

Disciplinary cases involving Trade Union Officials

Although normal disciplinary standards apply to their conduct, behaviour and performance as employees, notification of any alleged misconduct involving a trade union official should be provided to the relevant full time official of that trade union as soon as practicable, with the employee's consent. In normal circumstances, this would be before any formal action is instigated, including suspension from work.

Dismissals will be automatically unfair under the Trade Unions & Labour Relations Consolidation Act 1992, if the only or principal reason for dismissal was that the employee had taken part in the activities of an independent trade union. The amount of compensation available in these cases is substantially higher than other unfair dismissal compensation.

Extra care is therefore necessary where disciplinary action is taken against a trade union official, as the Council must be able to demonstrate that the act of misconduct is unrelated to the trade union role or an attack on that union.

Problems with an individual's behaviour in their capacity as a trade union representative should be dealt with through discussions with relevant full time official of that trade union. Further support is available from Human Resources.