

EMPLOYMENT MATTERS COMMITTEE

18 JULY 2012

COLLECTIVE DISPUTES PROCEDURE

Report from: Tricia Palmer, Assistant Director, Organisational Services

Author: Sandra Steel, Corporate Employee Relations Officer

Summary

This report details the Council's proposals to implement a Collective Disputes Procedure.

1. Budget and Policy Framework

1.1 These procedures lie within the council's policy and budget framework and the committee's terms of reference. Therefore, this is a matter for the Employment Matters Committee.

2. Background

2.1 Harmonious workplace relationships are essential to optimum business efficiency. Even minor problems can develop into grievances or disputes if they're not dealt with quickly and effectively. This is true of issues involving individuals or groups. The council's Grievance and Harassment Policy (as recommended to this committee on this date) provides a mechanism for employees to raise their concerns on an individual or group basis. However, there may be occasions where union representatives may raise issues relating to large-scale council policy that affects all or nearly all employees and where industrial action may be threatened.

2.2 Industrial action is costly and damaging to any organisation. Halting or slowing down of work would inevitably have an adverse impact in terms of service delivery and the council's profile in terms of negative publicity. This not only impacts on service delivery but it could also have negative repercussions for the council with regard to the reputation among customers and potential employees.

2.3 The council therefore needs to seek to avoid collective disputes arising and have a procedure in place to resolve any such conflict as quickly and as amicably as possible. The Collective Disputes Procedure (attached as appendix one) has been produced to meet this requirement.

3. Options

- 3.1 For the purposes of this procedure a collective dispute is defined as a matter concerning a number of employees, which is pursued on their behalf by one or more representatives of the trade union recognised by Medway Council. Such matters would be connected with the employees' work or working environment and would exclude those items dealt with through other agreed procedures.
- 3.2 The council has not had a procedure for dealing with collective disputes. In the past these kind of disputes have been very small in number and issues have been resolved on an individual basis using a step-by-step process similar to that of the Grievance Procedure.

4. Advice and analysis

- 4.1 The current Grievance Procedure involves Members as the final stage for dealing with collective grievances. The new Grievance and Harassment Policy removes Member involvement in any grievances, be they individual or group. However, it was felt that Members (ie the Joint Consultative Committee) involvement should be included for collective disputes prior to any issue being taken to an impartial outsider such as ACAS for conciliation.

5. Risk management

- 5.1 As mentioned in paragraph 2.1, failing to implement a policy to minimise the incidence of industrial action could be costly to the council in terms of service delivery and reputation.

6. Consultation

- 6.1 Consultation on this procedure was undertaken with all the recognised trade unions and professional associations.
- 6.2 The teaching associations confirmed that this procedure would not relate to schools-based staff.

7. Financial and legal implications

- 7.1 There are no financial implications relating to the implementation of this procedure.
- 7.2 The policy will enable the Council to comply with the principles of the ACAS statutory code of practice on handling discipline and grievance procedures in the workplace. The application of the policy would facilitate the effective resolution of disputes between the Council and trade unions thereby minimising legal challenges against the Council.

8. Recommendation

- 8.1 That Employment Matters Committee agree to the implementation of the Collective Disputes Procedure.

Lead officer contact

Sandra Steel, Corporate Employee Relations Officer
Sandra.steel@medway.gov.uk telephone: 01363 334083

Background papers

None



Medway Council Collective Disputes Procedure (April 2012)



1.0 Introduction

- 1.1 Medway Council and the Trade Unions recognise how important it is to maintain constructive relationships whilst resolving collective disputes and differences and to work together, using agreed procedure, to resolve disputes.
- 1.1 This procedure sets out agreed stages for resolving collective disputes fairly, with the minimum of delay and with the intention that issues are settled at the lowest operational level, after informal discussions have taken place and the matter has not been settled.

