

## SCHEDULE

### THE LABOUR RELATIONS AGENCY (FLEXIBLE WORKING) ARBITRATION SCHEME

#### VI ACCESS TO THE SCHEME

20. The Scheme is an entirely voluntary system of dispute resolution: it will only apply if parties have so agreed.

#### **Requirements for entry into the Scheme**

21. Any agreement to submit a dispute to arbitration under the Scheme must satisfy the following requirements (an “Arbitration Agreement”):

- (i) the agreement must be in writing;
- (ii) the agreement must concern an existing dispute;
- (iii) the agreement must not seek to alter or vary any provision of the Scheme;
- (iv) the agreement must have been reached either:
  - (a) where the LRA has taken action under Article 20 of the Industrial Tribunals (Northern Ireland) Order 1996(1)(a “Conciliated Settlement”); or
  - (b) through a compromise agreement, where the conditions regulating such agreements under the 1996 Order are satisfied (a “Compromise Agreement”);
- (v) the agreement must be accompanied by a completed Waiver Form for each party, in the form of Appendix A.

22. Where an agreement fails to satisfy any one of these requirements, no valid reference to the Scheme will have been made, and the parties will have to settle their dispute by other means or have recourse to an industrial tribunal.

23. Where:

- (i) a dispute concerning a Flexible Working Claim as well as other claims has been referred to an industrial tribunal; and
- (ii) the parties have agreed to settle the other claims and refer the Flexible Working Claim to arbitration under the Scheme,

a separate settlement must be reached referring the Flexible Working Claim to arbitration which satisfies all the requirements listed above (although it may form part of one overall settlement document).

#### **Notification to the LRA of an Arbitration Agreement**

24. All Arbitration Agreements must be notified to the LRA within two weeks of their conclusion, by either of the parties or their independent advisers or representatives, or a LRA conciliator, sending a copy of the agreement and Waiver Forms, together with IT1 and IT3 forms if these have been completed, to the LRA.

25. For the purposes of the previous paragraph, an Arbitration Agreement is treated as “concluded” on the date it is signed, or if signed by different people at different times, on the date of the last signature.

26. Where an Arbitration Agreement is not notified to the LRA within two weeks, the LRA will not arrange for the appointment of an arbitrator under the Scheme, unless notification within

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(1) [S.I. 1996/1921 \(N.I. 18\)](#); Article 20 was amended by paragraph 5 of Schedule 2 to the Employment (Northern Ireland) Order 2002 ([S.I. 2002/2836 \(N.I. 2\)](#))

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that time was not reasonably practicable. Any party seeking to notify the LRA of an Arbitration Agreement outside this period must explain in writing to the LRA the reason for the delay. The LRA shall appoint an arbitrator, in accordance with the appointment provisions below, to consider the explanation, and that arbitrator may seek the views of the other party, and may call both parties to a hearing to establish the reasons for the delay. The arbitrator shall then rule in an award on whether or not the agreement can be accepted for hearing under the Scheme.

27. Any such hearing and award will be governed by the provisions of this Scheme.

### **Consolidation of proceedings**

28. Where all parties so agree in writing, the LRA may consolidate, as appropriate, arbitral proceedings under the Scheme.