

Dispute settlement scheme

Geschillenregeling werknemers

VU University Amsterdam rules relating to Appendix H of the Collective Labour Agreement for Dutch universities.

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Preface

This dispute settlement scheme of VU Amsterdam is an elaboration of the sectoral regulation on disputes for Dutch Universities.

1. Definitions

- 1.1. Unless the text of the dispute settlement scheme dictates otherwise, the following terms have the following meaning in this dispute settlement scheme:

The Executive Board:	the Executive Board of VU Amsterdam;
Employer:	the Executive Board of VU Amsterdam.
Employee:	a person who has an employment relationship with the Employer based on the Collective Labour Agreement for Dutch Universities.
Committee:	the disputes committee of VU Amsterdam which advises on a dispute between an employee and the employer.
Dispute:	the situation whereby an employee does not agree with a decision or similar conclusion of the employer on one of the matters cited in article 3(2).
Manager:	the person who directly manages the employee on behalf of the employer.
Scheme:	this dispute settlement scheme.
Request:	the employee's written request submitted to the committee to handle a dispute.

2. General

- 2.1. The employee has the right to submit a request to the committee.
- 2.2. The employee may seek assistance with the formulation, submission and further handling of the request at their discretion and at their own cost.
(Article 7 of the sectoral regulation on disputes)
- 2.3. All employees as well as the employer undertake to cooperate with the committee within a specified, reasonable period of time.
- 2.4. Any person who is involved in handling a request 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 8 of the sectoral regulation on disputes)

3. Disputes: when and which disputes may be submitted

- 3.1. A request may be submitted within a period of six weeks after the day on which the decision or similar conclusion of the employer to which the request relates was made known to the employee.
- 3.2. A request can only be submitted to the committee if the employee is the party actually concerned and once the employee has demonstrably consulted with their manager on the matter concerned, without reaching an agreement.
(Article 2(2) of the sectoral regulation on disputes)
- 3.3. Subject to the provisions of the previous paragraph, a request 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 the implementation of the individual choices model;
 - g. Compliance with leave entitlements.*(Article 2(3) of the sectoral regulation on disputes)*
- 3.4. A Request that was submitted after the period referred to in the first paragraph will not be declared inadmissible if the employee demonstrates that they submitted the request as soon as could reasonably be expected of them.

4. Committee: appointment and composition

- 4.1. The Executive Board appoints the committee.
- 4.2. The committee is composed of equal numbers of experts.
(Article 6(1) of the sectoral regulation on disputes)
- 4.3. The committee comprises at least two members and a chairperson, with the possible addition of alternates.
(Article 6(2) of the sectoral regulation on disputes)
- 4.4. The chairperson, members and alternates are appointed and reappointed for four years.
(Article 6(3) of the sectoral regulation on disputes)
- 4.5. The Executive Board appoints the members and, if applicable, the alternates, upon nomination by the employer and the employees' organizations respectively, and the chairperson of the committee on joint nomination by the members of the committee.
(Article 6(4) of the sectoral regulation on disputes)
- 4.6. The committee has administrative support by means of a secretary and may also seek support from expert advisers.

5. Committee: task

- 5.1. The committee handles requests and advises the employer thereof.

6. Committee: powers

- 6.1. The committee is authorized to obtain information from all employees, manager(s) and the employer. The committee may require the inspection of all documentation and correspondence deemed relevant to the assessment of the request. The employer, the manager(s) and the employees are obliged to ensure their cooperation to such inspection.

7. Submitting a request

- 7.1. The request is signed and submitted in writing and should include at least:

- a. name, position, address and place of residence of the employee;
 - b. the name of the manager involved in the dispute;
 - c. a clear description of the dispute to which the request pertains, if possible, by also enclosing a copy thereof;
 - d. the employee's positions;
 - e. the date and signature.
- 7.2. In the event of non-compliance with one of the requirements set out in article 7.1, the employee is granted the opportunity to rectify the omission within a reasonably allotted timeframe.

