

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART I

Introduction

1. The Labour Relations Agency Arbitration Scheme (“the Scheme”) is implemented pursuant to Article 84A of the Industrial Relations (Northern Ireland) Order 1992⁽¹⁾ (“the 1992 Order”) and Article 89 of the Fair Employment and Treatment (Northern Ireland) Order 1998⁽²⁾ (“the 1998 Order”).

2. The Scheme provides a voluntary alternative, in the form of arbitration, to—

(a) an industrial tribunal for the resolution of—

(i) unfair dismissal disputes;

(ii) disputes arising out of an employee’s application for a change in his or her terms and conditions of employment made under Article 112F of the Employment Rights (Northern Ireland) Order 1996⁽³⁾ (“the 1996 Order”);

(iii) disputes arising out of the alleged contravention of any of the statutory provisions listed in the Schedule to the Labour Relations Agency Arbitration Scheme (Jurisdiction) Order (Northern Ireland) 2012⁽⁴⁾;

(b) the Fair Employment Tribunal for the resolution of disputes involving proceedings under Article 38 of the 1998 Order, or claims which could be the subject of such proceedings, before that Tribunal.

3. Resolution of disputes under the Scheme is intended to be confidential, informal, relatively fast and cost efficient. Procedures under the Scheme are non-legalistic, and more flexible than an industrial tribunal, the Fair Employment Tribunal or the courts. For example (as explained in more detail below), the Scheme avoids the use of formal pleadings, formal witness and documentary procedures. Strict rules of evidence do not apply and general principles of fairness and good conduct are taken into account including, for example, principles referred to in any relevant Code of Practice. Arbitral decisions, including “awards”, are final. There are specified opportunities to appeal or otherwise challenge the result.

4. The Scheme also caters for requirements imposed as a matter of law (e.g. the Human Rights Act 1998, existing domestic law in the field of arbitration and European Community (hereafter referred to as EC) law).

(1) [S.I. 1992/807 \(N.I. 5\)](#); Article 84A was inserted by Article 8 of the Employment Rights (Dispute Resolution) (Northern Ireland) Order 1998 ([S.I. 1998/1265 \(N.I. 8\)](#)) and amended by paragraph 3 of Schedule 2 to the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#))

(2) [S.I. 1998/3162 \(N.I. 21\)](#)

(3) [S.I. 1996/1919 \(N.I. 16\)](#); Article 112F was inserted by Article 15 of the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#)) and amended by provisions of the Work and Families (Northern Ireland) Order 2006 ([S.I. 2006/1947 \(N.I. 16\)](#))

(4) [S.R. 2012 No. 302](#)