



Guide to Services

February 2013

MISSION STATEMENT

To improve employment relations, promote best employment practice and resolve workplace disputes through the delivery of quality, impartial and independent services.

Publications can be made available in large print, Braille or on audiotape for people with impaired sight. Additional assistance for those with special needs (for example, hearing or learning disabilities) can be arranged by the Agency on request. The website has versions of this guide in Chinese and Polish. Versions in other languages are available on request.

Contents

The Labour Relations Agency	1
Who We Are	1
What We Do	1
The Make-up of the Agency	1
Users of our Services	1
The Agency's Commitment	1
Service Standards	2
Core Values	
Appointment of Experts, Independent Appeal Chairs, Arbitrators and mediators	2
Staffing	3
Equality Statement	3
Agency Publications	3
Promoting Good Practice	4
Helpline/Information	4
Advisory Assistance	4
Reviewing Employment Documentation	4
Advisory Workshops	5
Good Practice Seminars	5
Employment Relations Audits	6
Facilitating Partnership and Change	6
Codes of Practice	6
Research	6
Resolving Workplace Disputes	7
Mediation	7
Pre-Claim Conciliation	7
Individual Conciliation	8
Collective Conciliation	8
Arbitration	8
The Labour Relations Agency Arbitration Scheme	8
Independent Appeals Arbitration	9

The Labour Relations Agency

Who We Are

The Labour Relations Agency (the Agency) was established in 1976 as a Non-Departmental Public Body with responsibility for promoting the improvement of industrial relations in Northern Ireland. The Agency is independent of Government and is funded in the form of a grant from the Department for Employment and Learning (DEL).

What We Do

The Agency provides an impartial and confidential employment relations service to those engaged in industry, commerce and the public services. The Agency's services include the provision of advice on good employment practices and assistance with the development and implementation of employment policies and procedures. The Agency is also active in resolving disputes through its conciliation, mediation and arbitration services. All services of the Agency are without charge.

The Make-up of the Agency

The policy of the Agency is determined by a Board consisting of a part-time Chairman and nine other members appointed by the DEL. Members of the Agency's Board are appointed on the basis of their knowledge of, and experience in, employment relations. The Board normally comprises members from employer bodies, trade unions or those who have a relevant academic or employment law background. The Agency publishes an Annual Report and Accounts.

Users of our Services

Users of the Agency's services are normally workers, or their representatives, employers, employers' associations, trade unions and other organisations or individuals who require assistance with matters relating to employment practices and employment relations.

The Agency's Commitment

Good employment relations are critical for maintaining the effectiveness of organisations and enhancing the quality of working life. The Agency is committed to improving employment relations in Northern Ireland by:

- promoting and supporting the use of good employment practice;
- providing impartial advice and assistance on employment relations and employment policies and procedures;
- publishing Codes of Practice and other guidance
- promoting employee engagement;

- seeking the avoidance and resolution of employment disputes by agreement through conciliation, mediation or arbitration;
- supporting research and promoting a wider knowledge of Northern Ireland's employment relations systems.

Service Standards

The service standards set by the Agency are consistent with those set by Government for the proper conduct of public business. The Board and staff are aware of the quality of service that we aim to provide. Any complaint about the delivery of a service can be taken up through a Director of the Agency. All complaints will be investigated fully and responded to within five working days. If the person complaining is still not satisfied he/she may raise the matter with the Chief Executive who will reply within seven working days. If the person is not satisfied with the Chief Executive's response they may refer the matter to the Commissioner of Complaints, also known as the Ombudsman. A copy of the Agency's Customer Complaints Procedure which includes guidance on raising a complaint is available from the Agency or can be downloaded from the Agency's website www.lra.org.uk

In all its work the Agency's Board and staff will ensure that the Agency's independence is maintained and always exercised. All Agency staff are committed to providing impartial advice and support in seeking to introduce good employment practices and improve workplace employment relations

Core Values

In delivering services the Agency will:

- be accessible;
- respond to user needs;
- be open and accountable;
- act promptly;
- be professional;
- behave with integrity;
- maintain confidentiality
- respect diversity
- demonstrate value for money

Appointment of Arbitrators, Independent Appeal Chairs, and Experts

The Agency appoints and maintains a list of competent people who are prepared to act as arbitrators and independent appeal chairs. For a list of these and brief profiles see our website (www.lra.org.uk).

These people are independent of the Agency and are not employees of it.

The Agency also maintains a list of independent experts on Equal Pay on Work of Equal Value.

Staffing

The staff are direct employees of the Agency, recruited for their experience and knowledge of employment relations and business. All members of staff receive continuous training and development in relation to changes in employment legislation and employment relations practice and procedures. Most of the staff are located in a Head Office in Belfast with a small number in a Regional Office in Londonderry. Addresses and contact details of the Head and Regional Offices are given at the back of this Guide.

