



Labour Relations Agency

The LRA Arbitration Scheme for the Resolution of Unfair Dismissal Disputes

The parties will not be required to read the whole of their statement but should highlight the main points they wish to emphasise and comment when invited by the arbitrator on the other party's submission. The arbitrator will ask questions about what has been said and any questions from each side can be put through the arbitrator. The exchanges may continue in this manner at the arbitrator's discretion. Each side will be allowed to summarise the main points it wishes to be considered by the arbitrator in coming to a decision. The arbitrator will not make or announce the decision at the hearing but will subsequently consider all the evidence before making the award.

At the end of the hearing the arbitrator will ask some questions about the feasibility of reinstatement, re-engagement, and details of past and present earnings, benefits, and other claimed financial loss. The parties should be able to provide written details of the above in order that the arbitrator can make accurate calculations if required. This information will only be relevant if an award is made in favour of an applicant but it is necessary to obtain this information when both parties are present at the hearing so that details may be challenged and resolved if one party disputes the accuracy of what is said.

Before the hearing is concluded, the arbitrator will normally obtain a formal assurance from each party that everything they wish to say has been said and that it has had sufficient opportunity to comment on or attempt to rebut what has been said by the other side.

No further evidence will be accepted after the hearing.



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The award

The parties will receive the arbitrator's written award via the LRA soon after it is received and normally within three weeks of the hearing. All awards are confidential to the parties and are not published openly.

Expenses

No charge is made for arbitration, but the parties are responsible for their own expenses and those of anyone else they ask to attend the hearing.

Further information

If you wish to ask any further questions about the arbitration process, you should contact the LRA Arbitration Secretary at the following address:

The LRA Arbitration Secretary

Labour Relations Agency
2-8 Gordon Street
BELFAST BT1 2LG
Tel: 028 9032 1442 Fax: 028 9033 0827
TDD (Textphone): 028 9023 8411
E-mail: info@lra.org.uk
Website: www.lra.org.uk

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Notes for guidance



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Arbitration proceedings

These notes provide guidance to parties on the preparation of written statements and on the procedure at arbitration hearings. This leaflet should be read in conjunction with the Guide to the Scheme which gives a full explanation of the process.

Location and date of hearing

Hearings are arranged at an LRA office. The LRA Arbitration Secretary will contact the parties to agree these arrangements. The LRA Arbitration Secretary will also discuss a date for the hearing bearing in mind the need to prepare and send in statements of case beforehand.

If the parties have any special requirements for the hearing such as the need for an interpreter, a signer, wheel chair access etc, they should mention this when speaking to the LRA Arbitration Secretary.

Once these arrangements have been agreed the LRA will write to the parties confirming the details.

Written statements

The parties should send to the LRA Arbitration Secretary at least two weeks before the hearing one copy of a statement of their respective case and any supporting documents such as copies of:

- letters of appointment;
- contracts, or terms and conditions of employment statements;

Reference to "tribunal" throughout this document refers to the Industrial Tribunals and The Fair Employment Tribunal for Northern Ireland unless otherwise stated.

- relevant company handbooks, written rules or procedures;
- relevant time sheets or attendance records;
- performance appraisal reports;
- warning, dismissal or other disciplinary letters;
- witness statements.

A list of those who will be attending the hearing, such as witnesses, should also be sent. It is each party's responsibility to ensure that those persons attend and that they have details of the time and place of the hearing.

A written statement of case is required in addition to the employee's application (IT1/FET1) and the employer's response (IT3/FET3) where these have been completed.

Arbitrators reach their conclusions after considering all the facts and arguments put to them by the parties and they always study the written statements very carefully. It is, therefore, in the interests of each party to do themselves full justice by providing in the statement the following:

- a brief background to the case, the company, its products, the employee's duties, etc.;
- details of events which led to the dismissal;
- a summary of any meetings, discussions or disciplinary hearings;
- a closing paragraph highlighting all the important and relevant points which they can elaborate orally at the hearing.

Statements should, if possible, be typewritten using one side of the paper with numbered paragraphs and pages.

It is essential that all information is sent to the LRA Arbitration Secretary beforehand so that it can be sent to the arbitrator and the other party. This greatly expedites the arbitration process. Each party can then attend the hearing with properly considered replies to the statements made by the other side. No advantage is gained by refusing to exchange papers.

The hearing

The hearing is informal and confidential and is normally completed in less than a day. Hearings are held in private and the procedure to be followed at the hearing is entirely a matter for the arbitrator. The arbitrator will normally open the hearing by explaining their role and then read the terms of reference to ensure that both parties understand the issue to be decided by the arbitrator.

Usually one person leads in presenting each party's case. This could be a representative, but if the representative is a solicitor they will not be afforded any special status. All those making submissions may be directly questioned by the arbitrator. Each party may also call upon witnesses to present additional evidence. One party, usually the employer puts their case first, uninterrupted, unless the arbitrator or the other party, through the arbitrator, wishes to clarify a factual point. This is then followed by the other party's opening statement.