



# Employment Tribunals Act 1996

## 1996 CHAPTER 17

### PART I

#### [<sup>F1</sup>EMPLOYMENT TRIBUNALS]

##### *Conciliation*

#### 18 Conciliation.

- (1) This section applies in the case of [<sup>F1</sup>employment tribunal] proceedings and claims which could be the subject of [<sup>F1</sup>employment tribunal] proceedings—
- (a) under—
    - (i) section 2(1) of the <sup>M1</sup>Equal Pay Act 1970,
    - (ii) section 63 of the <sup>M2</sup>Sex Discrimination Act 1975, or
    - (iii) section 54 of the <sup>M3</sup>Race Relations Act 1976,
  - (b) arising out of a contravention, or alleged contravention, of section 64, 68 [<sup>F2</sup>, 86], 137, 138, 146, 168, [<sup>F3</sup>168A,] 169, 170, 174, 188 or 190 of the <sup>M4</sup>Trade Union and Labour Relations (Consolidation) Act 1992,
  - (c) under section 8 of the <sup>M5</sup>Disability Discrimination Act 1995,
  - (d) [<sup>F4</sup>under or] arising out of a contravention, or alleged contravention, of section 8, 13, 15, 18(1), 21(1), 28 [<sup>F5</sup>, [<sup>F4</sup>80G(1), 80H(1)(b),]92 or 135,] or of Part V, VI, VII or X, of the <sup>M6</sup>Employment Rights Act 1996,
  - [<sup>F6</sup>(dd) under or by virtue of section 11, 18, 20(1)(a) or 24 of the National Minimum Wage Act 1998;]
  - (e) which are proceedings in respect of which an [<sup>F1</sup>employment tribunal] has jurisdiction by virtue of section 3 of this Act, <sup>F7</sup>. . .
  - (f) [<sup>F8</sup>under or] arising out of a contravention, or alleged contravention, of a provision specified by an order under subsection (8)(b) as a provision to which this paragraph applies [<sup>F9</sup>. . .
  - <sup>F10</sup>(ff) under regulation 30 of the <sup>M7</sup>Working Time Regulations 1998,]. . .
  - (g) under regulation 27 or 32 of the Transnational Information and Consultation of Employees Regulations 1999.

*Status: Point in time view as at 02/12/2003. This version of this provision has been superseded.*

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[<sup>F11F12</sup> . . .

(h) arising out of a contravention, or alleged contravention of regulation [<sup>F13</sup>5(1) or] 7(2) of the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000.]

[<sup>F14</sup>(i) arising out of a contravention, or alleged contravention of regulation 3 or 6(2) of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002; <sup>F15</sup> . . .

(j) under regulation 9 of those Regulations.]

[<sup>F16F17</sup> . . .

(k) under regulation 28 of the Employment Equality (Sexual Orientation) Regulations 2003]

[<sup>F18</sup>or

(1) under regulation 28 of the Employment Equality (Religion or Belief) Regulations 2003]

(2) Where an application has been presented to an [<sup>F1</sup>employment tribunal], and a copy of it has been sent to a conciliation officer, it is the duty of the conciliation officer—

(a) if he is requested to do so by the person by whom and the person against whom the proceedings are brought, or

(b) if, in the absence of any such request, the conciliation officer considers that he could act under this subsection with a reasonable prospect of success,

to endeavour to promote a settlement of the proceedings without their being determined by an [<sup>F1</sup>employment tribunal].

(3) Where at any time—

(a) a person claims that action has been taken in respect of which proceedings could be brought by him before an [<sup>F1</sup>employment tribunal], but

(b) before any application relating to that action has been presented by him a request is made to a conciliation officer (whether by that person or by the person against whom the proceedings could be instituted) to make his services available to them,

the conciliation officer shall act in accordance with subsection (2) as if an application had been presented to an [<sup>F1</sup>employment tribunal].

(4) Where a person who has presented a complaint to an [<sup>F1</sup>employment tribunal] under section 111 of the <sup>M8</sup>Employment Rights Act 1996 has ceased to be employed by the employer against whom the complaint was made, the conciliation officer shall (for the purpose of promoting a settlement of the complaint in accordance with subsection (2)) in particular—

(a) seek to promote the reinstatement or re-engagement of the complainant 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 complainant does not wish to be reinstated or re-engaged, or where reinstatement or re-engagement is not practicable, and the parties desire the conciliation officer to act, seek to promote agreement between them as to a sum by way of compensation to be paid by the employer to the complainant.

