

UNIVERSITY OF BRIGHTON

PROCEDURE FOR THE AVOIDANCE AND SETTLEMENT OF LOCAL DISPUTES

1 Introduction

- 1.1 A dispute is a formal expression of collective staff dissatisfaction resulting from a failure to agree within the negotiating process.
- 1.2 The following procedure can be invoked by any single trade union or collectively by some or all of the recognised trade unions who are in dispute with the University. This procedure may be invoked following a failure to agree within the Joint Negotiating Committee (JNC) or a common interest group (CIG) (see section 5 below).

2 Aim

- 2.1 This procedure aims to ensure that prompt action is taken for the avoidance or settlement of any collective dispute between management and staff, in order to maintain cooperation in the efficient operation of the University and to promote good employment relations.
- 2.2 It is agreed by all concerned that every effort should be made to resolve disagreements at the level at which they arise.

3 Statutory Provisions

- 3.1 This Agreement is in accordance with sections 219 - 225 and section 244 of the Trade Union and Labour Relations (Consolidation) Act (TULR(C)A) 1992, as amended. Section 244 of the TULR(C)A defines a trade dispute as relating wholly or mainly to one or more of the following:

(a) terms and conditions of employment, or the physical conditions in which any workers are required to work;

(b) engagement, non-engagement or termination or suspension of employment or the duties of employment, of one or more workers;

(c) allocation of work or the duties of employment between workers or groups of workers;

(d) matters of discipline;

(e) a worker's membership or non membership of a trade union;

(f) facilities for officials of trade unions; and

(g) machinery for negotiation or consultation, and other procedures, relating to any of the above matters, including the recognition by employers or employers' associations of the right of a trade union to represent workers in such negotiation or consultation or in the carrying out of such procedures.

4 Exclusions

- 4.1 Individual complaints relating to existing conditions of employment should be dealt with through the University's grievance procedure.

Complaints taken up through the grievance procedure which are identified as a collective dispute shall be transferred to the disputes procedure on reaching Stage Two of the grievance procedure (formal identification).

- 4.2 The resolution of any local inter-union or internal union dispute is the responsibility of the union(s) concerned. Such disputes shall not be considered under this procedure.

5 Local Discussions (Informal Stage)

- 5.1 A failure to agree on an issue between a local manager and a group of staff, should be referred to the appropriate senior manager e.g. Head of Department, in the first instance.
- 5.2 A special meeting involving representatives of those parties involved in the disagreement shall be convened by the senior manager within ten working days of receipt of the notification of the failure to agree.
- 5.3 If the issue cannot be resolved through local discussion and negotiation, the disagreement should be confirmed in writing to the appropriate CIG/JNC joint secretaries within five working days. It will then enter Stage 1 of the formal procedure.

6 Identification of Dispute (Stage 1)

- 6.1 A failure to agree on an issue that has been the subject of negotiation within a particular common interest group, but which either side consider to have implications for staff represented by other common interest groups, shall be referred to the JNC in the first instance. A special meeting of the JNC shall be convened by the joint secretaries within ten working days of receipt of the notification of the failure to agree. Every effort shall be made to resolve the issue at this meeting.
- 6.2 A failure to agree on an issue that has been the subject of negotiation within the full JNC, or a particular common interest group, and is specific to that common interest group, or remains unresolved following consideration by a special meeting of the JNC as outlined in 5.1 above, should be confirmed in writing to the Director within five working days of the break-down in negotiations. Once the dispute has been formally identified or confirmed in this way, it shall be referred to Stage 2 of the procedure.
- 6.3 The procedure in 5.2 above applies equally to a failure to agree on an issue that has been the subject of negotiation between a single trade union and the University, and which is specific to staff represented by the trade union concerned.

7 Managerial Response (Stage 2)

- 7.1 A special meeting consisting of up to six management side members (including the Director or a senior member of staff nominated by the Director) and six appropriate trade union side members will be convened and chaired by the Director (or the nominee) within ten working days of the receipt of written confirmation of a failure to agree. Every effort shall be made to arrive at a mutually acceptable solution. The outcome(s) of the meeting shall be confirmed in writing to the appropriate trade union side joint secretary within five working days of the meeting.
- 7.2 Either side may have in attendance up to two advisers in a consultative capacity provided that advance notice is given to the other side, and agreement has been reached before the start of the meeting.

8 Referral to a Third Party (Stage 3)

- 8.1 Where agreement cannot be reached, an unresolved dispute can be submitted to an outside body such as ACAS for conciliation, provided that both sides agree to this course of action.
- 8.2 If a dispute cannot be resolved by conciliation, it may be referred to an independent arbitrator or to the Central Arbitration Committee (CAC), at the request of either side, but subject to the consent of both sides.

9 Interpretation of National Agreements

- 9.1 In the event of a local disagreement on the interpretation of any agreements reached at national level, and should either party locally decide to request such referral, use may be made of the good offices of the management side national secretary and the appropriate union side national secretary to assist in resolving those disagreements.

