

## SCHEDULE

### The Labour Relations Agency Arbitration Scheme

## PART IV

### Arbitrator's Terms of Reference

10. Every agreement to refer a dispute to arbitration under this Scheme shall be taken to be an agreement that the arbitrator decide the dispute according to the following Terms of Reference:

- (1) In deciding whether to uphold a qualifying claim, the arbitrator –
  - (a) shall have regard to general principles of fairness and good conduct in employment relations (including, for example, principles referred to in any relevant codes of practice);
  - (b) shall deal with matters expeditiously;
  - (c) shall have regard to relevant LRA guidance;
  - (d) may make recommendations, as appropriate, within the objective of promoting the improvement of employment relations.

(2) Where a qualifying claim falls within section 2(1) of the Equal Pay Act (Northern Ireland) 1970, section 2A of that Act<sup>(1)</sup> (reproduced at Appendix C) shall apply to the arbitrator as it applies to an industrial tribunal.

(3) At any time during proceedings, where the arbitrator considers it appropriate, he or she may adjourn the case or aspects of it, on terms agreed with the parties, to enable them to resolve the dispute otherwise than by arbitration under the Scheme.

(4) The arbitrator shall not decide the case by substituting what he or she would have done for the actions taken by the respondent.

(5) If the arbitrator upholds a claim, he or she shall determine the appropriate remedy under the terms of this Scheme.

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(1) 1970 c. 32 (N.I.)