

Written submissions in relation to the Employment Bill

Donnelly & Kinder Solicitors act solely for Claimants in employment matters. The firm acts for members of Trade Unions, to include Unite which is the largest trade union in the UK.

Donnelly & Kinder welcome the early conciliation service as proposed in Article 1. The provision of non-binding conciliation, however, should include a costs risk at the Tribunal to a party who refuses to accept the recommendation of the conciliation officer.

Furthermore, representation during the conciliation process should be limited to the parties and lay representatives, namely trade union officials, HR managers and a McKenzie Friend. Legal representation at the conciliation stage should not be permitted.

Donnelly & Kinder recognises that some complex discrimination cases may not be suitable for the early conciliation service and would propose that consideration should be given to a mechanism by which such cases could be referred to the Tribunal. There would need to be clear and concise criteria for such a mechanism to be invoked.

The extension of time limits to allow conciliation appear to be somewhat confusing and would need to be clear and straightforward in order to avoid creating an additional burden for the parties who are utilising the process.