

COLLECTIVE DISPUTES POLICY

1. Introduction

Carmarthenshire County Council seeks to ensure that its policies and procedures provide fair treatment to all employees. However, in any organisation as large and complex as the County Council collective disputes may nevertheless arise. This policy and procedure has therefore been developed following negotiation with the recognised trade unions to provide a means for those trade unions and the County Council to seek to resolve disputes that might arise in relation to groups of employees.

2. Definition

For the purposes of this document a “collective dispute” is defined as a dispute notified by a recognised trade union, in accordance with the collective disputes procedure, on behalf of a group of County Council employees.

3. Legal Background

The requirement in law on the part of the employer to have a formal means for dealing with employee grievance was first included in the Industrial Relations Act 1971 and is now incorporated into the Employment Rights Act 1996, the Employment Relations Act 1999 and as updated by the Employment Act 2002.

4. Policy Statement

Carmarthenshire County Council is committed to the resolution of collective disputes fairly and at the earliest opportunity. The Collective Disputes Procedure aims to settle disputes as near to the point of origin as possible.

A commitment to this policy and procedure will mean that both parties are willing to examine and discuss the subject of the dispute and negotiate possible means of jointly resolving the dispute in the best interests of all concerned.

5. Application

The County Council will only acknowledge a dispute if it is lodged by a recognised trade union on behalf of the group of employees in dispute regarding matters arising from their employment.

The procedure shall be flexible enough to allow for the first formal stage to be heard by a member of management of equivalent status to that of the employee’s manager if the dispute is against or otherwise involves a complaint about the manager who would normally hear a dispute at that level.

Both parties will accept that normal working practices prevailing prior to the dispute shall continue to operate pending settlement and both parties will co-operate to ensure that the spirit of this clause is maintained, except where to continue the existing practice would constitute a hazard, or where statutory obligations apply. The above clause will not apply in situations where

changes are made to working arrangements and the change is in line with contracts of employment such as a change of base for example.

There will be no strike or any form of industrial action whilst this procedure is in progress.

Employees who wish to pursue a collective dispute should be allowed reasonable time off to seek the advice of their trade union representative. The prior permission of the manager must be obtained which, subject to operational needs of the service, would not be unreasonably withheld.

COLLECTIVE DISPUTES PROCEDURE

6. Scope

This procedure applies to all employees of Carmarthenshire County Council, except for staff on the complement of locally managed schools for whom a separate procedure applies. It does not cover: individual grievances, grading of posts, disciplinary matters, non confirmation of employment during probationary periods, equal pay grievances, matters more appropriately dealt with under an alternative policy or procedure or any collective issues for which more extensive collective bargaining arrangements exist e.g. the Employee Relations Group (ERG).

Complaints about bullying or harassment should be dealt with under the Authority's Dignity at Work Policy. Employees raising a concern under the Public Interest Disclosure Act should refer to the Whistleblowing Policy.

Any collective disputes relating to matters more than three months old or which have been the subject of a dispute between a Trade Union and any Department of the Council at any time during the preceding 12 months will not be accepted unless any action decided upon by management to redress that dispute has not been implemented.

7. Formal Procedure for Resolving Collective Disputes

Stage One

- 7.1 Where it has not been possible to resolve issues informally the trade union representative acting on behalf of the aggrieved group of employees will raise the collective grievance with the relevant line manager responsible for the employees concerned, by completing the Formal Collective Dispute Procedure Form (Appendix 1) stating the subject nature and scope of the matter and the solution proposed. A copy should be forwarded to the Assistant Chief Executive (People Management) for information. The manager must acknowledge receipt of the collective dispute within **7 calendar days**.
- 7.2 On examining the written submission the relevant line manager will consider if the issue affects other sections within that Department and seek advice from the Assistant Chief Executive (People Management) or nominated representative.
- 7.3 If the matter affects one Section only, the relevant line manager shall convene a meeting with the trade union. This should normally take place within **21 calendar days** of receipt of the formal dispute, with the objective of trying to achieve a resolution. The trade union representative will receive a written reply confirming the outcome and the reasons for the decision within a further **14 calendar days** of the meeting taking place. A copy should be sent to the Assistant Chief Executive (People Management) for information.

