



News Story
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Government publishes independent review of statutory dispute resolution procedures

The DTI has published its independent review, led by Michael Gibbons, of employment dispute resolution. The main recommendation is that the Government should completely repeal the statutory dispute resolution procedures set out in the Employment Act 2002 (Dispute Resolution) Regulations 2004. The review viewed the statutory procedures as having had unintended consequences that outweighed their benefits and that they had failed to produce the desired policy outcome.

As a result, the following recommendations have been made to the Government:

- Repeal the statutory dispute resolution procedures.
- Produce clear, simple, non-prescriptive guidelines on grievances, discipline and dismissal in the workplace.
Ensure there are incentives to comply with the new guidelines, by maintaining and expanding employment tribunals' discretion to take into account reasonableness of behaviour and procedure when making awards and cost orders.
- Challenge all organisations to commit to implementing and promoting early dispute resolution, for example through greater use of in-house mediation, early neutral valuation and provisions in contracts of employment.
- Introduce a new, simple process to settle monetary disputes on issues such as wages, redundancy and holiday pay without the need for tribunal hearings.
- Increase the quality of advice to potential claimants and respondents, through an adequately resourced helpline and the internet.
- Redesign the employment tribunal application process, so that potential claimants access it through the helpline and receive advice on alternatives when doing so.
- Offer a free early dispute resolution service, including mediation, before a tribunal claim is lodged for those disputes likely to benefit from it.
- Offer incentives to use early resolution techniques by giving employment tribunals discretion to take into account the parties' efforts to settle the dispute when making awards and cost orders.
- Abolish the fixed periods within which ACAS must conciliate.
- Simplify employment law.
- Simplify the employment tribunal claim and response forms.
- Unify the time limits on employment tribunal claims and the grounds for extension of those limits.
- Give employment tribunals enhanced powers to simplify the management of 'multiple-claimant' cases.
- Encourage employment tribunals to engage in active, early case management and consistency of practice.
- Review the circumstances in which it is appropriate for employment tribunal chairs

to sit alone.

- Consider whether the employment tribunals have appropriate powers to deal with weak and vexatious claims and whether they use them consistently.

In response to the review, the DTI has also issued a consultation entitled 'Resolving disputes in the workplace'. This seeks views on a wide range of issues arising out of the recommendations in the Gibbons review. The closing date for responses is 20 June 2007 and the consultation relates to England, Wales and Scotland.

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