



## EMPLOYMENT ZONE Policy Statement – Collective Disputes Procedure

### 1. Introduction

- 1.1 Both the Council and the recognised Trade Unions agree that mechanisms will be put in place to allow for consultation and negotiation to take place at appropriate levels within the Council.
- 1.2 All parties intend to consult and negotiate in good faith and to employ their best endeavours to secure agreement.
- 1.3 If, however, agreement cannot be reached, the collective disputes procedure can be enacted.

### 2. Stage 1:

- 2.1 The issue should be raised in writing by the trade union(s) with the appropriate manager.
- 2.2 A meeting between management and the appropriate trade union(s) representatives should be set up within 3 working days. A decision will be given within 3 working days of the meeting taking place. Where more than one meeting is required these should take place over a period covering no more than 10 working days and the outcome notified within 3 working days of the final meeting.
- 2.3 Service HR should be sent a copy of the collective grievance for information and monitoring purposes.

### 3. Stage 2:

- 3.1 If agreement is not reached at Stage 1, the matter should be referred, in writing, by the trade union(s) (within 7 working days of receipt of decision) to the Head of Service (or a senior officer nominated by the Head of Service). A meeting between the Head of Service and the appropriate trade union(s) representatives will take place within 10 working days of the request. A decision will be given within 3 working days of the meeting taking place. Where more than one meeting is required these should take place over a period covering no more than 10 working days and the outcome notified within 3 working days of the final meeting.
- 3.2 Service HR Officers will attend the Stage 2 meeting(s) in an advisory capacity.



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### 4. Stage 3:

- 4.1 If agreement is not reached at Stage 2, the matter should be referred, in writing, by the trade union(s) (within 10 working days of receipt of decision) to the Chief Executive who should convene a meeting of the Personnel Appeals Committee.
- 4.2 A meeting of this Committee will normally be convened within 15 working days of receipt of the request being received by the Chief Executive. The Committee will be advised by an officer from Corporate HR.
- 4.3 The Committee will act on behalf of the Council and will have the power to consider and reach decisions on collective grievances.
- 4.4 The Committee will notify the outcome of the collective grievance in writing to the appropriate trade union(s) representatives within 3 working days of the meeting taking place.
- 4.5 If the matter is not resolved through the collective disputes procedure, a formal failure to agree may be registered and the parties may jointly agree to refer the issue to ACAS for conciliation and/or to the Joint Secretaries of the Scottish Joint Council.

### 5. Status Quo:

- 5.1 In the event of any difference arising which cannot immediately be resolved, whatever practice, agreement or working conditions existed prior to the difference shall continue to operate pending a settlement or until the procedure has been exhausted.
- 5.2 Both parties accept the Status Quo clause imposes obligations on both Management and the Trade Unions to take no precipitative action whilst the issue is still under consideration and the procedure has not been exhausted.

### 6. Timescales:

- 6.1 It is in the best interests of all that collective grievances are dealt with as promptly as possible. The timescales set within this procedure should be strictly adhered to unless exceptional circumstances prevail when the parties should mutually agree to vary the timescale.
- 6.2 The term 'working days' used within this procedure covers the period Monday to Friday.



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### 7. Keeping Records:

7.1 Written records will be kept and shared during the collective disputes process. These will include:

- Details of the nature of the collective dispute submitted by the trade union(s);
- The response given by management at each stage;
- Action taken and reasons for it;
- Whether the collective dispute progressed through the procedure.

### 8. Monitoring:

8.1 Data on collective disputes and timescales within which they were dealt with will be collected and collated on a quarterly basis and a report submitted to the appropriate Committee, and the JCF for consideration and comment.

### 9. Review:

9.1 The collective disputes procedure will be the subject of a joint review a period of 12 months from date of implementation to assess the fairness and effectiveness of operation.