

CONSULTATION ON THE COLLECTIVE LABOUR AGREEMENT FOR DUTCH UNIVERSITIES

FNV AC/FBZ CNV Overheid AOb VSNU

Sectoral regulation on disputes for Dutch universities

Article 1 Definitions

1. Employer: the executive board of the university or board of the foundation respectively.
2. Employee: a person who has an employment relationship with the employer based on the Collective Labour Agreement for Dutch Universities.
3. Arbitration committee: the local committee composed of equal numbers of representatives from all layers of the organisation which advises on a dispute between an employee and the employer.
4. Dispute: the employee does not agree with a decision or similar conclusion of the employer on one of the matters cited in Article 2, paragraph three.

Article 2 Scope

1. The employee can submit a dispute from 1 January 2020.
2. A dispute can only be submitted if the employee is the party actually concerned and once the employee has demonstrably consulted with his/her line manager on the matter concerned, without reaching an agreement.
3. A dispute can be submitted insofar as it relates to any of the matters in the following exhaustive list:
 - a. Staff assessment;
 - b. Change of position without prior consultation or agreement on this with the employee;
 - c. Refusal of promotion to a particular job grade;
 - d. Granting, refusal, withdrawal or repayment of study facilities;
 - e. Refusal of approval for carrying out ancillary activities;
 - f. Compliance with salary agreements and implementation of the individual choices model;
 - g. Compliance with leave entitlements.
4. The employer can specify further administrative rules regarding the internal handling of a submitted dispute in local proceedings.

Article 3 Handling of the dispute by the arbitration committee

1. The arbitration committee gives the employer and employee an opportunity to be heard if they request this or if the committee deems it necessary. At the request of the employer and/or employee, witnesses and experts brought by them can also be heard.
2. A submitted dispute will not be handled if:
 - a. The dispute is obviously inadmissible or obviously unfounded;
 - b. The matter under dispute has not demonstrably been discussed between the employee and his/her line manager;
 - c. Other internal formal proceedings are in progress;
 - d. The same fact or event is or has in the past (also) been the subject of dispute in other internal or external proceedings.

3. If in the opinion of the chair of the arbitration committee there is no dispute to be handled in accordance with paragraph two of this article, the dispute will be settled by the chair without hearing the employee or employer and without further oral proceedings. The decision of the chair will be communicated to the employee and employer in writing or electronically.

Article 4 Advice of the arbitration committee

1. The arbitration committee will advise the employer whether it has reasonably and justifiably been able to arrive at the decision or similar conclusion under dispute.
2. The advice of the arbitration committee will be issued in writing and, where parties have been heard, a report of the hearing will be included.
3. The arbitration committee will issue its advice within eight weeks of receipt of the dispute. The arbitration committee can decide to extend this period by a maximum of four weeks. If the employee agrees, the period can be extended further

Article 5 Decision of the employer

1. The employer will take a decision within four weeks of receipt of the advice from the arbitration committee. This period can be extended by the same period of time. If the employee agrees, the period can be extended further.
2. If the decision differs from the advice of the arbitration committee, the reasons for this difference will be set out in the decision.
3. The advice of the arbitration committee will be included with the decision.

Article 6 Composition of the arbitration committee

1. The committee is composed of equal numbers of representatives from all layers of the organisation and consists of experts.
2. The committee has a minimum of two members and a chair, possibly supplemented with deputies.
3. The chair, members and deputy members are appointed or reappointed for four years.
4. The employer appoints the (deputy) members upon nomination by the employer and employee respectively, and the chair of the committee upon joint nomination by the members of the committee.

Article 7 Assistance

The employee can seek assistance with the formulation, submission and further handling of the dispute at his/her discretion and at his/her own cost.

Article 8 Confidentiality

Any person who is involved in handling a dispute and in the process is provided with information to be treated in confidence is obliged to keep such data secret. This does not apply if there is a legal obligation to disclose this information or legal proceedings are involved.

Article 9 Evaluation of the regulation on disputes

The operation of this sectoral regulation on disputes will be evaluated by the parties

to the collective labour agreement no later than the second quarter of 2021.

This translation of the Sectoral regulation on disputes for Dutch Universities is meant as a service to non-Dutch speaking employees of universities. However, in case of a difference of interpretation, this translation cannot be used for legal purposes. In those cases, the Dutch text of the Sectoral regulation on disputes for Dutch Universities is binding.