

SCHEDULE

THE LABOUR RELATIONS AGENCY (FLEXIBLE WORKING) ARBITRATION SCHEME XII ARRANGEMENTS FOR THE HEARING

Initial arrangements

53. A hearing must be held in every case, notwithstanding any agreement between the parties to a purely written procedure.

54. Once an arbitrator has been appointed a hearing shall be arranged as soon as reasonably practicable by the LRA.

55. The LRA, in conjunction with the arbitrator, shall decide the date and venue for the hearing.

56. The LRA shall contact all parties with details of the date and venue for the hearing.

Expedited hearings

57. On the application of any party, the LRA may, at its discretion, expedite the hearing.

Venue

58. Hearings will be held in the LRA Head or Regional Office. In exceptional circumstances alternative venues may be considered. Any formal application for a venue other than the LRA offices must be made, in writing, with reasons, to the LRA within 14 days of the date of the letter notifying of the hearing arrangements. Such applications will be determined by the LRA after all parties have received a copy of the formal application and been given a reasonable opportunity to respond.

59. Where premises have to be hired for a hearing, the LRA shall meet the reasonable costs of so doing.

Assistance

60. Where a party needs the services of an interpreter, signer or communicator at the hearing, the LRA should be so informed well in advance of the hearing. Where such assistance is required, the LRA shall meet the reasonable costs of providing this.

Travelling expenses/loss of earnings

61. Every party shall meet its own travelling expenses and those of its representatives and witnesses.

62. No loss of earnings is payable by the LRA to anyone involved in the arbitration. However, where an arbitrator upholds a Flexible Working Claim, he/she may include in the calculation of any compensation a sum to cover reasonable travelling expenses and loss of earnings incurred by the employee personally in attending the hearing.

Applications for postponements of initial hearings

63. Any application for a postponement of an initial hearing must be made in writing, with reasons, to the LRA within 14 days of the date of the letter notifying the hearing arrangements or, where this is not practicable, as soon as is reasonably practicable. Such applications will be determined by the arbitrator without an oral hearing after all parties have received a copy of the application and been given a reasonable opportunity to respond.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

64. If the application is rejected, the initial hearing will be held on the original date.

65. This provision does not affect the arbitrator's general discretion (set out below) with respect to postponements after an initial hearing has been fixed, or with respect to other aspects of the procedure. In particular, procedural applications may be made to the arbitrator at the hearing itself.