10 Status Quo

- 10.1 In the event of a dispute having been formally identified under the terms of this agreement, whatever conditions, practice or agreement existed prior to the circumstances which caused the dispute shall continue to operate until the procedure has been exhausted. Such conditions include the normal operation of the University which should continue pending the resolution of the dispute.

11 Consultation

- 11.1 In the interests of good employment relations the normal machinery for consultation and negotiation between both sides shall continue throughout the dispute, with a view to resolving the matter without recourse to further stages.

12 Industrial Action

- 12.1 Any form of industrial action taken by the trade union side shall be interpreted as a withdrawal from negotiations under this procedure.

13 Time Limits

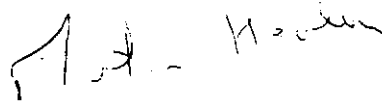
- 13.1 The time limits set out in this procedure may be extended only by mutual agreement.

14 Amendments

- 14.1 Any variation or changes to this procedure shall be the subject of negotiation within the JNC. Any proposals for change shall be dealt with as formal items on the JNC agenda.



Jackie Rymell
Joint Secretary, Management Side



Martin Healey
Joint Secretary, Trade Union Side

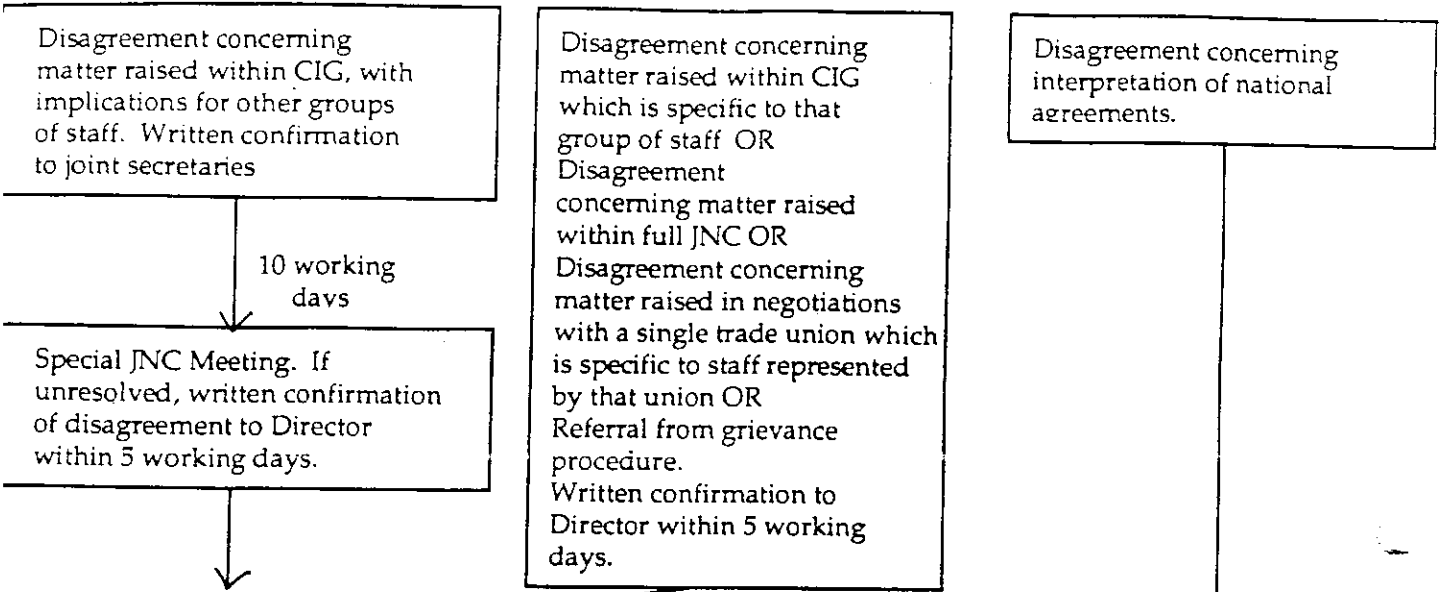
Date..... 1 April 1993

Date..... 1 April 1993

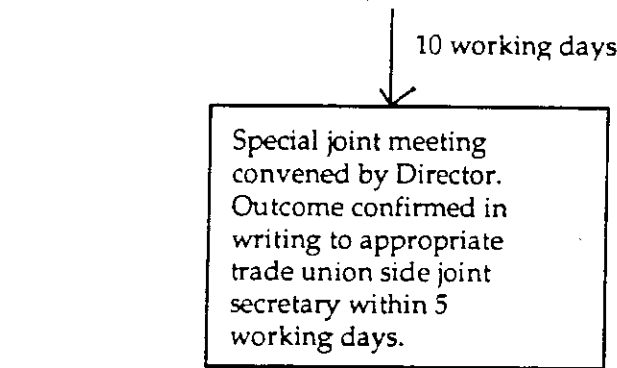
JAR/jbb/JNC
1/4/93

FLOW CHART OUTLINING THE DISPUTES PROCEDURE

Stage 1: Identification of dispute



Stage 2: Managerial Response



Stage 3: Referral to a third party

