

# WEST DUNBARTONSHIRE COUNCIL

Report by Tim Huntingford, Chief Executive

Corporate Services Committee – 28<sup>th</sup> June 2006

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**Subject: Equal Pay Statutory Grievance Handling Process.**

## **1. Purpose**

- 1.1 This report seeks to advise members of the arrangements that have been put in place to deal with the significant number of Statutory Grievances that have been submitted under the auspices of Equal Pay legislation.
- 1.2 The processes seek to streamline, where appropriate, existing procedures meet legislative requirements; these have been developed through discussion and agreement with the Trade Unions.

## **2. Background**

- 2.1 In accordance with the Employment Act 2002 employees have certain minimum rights in the handling of grievances. This includes the right to a standard 3-stage procedure which requires the individual to set the grievance out in writing, for the grievance to be heard at a formal hearing and to have the right of appeal to a more senior level of management.
- 2.2 In general the standard grievance procedure will apply even when an employee has left the organization. However, there is a shorter modified procedure which can be used if both parties agree to this in writing. This includes the individual setting out the grievance in writing and the employer making a response in writing.
- 2.3 An Employment Tribunal will not consider the subject matter of a grievance unless it has already been submitted within the workplace. It may also increase awards by 10-50% if it decides that an employer has failed to follow the minimum standard procedure. Similarly it may reduce an award if the employee has failed to use or comply with the statutory procedure.
- 2.4 In accordance with good employment practice the Council's contractual grievance procedure surpasses the minimum legal standards, but it presents significant administrative difficulties in dealing with the volume and nature of the claims that have been submitted in relation to Equal Pay.

### **3. Main Issues**

**3.1** The Council is currently in receipt of in excess of 100 Statutory Grievance claims and a similar number of Employment Tribunal claims in relation to Equal Pay. This is a similar position to that faced by Councils across Scotland and it is fully expected that this number will increase in the coming months. The administrative difficulties and the additional resource requirements associated with dealing with this volume of claims through the established three stage grievance process are significant and therefore discussions have taken place with the local Trade Unions to put forward an alternative process.

**3.2** Alternative arrangements will only be used where there is full agreement from the individual to depart from the current contractual arrangements.

#### Equal Pay Statutory Grievance Handling Process

**3.3** The revised Equal Pay specific Statutory Grievance handling process has been developed, as shown in Appendix 1.

**3.4** The greatest departures the revised process takes from the current grievance procedure are –

- the reduction from three stages in the process to two the minimum required by the legislation.
- the option for the aggrieved person(s) to pursue an appeal against the departmental hearing findings *either* via an elected members appeals panel, *or*, via a `fast track` appeals panel, consisting of three appropriately briefed managers.

**3.5** The provision of an alternative appeal via a “fast track” appeals panel strengthens the capability of the Council to deal with Statutory Grievances within the legislative timescale of 28 days. A ‘pool’ of Senior Managers will be provided with training to support the revised process and will have had no previous involvement in the case.

**3.6** The process will be kept under review to ensure it continues to meet the Council need for a robust grievance handling process that fulfils legislative requirements and provides an open and transparent procedure for the timely resolution of grievances in respect of equal pay issues.

**3.7** The Council Grievance procedure will remain the same for all grievances which are not related to Equal Pay issues.

#### **4. Personnel Issues**

- 4.1** Given the volume of grievances that have been submitted there will be an increased resource input required across all departments to handle the grievance process. All resources required can be obtained from within the current workforce, however, it will result in some reprioritisation of workload that may need additional support from senior management in the allocation of duties.

#### **5. Financial Implications**

- 5.1** There are no costs to the Authority for the *adoption* of the revised grievance handling process, although it should be noted that there remains an outstanding risk in relation to the settlements of claims in the event that an award is made by an Employment Tribunal.

#### **6. Conclusions**

- 6.1** Given the current and projected volume of Statutory Grievances cases lodged with the Council and the requirement to address these cases as quickly as possible, the revised arrangements in the form of the Equal Pay Statutory Grievance Handling Process represents a workable system to address these issues at no additional cost to the Authority.

#### **7. Recommendations**

- 7.1** Members are asked to note the contents of this report.

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**Background Papers:** Employment Act 2002 excerpt – Statutory Grievance  
Standard Procedure. (Appendix 1)  
Equal Pay Statutory Grievance Handling Process documents  
& flowchart. (Appendix 2)

**Wards Affected:** None

**Equal Pay – Statutory Grievance Process**

**Stage 1** Statutory Grievance received in writing



**Stage 2** **Hearing**

Appeal Hearing conducted at Departmental level.  
Intimation of findings issued with 3 days.  
Individual advised of right of appeal.

**Stage 3** **Appeal**

Two routes of appeal – choice needs to be expressed by individual.

***Route 1 – Members Appeal***

Conducted in accordance with standard grievance arrangements.

***Route 2 - 'Fast track' Panel of 3 managers.***

Three senior managers chosen from 'pool' of trained managers.

Procedure follows that used at Member Appeal Hearings.