

# What makes employees start Early Conciliation?

## In the know

**New Acas research includes real life stories of employee experiences that have led them to take the first steps towards employment tribunal action against their employer. The report also shows why the employees do not progress, after a failed Early Conciliation, to the employment tribunal. Here, we take a look at the report.**

### What is Early Conciliation?

- The Government introduced the mandatory Early Conciliation scheme in April 2014. Employees who want to make a claim to ET must first engage with the EC process to some extent otherwise an ET claim will be rejected;
- Once an application is made, an Acas conciliator will contact the employee and employer so that settlement negotiations can commence;
- There are three possible outcomes to Early Conciliation: i) the dispute is settled and cannot go any further; ii) the dispute is not settled and the employee makes a claim to ET; and iii) the dispute is not settled but no claim is subsequently made.

### Acas research paper

- Acas recently published a new research paper on “Exploring the behaviours of claimants who neither settle nor proceed to an Employment Tribunal”;
- The research was conducted by carrying out in depth interviews of 35 individuals who fell into the specific group of having started the Early Conciliation process but then did not proceed to make an employment tribunal claim;
- The participants were asked a number of questions including what their motivations were for starting Early Conciliation.

### Why employees started Early Conciliation

- Anger at the behaviour of their employer when trying to informally resolve a problem and employees’ determination to take a stand;
- Employees could not afford lawyers and EC offers a no-cost alternative resolution method;
- Sense of injustice stemming from unfair treatment;
- A belief that Acas’ involvement will make the employer take the dispute more seriously.

### What were the employees’ intentions at the outset?

- The largest group of employees wanted to settle the dispute to avoid going to ET;
- Some preferred to settle but were prepared to go to ET if necessary;
- Some actively wanted to take their employers to ET to gain justice.

### What did the employees want from the process?

- Financial compensation;
- Reinstatement of old terms and conditions;
- Complaints of discrimination/harassment addressed.

### How to avoid Early Conciliation

- Take grievances seriously;
- Deal with them professionally;
- Take action where a grievance is upheld;
- Make all recruitment/promotion etc decisions based on merit.

## Croner Tips

**Croner’s Early Conciliation Service to you are notified of an Early Conciliation application against your company. Our consultants will run the process for you, speaking to Acas on your behalf whilst taking your instructions.**

The content of this briefing is correct at the time of publishing.

**Please contact the 24 Hour Advice Service for advice on your specific situation before acting on the information in this article**