



PRE-CLAIM CONCILIATION PROJECT

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MISSION

- To ensure that branches and colleagues approach conciliation with a view to securing improved outcomes for individual members with employment problems.

- To use conciliation to encourage employers to provide acceptable outcomes at the earliest possible stage and thereby avoid the costs, delays and entrenchment of attitudes that are commonly associated with litigation.

- To secure and promote an ongoing central role for the trade union in the conciliation process.

WHY?

- Changes arising from the Jackson Report to the funding of legal costs of employment work.
- Increased risks of wards of costs where litigation is unsuccessful.
- Proposals to introduce significant changes for making a claim and for attending Employment Tribunals.
- Actual achievements from contested Employment Tribunals are very limited – average awards low. Even successful claimants tend not to be positive about the experience.
- Many desirable outcomes e.g. good references can only be made by agreement.

PRINCIPLES

- Conciliation is voluntary, although investigating the scope for conciliation will become a pre-requisite for making an Employment Tribunal claim, conciliated outcomes only apply if the parties can be brought to agree them.
- The role of the trade union representative at whatever level remain what it has always been, to advise and represent. It is only the conciliator who is 'neutral'.

REQUIREMENTS

- A positive attitude to conciliation from employers.

- Use of an agreed form to convey sufficient information to conciliators and to enable advisors to assess conciliated outcomes.

- Awareness of realities of Employment Tribunal actual awards to displace any prejudices that ACAS conciliation sells claims cheaply.

- Training for all parties on the scope for, and process of conciliation including time limits.

ONGOING

- Assessment of the impact of conciliation.