

How the LRA can help

*Collective
Conciliation
Explained*

Labour Relations Agency

The Labour Relations Agency is an independent, publicly funded organisation.

Our job is to promote good employment relations in Northern Ireland.

If you have a disability, please let us know if we need to make any special arrangements for you to use our service.

If you need to use an interpreter, we can arrange for one to be available.

This booklet can also be made available in alternative formats.

**Please contact the
Conciliation and Arbitration Department
on 028 9032 1442 (Option 2) or
visit our website www.lra.org.uk**

Collective Conciliation

Collective Conciliation is facilitated or assisted negotiation where an Agency conciliator helps employers and employees (normally via trade unions) to try to reach mutually acceptable settlements of their collective disputes.

We do not impose outcomes or make judgements on the rights or wrongs of the matter in dispute. There is no compulsion to use collective conciliation and any agreement is voluntarily entered into by the parties.

This booklet explains how we can help.

Why use Collective Conciliation?

What can it add when parties have explored the issues thoroughly themselves?

A neutral, impartial and independent third party can bring a new dimension where parties cannot reach agreement in direct talks between themselves. In fact, collective conciliation is normally only appropriate when the parties have exhausted their own procedures without resolving the dispute or when they agree that other overriding considerations require it. Although it will not impose solutions, the Labour Relations Agency will actively seek to find common ground to enable the parties to move towards agreement. Independent research in Great Britain has confirmed that collective conciliation is highly successful – helping parties resolve nine out of ten disputes.

What is the role of the Collective Conciliator?

The role of the conciliator is to help the parties settle their differences by agreement in a lasting way. This objective cannot always be achieved in full. Sometimes the conciliator must be content to help the parties reach a temporary accommodation or perhaps narrow the extent of their difference without resolving it. It is sometimes only possible to clarify the issues in dispute.

How does it work?

Collective conciliators work with broad assumptions: one of these is that by coming to conciliation the parties want to reach agreement – as long as a satisfactory outcome can be found. There is also an assumption that the parties will be generally cooperative.

Conciliation processes are various and flexible. The conciliator will normally begin by having informal discussions with the parties, either jointly or separately, to gain an understanding of the dispute and to clarify the issues. They have no powers to

determine the outcome of the dispute and rely on the parties' own willingness to engage in finding a solution. The conciliator will try to bring a fresh dimension to the bargaining process and will encourage parties to consider whether there are any options that will enable them to break their deadlock. Conciliation will sometimes involve the conciliator challenging assumptions and positions, often playing 'devil's advocate' and, on occasion, offering suggestions themselves. It will also help where feelings are running high by restoring a more constructive, reflective, and less emotive environment to move discussions forward. An agreement can only be achieved with both parties' consent.

Will the Labour Relations Agency report on what happens in Collective Conciliation discussions?

The Labour Relations Agency respects the confidentiality of talks it holds and makes no public statements on the progress or otherwise of negotiations – unless the parties jointly request, or allow us to do so.

What disputes are appropriate for Collective Conciliation?

The main issues that are referred for collective conciliation include:

- Annual pay reviews.
- Other pay and terms and conditions for example, shift patterns, annualised hours, bonuses.
- Changes in working practices.
- Discipline and dismissal (if an employee representative or a group of people are involved).
- Redundancy consultation and redundancy selection.
- Trade union recognition, where amongst other things we can carry out membership checks and ballots to establish the level of support.

Difference between Collective Conciliation and Arbitration

Sometimes where disputes cannot be resolved through collective conciliation, the parties agree to refer their issues to arbitration. Voluntary arbitration provides a method of settling disputes between employers and trade unions by inviting one or more

impartial persons to make an award which the disputing parties agree to accept in advance. Whilst agreed awards from voluntary arbitration are not legally binding, they are nevertheless regarded as 'morally binding' and the arrangements for arbitration are made only on the clear understanding that the awards will be honoured by the parties. Arbitrators are not employed by the Labour Relations Agency but are drawn from a panel of people trained and approved by the organisation.

Is there a charge for Collective Conciliation and/or Arbitration?

There is no charge for our services.

How can I obtain further information?

If you would like further information or believe we could assist in a dispute you are currently involved in please contact the Director of Conciliation and Arbitration on 028 9033 7427 or dial 028 9032 1442 and ask to be put through to an Employment Relations Manager in Conciliation.

Data Protection Act 1998

The Labour Relations Agency holds some information to monitor progress and produce statistics.

And finally...

We do our best to provide a high standard of service at all times but if you are not satisfied with the service you have received, you should write to the Customer Complaints Officer. The addresses of the Labour Relations Agency offices are given on the back of this booklet.

Labour Relations Agency

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