Equality Statement

The Labour Relations Agency, in line with our Equality Scheme as approved by the Equality Commission in July 2001, is fully committed to supporting the elimination of all forms of discrimination in employment and to using its services to help secure the objectives of fair employment, equal opportunity and good relations. As a provider of services the Agency includes equality of treatment as a fundamental principle of good employment relations and best employment practice. As an employer the Agency seeks to ensure that its employment policies, procedures and practices conform to good practice as outlined in relevant Codes of Practice. The Agency's Equality Scheme is available on the Agency's website (www.lra.org.uk).

Agency Publications

The Agency publishes a range of material including Annual Reports, Advisory Guides, Information Notes, Codes of Practice and Occasional Papers. For further information contact the Agency or see the Agency's website (for contact details see back of this Guide). Publications can be made available in large print, Braille or on audiotape for people with impaired sight. Additional assistance for those with special needs (for example, hearing or learning disabilities) can be arranged by the Agency on request.

Promoting Good Practice

Helpline/Information

The Agency's Helpline is available to employers, employees, trade unions and others. Helpline advisors provide information and advice on a wide range of employment matters. The Helpline is also an important point for identifying circumstances, or customers who would benefit from being referred to other Agency services (for example dispute resolution services). The Helpline provides clear, confidential, independent and impartial advice to assist the caller in resolving issues in the workplace. While the advisors cannot provide a legal opinion they can help callers gain a better understanding of their rights and responsibilities as well as identifying possible options to help resolve their issues.

Advisory Assistance

The Agency recognises that Northern Ireland has a large number of small employers with little or no specialist human resources assistance. Accordingly we provide a range of services to help employers develop, maintain and update important employment documentation. Having appropriate documentation, such as a written statement of the main terms and conditions of employment and disciplinary and grievance procedures are essential in helping to maintain good relationships in the workplace. The appropriate documentation also enables employers to outline the main particulars of employment for employees. This is a legal entitlement and helps employers in preparing important rules and policies.

Other areas where assistance is offered include drafting recruitment, selection and induction, attendance management and redundancy procedures.

Reviewing Employment Documentation

The Agency, may, on request, assist in reviewing employment documentation such as dismissal, disciplinary and grievance procedures, statement of main terms and conditions of employment, company handbooks to ensure that they comply with statutory requirements and promote good practice. This service involves an Agency officer commenting on submitted documents and providing suggestions for improvement. Occasionally, the Agency may assist in the drafting of new employment documentation.

Advisory Workshops

As part of its programme of promoting good employment practice and preventing disputes arising in the workplace, the Labour Relations Agency hosts workshops led by experienced Agency staff. These workshops are designed to:

- assist employers develop and maintain effective employment practices and procedures that best meet their needs and which comply with statutory requirements;
- raise awareness of the provisions of employment legislation and to promote and develop good practice; and
- update participants on a range of relevant issues which could affect the content of their employment documentation.

The numbers attending workshops are kept small to facilitate greater participation and to provide the opportunity for questions. Comprehensive documentation is given at the workshop. Workshops are held in the Agency's premises in either the Belfast Office or the Regional Office on a regular basis and can be booked online on the Agency's website.

Good Practice Seminars

As part of its programme of promoting good employment practice and preventing disputes arising in the workplace, the Agency also hosts a series of seminars led by experienced Agency staff. The seminars are designed to raise awareness of the provisions of legislation and to promote and develop good practice in the relevant area. Comprehensive documentation is provided at the seminars.

Seminars are provided on a range of employment relations issues such as:

- Fair Recruitment and Selection
- Managing Absence from Work
- Handling Discipline and Grievance
- Conducting Employment Investigations
- Handling Redundancy
- Family-friendly Working Arrangements
- Bullying in the Workplace
- Legal Implications of Workplace Stress
- Resolving Workplace Disputes
- Managing Performance

These events are mainly held in the Agency's premises in either Belfast or Londonderry on specified dates. They can be booked online on the Agency's website.

Employment Relations Audits

Where deep-seated problems are perceived to exist, a thorough audit of employment relations practices and procedures taking account of the views of all groups in the organisation may be appropriate. Agency officers will conduct such an audit producing a report containing detailed recommendations to the parties. The Agency provides further assistance in terms of monitoring the implementation of recommendations and assessing the effectiveness of outcomes.

Facilitating Partnership and Change

Agency officers will facilitate joint working and 'partnership' approaches to introducing change. Typical of this work is the facilitation of joint sessions of management and employee representatives as they work together to agree and implement recommendations or decisions affecting employment relations in their workplace. This service is flexible, gives the parties direct involvement in the resolution of issues and ownership of the outcomes.

Codes of Practice

As part of the process of promoting good employment relations the Agency publishes, following public consultation and the approval of the Department for Employment and Learning (DEL), Codes of Practice containing practical guidance for employers, workers and trade unions on employment relations and employment matters. A list of current Codes of Practice is available from the Agency's website.