8. Handling of the request

- 8.1. In the absence of a situation as described in article 8(5), the committee will proceed to assess the request substantively. The following procedure is adhered to:
- a. The committee informs the manager as to the nature of the request.
 - b. The committee gives the manager the opportunity to submit a defence within a reasonably allotted timeframe.
- 8.2. The committee gives the employee and the manager the opportunity to be heard upon their request or if the committee deems this necessary. At the request of the manager and/or the employee, witnesses and experts brought by them may also be heard.
(Article 3(1) of the sectoral regulation on disputes)
- 8.3. The hearing takes place in one another's presence, unless there are compelling reasons to hear them separately. In that case, each party will be informed of the minutes of the hearing that took place in his or her absence.
- 8.4. The hearing is not accessible to the public.
- 8.5. A request will not be handled if:
- a. It is obviously inadmissible or obviously unfounded;
 - b. The matter under dispute has not demonstrably been discussed between the employee and their direct 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.
- (Article 3(2) of the sectoral regulation on disputes)*
- 8.6. If in the opinion of the chairperson of the committee there is no dispute to be handled in accordance with the previous paragraph of this article, the dispute will be settled by the chairperson without hearing the employee or the employer and without further oral proceedings. The decision of the chairperson will be communicated to the employee and the employer in writing or electronically.
(Article 3(3) of the sectoral regulation on disputes)

9. The recommendation of the committee

- 9.1. The committee will advise the employer whether it has reasonably and justifiably been able to arrive at the decision or similar conclusion under dispute.
(Article 4(1) of the sectoral regulation on disputes)
- 9.2. The recommendation of the committee will be issued in writing and, where parties have been heard, a report of such hearing will be included.
- 9.3. The committee will issue its recommendation within eight weeks of receipt of the request. The committee may decide to extend this period by a maximum of four weeks. If the employee agrees, the period can be extended further.
(Article 4(3) of the sectoral regulation on disputes)

10. The decision of the employer

- 10.1. The employer will take a decision within four weeks of receipt of the recommendation from the committee and will inform the employee and the manager thereof. This period can be extended by the same period of time. If the employee agrees, the period can be extended further.
(Article 5(1) of the sectoral regulation on disputes)
- 10.2. If the decision differs from the recommendation of the committee, the reasons for this difference will be set out in the decision.
(Article 5(2) of the sectoral regulation on disputes)
- 10.3. The recommendation of the committee will be included with the decision.
(Article 5(3) of the sectoral regulation on disputes)

11. Committee: accountability

11.1. The committee shall be accountable for its activities to the employer afterwards by reporting annually for the purposes of the annual report.

11.2. The members of the committee, as well as the experts or advisers consulted by the committee have a duty of confidentiality in terms of all information that has come to their knowledge in that capacity.

12. Protection of individuals concerned

12.1. Submitting a request pursuant to this scheme cannot in any way whatsoever, either directly or indirectly, prejudice the employee, unless the employee did not act in good faith. The same applies to witnesses and experts.

13. Unforeseen

13.1. In cases that are not provided for by this scheme, the decision of the committee is final.

14. Final provisions

14.1. This scheme has been established by the Executive Board on 1 January 2020, in liaison with local consultation dated 22 June 2020. This scheme will enter into force on 1 January 2020.

14.2. This scheme is understood to mean the local procedure of the sectoral regulation on disputes for Dutch universities set out in Article E.24 of the Collective Labour Agreement (CAO) for Dutch universities. This scheme cannot be seen in isolation from the sectoral regulation on disputes for Dutch Universities. In case of any amendments to the sectoral regulation on disputes for the Dutch universities, this scheme will be adapted accordingly. If, at any time, the parties to the Collective Labour Agreement decide to cancel the sectoral regulation on disputes for Dutch universities, the operation of this scheme will lapse. The parties to the Collective Labour Agreement will assess the operation of the sectoral regulation on disputes for Dutch universities before the second quarter of 2021 at the latest.

14.3. This dispute settlement scheme will be published on the employer's website.