

**Subject: Failure to Consult Meaningfully and Withholding of Information for Collective Bargaining Purposes – Breach of Fair Work Principles (Scotland)**

Dear Brian,

This letter constitutes a formal grievance lodged by UNISON on behalf of our members employed by Stirling Council. We are raising serious concerns regarding the employer's ongoing failure to engage in meaningful consultation and the refusal to provide essential information required for effective collective bargaining. These actions fall significantly short of the principles of Fair Work (Scotland) and undermine the trust necessary for constructive industrial relations.

**Background**

UNISON requested information including financial and other relevant information underpinning the rationale for proposed changes to the organisational change policy. These requests were made in the context of collective bargaining negotiations. Despite repeated efforts, the employer has failed to provide the requested information or engage in genuine consultation. There was also a consultant employed by Stirling Council on a day rate basis in 2022 to review the Organisational Change Policy. Trade Unions were given a presentation in July 2022 by the consultant and were advised they would be forwarded a report that was undertaken by the consultant. Despite requesting the report this was never shared with Trade Unions.

**Details of the Grievance**

**1. Failure to Consult in a Meaningful Way**

Despite our repeated attempts to engage in genuine consultation, the employer has consistently failed to provide the necessary information or engage in a dialogue that allows for informed discussion, alternative proposals, or meaningful influence over decisions. The approach taken amounted to a briefing of intent rather consultation, which is not acceptable.

The Scottish Government's *Fair Work First* guidance clearly states that employers should ensure "workers' voice is fully considered through full and meaningful consultation, including the relevant union(s) if present"

Had meaningful consultation taken place, it is highly likely that the outcome would have been different, with alternative proposals explored and potentially agreed upon.

**2. Refusal to Provide Information for Collective Bargaining Purposes**

UNISON formally requested including, "detailed financial information," "cost breakdowns," "rationale for proposed changes and evidence to support this". This information was essential for UNISON to fulfil its role as a recognised trade union. The employer's refusal to provide this information—or the provision of incomplete or inadequate data—prevents us from formulating informed proposals, scrutinising

management's rationale, and assessing the impact on our members. This obstructs the collective bargaining process and undermines our ability to represent our members effectively.

### **3. Breach of Fair Work Principles (Scotland)**

The employer's actions are in direct contravention of the Fair Work First principles, which promote:

- **Effective Voice** – Denied through the lack of meaningful consultation and information sharing.
- **Opportunity** – Undermined by decisions made without proper engagement.
- **Security** – Threatened by the uncertainty created through opaque processes.
- **Fulfilment** – Diminished when staff feel unheard and undervalued.
- **Respect** – Eroded by the employer's disregard for the union's role and the workforce's intelligence.

These actions represent a significant departure from the collaborative and transparent approach promoted by the Scottish Government's Fair Work First policy

**As such we would request the immediate removal of any reference to UNISON from the Council's Fair Work Statement, and appropriate steps taken to notify the Scottish Government of this misrepresentation.**

### **Desired Outcome**

UNISON requests the following actions to resolve this grievance:

1. An immediate commitment to engage in genuine and meaningful consultation on all matters affecting our members' terms, conditions, and working lives.
2. The immediate and full provision of all requested information.
3. A commitment to establish a clear and transparent process for information sharing in the context of collective bargaining.
4. A review of current consultation practices to ensure alignment with Fair Work First principles.
5. A formal acknowledgement that current practices fall short of Fair Work principles, along with a commitment to rectify these shortcomings.
6. An urgent meeting to discuss this grievance and agree on a clear path forward. We reserve the right to escalate this grievance if a satisfactory resolution is not achieved.

Yours sincerely,

Lorraine Thomson  
**Branch Secretary**  
UNISON Stirling Branch

