Research Paper

2012 Olympic and Paralympic Games: The Acas experience

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Acas Research and Evaluation Section
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2012 Olympic and Paralympic Games: The Acas experience

2013

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<td>Advisory, Conciliation and Arbitration Service</td>
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<td>London Organising Committee of the Olympic Games</td>
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1. INTRODUCTION AND BACKGROUND

The London 2012 Olympic Games presented Acas with both great challenges and great opportunities. Experience of previous Games demonstrated the potential of disruption caused by workplace disputes and it was essential that Acas should be ready to play its part to ensure that this did not happen. Success in this area would be a reputational boost to Acas, whereas failure could lead our major stakeholders to question our effectiveness. It was also very likely that employers, particularly in the London area would be significantly affected by the Games and seek Acas assistance. On the other hand, there was the potential to leave a legacy of good co-operation between Acas and unions and employers as a result of working with them before and during the Games period.

To meet the challenges and to make the most of the opportunities, Acas set up a programme of work to provide an appropriate range of products and services for employers and employees affected by the Games. The expected end results of the Acas Olympics project were to be as follows. First, there would be in place a series of clear and coherent plans to deal with any workplace disputes that arose, and for responding to any appropriate requests for training or advice from employers. Secondly, our reputation with employers and unions would be enhanced as they saw how Acas had offered a wide range of assistance in ensuring the Games were a success.

Steps had been taken to ensure that the Games were not seriously disrupted by workplace disputes as early as 2007. In June of that year, a Memorandum of Agreement was signed between the ODA and the major trade unions who had members working on the Olympic venues. This set out the means by which disputes would be resolved and committed the parties to using the Acas Code of Practice in dealing with disciplinary issues. There were very few disputes during the construction of the venues. Indeed, no days were lost to collective action during the construction phase, a remarkable achievement considering the scale of the project.

In February 2011, a Protocol was signed between the TUC, LOCOG and Acas. This applied primarily to LOCOG controlled venues once these were handed over to them to administer. The Protocol allowed the parties to involve Acas in resolving any disputes by mutual agreement. LOCOG had been in discussion with Acas about having speedy access to helpline advice, collective conciliation, mediation, and training. The construction phase of the Games ended in the autumn and winter of 2011 and attention shifted to the running of the Games by LOCOG. It was at this point, officially in August 2011, that the Acas Olympics project formally began its work.

This paper reports on the story of Acas involvement by first summarising a time diary of the key events from July 2005 until July 2011 followed by a summary of the Acas Olympic projects. The following sections give more detail including monitoring information of the key Acas Olympic services; information and guidance, Acas helpline, individual dispute resolution and collective dispute resolution. The final section outlines Acas’ contribution to the 2012 Olympic legacy.
2. DIARY OF ACAS INVOLVEMENT WITH THE 2012 OLYMPIC AND PARALYMPIC GAMES

July 2005
2012 Olympic and Paralympic Games are awarded to the City of London. Senior colleagues in Acas National Delivery Directorate and Acas London start to give consideration to the potential employment relations issues connected with the Games.

May 2006
Acas give a briefing to BIS officials on initial thinking on an Acas ‘Olympic offering’. Acas officials are seeking support from BIS officials to promote the key role that good Employment Relations will have in supporting the Games with other Government Departments across Whitehall.

March 2007
Acas Board considers proposals for ‘Acas offering’ in support of the Games. This is partly based on lessons learnt from our informal involvement with the 2002 Commonwealth Games in Manchester. Acas services included in the ‘offering’: collective conciliation, group and individual mediation, helpline, website and the Acas Model Workplace. A strategy is agreed to make contact with bodies such as the ODA, LOCOG and the Host Boroughs to outline our ‘offering’.

July 2007
Acas officials hold meetings with potential partner organisations Lifelong Learning UK and the Learning and Skills Council to explore the possibility of a ‘fair employment zone’ on the Olympic site. Acas contribution includes the Acas Model Workplace, alternative dispute resolution, ER/conflict management training for managers/TU reps and advice on employment rights for migrant workers.

