

# MEDIATION SERVICE FOR UNFAIR DISMISSALS CLAIMS

EXPERT, INDEPENDENT AND IMPARTIAL SERVICE  
FOR EMPLOYERS AND EMPLOYEES

## ABOUT RESOLVEIRELAND

We are an independent organisation that assists parties to promote good relations in the workplace. Specifically we do this in a number of ways including helping them to prevent and resolve disputes.

For example, if an employee has been dismissed and the matter is in dispute, we can assist the parties to find a solution on terms acceptable to them, thus avoiding expensive and time consuming litigation.

This leaflet explains how we can be of assistance.

## HOW RESOLVEIRELAND CAN HELP THE PARTIES

Resolve Ireland provides an Unfair Dismissals Mediation Service to assist the parties in reaching a settlement without having to attend the Adjudication/Labour Court appeals system.

The main features of the Unfair Dismissals Mediation Service

- It is a cost effective and speedy process that enables all parties to move forward and focus on the future
- It is voluntary so both parties must agree to the process in advance and sign an agreement/undertaking to this effect
- Resolve Ireland is impartial and does not represent either the employee or the employer
- We are independent and are not part of the Adjudication/Labour Court system. Resolve Ireland Mediators have extensive experience in providing services to organisations; dealing with disputes between co-workers; and between employers and employees
- It is confidential so anything a party discloses to us can only be discussed with the other party if it is agreed. Also, whatever is discussed during the course of mediation cannot be used by either party at a subsequent hearing

## REPRESENTATION

While there is no obligation to have a representative present during a mediation process the parties are encouraged to have a professional person accompany them to the meeting. If a party appoints a representative to act for him/her we will work with them. A representative can be someone of your choice and may include a solicitor, a trade union official, or other competent person.

Any settlements are intended to be legally binding in the form of 'a full and final settlement agreement' it is important to ensure that your representative fully understands your requirements and has your express authority to enter into an agreement on your behalf.

Professional advice should be obtained by parties in respect of any agreement/document that emerges from the process.

## HOW A REQUEST FOR MEDIATION IS HANDLED

When we receive a request for mediation (from either party) Resolve Ireland will contact both parties to formally confirm if they wish to proceed. The process may only commence where both parties agree.

The parties may agree a mediator from the Resolve Ireland Panel or alternatively the Director of Operations will appoint a suitable person from the Panel. A meeting date and venue will be arranged and the parties will be asked to formally confirm that they are agreeable to participate in the process and sign up to the ground-rules underpinning the mediation.

Payment arrangements will be confirmed in advance.

## THE BENEFITS OF MEDIATION

- It saves time and money. If parties can settle their differences, this will avoid the time, expense, risk and stress of going to Adjudication/Labour Court
- The parties are in control. Agreements to settle their differences and so avoid Adjudication/Labour Court, are on terms decided by the parties themselves, and not imposed
- Mediation is confidential. Everything is kept confidential to the parties themselves as Resolve Ireland does not speak to anyone outside the process. Labour Court hearings are in public
- Mediation can offer a speedy solution. Some cases can be dealt with at one meeting, with agreed outcomes implemented very soon thereafter

### The Mediator will also, where appropriate:

- explain the process
- discuss the options available
- help parties to understand how the other side views the issues
- discuss any proposals either party has for a resolution

However, there are the boundaries to the Mediator's role.

### The Mediator must not:

- advise either side whether to accept or make any proposals for resolution
- take sides, represent either party or help prepare either a case for tribunal or a defence to a claim
- take a view on the merits of a claim or advise whether a claim should be made

The Mediation process is normally concluded within a 3 week period from date of referral unless extended by agreement between the parties.

If after this period the matter is still not resolved, and there is no prospect of an agreed settlement, the Mediator will bring the process to a close and the claimant will be free to pursue his/her Unfair Dismissal claim.

## WHEN MEDIATION IS SUCCESSFUL

If a resolution is reached, the Mediator will record what has been agreed in a full and final settlement document. Both parties and their representatives will sign this as a formal record of the agreement. This is intended to be a legally binding contract between the parties.

## HOW TO REQUEST MEDIATION

The quickest and simplest way is to contact Miriam Maher, Director of Operations, Resolve Ireland, at [miriam@resolveireland.ie](mailto:miriam@resolveireland.ie) for further details or telephone 086-7938376.

[www.resolveireland.ie](http://www.resolveireland.ie)

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