

Conciliation Service



Labour Relations Commission Conciliation Service



The Conciliation Service



Mission

“To provide an impartial, fast and effective conciliation service operating to a uniformly high standard in both the public and private sectors”

Frequently Asked Questions

1. What is conciliation?

Conciliation is a voluntary process in which a professional facilitator assists employers and employees to resolve disputes when their own unassisted efforts have not succeeded. The process can be described as a facilitated search for agreement between disputing parties.

2. Does it work?

Yes it does work. Conciliation is most effective when the parties have already tried to resolve the dispute themselves through meaningful discussion and negotiation at enterprise level.

3. How does it work?

The Labour Relations Commission assigns a conciliator, known as an Industrial Relations Officer (IRO), who acts as an independent, impartial chairperson in discussions and negotiations between the negotiating teams that represent the employer and the employees. The task of the IRO is to assist them in their efforts to reach a mutually acceptable settlement to their dispute.

4. Who can use the service?

The service is available to all employees and employers except those specifically excluded by law, namely: the army, police and prison services. However, even in the case of such excluded employments the service is made available on an ad hoc basis where both sides request assistance. To use the service employees need not be trade union members, nor do employers have to belong to a representative body.

5. Can you give me an example of the type of dispute that is referred to conciliation?

Typical examples of the types of issue dealt with in the conciliation process include claims for improvements in pay or conditions of employment, disciplinary cases, grading issues, disputes arising from proposed changes to the way work is done, company restructuring etc.

6. What happens in conciliation?

Conciliation involves a series of meetings that usually take place on the same day, categorised as a conciliation conference. The process starts with the IRO chairing a joint meeting of the parties i.e. the employee(s) and the employer and/or their representatives.

The IRO then meets separately with each party's representative. The joint meeting enables the IRO to hear the views of each party to the dispute and to clarify any issues of historical fact relating to the issue in dispute. The separate meeting with each party enables the IRO to explore the possibility for agreement on proposals to resolve the issue in dispute.

The IRO treats as confidential all information received during the course of conciliation. S/he will not divulge this information to any other party unless expressly permitted to do so.

The conciliation process is informal and non-legalistic in its practice. The parties are free to represent themselves or be represented by trade unions or by employer organisations. The Commission does not believe that the nature of the process requires legal representation of either party at conciliation meetings.

7. Who is the Conciliator?

The conciliator - Industrial Relations Officer (IRO) - is an officer of the Labour Relations Commission. All IROs come from an independent public service background. They are trained and experienced experts in mediation and conciliation techniques.

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8. Who is in control?

The employer and employee representatives retain control during the conciliation process. The Labour Relations Commission never imposes an outcome on them. Settlement of a dispute is an outcome that the parties themselves voluntarily decide. Likewise, where the parties do not resolve their dispute at conciliation, that is also their decision.

9. How do I begin conciliation?

The process of conciliation begins when one or both disputing parties writes to the Labour Relations Commission requesting assistance in resolving their industrial relations dispute. The Commission responds positively to such requests and contacts both parties in order to confirm that they wish to attend at conciliation. Arrangements for conciliation meetings are finalised only when both parties confirm their willingness to participate in the process. Participation is entirely voluntary.

10. What information should I give to the LRC when requesting conciliation?

You help the LRC to speedily process your request when you include the following information in your application for assistance:

- Name of employer, the employer's address, phone and fax numbers
- Name of the employer's representative (if any), the representative's address, phone and fax numbers
- Name of the trade union(s) involved (if any), the name of the official(s) involved, phone and fax numbers
- Names of other union(s) or parties involved (if any), phone and fax numbers
- The number and category of employees involved
- The nature of the issue(s) in dispute
- Name and signature of the person requesting conciliation and date of request.

11. How do I prepare for conciliation?

Before attending a conference it is vital that each participant has a full understanding, as set out above, of the concept of conciliation and the procedure which is normally followed during the conference.

It should at all times be borne in mind that ownership of the dispute lies with the parties themselves and indeed settlement of a dispute is an outcome that the parties themselves voluntarily decide. It is therefore important that full preparation has taken place prior to the conciliation conference. To assist, consideration should be given to the following points:

- Local discussions should have taken place and efforts to resolve the matter should have been exhausted at local level
- All of the parties should be willing to participate in the process
- For the process to succeed there should be flexibility of position on the part of the disputing parties
- There must be a willingness on the parties attending to negotiate and to reach a resolution acceptable to both sides
- The parties should have a desire to resolve the issues in dispute
- All parties should have a workable mandate to negotiate on the issues involved
- All of the parties and representatives should have a clear understanding of the issues in dispute
- It can be an advantage for each of the parties to have identified possible solutions to the dispute in advance of the conference
- All relevant information should be researched by both sides and be available at the conference. It can also be an advantage if persons with expertise in specific areas are in attendance at the conference
- Full consultation should have taken place with relevant parties, bodies or organisations relating to the issues in dispute

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- The parties should be willing to openly discuss all aspects of the case with the IRO. The IRO treats as confidential all information received during the course of conciliation and will not divulge this information to the other side unless expressly permitted to do so
- The parties' negotiating teams should be willing to recommend agreed settlement proposals for acceptance by the groups they represent.

12. How much does it cost?

Conciliation is a public service and is free to users. In certain cases where the parties are located some distance away from Dublin, they may be asked to provide a venue for meetings. If the parties are unable to do so, the Commission will always provide a venue.

13. Do I have to travel to Dublin for conciliation?

Conciliation is provided on a country- wide basis. The Commission makes every effort to arrange meetings at a location close to the parties.

14. What are the outcomes of conciliation?

There are two possible outcomes to the conciliation process – resolution of the dispute, or continuing disagreement.

A settlement occurs either when the parties themselves reach a mutually acceptable agreement in conciliation or where they accept a proposal for settlement that the IRO has put to them. The IRO will, usually, only make a proposal when s/he is satisfied that the negotiating teams will recommend its acceptance. The IRO does not impose a proposal on the parties. The IRO may also adjourn the proceedings to allow the parties consider their positions.

Where the process ends in continuing disagreement the parties have the option of referring the dispute to the Labour Court for recommendation. The IRO will not refer an issue in dispute to the Labour Court unless the parties wish it - they remain in control of the process.

15. What happens to an unresolved case that is referred to the Labour Court?

The Labour Court will, with the agreement of the parties, convene a hearing where both parties can outline their case. In most instances the Court will then issue a recommendation to both parties outlining a means on which the issue can be resolved. Full details of Labour Court procedures are available at www.labourcourt.ie

16. Where do I apply for assistance?

All requests for assistance and inquiries, in writing, should be directed to:

Director of Conciliation Services

The Labour Relations Commission

Tom Johnson House

Haddington Road

Dublin 4

Email: conciliation@lrc.ie, Telephone: + 353 1 6136700, Fax: + 353 1 6136701

Or

Through the on-line Enquiry form www.lrc.ie

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