(5) Where at any time—

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- (a) a person claims that action has been taken in respect of which a complaint could be presented by him to an [F1employment tribunal] under section 111 of the Employment Rights Act 1996, but
- (b) before any complaint relating to that action has been presented by him a request is made to a conciliation officer (whether by that person or by the employer) to make his services available to them,
- the conciliation officer shall act in accordance with subsection (4) as if a complaint had been presented to an [F1employment tribunal] under section 111.
- (6) In proceeding under this section a conciliation officer shall, where appropriate, have regard to the desirability of encouraging the use of other procedures available for the settlement of grievances.
- (7) Anything communicated to a conciliation officer in connection with the performance of his functions under this section shall not be admissible in evidence in any proceedings before an [F1employment tribunal], except with the consent of the person who communicated it to that officer.
- (8) The Secretary of State may by order—
- (a) direct that further provisions of the Employment Rights Act 1996 be added to the list in subsection (1)(d), or
- (b) specify a provision of any other Act as a provision to which subsection (1)(f) applies.

#### Textual Amendments

- F1** Words in s. 18 substituted (1.8.1998) by 1998 c. 8, s. 1(2)(a) (with s. 16(2)); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F2** Words in s. 18(1)(b) inserted (1.8.1998) by 1998 c. 8, s. 15, **Sch. 1 para. 16**; S.I. 1998/1658, art. 2(1), **Sch. 1**
- F3** Words in s. 18(1)(b) inserted (27.4.2003) by 2002 c. 22, ss. 53, 55(2), Sch. 7 para. 23(2)(a); S.I. 2003/1190, **art. 2(2)(b)**
- F4** Words in s. 18(1)(d) inserted (6.4.2003) by 2002 c. 22, s. 53, **Sch. 7 para. 23(2)(b)(i)(ii)**; S.I. 2002/2866, art. 2(1)-(3), **Sch. 1 Pt. 3**
- F5** Words in s. 18(1)(d) substituted (1.10.1998) by 1998 c. 8, s. 11(1); S.I. 1998/1658, art. 2(2), **Sch. 2**
- F6** S. 18(1)(dd) inserted (1.11.1998 for specified purposes and otherwise 1.4.1999) by 1998 c. 39, s. 30(1) (with s. 36); S.I. 1998/2574, art. 2, Sch. 1, **Sch. 2**
- F7** Word in s. 18(1)(e) omitted (1.10.1998) by virtue of S.I. 1998/1833, **reg. 33(a)**
- F8** Words in s. 18(1)(f) inserted (6.4.2003) by 2002 c. 22, s. 53, **Sch. 7 para. 23(2)(c)**; S.I. 2002/2866, art. 2(1)-(3), **Sch. 1 Pt. 3**
- F9** Word in s. 18(1)(f) omitted (15.1.2000) by virtue of S.I. 1999/3323, **reg. 33(1)**
- F10** S. 18(1)(ff) and word “or” immediately preceding inserted (1.10.1998) by S.I. 1998/1833, **reg. 33(b)**
- F11** S. 18(1)(h) and word “or” immediately preceding it inserted (1.7.2000) by S.I. 2000/1551, reg. 10, **Sch. para. 1(a)(ii)**
- F12** Word at the end of s. 18(1)(g) omitted (1.10.2002) by virtue of S.I. 2002/2034, **reg. 11 Sch. 2 Pt. 1 para. 2(a)(i)**
- F13** Words in s. 18(1)(h) inserted (1.5.2001) by S.I. 2001/1107, **reg. 2**
- F14** S. 18(1)(i)(j) inserted (1.10.2002) by S.I. 2002/2034, **reg. 11 Sch. 2 Pt. 1 para. 2(a)(ii)**
- F15** Word in s. 18(1)(i) omitted (1.12.2003) by virtue of The Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661), reg. 39, **Sch. 5 para. 1(a)(i)**
- F16** S. 18(1)(k) and preceding word inserted (1.12.2003) by The Employment Equality (Sexual Orientation) Regulations 2003 (S.I. 2003/1661), reg. 39, **Sch. 5 para. 1(a)(ii)**

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- F17** Word in s. 18(1) omitted (2.12.2003) by virtue of [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 39(2), **Sch. 5 para. 1(a)(i)**
- F18** S. 18(1)(l) and preceding word inserted (2.12.2003) by [The Employment Equality \(Religion or Belief\) Regulations 2003 \(S.I. 2003/1660\)](#), reg. 39(2), **Sch. 5 para. 1(a)(ii)**

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**Modifications etc. (not altering text)**

- C1** S. 18(1)(d) amended (4.9.2000) by [1999 c. 26, s. 14\(b\)](#); [S.I. 2000/2242](#), **art. 2(1)**  
S. 18(1)(d) extended (6.6.2000) by [S.I. 2000/1299](#), **art. 2**
- C2** S. 18(1)(f) applied (6.6.2000) by [S.I. 2000/1229](#), **art. 3**

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**Marginal Citations**

- M1** [1970 c. 41](#).  
**M2** [1975 c. 65](#).  
**M3** [1976 c. 74](#).  
**M4** [1992 c. 52](#).  
**M5** [1995 c. 50](#).  
**M6** [1996 c. 18](#).  
**M7** [S.I. 1998/1833](#).  
**M8** [1996 c. 18](#).

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