



COLLECTIVE DISPUTES PROCEDURE

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1.0 INTRODUCTION

Ryedale District Council fully recognises the importance of the need to communicate with employees as openly and as effectively as possible. The Council recognises the benefit to be gained by entering into early discussion with UNISON, the recognised Trade Union, through established joint consultation and negotiation machinery, on changes that are proposed and the ways in which they will be implemented where these changes may affect the interests of employees.

It shall be the responsibility of Management and Human Resources to ensure that effective communication, joint negotiation and consultation machinery exists, and that early meaningful consultation takes place with UNISON, as well as directly with employees, on changes which are proposed and ways in which they will be implemented. Consultation should not be the mere passage of information, but should provide an opportunity for staff and their recognised trade union to express their views, either in person or in writing, and to have these taken into account before final decisions are made. It is jointly recognised that changes to conditions of service require negotiation.

It is recognised by both sides that management has a role in seeking to introduce change and implement decisions. Prior consultation must take place with UNISON through the established collective machinery and with individuals who may be affected by proposed changes.

2.0 SCOPE

Circumstances may arise when in spite of the use of communication, negotiation and consultation machinery that exists having been followed, employees have remaining complaints or problems, relating to their employment, working conditions, terms and conditions etc. which they may wish to dispute formally with management, either individually or collectively through UNISON.

This procedure is intended to provide a mechanism by which such disputes may be acknowledged and resolved as quickly as possible and without detriment to the Council's services.

For individual grievances, this procedure is not applicable and individuals must use the Council's [grievance policy](#).

The procedure will not apply to those issues of pay and conditions of employment where national or provincial collective agreements apply unless the dispute concerns alleged failure to observe those agreements.

The procedure will apply to disputes concerning changes, or proposed changes, to local conditions of service, policies and agreements, where there is a failure to reach agreement.

Both parties to this agreement support the principle that where disputes arise, they should be resolved at the lowest possible level and as quickly as possible.

It is recognised that there may be cases where an individual grievance develops into a collective dispute, in which event the application of this procedure would become appropriate.

Ryedale District Council and UNISON jointly agree the necessity to honour this procedure so that constructive relationships may be maintained whilst resolving disagreements and disputes.

It shall also be the responsibility of managers to ensure that the Collective Disputes Procedure is applied appropriately. Whilst a dispute is being pursued under this procedure, all parties will be free from duress, threats or victimisation.

Time limits are to be applied strictly where this is practicable.

3.0 AIM

The aim of the Collective Disputes Procedure is to provide a standard framework for resolving issues of disagreement between management and UNISON as quickly as possible.

Wherever possible employees should be encouraged to discuss any concerns informally with their immediate line manager. It is expected that the vast majority of concerns can be dealt with in this way.

However, where it is necessary for a group of staff to seek the pursuit of their grievance by UNISON through the formal stages of the Collective Disputes Procedure, the aim of line management will be to pursue resolution of the outstanding problems or concerns, not merely defend the proposals or decisions made previously informally. Equally, it is understood by UNISON, that in registering a collective dispute, there must be a genuine desire by the Trade Union side to find a reasonable solution to the issue of difference.

There is therefore an onus on both parties to try to bring about a resolution to the dispute, and every effort should be made to achieve this in the shortest time possible, normally within two months.

4.0 DEFINITION

For the purposes of applying this procedure, a dispute is defined as:

‘a collective dispute raised by UNISON on behalf of more than one employee about any matter which relates directly to their employment’.

5.0 STATUS QUO

The 'status quo' is defined as:

'whatever practice or agreement prevailed prior to any change or which has resulted in a dispute'

It is jointly agreed that during any dispute, whatever practice or agreement prevailed prior to the disputed change shall continue and there shall be no industrial action or changes in working practice pending a settlement or until this collective dispute procedure has been exhausted. Exception to this may be appropriate if a reasonable case is made that the disputed measure is imperative for legal (including health & safety) reasons.

If there is disagreement between management and UNISON over whether exception is appropriate and/or what the 'status quo' position is in a particular dispute, every effort shall be made to resolve this internally. In the event that such efforts do not succeed external mediation shall be sought using a mutually agreed organisation.

6.0 REPRESENTATION

A collective dispute may only be raised on behalf of a group of employees (i.e. more than one employee) by a recognised Trade Union (UNISON). In an attempt to resolve the collective dispute, either party may call on other management or staff representatives to become involved in discussions.

7.0 PROVISION OF INFORMATION

It shall be the responsibility of each party to the dispute to ensure that information that assists in reaching a decision, and has a direct bearing on the dispute, is made available to the other party.

8.0 PROCEDURE

Where practicable, employees are encouraged and expected to discuss any concerns informally with their immediate line manager before seeking pursuit of the grievance through a collective dispute. It is expected that the vast majority of concerns can be dealt with in this way.

Where a collective dispute arises, the procedure will commence at the most appropriate stage. For example, disputes that arise because of changes introduced or proposed that affect or may affect employees across more than one Service Unit will be dealt with by beginning at no lower stage than Stage 2.

