

LCC ISSUES LETTERS OF DISMISSAL TO IMPOSE THE EQUAL PAY REVIEW -

UNISON **ADVICE**

On receipt of the 2nd letter from LCC, UNISON is advising members to accept the Council's offer of reengagement on a new contract – and to continue to show their disappointment and anger with the actions of the Council by supporting an industrial response. Members should read this advice note very carefully.

From today, 27 April, the County Council is issuing letters of notice of termination of contract to those employees covered by the equal Pay Review who did not voluntarily agree to the changes they proposed to Terms and Conditions (which includes the new grading structure) by the stated deadline of 26 April.

The first point to note is that these letters should only be sent to employees who have not previously returned the slip giving their voluntary agreement to the proposed changes, which was

included in the pack sent out by LCC to employees on 24 March. If you have voluntarily agreed to the changes before 26 April by returning that slip to the Council then you should not receive a letter of notice of termination of contract, and if you do then you should contact HR immediately to let them know this.

The letter from the Council is to inform you that your current contract will be terminated at the end of the notice period, which is midnight on 31 July. This is a 'polite' way to say that you are



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being dismissed from your current contract at that time because there has been no collective agreement reached with the Trade Unions to introduce the proposals and you have not voluntarily agreed to accept the changes.

The letter also includes an offer of reengagement on a new contract that will be based on the proposed changes to terms and conditions including the new grading structure (you will still be able to appeal against your job evaluation outcome). That new contract, if you accept it, will come into being at the immediate point you are dismissed from your current contract. This has the effect of there being no break in continuous service meaning that the total service you have built up for relevant statutory or contractual purposes is maintained, eg for redundancy entitlement, annual leave, sickness, maternity, etc.

Members are obviously seeking advice on what to do and what the consequences are.

If you do not accept the offer of reengagement from the Council your contract will terminate at midnight on 31 July, when the notice expires. The Council is explicit in its letter that you have to sign and return the form accepting the offer of reengagement on a new contract and just turning up for work on 1 August (or your first normal working day after that) will

not be considered as you accepting a new contract. **So put simply, if you do not return the form accepting the Council's offer of reengagement on a new contract by 31 July then you will be dismissed by the Council at midnight on that date.**

In that event you may be able to pursue a claim at Tribunal for Unfair Dismissal - but **UNISON has consistently advised members that in situations where an employer seeks to impose a pay and grading review in this way case law has largely upheld the employer's actions as being a lawful reason for dismissal. It remains our view that the prospects of bringing a successful claim are extremely small indeed. And you will be out of work.**

If you accept the offer of reengagement from the Council it will be on the basis that the proposed terms and conditions apply from the 1 August, when the new contract commences, and you will still be able to appeal the JE outcome. Technically, you may still be able to pursue a claim at Tribunal for Unfair Dismissal from your old (current) contract even though you are working to the new terms and conditions under the new contract – however, our advice on the unlikelihood of having reasonable prospects of bringing a successful claim are the same.

If you accept the Council's offer of reengagement on a new contract you will still be able to take part in an industrial response, including lawful industrial action. As members know UNISON lodged a collective dispute with the Council on 24 March over the proposed changes and the process being followed. That remains the case and we are currently holding a consultative ballot of members on willingness to take industrial action. We will have the outcome of that next week. **Accepting the Council's offer of reengagement on a new contract means that you remain in employment on 1 August. For these reasons UNISON is advising members to accept the Council's offer.**

Whether members do not intend to accept the offer of reengagement or if members have already voluntarily accepted the proposed changes it is important to let the Branch Office know so that we have an accurate record as this may be necessary for a formal industrial action ballot.

If members do intend to accept the offer of reengagement then a 'letter of protest' is attached which has been provided by UNISON's Head Office for members who wish to make it clear to the Council exactly how they feel. If you want to use the attached letter then the wording should be **exactly** as it is set out.



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