



## UVA LOCAL REGULATIONS ON DISPUTES 2020

### Procedure for the implementation of the NU Sectoral Regulations on Disputes, pursuant to Article H.4 of the CAO NU

Adopted by the Executive Board in decision no. 2021-002811 dated 5 January 2021.

#### Article 1 Scope of application

1. From 1 January 2020, employees who, pursuant to the CAO NU, are working for UvA on the basis of an employment agreement, can submit disputes by means of a request.
2. An employee can only submit a request if he himself is an interested party, and only if he can demonstrate that he has discussed the request with his immediate supervisor (hereinafter referred to as: supervisor) first.
3. According to Article 2 of the NU Sectoral Regulations on Disputes, a dispute concerns a decision taken or comparable conclusion drawn by or on behalf of the employer on the subjects on the following exhaustive list:
  - a. a staff appraisal;
  - b. a change in position as referred to in Article 1.10 of the CAO NU without prior consultation with or agreement on that with the employee;
  - c. refusal of a promotion to the job scale after being placed in a preliminary salary scale;
  - d. a granting, refusal, withdrawal or repayment of study facilities;
  - e. a refusal of permission for performing ancillary activities;
  - f. compliance with salary arrangements and application of the individual terms of employment;
  - g. compliance with holiday and leave arrangements as referred to in paragraphs 2 through 5 of Chapter 4 of the CAO NU.

#### Article 2 Submission of a dispute

1. Employees may submit a request to handle the dispute to the Executive Board, either in writing or by email, within six weeks of being informed of the decision in question.
2. The request must in any case include:
  - the employee's name and position;
  - the supervisor's name and position;
  - the decision as referred to in Article 1, paragraph 3 that has given cause for the request;
  - a description of the dispute and the employee's viewpoints;
  - a document or email evidencing that the dispute has been discussed with the supervisor;
  - a description of what the employee wishes to achieve.
3. The Executive Board will forward the request to the disputes committee (hereinafter referred to as: the committee) as soon as possible, though no later than within three weeks of receipt thereof, and will inform the employee and the immediate supervisor thereof.
4. If the request has been submitted after the term as referred to in the first paragraph has lapsed, the dispute will nevertheless be handled if the employee can demonstrate that he cannot reasonably be blamed for the delay.
5. If one of the requirements as referred to in Article 2.2 has not been met, the employee will be given the opportunity to remedy this within no more than 14 days.

### **Article 3      The disputes committee**

1. The Executive Board will set up a committee as referred to in Article 6 of the NU Sectoral Regulations on Disputes.
2. The committee will be composed with equal representation and will consist of experts.
3. The committee will comprise two members (one on the nomination of the joint employees' organisations and one on the nomination of the employer) and one independent chair who has been nominated by the joint members of the committee, where required with deputies.
4. The Executive Board will appoint the members, the independent chair and their deputies (if any) for a term of four years. They can be reappointed for the same term.
5. The committee is charged with handling disputes and providing the Executive Board with advice on these disputes.
6. The committee will receive official support.
7. The chair and members will receive a remuneration to be determined by the Executive Board.

### **Article 4a      Handling of the dispute by the disputes committee (*Article 3 SGNU*)**

1. If they so request or the committee considers this necessary, the committee will give the employee and the supervisor the opportunity to be heard. At the request of the employee and/or supervisor, any witnesses and experts they have brought to the hearing may be heard.
2. A submitted dispute will not be handled if:
  - the request is obviously inadmissible/obviously unfounded;
  - it has not been demonstrated that the parties have discussed the dispute;
  - another internal procedure is in place;
  - the same fact or event is or has been (one of) the subjects of a dispute in another internal or external procedure.
3. If, in the opinion of the chair of the committee, a dispute is obviously inadmissible or obviously unfounded, the chair will settle the dispute without hearing the employee or the employer and without a further oral hearing taking place. The committee will be informed of this, after which the chair's decision will be communicated to the parties and the Executive Board, either in writing or electronically.

### **Article 4b      Independence of the disputes committee**

Neither the chair or deputy chair, nor the members or deputy members of the committee will act as such in disputes in which they themselves are in any way, directly or indirectly, involved.

### **Article 4c      The hearing**

1. In preparation for the hearing, the committee will give the supervisor the opportunity to respond to the substance of the request the employee has submitted, either in writing or electronically.
2. The hearing will be closed to the public.
3. Where the committee considers this required for compelling reasons, the parties may be heard separately. In such case, each of them will be informed of the proceedings of the hearing during his absence.
4. A report will be drawn up of the hearing.

**Article 5 Advice of the disputes committee (*Article 4 SGNU*)**

1. The committee will provide the Executive Board with advice on whether the decision taken or comparable conclusion drawn by or on behalf of the employer with regard to which the dispute has arisen could be taken according to the standards of reasonableness and fairness.
2. The committee's advice will be provided in writing and will – insofar as the parties have been heard – contain a report on the hearing.
3. The committee will provide its advice within eight weeks of receipt of the dispute. The committee may decide to extend this term by a maximum of four weeks. If the employee agrees to this, the term may be further extended.

**Article 6 Decision of the Executive Board (*Article 5 SGNU*)**

The Executive Board will take a decision within four weeks of receiving the committee's advice. This term can be extended by the same term. If the employee agrees to this, the term may be further extended.

1. If the decision is not in line with the committee's advice, this deviation will be substantiated in the decision.
2. The decision will be sent to the employee and the supervisor in writing or electronically. The disputes committee's advice will be included with the decision.

**Article 7 No internal possibility of appeal**

A decision of the Executive Board based on the committee's advice cannot be appealed internally.

**Article 8 Assistance (*Article 7 SGNU*)**

In phrasing, submitting and the further handling of the dispute, employees may have themselves assisted, at their own option and at their own expense.

**Article 9 Confidentiality (*Article 8 SGNU*)**

All those who are involved in the handling of a dispute and, in the process, are provided with information that requires confidential treatment, are obliged to keep such information confidential. The preceding sentence does not apply in the event of a statutory obligation to disclose such information, or in the event of legal proceedings.

**Article 10 Unforeseen circumstances**

The Executive Board will decide in situations these regulations do not provide for.

**Article 11 Entry into force**

1. This procedure will enter into force as of 5 January 2021, with retroactive effect from 1 January 2020.
2. The procedure will continue to apply as long as the NU Sectoral Regulations on Disputes apply. Where relevant, amendment of the NU Sectoral Regulations on Disputes will lead to amendment of this procedure.
3. This procedure has been discussed by the Local Consultative Body.