



## DISPUTE REGULATIONS FOR EMPLOYEES

LEIDEN UNIVERSITY

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## Preamble

These Dispute Regulations of Leiden University serve to implement the Sectoral Regulation on Disputes of Dutch Universities.

### 1. Definitions

1.1. Unless otherwise evident from the text of the Dispute Regulations, the following terms have the following meanings in these Dispute Regulations:

Executive Board: the Executive Board of Leiden University;

Employer: the Executive Board of Leiden University;

Employee: a person who has an employment relationship with the Employer pursuant to the Collective Labour Agreement for Dutch Universities (CAO NU);

Committee: the Arbitration Committee of Leiden University, which advises the Employer concerning a dispute of an Employee with the Employer;

Dispute: a situation in which an Employee disagrees with a decision, or similar ruling, of the Employer concerning one of the matters listed in Article 3.3;

Manager: the person who is the line manager of the Employee, acting on behalf of the Employer;

Regulations: these Dispute Regulations;

Petition: the written petition sent by the Employee to the Committee, requesting it to resolve a Dispute.

### 2. General

2.1. Employees have the right to submit a Petition to the Committee.

2.2. Employees may engage assistance of their own choice and at their own expense when formulating and submitting the Petition and during the further handling of the Petition.  
*(Article 7 of the Sectoral Regulation on Disputes)*

2.3. All Employees and the Employer are obliged to cooperate with the Committee within the reasonable period of time stipulated for this.



- 2.4. Everyone who is involved in handling a Petition, and in this context is given access to information that should be treated in confidence, is obliged to maintain the secrecy of this information. This does not apply where there is a legal disclosure obligation or in the event of court proceedings.

*(Article 8 of the Sectoral Regulation on Disputes)*

### **3. Dispute: which disputes can be submitted, and when**

- 3.1. A Petition can be submitted within a period of six weeks from the day on which the decision, or similar ruling, to which the Petition pertains was communicated to the Employee.

- 3.2. A Petition can only be submitted to the Committee if the Employee has a personal interest and after the Employee has demonstrably consulted with his/her Manager on the matter concerned and they have failed to reach agreement.

*(Article 2.2 of the Sectoral Regulation on Disputes)*

- 3.3. Subject to the provisions of the previous paragraph, a Petition can be submitted insofar as the Dispute pertains to one of the matters in the following exhaustive list:

- a. staff assessment;
- b. change of position without prior consensus 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.

*(Article 2.3 of the Sectoral Regulation on Disputes)*

- 3.4. If the Petition is submitted after the time limit referred to in the first paragraph, this will not be grounds for declaring it inadmissible if the Employee can demonstrate that he/she submitted the Petition as soon as could reasonably be required.

### **4. Committee: appointment and composition**

- 4.1. The Executive Board will establish the Committee.

- 4.2. The Committee will be equally composed of members recommended by the Employer's side and the delegation of employees' organisations, and will consist of experts.

*(Article 6.1 of the Sectoral Regulation on Disputes)*



- 4.3. The Committee will consist of at least two members and a chair, and may be supplemented with substitute members.

*(Article 6.2 of the Sectoral Regulation on Disputes)*

- 4.4. The chair, members and substitute members are appointed for a period of four years and may be reappointed for a further period of four years.

*(Article 6.3 of the Sectoral Regulation on Disputes)*

- 4.5. The Executive Board appoints the members and substitute members on the recommendation of the Employer's side and the delegation of employees' organisations, and appoints the chair of the Committee on the joint recommendation of the Committee members.

*(Article 6.4 of the Sectoral Regulation on Disputes)*

- 4.6. The Committee will be assisted administratively by a secretary and may request the assistance of advisers on the substance of disputes.

## **5. Committee: tasks**

- 5.1. The Committee will handle Petitions and provide the Employer with advice on Petitions.

## **6. Committee: powers**

- 6.1. The Committee is authorised to obtain information from all Employees, (the) Manager(s) and the Employer, and can demand to inspect all documentation and correspondence that it considers relevant for assessing the Petition. The Employer, Manager(s) and Employees are obliged to cooperate with such demands.

## **7. Submitting a Petition**

- 7.1. The Petition must be submitted in writing and signed, and must include at least:

- a. the Employee's name, position and address;
- b. the name of the Manager involved in the Dispute;
- c. a clear description of the Dispute to which the Petition pertains and, if possible, a copy of the relevant document(s);
- d. the Employee's viewpoints;
- e. the date of the Petition and the Employee's signature.

