



Ordinance 36 Collective Grievance Procedure

Approving Body: Council

Date of Approval: 21 September 2018

Policy owner: University Secretary

Policy contact: Geraint Pugh, gop2@aber.ac.uk / 01970 62 2114

Policy status: Revised

Version: 2.0

Last review date: September 2018

Review date: September 2020

ORDINANCE 36

COLLECTIVE GRIEVANCE PROCEDURE

1. Introduction.

A Collective Grievance is a grievance raised by two or more employees and their representative(s) regarding the same situation in the workplace. It aims to comply with the Arbitration Conciliation and Advisory Service (ACAS) Code of Practice introduced in March 2015. This is designed to help employers, line managers and employees resolve grievances.

Staff using this procedure must be aware that they cannot use the individual Grievance Procedure or Dignity and Respect at Work procedure for raising the same issue.

2. Scope.

The procedure applies to all employees of the University. It applies to those represented by a trade union representative or not. Where the parties raising the grievance are not members of a trade union, they can be represented by one work colleague collectively.

Grievances are concerns, problems or complaints that employees raise with their employer. These may include terms and conditions, working practices, perceived discrimination, bullying and harassment (Dignity and Respect at Work procedure) and health and safety matters. This list is not exhaustive but merely an example of possible concerns.

3. Informal Resolution (Stage 1)

A collective grievance should, in the first instance, be raised with the relevant line manager (Fact Finding Officer) within 3 months of the concern(s) first arising, or with multiple related concerns within 1 month of the last incident. It is helpful to put a grievance in writing irrespective of whether the issues are being raised informally or formally. Appendix 1 must therefore be completed when submitting a grievance.

The aim of the Fact Finding Officer (FFO) manager will be to seek a resolution quickly and informally within 3 working days. However, it may be that the FFO needs to look in to the matters raised and therefore the FFO will inform the employees and their trade union representative/work colleague that the feedback will be within ten working days. The FFO will either propose a resolution or a need to refer the matter to their (more senior) line manager.

If the grievance is about the line manager or more than one manager, the grievance should be raised with the Director of that institute or department. Where the grievance is about the Director, the matter should be raised with the Director of Human Resources or Pro Vice-Chancellor and Chief Operating Officer who will then nominate an appropriate FFO to seek a resolution to the grievance.

4. Formal Resolution (Stage 2)

If a collective grievance has not been resolved informally to the satisfaction of the group of employees, it may progress to Stage 2. Formal grievances must be submitted within 5 working days of receiving the outcome of the informal grievance from the FFO.

Procedure for Stage 2

The details of the collective grievance must be submitted on Appendix 1 to the Institute Director (ID)/Head of Professional Services Department (HoPS) who will act as the FFO. A copy must also be sent to the Director of Human Resources. If the grievance is about one of these senior managers the matter will be referred to their line manager who will then nominate an appropriate FFO to seek a resolution to the grievance.

Appendix 1 requires:

- a clear statement on the specific reason(s) for the grievance;
- what attempts have been made to try and resolve the matter informally;
- the staff involved by job titles and location. Actual names are not required but to be able to address the issue it needs clarity of the work group indicating who is involved and importantly, who is not.
- the name of the lead person who will attend meetings and act as the spokesperson
- the resolution being sought.

A meeting will be arranged within ten working days between the lead person and the FFO to discuss the issues and what can be done to resolve the grievance. If the FFO is of the view that information needs to be obtained, the FFO will obtain that information and reach a view normally within 15 working days. Should the investigation be unavoidably delayed, this should be relayed to the Director of Human Resources (or depute) and the staff representative(s). A replacement FFO may be appointed in cases of long term absence, etc.

If the FFO wishes to meet with staff as part of the fact-finding process, employees will be entitled to be accompanied by a recognised trade union representative or work colleague.

Once the FFO has completed their consideration of the grievance, a report will be provided to the Director of Human Resources or depute. Once the report is received by the Director of Human Resources or depute a meeting must be called with the representative(s) and two members of the aggrieved staff. A separate meeting will be held with the subject(s) of the grievance to inform them of the outcome.

The outcome of the grievance will be relayed to the parties with the proposal to either uphold the grievance, uphold it in part or to dismiss it. If the grievance is upheld either the proposal to mitigate the grievance or the timescale on a proposal to do so will also be provided at the meeting.

5. Appeal (Stage 3)

If a collective grievance has not been resolved formally to the satisfaction of the group of employees, it may progress to Stage 3. Appeals must be submitted to the Pro Vice-Chancellor and Chief Operating Officer within 5 working days of receiving the outcome of the formal grievance.

The Pro Vice Chancellor and Chief Operating Officer or depute PVC will hear and determine the appeal. This meeting will be arranged without unreasonable delay and ideally within 10 working days. Should this timescale not be possible, the employees and their representatives will be informed. A Human Resources representative will be present to advise on procedure. The meeting will be recorded and a copy of the transcription of the meeting will be provided to the representative within 7 working days of the meeting. The notes should be annotated with any changes and signed as confirmation that they are a correct record of the meeting and a copy returned to Human Resources within 7 working days of receipt.

The PVC may allow or dismiss the appeal in whole or in part.

The outcome of the appeal should be communicated to the nominated representative normally no later than 7 working days following the hearing. The decision will be final and will exhaust the University's Collective Grievance Appeal Procedure.

6. Policy Review.

The Director of Human Resources will co-ordinate a review of the Collective Grievance Procedure after 2 years. An earlier review will take place if required to maintain compliance with good practice or legislation.

The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to the Joint Consultative and Negotiating Committee for consultation and Professional Development, Staffing and Equality Committee for approval.

7. Equality Impact Assessment.

The University is committed to embedding the Equality Scheme into its policies, procedures and practices. This policy has been equality impact assessed in accordance with this scheme.

8. Welsh Language – Employee Rights.

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.