



Trade Union and Labour Relations (Consolidation) Act 1992

1992 CHAPTER 52

PART IV

INDUSTRIAL RELATIONS

CHAPTER IV

GENERAL

Functions of ACAS

209 General duty to promote improvement of industrial relations

It is the general duty of ACAS to promote the improvement of industrial relations, and in particular to encourage the extension of collective bargaining and the development and, where necessary, reform of collective bargaining machinery.

210 Conciliation

- (1) Where a trade dispute exists or is apprehended ACAS may, at the request of one or more parties to the dispute or otherwise, offer the parties to the dispute its assistance with a view to bringing about a settlement.
- (2) The assistance may be by way of conciliation or by other means, and may include the appointment of a person other than an officer or servant of ACAS to offer assistance to the parties to the dispute with a view to bringing about a settlement.
- (3) In exercising its functions under this section ACAS shall have regard to the desirability of encouraging the parties to a dispute to use any appropriate agreed procedures for negotiation or the settlement of disputes.

211 Conciliation officers

- (1) ACAS shall designate some of its officers to perform the functions of conciliation officers under any enactment (whenever passed) relating to matters which are or could be the subject of proceedings before an industrial tribunal.
- (2) References in any such enactment to a conciliation officer are to an officer designated under this section.

212 Arbitration

- (1) Where a trade dispute exists or is apprehended ACAS may, at the request of one or more of the parties to the dispute and with the consent of all the parties to the dispute, refer all or any of the matters to which the dispute relates for settlement to the arbitration of—
 - (a) one or more persons appointed by ACAS for that purpose (not being officers or employees of ACAS), or
 - (b) the Central Arbitration Committee.
- (2) In exercising its functions under this section ACAS shall consider the likelihood of the dispute being settled by conciliation.
- (3) Where there exist appropriate agreed procedures for negotiation or the settlement of disputes, ACAS shall not refer a matter for settlement to arbitration under this section unless—
 - (a) those procedures have been used and have failed to result in a settlement, or
 - (b) there is, in ACAS's opinion, a special reason which justifies arbitration under this section as an alternative to those procedures.
- (4) Where a matter is referred to arbitration under subsection (1)(a)—
 - (a) if more than one arbitrator or arbiter is appointed, ACAS shall appoint one of them to act as chairman; and
 - (b) the award may be published if ACAS so decides and all the parties consent.
- (5) Part I of the Arbitration Act 1950 (general provisions as to arbitration) does not apply to an arbitration under this section.

213 Advice

- (1) ACAS may give employers, employers' associations, workers and trade unions such advice as it thinks appropriate on matters concerned with industrial relations or employment policies.

The advice may be given on request or otherwise, and shall be without charge.

- (2) The matters on which advice may be given include the following—
 - (a) the organisation of workers or employers for the purpose of collective bargaining;
 - (b) the recognition of trade unions by employers;
 - (c) machinery for the negotiation of terms and conditions of employment, and for joint consultation;
 - (d) procedures for avoiding and settling disputes and workers' grievances;
 - (e) questions relating to communication between employers and workers;

- (f) facilities for officials of trade unions;
 - (g) procedures relating to the termination of employment;
 - (h) disciplinary matters;
 - (i) manpower planning, labour turnover and absenteeism;
 - (j) recruitment, retention, promotion and vocational training of workers;
 - (k) payment systems, including job evaluation and equal pay.
- (3) ACAS may also publish general advice on matters concerned with industrial relations or employment policies, including any of the matters referred to above.

214 Inquiry

- (1) ACAS may, if it thinks fit, inquire into any question relating to industrial relations generally or to industrial relations in any particular industry or in any particular undertaking or part of an undertaking.
- (2) The findings of an inquiry under this section, together with any advice given by ACAS in connection with those findings, may be published by ACAS if—
- (a) it appears to ACAS that publication is desirable for the improvement of industrial relations, either generally or in relation to the specific question inquired into, and
 - (b) after sending a draft of the findings to all parties appearing to be concerned and taking account of their views, it thinks fit.