August 2007
Initial discussion took place on a potential ‘Acas offering’ between Acas Director of Operational Policy and Performance and the ODA Equality and Inclusion manager. Memorandum of Agreement covering construction of the venues for the Games signed by ODA, CLM (ODA’s construction delivery partner), Transport and General Worker’s Union (TGWU), Amicus, GMB and Union of Construction, Allied Trades and Technicians (UCATT). Topics include Employment Relations principles, national agreements, disputes procedures, facilities for Trade Union reps and disciplinary processes (to be based on the Acas Code of Practice).

October 2007
Initial meeting held between Acas Chief Executive and representatives who had worked on Employment Relations for the 2000 Sydney Olympic and Paralympic Games.
**December 2007-January 2008**

Meetings held between Acas National Delivery Directorate colleagues and representatives from Sydney to discuss their experience of key Employment Relations issues. These included the need for collective and individual fast track dispute resolution mechanisms, potential issues before and during the Games because of differences in terms and conditions between staff employed by different contractors, the different role that the Labor Council of New South Wales played compared with that which would be played by Great Britain’s TUC and the potential for progressing unofficial disputes using social media, which was not a factor in 2000. There was also discussion of how Employment Relations problems at the 1996 Atlanta Games had been identified and solutions devised for Sydney in an attempt to avoid similar problems.

**December 2007**

Acas CEO sends letters containing an outline of the ‘Acas offering’ to the CEOs of the Greater London Authority (GLA), and LOCOG and to the Mayor of Newham – the major Host Borough. These met with little response except to direct Acas to the Games procurement processes since it was wrongly assumed by the recipients that Acas wished to be a provider of services rather than Acas’ wish to engage with them in a high level strategic discussion about Employment Relations during the Games, drawing on Acas’ discussions about problems in both Atlanta and Sydney.

**July 2008**

The ODA, LOCOG and TUC sign Principles of Cooperation covering principles of good Employment Relations, TU recognition, regeneration, fair pay, education training and induction, equality diversity and inclusion, health safety and welfare, the role of TU Unions, representatives and problem solving. Acas officials are concerned that there is no mention of Acas’ advice or Dispute Resolution services and that the ODA and LOCOG may be under the impression that the UK TUC can act in the same way vis-à-vis their constituent TUs as the Labor Council of New South Wales did – particularly in terms of collective bargaining and dispute resolution.

**October 2008**

Acas officials further refine thinking on Acas’ Olympic products and services following discussions at the International Agencies Conference of the Employment Relations issues facing the 2010 Football World Cup due to be staged in South Africa.

**December 2008**

Acas officials discuss with the EHRC and LDA how Acas’ experience of participating in a piece of work, the Trafford Centre Fair Employment Zone, might be used to support their concept of an Olympic Charter based around good practice in procurement and supplier diversity. Other Olympic issues being explored include the use of the London Living Wage and opportunities for women and ethnic minority employees in the construction sector. Legacy issues of employment and skills also feature strongly. These contacts lead to possible openings at officials’ level with the ODA and LOCOG.
February 2009
Further details of potential official level contacts at the ODA and LOCOG are obtained from partnership working with colleagues in London region of Job Centre Plus.

March 2009
Initial meeting held with Barry Canfield, TUC Board Member of the ODA. Key issues for the TUC around the construction of the Olympic Park include inter union membership disagreements, direct employment, employment opportunities for local residents, apprenticeships, the London Living Wage, Diversity and Inclusion. He sees a possible role for Acas in hosting a conference for all sectors of the economy supporting the Olympics in order that employers and Trade Unions can learn from the lessons of previous Games. He also sees the possibility of a Fair Employment Zone for the new Stratford city shopping complex.

Despite some issues over the application of National Agreements (which surface again in May 2009) who concludes that Employment Relations during the building of the venues has generally gone well.

April 2009
Initial meeting held with LOCOG Employment Relations team. Their key issues are: how to ensure contractors have good Employment Relations policies and practices; whether or not to have a Sydney style single Olympic rate for all staff; the need for fast track dispute resolution procedures and what role Acas could play in these areas.

July 2009
LOCOG colleagues invite Acas to comment on draft tender documents in terms of good Employment Relations and Diversity and Inclusion principles and practices. Discussions also of possible Acas role in ‘Games Time Dispute Resolution Protocols’.