- 7.2. If the Employee fails to meet any one of the requirements listed in Article 7.1, the Employee will be given the opportunity to rectify this omission within a stipulated reasonable period of time.



## 8. Handling of the Petition

8.1. Provided that the situation is not one of those described in Article 8.5, the Committee will proceed to assess the substance of the Petition, according to the following procedure:

- a. the Committee will give notification of the Petition to the Manager;
- b. the Manager will be given the opportunity to submit a statement of defence within a reasonable period of time, to be stipulated by the Committee.

8.2. The Committee will give the Employee and the Manager the opportunity to be heard, if they so request or if the Committee considers this necessary. At the request of the Manager and/or the Employee, the witnesses and experts they have brought to the hearing may be heard.

*(Article 3.1 of the Sectoral Regulation on Disputes)*

8.3. The parties involved will be heard in each other's presence, unless there are compelling reasons to hear them separately. In the latter case, each party will be informed of what was said during the hearing in his/her absence.

8.4. The hearing will not take place in public.

8.5. A Petition will not be accepted for processing if:

- a. it is manifestly inadmissible or manifestly unfounded;
- b. no discussion has demonstrably taken place between the Employee and his/her line Manager on the matter of the Dispute
- c. another internal formal procedure is available;
- d. the same fact or event is currently or was previously the subject of dispute, in full or in part, in another internal or external procedure.

*(Article 3.2 of the Sectoral Regulation on Disputes)*

8.6. If the chair of the Committee considers that a Dispute does not need to be accepted for processing, in accordance with the previous paragraph of this article, the Dispute will be dismissed by the chair without the Employee or the Employer being heard, and without further oral hearing. The chair's decision will be notified in writing or electronically to Employee and the Employer.

*(Article 3.3 of the Sectoral Regulation on Disputes)*

## 9. Advice of the Committee

9.1. The Committee will advise the Employer regarding whether its decision, or similar ruling about which there is a Dispute, can be considered to meet the criteria of reasonableness and fairness.



*(Article 4.1 of the Sectoral Regulation on Disputes)*

- 9.2. The Committee's advice will be provided in writing and will include a report of the hearing, if the parties were heard.
- 9.3. The Committee will provide its advice within eight weeks after receiving the Petition. The Committee can decide to extend this time period by a maximum of four weeks. If the Employee consents to this, the time period can be extended for longer.

*(Article 4.3 of the Sectoral Regulation on Disputes)*

## **10. Decision of the Employer**

- 10.1. The Employer will take a decision within four weeks after receiving the Committee's advice and will notify the Employee and the Manager of this decision. This time period can be extended by four weeks. If the Employee consents to this, the time period can be extended for longer.

*(Article 5.1 of the Sectoral Regulation on Disputes)*

- 10.2. If the Employer's decision differs from the Committee's advice, the reason for this difference will be explained in the decision.

*(Article 5.2 of the Sectoral Regulation on Disputes)*

- 10.3. The Committee's advice will be sent together with the decision.

*(Article 5.3 of the Sectoral Regulation on Disputes)*

## **11. Committee: accountability**

- 11.1. The Committee will retrospectively render account for its activities to the Employer in an annual report to be used for the University's annual report.
- 11.2. The members of the Committee, and the experts consulted by the Committee and advisers engaged by the Committee, are obliged to maintain secrecy regarding all matters that come to their attention in the said capacity.

## **12. Protection of parties concerned**

- 12.1. Submitting a Petition pursuant to these Regulations must not result in any direct or indirect detriment for the Employee, unless the Employee has not acted in good faith. The same applies for all witnesses and experts.

## **13. Rules for cases not provided for in these Regulations**

- 13.1. In cases for which these Regulations do not provide, the Committee will decide.



**14. Final provisions**

- 14.1. These Regulations enter into effect on 1 January 2020.
- 14.2. These Regulations constitute the 'local procedure' referred to in Article E.24 of the CAO NU, implementing the Sectoral Regulation on Disputes. These Regulations cannot be dissociated from the Sectoral Regulation on Disputes. In the event of changes in the Sectoral Regulation on Disputes, these Regulations will be amended accordingly. If the parties to the CAO decide at any time to abolish the Sectoral Regulation on Disputes, these Regulations will cease to have effect. The operation of the Sectoral Regulation on Disputes will be evaluated by the parties to the CAO no later than the second quarter of 2021.
- 14.3. These Regulations will be published on the Employer's website.

These Regulations were adopted by the Executive Board on 12 May 2020, after reaching agreement in the meeting of the Local Consultative Body of 23 April 2020.