

Birmingham Law Society Employment Law Committee Meeting

Tuesday 13 September 2011

Held at the offices of:

Shakespeares, Somerset House, Temple Street, Birmingham, B2 5DJ

MINUTES

1 Attendance

- 1.1 Those present were Martin Chitty (Chair), Victoria Duddles, Linda Jones, Richard Santy, Alan Jones, Richard Steer, Tim Jones, Eileen Schofield and Andrew Cox.
- 1.2 Apologies had been received from Michael Hibbs, Ranjit Dhindsa, Fergal Dowling, Victoria Garrad and Jaspal Singh.

2 Minutes of the last meeting and matters arising

- 2.1 Subject to the replacement of the word "thoughts" with the word "thanks" in the second line of 3.1 of the previous minutes the minutes of the meeting on 12 July were approved.

3 Michael Lind - ADR Group

- 3.1 Michael gave a presentation, of approximately forty minutes, in relation to the work of ADR Group with specific focus on the issues of employment dispute mediation, which reflected the greatest part of their work in this area and the experience of the assembled members of the committee, and workplace and mediation.

Focusing principally on workplace mediation, Michael accepted that there has been relatively little of it within the mediation community. In total, across all mediation organisations, there were only 486 cases in 2009 and 815 in 2010.

He sees the principal challenges to effective workplace mediation as:-

- (a) Unless the mediator is wholly independent of the employer organisation there is understandable scepticism on the part of the employees; and
- (b) For that reason where the mediator is employed by the employer concerned he/she face little prospects of success;
- (c) Although workplace mediation can and has been successful in certain cases, employers are sometimes disinclined to become involved simply because they end up being perceived as refereeing a dispute between staff;
- (d) Many employers are inclined simply to address such matters as rather more disciplinary/performance type remedies;

There is an issue about how the content of the mediation and/or any outcome is to be regarded, both in terms of confidentiality and privilege in any future litigation or dispute.

4 Consultation papers

4.1 Other than the possibility of a further consultation paper from the EHRC there is no active consultation process at present.

5 Venue for next meeting on 11 October 2011

5.1 Linda Jones agreed to check upon the availability of Pinsent Mason to act as hosts.

6 Any other business

6.1 None arose.