

Our Ref: JK-S/srg/team

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ask for:

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To all Branches – South West Region

Regional Secretary:
Ian Ducat

Dear Colleague

Disciplinary & Dispute Procedure Regulations

I am enclosing a copy of a briefing prepared for us by Thompsons Solicitors on the new Disciplinary & Disputes Procedure which comes into force on 1 October 2004. These new rules impose a statutory requirement on all employers to ensure that standard procedures are followed before dismissing employees and that standard procedures are also available to allow employees to pursue complaints against their employer.

Branches will need to ensure that they are aware of these new regulations as they may well affect the way we deal with individual members cases. For example, if cases proceed to an employment tribunal and it is found the applicant did not pursue an appeal against their dismissal or did not register a grievance before resigning and claiming constructive dismissal then this will be considered by the tribunal and it may be that compensation payments are reduced even when cases are successful. If any individual feels that they have suffered a loss due to their failure to follow procedures and they did not receive advice to follow these procedures from their trade union they may well have a negligence claim against that trade union.

We will be considering how we can modify our Regional Case Management System to ensure that members do follow the correct procedure in disciplinary and grievance cases. However, a great number of cases are handled by branches and it is therefore vital that branches do understand these new regulations. We will be giving some thought to how we can produce simple advice for all UNISON stewards but in the meantime I would be grateful if branch officers could take the time to consider the impact of these regulations.

If there are any queries, please discuss them with either your Regional Officer or myself.

Yours sincerely


JOANNE KAYE-SMITH
Regional Manager

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