



Employment Act 2008

2008 CHAPTER 24

Dispute resolution

5 Conciliation before bringing of proceedings

[^{F1}(1) In the Employment Tribunals Act 1996, section 18 (conciliation) is amended as follows.

(2) In subsection (3), for the words from “shall act” to the end there is substituted “ may endeavour to promote a settlement between the parties without proceedings being instituted ”.

(3) For subsection (5) there is substituted—

“(5) Where a conciliation officer acts pursuant to subsection (3) in a case where the person claiming as specified in paragraph (a) of that subsection has ceased to be employed by the employer and the proceedings which he claims could be brought by him are proceedings under section 111 of the Employment Rights Act 1996, the conciliation officer may in particular—

- (a) seek to promote the reinstatement or re-engagement of that person by the employer, or by a successor of the employer or by an associated employer, on terms appearing to the conciliation officer to be equitable, or
- (b) where the person does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable, seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to that person.”]

Textual Amendments

F1 S. 5 omitted (E.W.S.) (6.4.2014) by virtue of [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 1 para. 12](#); S.I. 2014/253, art. 3(f)

Changes to legislation: There are currently no known outstanding effects for the Employment Act 2008, Section 5. (See end of Document for details)

Commencement Information

II [S. 5](#) in force at 6.4.2009 by [S.I. 2008/3232](#), **art. 2** (with [art. 3](#), [Sch.](#))

Changes to legislation:

There are currently no known outstanding effects for the Employment Act 2008, Section 5.