

Our **innovative new service** aims to resolve employment and workplace disputes in a constructive and pro-active way to ensure a quick and cost effective outcome.



COLLABORATIVE

— EMPLOYMENT LAW —

Astute, Insightful & Smart

"This initiative fortifies our commitment to responding to challenges to provide clients with the highest quality legal advice and service. Through constantly adapting our offering to meet our clients' needs, we have remained a resilient law firm who has, and will, continue to serve for future generations to come."

Collaborative Employment Law (CEL)

The operation of collaborative law in family disputes is already well established and a tried and tested successful alternative to litigation. Employment and workplace disputes, like family disputes, can often be highly charged and emotional, because ultimately people are involved and there is a lot at stake.

Collaborative Employment Law (CEL) is a service provided by a group of employment lawyers who are committed to working together to resolve employment and workplace disputes.

Members of CEL have to have undergone internal workplace mediation training and must have an ACAS Certificate of Internal Workplace Mediation or equivalent before they are able to offer CEL to their clients or participate in CEL.

The purpose of CEL is to:

- resolve employment and workplace disputes in a non-confrontational way
- deal with the resolution of employment and workplace disputes in a constructive, pro-active way
- encourage participants to think creatively and constructively to resolve their dispute
- work to achieve a resolution of the employment and workplace dispute
- ensure a quick and cost effective outcome

The advantage of CEL

The advantage of CEL is that it aims to avoid an employment or workplace dispute becoming adversarial and possibly litigious.

CEL also allows the parties to be more creative and come up with their own solutions, which a court or employment tribunal would never have statutory power to deliver, for example to agree for training, outplacement support or coaching to be provided or to receive a face to face apology.

There is no lengthy or adversarial correspondence or communication between the parties and in most cases, the matter should be resolved after one meeting.

How does the process work?

The CEL process is quick, confidential and all discussions and communications will be conducted on without prejudice basis.

1. both the employer and the employee need to agree to use the CEL process and nominate CEL member lawyers to assist them to facilitate in the process
2. the parties and their CEL lawyers will be required to sign a participation agreement
3. CEL lawyers are required to conduct themselves in accordance with the CEL Code of Conduct
4. the CEL lawyers will arrange a time, date and venue to hold the CEL meeting, which subject to participants' availability will be arranged within 14 – 21 days from the date the parties elect CEL
5. the CEL lawyers in advance of the CEL meeting will together have up to an hour long pre fact finding meeting with each of the clients. It is likely that the pre fact finding meeting and the CEL meeting will take place at one of the CEL lawyer's offices, unless the parties wish to have a neutral venue. In those circumstances the cost of the venue will be an additional cost to the parties
6. seven days in advance of the CEL meeting, the CEL lawyers will provide disclosure to one another of any documentation that the parties agree are relevant to the dispute. One purpose of the CEL process is to limit the use of documentation and to promote dialogue
7. at the start of the CEL meeting the participants will exchange an opening statement setting out the resolution they are seeking to achieve (the Statement). If they wish, the clients can each orally state their position at the start of the meeting

limited to no more than 30 minutes each. It is important that the Statement is not produced in advance of the meeting, so that the parties do not pull out of the process in advance of the meeting; and there can be no advance “game playing” in advance of the meeting

8. the CEL lawyers will assist the parties to agree how they will conduct the remainder of the CEL meeting
9. the participants will have separate rooms that they can adjourn to, where they can discuss each other’s Statements and consider and deliberate their positions and the proposals they wish to put forward. Where possible the parties are encouraged to conduct the meeting in one room
10. the participants with the assistance of their CEL lawyers will then enter into facilitated discussions aimed at seeking a resolution to the dispute

CEL offers the parties an opportunity through this facilitated process to speak directly to each other about the dispute in a non-confrontational way, in a safe environment with the specific aim of seeking an early resolution to the dispute.

CEL also allows the parties to be more creative and come up with their own solutions which a court or employment tribunal would never impose.

How much does the CEL process cost?

The cost of the CEL process is fixed for each CEL lawyer.

- arranging the collaborative meeting: £150 plus VAT
- four hours preparation (including meeting with both parties): £1,250 plus VAT
- full day conciliation 10.00am – 4:00pm: £1,550 plus VAT
- half day conciliation: £775 plus VAT
- subsequent meetings and additional preparation: £300 per hour

Why opt for CEL?

- CEL provides a respectful, confidential and private forum for dispute resolution
- it allows parties in dispute to explore and understand their differences, so that they can find a solution
- it's quicker, less expensive and less emotionally and commercially disruptive for both sides than traditional judicial forums
- it avoids the engagement of a third party mediator that may get in the way of bringing both parties together in a consensus

If you would like more information please contact a member of our employment team.



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