

Utrecht University Regulations on Handling Disputes with Employees

Introduction

Employees may not always agree with their manager's or supervisor's decisions. In the first instance, it is important that differences of opinion are resolved in mutual consultation between the employee and the manager or supervisor to the extent possible. However, this attempt will sometimes prove unsuccessful, in which case a dispute will arise. Before 1 January 2020, Utrecht University employees were subject to public service law and could object if they disagreed with decisions that affected them personally. This option no longer exists now that the Public Servants (Standardisation of Legal Status) Act (WNRA) has come into force. The CAO NU therefore contains a sectoral disputes regulation that can be used in situations where employees are unable to reach agreement with their manager or supervisor. Among other things, this regulation stipulates to whom the regulations apply and in which cases a dispute can be submitted to a local arbitration committee. It also stipulates how the arbitration committee is to be composed, how the dispute is to be handled and within which term it is to provide the Executive Board with advice. This decision will ultimately be made by the Executive Board,

Universities need to draw up local regulations stipulating how disputes are to be settled within their own institution in further detail. The present regulation has been drawn up for this reason. As the local regulations are an elaboration of the [sectoral disputes regulation](#), the definitions of any terms are the same.

Section 1. The dispute

Article 1

1. Employees can submit a dispute about a topic referred to in the sectoral disputes regulation to the Executive Board in writing.
2. Before employees may submit a dispute to the Executive Board, they must have demonstrably consulted with their manager or supervisor on the matter. Employees may demonstrate this fact with documents in writing, such as a meeting report, email or letter detailing decision taken by the manager or supervisor, the employee's response to this document and the final position taken by the manager or supervisor. If the supervisor refuses to adopt a definitive position, it is sufficient for the employee to prove that they have attempted on at least two occasions to discuss the matter and that the manager or supervisor failed to respond within a reasonable period.
3. The employee must submit a dispute to the Executive Board within six weeks of their manager or supervisor having announced the definitive decision, or otherwise when it has become clear that they will not take a definitive position.
4. If a dispute is not submitted within six weeks, it will be deemed inadmissible, except if the employee can demonstrate that exceeding the term cannot be attributed to them and that the dispute was submitted as soon as possible.

5. The employee's legal position may not be prejudiced as a result of the dispute being submitted.
6. The dispute must be submitted to the Executive Board in writing in a letter or an email for the attention of the Legal Affairs department (PO Box 80125, 3508 TC Utrecht or secr.jz@uu.nl).
7. The letter on the dispute must be signed, or the email must be sent using a Solis account. It must in any case state:
 - a. the employee's name, position and contact details;
 - b. the name of the manager or supervisor involved in the dispute;
 - c. a clear description of the dispute, the documents showing that the parties have consulted on the matter and the manager's or supervisor's definitive viewpoint;
 - d. the employee's viewpoints;
 - e. the date.
8. If one of the requirements in paragraph 7 has not been met, the employee will be given the opportunity to remedy this fact within a certain term.
9. If an application meets the requirements contained in paragraph 7, the Executive Board will forward it to the arbitration committee for advice straight away.

Article 2

1. The employee may enlist assistance. Any expenses involved will be at the employee's own expense.
2. If an employee submits a dispute to the Executive Board, it will not cause the manager's or supervisor's decision to be postponed.

Section 2. The arbitration committee

Article 1

1. The committee consists of a chair and two other members. There will also be two deputy members and a deputy chair. They are all appointed by the Executive Board. Article 6 of the sectoral regulation on disputes provides further regulations on the composition of the committee.
2. The chair and the deputy chair must meet the requirements for their appointment to judge of a court and may not be in the university's employment.
3. Persons that hold the following positions within Utrecht University may not be members of the committee:
 - a. Members of the Executive Board or the Supervisory Board;
 - b. Deans or Vice Deans;
 - c. Directors of faculties and services;
 - d. Members of the University Council, the Faculty Council, the Employees' Consultative Body or the University Labour Representation Board.

Article 2

The chair and the members or deputy members of the committee who are not in Utrecht University's employment will receive a modest compensation for each case handled.

Article 3

Following consultation with the chair of the committee, the Executive Board will see to it that the committee receives any support which it may require. The committee will in any case be provided with a secretary. The costs of the committee and its support will be at the Executive Board's expense.

Section 3. Handling of the dispute

Article 1

The chair of the committee will ensure that the handling of the dispute is carefully prepared.

Article 2

The chair will determine the location and time of the hearing, which the person who has submitted the dispute, the manager or supervisor who has taken the decision and other interested parties can attend. The secretary of the committee will inform them about this fact in writing in a letter or an email.

Article 3

A report will be drawn up of every hearing. This report will be sent to the Executive Board, along with the committee's advice.

Article 4

The members of the committee may not handle any cases in which they themselves have an interest. In the event that there are facts or circumstances as a result of which they are unable to assess a case impartially, they may not handle the relevant case either.

Article 4a

The hearings are not public.

Article 5

The committee is authorised to request information from the employee, manager(s) or supervisor(s) and employer. It will be authorised to inspect any documents that it considers relevant to the assessment of the dispute submitted. Everyone is obliged to cooperate in this process.

Article 6

If the committee so requires, it can consult an expert on certain matters.

Section 4. Concluding provisions

Article 1

In case of a situation not provided for in the sectoral regulation on disputes or this local regulation, or in the event that the application of these regulations would lead to an unreasonable outcome in a specific situation, the committee may do what it thinks best at that time in good faith.

Article 2

1. This regulation will come into effect on 1 January 2020.
2. This regulation must be viewed in conjunction with the sectoral disputes regulation. If the sectoral disputes regulation is amended, this local regulation will be amended accordingly.
3. This regulation is published on the Utrecht University website and is available to employees via the intranet.

This regulations was adopted by the Executive Board on 9 June 2020, following agreement at the meeting of the University Labour Representation Board of 27 May 2020.