8.1 STAGE 1 – Line Manager Level

UNISON to complete form A [link] and send to the appropriate Line Manager (copy to Human Resources). The line manager will convene a meeting of the interested parties, including the employees concerned, or one or more representatives of the group chosen by the group, within 5 working days of the notification. This meeting shall be arranged in conjunction with the UNISON branch secretary who will make arrangements for UNISON representative to attend the meeting. The outcome of this meeting shall be confirmed in writing by the Line Manager (copy to Human Resources) within 2 working days after the meeting has been held.

If the matter cannot be resolved at this meeting it shall be referred to the second stage of the procedure in writing within 5 working days.

8.2 STAGE 2 – Head of Service / Service Unit Manager Level

Where an issue cannot be resolved under Stage 1 of the procedure it shall be referred by UNISON to the second stage of the procedure.

The referral by UNISON shall be made in writing to the appropriate Head(s) of Service/ Service Unit Manager(s) (copy to Human Resources) within 5 working days of receipt of written confirmation of the outcome of Stage 1. The Head(s) of Service/ Service Unit Manager(s) shall convene a meeting of all the interested parties within 10 working days of the referral.

This meeting shall be arranged in conjunction with the UNISON branch secretary who will make arrangements for a UNISON representative and, if necessary, the full-time Regional Official, to attend the meeting.

The outcome of this meeting shall be confirmed in writing by the Head(s) of Service/ Service Unit Manager(s) (copy to Human Resources) within 2 working days after the meeting has been held.

If the matter cannot be resolved at this meeting it shall be referred to the third stage of the procedure in writing within 5 working days.

8.3 STAGE 3 – Corporate Director Level

Where an issue cannot be resolved under Stage 2 of the procedure it shall be referred by UNISON to the third stage of the procedure.

The referral by UNISON shall be made in writing to a Corporate Director (copy to Human Resources) within 5 working days of receipt of written confirmation of the outcome of Stage 2. The Corporate Director shall convene a meeting of all the interested parties within 10 working days of the referral.

This meeting shall be arranged in conjunction with the UNISON branch secretary who will make arrangements for a UNISON representative and, if necessary, the full-time Regional Official, to attend the meeting. The outcome of this meeting shall be confirmed in writing by the Corporate Director (copy to Human Resources) within 2 working days after the meeting has been held.

If the matter cannot be resolved at this meeting it shall be referred to the fourth stage of the procedure in writing within 5 working days.

8.4 STAGE 4 – Chief Executive Level

Where an issue cannot be resolved under Stage 3 of the procedure it shall be referred by UNISON to the fourth stage of the procedure.

The referral by UNISON shall be made in writing to the Chief Executive (copy to Human Resources) within 5 working days of receipt of written confirmation of the outcome of Stage 3. The Chief Executive shall convene a meeting of all the interested parties within 10 working days of the referral.

This meeting shall be arranged in conjunction with the UNISON branch secretary who will make arrangements for a UNISON representative and, if necessary, the full-time Regional Official, to attend the meeting. The outcome of this meeting shall be confirmed in writing by the Chief Executive (copy to Human Resources) within 2 working days after the meeting has been held.

If agreement is not reached at the conclusion of Stage 4 and the dispute remains unresolved, each side shall be entitled to seek to progress the matter under the external conciliation machinery, in accordance with Section 10 of this Procedure. Referral to external conciliation shall be made in writing within 5 working days of the conclusion of Stage 4.

9.0 REPORTING TO ELECTED MEMBERS

It is jointly agreed that in the event of failure to reach agreement at the conclusion of Stage 4, elected members shall be informed of the details of the dispute. A report containing submissions from both sides will be prepared and sent by Human Resources to all members of Policy and Resources Committee, the Leader and the Chairman of Council within 10 working days of the conclusion of Stage 4.

10.0 CONCILIATION

In the event that matters are not resolved at Stage 4, either side has the right to refer the unresolved matters to an external (non-binding)

advisory and conciliation process. This referral may be made only after all internal processes have been exhausted.

Any advice or recommendation arising from the advisory and conciliation process will be reported back to each party and to all members of Policy and Resources Committee. If matters still are not resolved at this stage, then both parties can agree to arbitration. However, it should be noted that arbitration can only be instigated where both parties are fully willing to engage and that all parties understand that the decision of the arbitrator will be final.

Any referral for conciliation will be made to ACAS unless both sides agree that the matter should be referred to the Trade Union side Secretary and Employers Side Secretary of the Regional Council, or their representatives.

11.0 NOTICE OF DISPUTE

This form should be completed by a UNISON branch committee member, to register that a collective dispute exists.

(note: a dispute is a collective grievance raised by more than one member of staff; grievances relating to an individual employee must be pursued through the Council's Grievance Procedure)

Dispute	
Employees' names	
Employees' department(s)	
Line Manager(s)	
Employee representative including Trade Union Association	
Full details of the nature of dispute including points of disagreement between management and employees.	
Signed	Print Name
Date	