

SCHEDULE

The Labour Relations Agency Arbitration Scheme

PART XV

Outline of procedure at the hearing

Arbitrator's overall discretion

75. Subject to the arbitrator's general duty (Part IX), and subject to the provisions of this Part, the conduct of the hearing and all procedural and evidential matters (including applications for adjournments) shall be for the arbitrator to decide.

Administration

76. The LRA shall provide administrative services to the arbitrator during the course of the hearing. However, no formal recording of the proceedings will take place.

Witnesses

77. No party or witness shall be cross-examined by a party or representative, or give evidence on oath or affirmation.

Examination by the arbitrator

78. The arbitrator shall have the right to address questions directly to either party or to any other person attending the hearing, and to take the initiative in ascertaining the facts.

Representatives

79. The parties may be accompanied by any person chosen by them to help them to present their case at the hearing. Each party is liable for any fees or expenses incurred by any such person.

Strict rules of evidence

80. The arbitrator will not apply strict rules of evidence as to the admissibility, relevance or weight of any material sought to be tendered on any matters of fact or opinion.

Interim relief

81. The arbitrator shall have no power to order provisional or interim relief.

Non-attendance at the hearing

82. If, without showing sufficient cause, a party fails to attend or be represented at a hearing, the arbitrator may:

- (a) continue the hearing in that party's absence or in the absence of that party's representative, and in such a case shall take into account any written submissions and documents that have already been submitted by that party; or
- (b) adjourn the hearing.

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83. In the case of the non-attendance of the claimant, if the arbitrator decides to adjourn the hearing, he or she may request, in writing, through the LRA that the claimant provides an explanation for the non-attendance. If the arbitrator decides that the claimant has not demonstrated sufficient cause for the non-attendance, he or she may rule in an award that the claim or claims be treated as dismissed.

Post-hearing written materials

84. No further submissions or evidence will be accepted after the end of the substantive hearing except with the arbitrator’s permission, which will be granted only where the arbitrator is satisfied that new evidence has become available, the existence of which could not have been reasonably known of or foreseen. Where permission is granted, any material is to be sent to the LRA, to be forwarded to the arbitrator and all other parties.