

IS THERE A ROLE FOR ADR IN EMPLOYMENT DISPUTES?

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Legal Briefings

The [Global Pound Conference \(GPC\) report](#) identifies a strong preference amongst potential litigants for a flexible dispute resolution approach and a focus on collaboration over representation, with in-house counsel being the most likely agents of change. These themes certainly chime with a recent but growing interest in ADR in the employment sphere: the desire for efficiency in time and cost is acute, given the low value of many employment claims, and the potential for confidential resolution and in some cases a desire to preserve a valued individual relationship makes ADR an obvious option.

In the article [here](#), the Herbert Smith Freehills employment team consider the relevance of the GPC data in the context of employment disputes in the key jurisdictions of Australia, France, Germany, Spain and the UK. We discuss the availability - and pros and cons - of various ADR methods for employment issues in those jurisdictions. One of our London partners, Peter Frost, and Paul Goulding QC of Blackstone Chambers co-chaired various reports on this issue by the Employment Lawyers Association's Arbitration and ADR Group, and the article also reflects on those findings.

What is clear is that there is not only an existing role but, particularly in our European jurisdictions, the potential for a bigger future for conciliation, mediation and arbitration in employment cases. Greater familiarisation with the options available will assist, although legislative change may also be necessary. If you are interested in discussing the use of alternative methods for resolving employment disputes, whether that be introducing a workplace mediation scheme or exploring options for resolving an ad hoc dispute, please do get in touch.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.

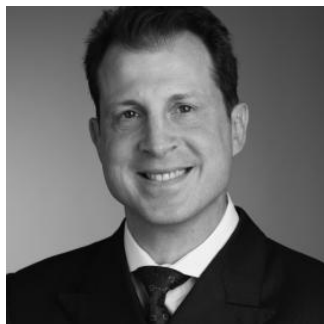


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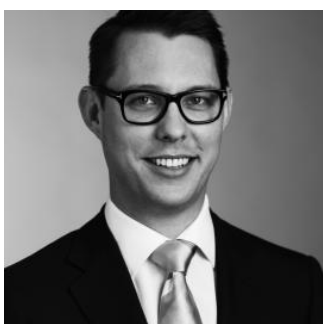


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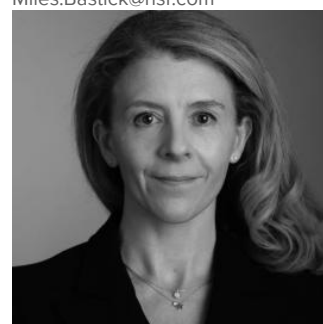


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