- 7.4 If the matter affects more than one Section of the same department the line manager will discuss the issue with relevant section managers before convening a meeting as in 6.3 above. Where appropriate, relevant section managers may also attend the meeting with the trade union representative. Response times will be in accordance with 6.3 above.
- 7.5 If, after discussion with the Assistant Chief Executive (People Management) it is concluded that the issue affects other Departments, the Assistant Chief Executive (People Management) will arrange a meeting of relevant officers of departments concerned and trade union(s) with the objective of trying to achieve a resolution. Response times will be in accordance with 6.3 above. Alternatively the matter may be referred to the Corporate Employee Relations Forum to consider/resolve.
- 7.6 If the group of employees are not satisfied with the outcome they may raise the collective dispute at the next stage through their trade union representative. This should be done, in writing to the Assistant Chief Executive (People Management) within **14 calendar days** of receipt of the manager's decision.
- 7.7 If a written reply is not received by the accredited trade union representative(s) within the specified time the matter can also be referred to the second stage of the procedure.

Stage Two

- 78 The accredited trade union representative(s) may raise the collective dispute in writing to the Assistant Chief Executive (People Management). This should be done by completing the Collective Dispute Procedure Form (Appendix 1). Copies of any correspondence should be enclosed with the letter. Where the parties have agreed that discussion at the earlier stage is not appropriate and that the dispute should be registered directly at the second stage, the accredited trade union representative(s) should write in similar terms to the Assistant Chief Executive (People Management) who will acknowledge receipt of the collective dispute within **7 calendar days**
- 7.9 The Assistant Chief Executive (People Management) will convene an Appeals Panel to consider the appeal with the trade union representative(s) to seek a mutually acceptable resolution of the matter. The Appeals Panel will comprise of two Directors (or their nominated Head of Service) and a member of the Executive Board. The Appeal Hearing should be held at a reasonable time and place. This should take place as soon as is reasonably practicable and the trade union representative(s) should take all reasonable steps to attend.

Full account will be taken of information put forward by both sides in support of their respective views and proposals on the issue(s) in

question and, if appropriate, written statements may be requested and exchanged prior to the meeting.

7.10 The decision of the Appeals Panel will be final and details of any agreement reached, or a summary of the position of the respective parties, as given by either side, together with the decision and recommendations made by the Appeals Panel will be formally recorded and issued to both parties within **7 calendar days** of the meeting.

8. General Considerations

The time periods for managers to convene meetings and notifying decisions, as specified at each stage above may be varied by mutual agreement if justifiable reason(s) exist.

9. Outside Conciliation Stage

If there is failure to agree at Stage 2 either party may propose that the matter be referred to ACAS for conciliation. Any such referral will require the terms of reference to be jointly agreed in advance of the referral.

10. Agreed Settlement

Management and trade union(s) will endeavour to ensure that the terms of any settlement agreed at any of the above stages are observed and implemented.

11. Confidentiality

The parties undertake not to divulge to the media any aspects of the negotiations surrounding the collective dispute until both parties agree the procedure has been exhausted.

12. Collective Grievance Meetings

During a collective grievance meeting, the trade union representative should be allowed to explain the complaint on behalf of the employees concerned and say how they think it should be settled. If necessary, the Officer chairing the collective grievance meeting may wish to adjourn to enable him/her to gather further information or obtain advice. A date for a re-convened meeting will be agreed at that time if possible.

Following the meeting, a written response should be sent to the trade union representative within 14 calendar days.

13. Grievances from employees who have left or leave the Authority during the Procedure

Wherever possible a collective grievance should be dealt with in accordance with this procedure before employee(s) leave employment. However if employee(s) leave employment with CCC partway through the Collective Dispute procedure, then the Authority is under no obligation to hear the grievance.

In these circumstances, advice should be sought from People Management.

14. Keeping records

Written records must be kept throughout the collective grievance process, including:

- A copy of the written grievance and subsequent appeals if relevant
- Copies of meeting notes
- A copy of the written response(s) provided to the employee
- Details of action taken

Records should be retained for each employee's involved in the collective grievance within their personal file.

Records should be treated as confidential and kept in accordance with the Data Protection Act 1988.

Copies of the collective grievance meeting notices, meeting notes, response letter, etc will be sent to the Trade Union official representing the collective grievance on behalf of employees concerned, unless they advise otherwise, in writing.

15. Training and Support

All Officers involved in the grievance process should receive appropriate support and training. This will be provided as part of a Corporate Learning & Development Programme. Contact People Management for further information.

16. Monitoring this Policy & Procedure

The application of this policy and procedure will be monitored by People Management. All departments must ensure that they advise People Management of all formal and informal grievances raised.

17. Ensuring Equality of Treatment

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental or marital/civil partnership status, pregnancy or maternity.

If you have any equality and diversity concerns in relation to the application of this policy and procedure, please contact a member of the HR Team who will, if necessary, ensure the policy/procedure is reviewed accordingly

If you require this information in an alternative format (for example large print), please contact People Management, Extension 6184 or Email PMBusinessSupportUnit@carmarthenshire.gov.uk