



Employment Claims – Early Conciliation

What do you need to know?*



Usdaw
Union of Shop, Distributive and Allied Workers

*Does Not Apply in Northern Ireland



#LegalPlus

Early Conciliation: What do you need to know?

What is it?

Early Conciliation (EC) is yet another barrier to justice in employment matters that the Tory led government has introduced.

From 6 May 2014, before a claim can be made to an employment tribunal, you must first contact Acas (Advisory, Conciliation and Arbitration Service), either using the online EC form or by telephone, and give:

- Your name and address; and
- The name and address of who you wish to complain about (eg your employer).

It is important that the details you give are correct, in particular the name of the company/person you are complaining about, as this must match what you later put in your ET1 claim form.

You must notify Acas separately for each different person or company you are complaining about.

You do not have to give any details of the dispute.

Acas will then make 'reasonable' attempts to contact you to ask if you want to try to use Acas conciliation to try to settle your workplace dispute.

If they are unable to contact you or you tell them that you do not wish to use the conciliation, Acas will give you an Early Conciliation Certificate which means that you may proceed to issue a claim to an employment tribunal. The certificate contains a reference number that must be quoted on your ET1 claim form so that it will be accepted.

If you do wish to use Early Conciliation, they will contact your employer (or other person you are complaining about) and attempt to assist the parties to reach a settlement in the dispute.

If your employer refuses to use the conciliation service (or cannot be contacted), an Early Conciliation Certificate will be given to you so that you can proceed to issue a tribunal claim, should you wish to.

You may nominate a representative to act on your behalf.

Conciliation may last for up to a month (with the option of extending the period for up to 14 days if an agreement looks likely), though either party may end the conciliation process at any time. If the conciliation process ends, an Early Conciliation Certificate will be given to you so you can proceed with a tribunal claim.

An Early Conciliation Certificate will be sent to you by email unless you have not provided an email address, in which case it will be sent by post. If you have nominated a representative, the certificate will be sent to them. If you receive an EC Certificate you must send a copy to your representative.

If you have refused Early Conciliation, this does not prevent Acas from conciliating once the ET1 has been submitted.

Time limit issues

The normal time limit for submitting a claim to an employment tribunal is usually three months less a day of the date of dismissal or other incident you are complaining about.

Contacting Acas regarding Early Conciliation will 'stop the clock' and time will only start to run again when the Early Conciliation Certificate is issued by Acas.

This means that the time limit for most claims will be three months less a day plus the time during which Acas conciliates.

If the time limit on a claim is due to expire within one month of the clock re-starting after Acas involvement, there will be a period of one month to submit the claim.

It may be difficult to work out when the extended time limit expires, therefore, always try to issue a claim well within one month of the date of the Early Conciliation Certificate.

If you are taking part in conciliation, you should ensure that you diarise the time limit so you do not miss it.

Help from Usdaw

If you are thinking of submitting an employment tribunal claim, you should contact your Area Organiser who can advise you on how likely you are to win your claim.

If you want Usdaw to represent you with a claim, you should obtain a Member Pack from your local office, complete it as fully as possible and return it to your local office with any supporting documents.

Your Member Pack application will be considered by Usdaw's Legal Department who will advise you whether it is a claim they can support and whether or not you should agree to Early Conciliation.

If your Member Pack application for legal assistance is rejected, you would be advised to use Acas conciliation to try to resolve your dispute. If your claim is not very strong and you lose at tribunal, you might have costs awarded against you.

Also, your complaint may be about something that the tribunal cannot consider, for example an unfair dismissal claim when you do not have the necessary two years continuous service to bring a claim; therefore it is worth seeing if you can reach a settlement through Acas. Remember though, just because you wish to conciliate, doesn't mean that your employer will agree to it. If they know that your claim is weak they are likely to refuse to conciliate.

Contacting Acas

Website: www.acas.org.uk

Telephone: **0300 123 1100**





Usdaw

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Helpline 0800 030 80 30
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