

# **A Guide to Conciliation**



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**Manx Industrial Relations Service**

The Manx Industrial Relations Service is an independent Government funded organisation whose job is to promote good industrial relations.

As a part of that job we have a legal duty to offer conciliation in most cases when someone claims their employment rights have been infringed.

We can conciliate even if no formal complaint has been made to an employment tribunal .We do not impose solutions, but try to help parties settle their differences on their own terms. This leaflet is designed to help you understand the conciliation process, please read it carefully. Should you be unsure about any aspects of the process please ask.

If you have a disability, please let us know if we need to make any special arrangements for you when dealing with your case

## **Key Features of Conciliation**

- **Voluntary**      You only take part if you want to and you can stop at any time
- **Free**              There is no charge for our service
- **Impartial**        We do not take sides or judge who is right or wrong
- **Independent**    We are completely independent of the Employment Tribunal.
- **Confidential**    Anything you tell the conciliator will be kept confidential from the other side if you wish

## **What are the options?**

If someone claims that their employment rights have been infringed there are a number of possible options:

### **Settling the claim**

- the claim may be settled on terms agreed by the parties;
- we can conciliate in most claims on individual employment rights

## **Withdrawing the claim**

If an Applicant no longer wishes to continue with their claim they should withdraw it by writing to the Clerk to the Employment Tribunal. This should be done without delay as the Tribunal may award costs if they think someone has acted unreasonably.

## **Employment Tribunal Hearing**

Where it has not been possible to settle a claim or there is no wish to do so the claim would proceed to a hearing to be decided by the Employment Tribunal.

## **At what point can we help?**

We can become involved as soon as someone believes they have a claim that they could take to an Employment Tribunal. Either party in the dispute can ask us to help. If a claim is made to an Employment Tribunal the Tribunal copies the papers relating to the claim to us so that we can contact the parties to offer conciliation. Conciliation is a voluntary process and we can only conciliate if it is the wish of both parties.

## **The process**

In order to help the parties to reach a settlement the conciliator can talk through the issues with both sides to see if a solution can be found. Where appropriate the conciliator may also

- Explain the conciliation process
- Explain the way tribunals operate, and what they could take into account in deciding claims
- Discuss the options open to you
- Help you understand how the other side views the claim and explore with you how it may be resolved without a hearing
- Explore the possibility of re-employment in dismissal claims
- Tell you about any proposals the other side has to settle the case

## **What happens if I settle the claim?**

If you settle the claim the agreement will be legally binding and this will apply even when there has only been a verbal offer and acceptance.

The terms of the settlement will normally be recorded in writing and signed as appropriate. If a claim has been made to the Tribunal we will notify the Tribunal Office that a settlement has been agreed and they will close the case.

### **Representation or Advice**

You may appoint a representative to act for you. We would then normally conciliate through them and unless agreed otherwise would not deal with you direct. Your representative may agree a settlement on your behalf. As such a settlement would be legally binding it is important that you ensure that your representative fully understands your requirements. You may seek advice and/or representation from an advocate, your trade union, an employers' association, Citizens Advice Bureau or any other source you consider to be appropriate.



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