Research

The Agency may conduct, support or commission research into any issue relating to employment relations and employment practices. It works closely with other bodies at home, and abroad, who have an interest in these fields. It has published a number of reports; details of research reports are available on the Agency's website.

Resolving Workplace Disputes

The resolution of employment relations disputes, whether individual or collective, is the core responsibility of the Conciliation and Arbitration Section of the Agency. Disputes are resolved through individual or collective conciliation, mediation or arbitration. These services are referred to as third party alternative dispute resolution processes (ADR). They are an alternative to the use of the law or industrial action. The Agency offers these third party services on a voluntary and confidential basis.

Mediation

Mediation works by using a neutral Labour Relations Agency mediator to assist parties involved in a workplace conflict or dispute to reach a satisfactory solution to workplace disputes that both sides are able to agree to. We do not impose a solution or make judgements on the rights or wrongs of the issues in dispute; we simply try to help you settle your differences on your own terms. An explanatory booklet on Mediation is available to download from the Agency website.

Pre-Claim Conciliation

The number and extent of individual employment rights have increased dramatically. This has led to a greater number of claims being lodged with the Industrial Tribunal where workers and employees allege that their employment rights have been breached. It makes good business sense to resolve disputes in the workplace at the earliest opportunity.

Where a problem or disagreement in the workplace is likely to lead to a tribunal claim the Labour Relations Agency will often be able to help employers and employees find a solution that is acceptable to both. This service is known as Pre-Claim Conciliation. It can save you the time, stress and expense normally associated with a tribunal claim. We have the power to offer conciliation in most cases when someone has a complaint about their employment rights and where no claim has yet been made to the Tribunal service.

Issues referred for Pre-claim Conciliation are dealt with by Conciliation Officers who talk through the problem, outline your options, discuss the benefits of the service and answer any questions you may have. We do not impose outcomes or make judgements on the rights or wrongs of the matter in dispute; we simply try to help people settle their differences on their own terms. An explanatory booklet on Pre-Claim Conciliation is available to download from the Agency website.

Individual Conciliation

If someone has lodged a claim to the tribunal about their employment rights a copy is sent to the Labour Relations Agency. We have a legal duty to offer Conciliation in most cases when someone has a complaint about their employment rights and where a claim has been made to the Tribunal service. A Conciliation Officer will contact the parties or their representatives as quickly as possible and their role is to help find a solution that both sides find acceptable instead of going to a tribunal hearing. We don't impose solutions or make judgements on the rights and wrongs of the matter in dispute, but will try to help you settle your differences on your own terms. An explanatory booklet on Individual Conciliation is available to download from the Agency website.

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. An explanatory booklet on Collective Conciliation is available to download from the Agency website.

Arbitration

If both parties to an industrial dispute agree the Agency can appoint an individual, or a panel, to act as independent arbitrator/s to decide how the dispute is to be settled. The parties to the dispute agree, usually with Agency assistance, joint terms of reference and the Agency appoint an arbitrator from its list of suitable independent persons. The arbitrator (acting alone or chairing a panel) considers the written and oral submissions of the parties, makes a decision, and where appropriate, makes an award which the parties agree to accept and implement. Participation in arbitration is entirely voluntary and the Agency has no power to compel an unwilling party to participate.

Before arranging for arbitration the Agency will take into account the use that has been made of any agreed procedures, and whether conciliation might be a possible alternative.

The Labour Relations Agency Arbitration Scheme

The Labour Relations Agency Arbitration Scheme can be used to resolve an employment-related dispute (a "claim") instead of going to a tribunal. An arbitrator's

decision is binding as a matter of law and has the same effect as a tribunal. The arbitrator can award legally enforceable remedies in the same way as a tribunal.

The Scheme is entirely voluntary. Its use must be agreed by all parties to a claim. Hearings are held in private and outcomes of hearings are not published. A hearing to consider a claim will normally take place within two months of an Arbitration Agreement being received by the Agency. The hearing normally lasts for less than one day. The decision on the claim is normally issued within 14 days after the hearing.

Hearings take place without any swearing of oaths and there is no cross-examination of witnesses. This makes it particularly appropriate where the employment relationship between a claimant and a respondent is expected to continue after the hearing.

The speed and informality of the process mean that it is less costly to the parties than using a tribunal. If both parties agree, proceedings can be suspended at any time to allow for conciliation to find a way of resolving the claim without the need for a decision by an arbitrator.

Independent Appeals Arbitration

The Agency provides a service to facilitate a range of independent appeals (mainly grievance, bullying / harassment and discipline). The independent appeals service is provided in accordance with procedures agreed between employers and trade unions. Such procedures are in place for education, libraries, local government, voluntary organisations, other public services and bodies and some private sector organisations.

In the education sector, appeals include teaching and non teaching staff in schools, education and library board staff, lecturers, and non teaching staff in further education.

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