2.0 Equalities Statement

- 2.1 Medway Council is committed to providing equal opportunities and access to all. This procedure embraces the spirit of managing a diverse workforce and those dealing with collective disputes must ensure that no employee(s) are discriminated against either directly or indirectly or victimised on the grounds of their race, disability, sex, sexual orientation, religion or belief, age, marital or civil partnership status or any stage of gender reassignment.

3.0 Core Values and council objectives

- 3.1 This policy supports the council's Core Values. The council believes that a consistent approach to employee management, and well-being is fundamental to the delivery of quality services to the public.

4.0 Scope

- 4.1 This policy applies to all staff excluding those covered by the School Teachers Pay and Conditions Document.

5.0 Principles

- 5.1 A dispute, in the context of this procedure, is defined as a matter concerning a number of employees, which is pursued on their behalf by one or more representatives of the trade unions recognised by Medway Council. Such matters would be connected with the employees' work or working environment and would exclude those items dealt with through other agreed procedures.
- 5.2 The status quo (i.e. the working and management arrangements which applied before the dispute) should operate until the procedure has been exhausted.
- 5.3 This procedure has been agreed between representatives of the recognised trade unions and Medway Council and it is therefore in the interests both of employees and of Medway Council that this is adhered to.

5.4 Disputes should be dealt with as speedily as possible and the time limits expressed are those regarded as the normal maximum time although they may be extended in order to continue negotiations. The aim is that any dispute should be resolved within two months of the date when it was first brought formally under Stage One of the procedure. If a dispute is identified as requiring referral to the next stage this should normally be undertaken within a time limit of five working days and should be made in writing setting out the issues in dispute

6.0 The Procedure

6.1 Stage One - Informal Process

6.2 Issues raised by the recognised trade unions relating to corporate matters should be referred, in writing, to the Head of HR Services. The Head of HR Services will convene a Stage One meeting with the trade unions within ten working days of the request being received to attempt to resolve the matter informally.

6.3 Stage Two - Formal process

6.4 If the matter cannot be resolved informally the trade union should complete the Collective Disputes Complaint Form (appendix one) and submit it to the Assistant Director, Organisational Services within five working days of the Stage One informal meeting. The form must include the remedy that the trade unions are seeking on behalf of the workforce.

6.5 The Assistant Director, Organisational Services will convene a Collective Disputes Meeting with the trade unions within ten working days of the request being received to attempt to resolve the matter.

6.6 The result of the Collective Disputes Meeting will be notified in writing within five working days (or other period agreed by both parties). It may be necessary to hold more than one meeting. Timescales will be agreed between the parties.

6.7 Stage Three – Final Stage

6.8 If the decision remains in dispute the trade unions will respond to the Assistant Director, Organisational Services in writing, within five working days of receiving the decision. The Assistant Director, Organisational Services, may, if necessary arrange at the earliest convenience for the Joint Consultative Committee to consider the issues and seek resolution of the dispute, either by recommending a course of action which can be undertaken either under officers' delegated authority or the Employment Matters Committee.



Medway Council Collective Disputes Complaint Form

This form is intended for use by the trade union (s) submitting the collective dispute.

Trade Unions should try to resolve the matter informally by raising the issue initially with the Head of HR Services.

Where informal discussions have not resulted in resolution of the issue, this form should be completed and Stage Two of the Collective Disputes Procedure will be invoked.

This form should be completed and sent to the Assistant Director, Organisational Services, Gun Wharf, Dock Road, Chatham, Kent. ME4 4TR

.You must complete all boxes:

Summary of dispute: Set out the details of the dispute. (Use continuation sheet if necessary)

Informal action to resolve the issue: State the date you met with the Head of HR Services to resolve the dispute informally and why the issue was not resolved. (Use continuation sheet if necessary).

Outcome requested: Set out the remedy you are seeking from the dispute, and why and how you believe that this will resolve the issue (Use a continuation sheet if necessary).

Form completed by:

Enter name (s) and signature (s) and Trade Union
(use a continuation sheet if necessary).

For completion by the Head of HR Services

Informal meeting undertaken Date:

Collective Dispute Form Received Date:

Collective Dispute Meeting Scheduled for Date: