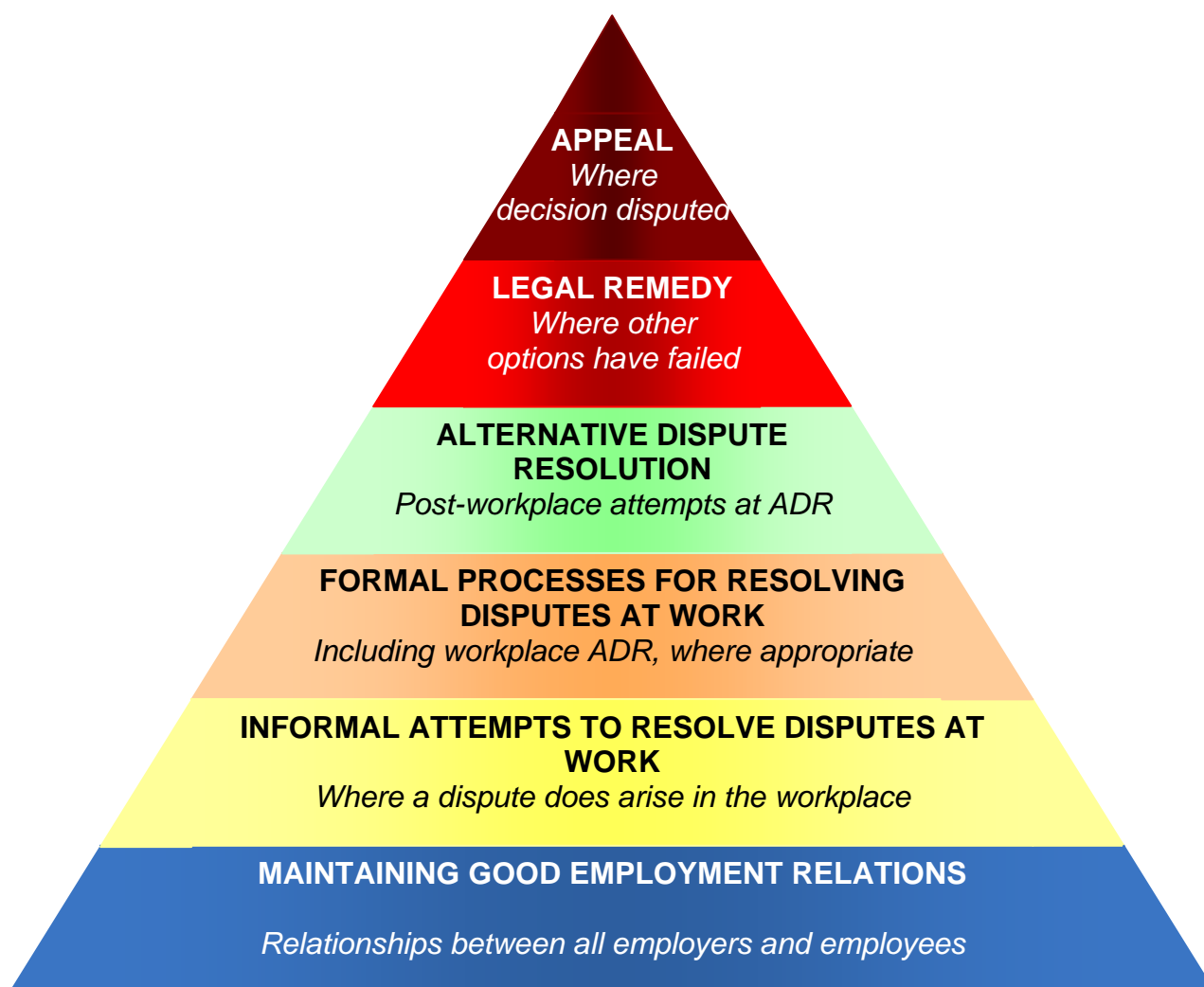
Public consultation



The Department is seeking the views of the public on possible changes to systems for resolving employment disputes that arise at work. The [formal consultation document](#), which is available to download, covers the following broad areas:

- Whether there is more that can be done to prevent disputes or stop them from becoming serious
- The future of the statutory dispute resolution procedures introduced in April 2005
- The potential for better use of Alternative Dispute Resolution (ADR) mechanisms
- Possible changes to the way in which employment-related tribunals operate.

The various stages of the dispute resolution process with which the consultation deals can be visualised as shown.



Although you are free to comment on the dispute resolution system in any way you wish, the consultation document poses specific questions which are set out below. While you do not have to answer all or even some of these,

but can set out your response in whatever way you choose, they should provide a useful guide to the types of issues on which the Department is seeking views.

Maintaining good employment relations/informal attempts to resolve disputes at work

- Q1.** *What impact do the statutory dispute resolution procedures have on the development of strong employment relations?*
- Q2.** *We are proposing an inter-agency approach to the provision of information and advice on employment law/workplace disputes. How might such an approach work most effectively?*
- Q3.** *Do you agree that the public sector, as an employer, has a role to play in developing and promoting best practice?*
- Q4.** *Would enhancing the capability of managers through training in dispute prevention/resolution techniques encourage the development of employee relations best practice? If so, what type of training should be developed?*
- Q5.** *How can small businesses be supported to establish and maintain an employment relations culture supportive of dispute prevention/informal resolution of workplace disputes? What role should Government / the Labour Relations Agency / the Federation of Small Businesses and similar organisations play?*
- Q6.** *Should some form of company accreditation associated with employment relations best practice be introduced? Should it be a new standard or should it form part of an established accreditation scheme? How could businesses be encouraged to become accredited?*
- Q7.** *Is there a need for inspection/enforcement machinery to produce more legally compliant workplaces?*
- Q8.** *What additional measures, statutory or non-statutory, would aid the promulgation of employment relations best practice?*

Formal processes for resolving disputes at work

- Q9.** *Of the three possible options with regard to the statutory dispute resolution procedures, which is your preferred option and why do you feel this option is the most appropriate?*
1. *Retain the procedures without modification.*
 2. *Modify the procedures, retaining them in part but preserving a process mandated by statute.*
 3. *Repeal the procedures in full and replace them with a voluntary compliance model.*

- Q10.** *Should any additional measures, statutory or otherwise, be introduced to improve formal systems for resolving workplace disputes?*
- Q11.** *Would there be any unintended consequences of the repeal of the statutory procedures (or part of them) that would need to be considered?*
- Q12.** *If the procedures or parts of them are to be repealed, what should replace them and how would compliance be encouraged?*

Alternative dispute resolution (ADR)

- Q13.** *What are the strengths and weaknesses of current ADR services provided by the LRA?*
- Q14.** *How can the LRA improve its services?*
- Q15.** *Could the LRA be more involved in conciliation before a tribunal claim is lodged, and if so how?*
- Q16.** *Should the LRA be equipped to enable it to provide advice in addition to information?*
- Q17.** *Is some form of early neutral evaluation desirable and, if so, how should the process work?*
- Q18.** *Should the statutory LRA arbitration scheme be expanded to cover a wider range of jurisdictions?*
- Q19.** *Should there continue to be time limits on the LRA's duty to attempt to resolve disputes post-claim?*
- Q20.** *Would it be beneficial to incorporate within the existing system a process comparable to Rights Commissioner hearings in the Republic of Ireland?*
- Q21.** *Could a simplified tribunal application be used which would enable the LRA to assist the parties to determine how each case should be taken forward?*
- Q22.** *Would it be beneficial to allow for pauses in the time limits imposed on tribunal claims while ADR processes are taken forward?*
- Q23.** *Should a subsequent tribunal be empowered to take into account the parties' actions with regard to ADR processes and penalise unreasonable behaviour?*

Legal remedy

- Q24.** *Should legal aid be available in respect of tribunal hearings and, if so, in what circumstances?*

- Q25.** *Should the amount of the deposit be increased in deposit hearings, and if so, to what amount?*
- Q26.** *Should the tribunal's powers to award costs be extended, and if so, in what circumstances?*
- Q27.** *What, if any, beneficial changes could be made to time limits which apply in relation to the tribunal process?*
- Q28.** *Would it be desirable to provide a 'fast-track' service for more straightforward claims? If so, how should it operate?*
- Q29.** *Is there scope to strengthen the enforcement of tribunal awards?*
- Q30.** *What steps, if any, can be taken to make improvements in how multiple claims are handled?*
- Q31.** *Should tribunals have the ability to make improvement recommendations? How would you envisage such a system working?*
- Q32.** *Should tribunals be given statutory contempt powers?*
- Q33.** *Should the powers of tribunals to restrict reporting be revised, and if so, in what way?*
- Q34.** *Is there a need for a restructuring within the tribunal system in line with any of the following options?*
- 1. Replacement of industrial tribunals and the Fair Employment Tribunal by a single Employment and Equality Tribunal.*
 - 2. Retention of industrial tribunals with a separate Equality Tribunal dealing with all equality cases.*
 - 3. Creation of a single Employment Tribunal but with an Equality Division focusing on equality cases.*
 - 4. Integration of all employment-related tribunals into a two-tier unified tribunal system.*

Appeal

- Q35.** *Should the current appeal process be restructured?*
- Q36.** *Would the introduction of an Employment Appeal Tribunal be an improvement upon the current structure?*

You can respond to the consultation by e-mailing employment.rights@delni.gov.uk, sending a fax to 028 9025 7555 or writing to:

Dispute Resolution Review

Employment Relations Policy and Legislation Branch
Room 203
Adelaide House
39-49 Adelaide Street
BELFAST
BT2 8FD

Replies should be with the Department **no later than 5 p.m. on Friday 4 September 2009.**

Further information about resolving disputes at work can be found at www.delni.gov.uk/resolvingdisputes.

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THE DEPARTMENT:

Our aim is to promote learning and skills, to prepare people for work and to support the economy.

This document is available in other formats upon request.

Further information:

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