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SCHEDULES

SCHEDULE 1

RE-ENACTED PROVISIONS OF INDUSTRIAL RELATIONS ACT 1971

PART IV

CONCILIATION OFFICERS, AND MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Conciliation officers

[Section 146]

- 26 (1) The Secretary of State shall appoint conciliation officers to perform the functions specified in the following provisions of this paragraph, subject to the approval of the Minister for the Civil Service as to their numbers and as to their terms and conditions of service.
- (2) Where a complaint has been presented to an industrial tribunal by the complainant under paragraph 17 above, and a copy of it has been sent to a conciliation officer, it shall be the duty of the conciliation officer—
- (a) if he is requested to do so by the complainant and by the employer against whom it was presented, or
 - (b) if, in the absence of any such request, the conciliation officer considers that he could act under this sub-paragraph with a reasonable prospect of success, to endeavour to promote a settlement of the complaint without its being determined by an industrial tribunal.
- (3) For the purpose of promoting such a settlement, in a case where the complainant has ceased to be employed by the employer against whom the complaint was made,—
- (a) the conciliation officer shall in particular seek to promote the reinstatement or re-engagement of the complainant by the employer, or his engagement by a successor of the employer or by an associated employer, on terms appearing to the conciliation officer to be equitable ; but
 - (b) where such reinstatement, re-engagement or engagement is not practicable or cannot be agreed between the parties to the complaint,
- and they desire the conciliation officer to act under this paragraph, he shall seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to the complainant.
- (4) Where at any time—
- (a) after the complainant has ceased to be employed by an employer, in circumstances where the employee claims that he was unfairly dismissed, but

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- (b) before any complaint relating to that claim has been presented by the claimant under paragraph 17 above,
a request is made to a conciliation officer (whether by the employer or by the employee) to make his services available to them, the conciliation officer shall act in accordance with sub-paragraph (2) and (3) above as if a complaint had been presented in pursuance of that claim.
- (5) Anything communicated to a conciliation officer in connection with the performance of his functions under this paragraph shall not be admissible in evidence in any proceedings before an industrial tribunal, except with the consent of the person who communicated it to that officer.