August 2009
Acas Board reviews progress on Acas’ Olympic Strategy following meetings between Acas and ODA and LOCOG representatives. Acas’ strategy of working with partners, looking to engage with potential sectors serving the Games, e.g. Transport and, seeking ways of providing additional services such as Helpline, website and Good Practice Services (GPS) if required, is endorsed. The major risk in delivering both the strategy and support for the Games is identified as one of resources.

September 2009
Acas staff give feedback on LOCOG tender documentation and offer The Acas Model Workplace as a possible standard for contractors to meet to demonstrate good Employment Relations. This is welcomed but not considered possible to implement as the IOC require bids from inside and outside the UK and therefore favour ILO standards for judging good Employment Relations over domestic ones.
January 2010
Keeping in touch meeting held with LOCOG. LOCOG informs Acas that contracts will be out by end of 2010 and that, terms and conditions for staff and contractors were being drafted. London Living Wage will be baseline but not mandatory. Acas suggested sector meetings of employers and Trade Unions under Acas' auspices.

LOCOG Employment Relations and Diversity and Inclusion teams address London Region Residential Staff Conference. Presentations covered the role of Acas in supporting the Games and the Games integrated Diversity and Inclusion Strategy, in keeping with the 2010 Equality Act.

April 2010
LOCOG Employment Relations staff express support for Acas sector initiative on Transport in support of the Games but not for other sectors at this time. Acas offer to promote Acas’ role in this with the ODA who are responsible for public transport during the Games. Acas also expresses an interest in the training of key LOCOG staff and Trade Union Full Time Officers on fast track dispute resolution procedures.

May 2010
Acas briefing held for TUC staff on progress with LOCOG and possibility of an initiative for the Transport sector. TUC would favour a joint event with employers and Trade Unions present but do not want anything that could be viewed as a ‘no strike’ agreement.

Acas officials meet with ODA lead on the Transport Sector. He stresses that there will be no industry wide discussions on terms and conditions with the Trade Unions – each operator (up to 100 of them) will have to have separate negotiations with their Trade Unions. He supports an Acas sponsored event for employers in the sector to talk about their Employment Relations challenges and how Acas can help but does not favour a joint meeting with the Trade Unions present. He offers to provide Acas with names of key representatives in each organisation.

June 2010
Acas staff brief ‘Unions 2012’ group at the TUC on Acas’ initiatives to date. The group covers all sectors likely to have Trade Union membership involved during the Games.
Following this meeting there is the first meeting of the Acas/LOCOG/TUC Working Group on a possible Games Time Dispute Resolution Protocol. The Acas Director for London leads for Acas – later joined by the Chief Conciliator. The Group hopes to finish work by the end of 2010 with Acas then training key LOCOG staff and Trade Union Full Time Officers in the use of the Protocol. Key issues for discussion are identified as: ‘status quo’ arrangements; processes for group and individual disputes; key decision makers in the process; communications channels during disputes; how the process will be signed off; the role of the Acas helpline and what success will look like. There is also an issue as to how non-LOCOG staff working for contractors will be covered.
July 2010

Overarching Principles for the Protocol are agreed. These include: early identification of problems and clarification of issues; speedy use of informal procedures; early Acas involvement if these do not work; readily available Acas collective conciliation and individual mediation support; readiness of the parties to accept Acas intervention and ‘status quo’ in issues other than health and Safety related concerns. Issues such as the coverage of the Protocols and the role of the Acas Helpline still remain.

Initial meeting held of Transport Sector Employers convened by Acas. Inputs on progress to date from the ODA, lessons learnt from earlier Olympics and Paralympics, the ‘Acas offering’ and progress on the fast track Protocol. Representatives present give an update on early discussions with their respective Trade Unions.

Acas is contacted by the Government Olympic Executive (GOE) for details of its involvement with the ODA, LOCOG, the Transport Sector and the TUC in support of the Olympics. They are concerned over possible industrial action in the run up to and during the Games by contractors and service providers and about disputes in other sectors trying to use the Games as a lever and in sectors where the Games might lead to labour shortages e.g. hospitality.

August 2010

Initial drafts of overarching Principles and outline structure of procedures circulated to key stakeholders.

September 2010

The Protocol and Procedures Drafts and overall Acas strategy in support of the Games are endorsed by the Acas Council.

Acas officials brief ‘Unions 2012’ on Acas’ activities to date. They still favour a multi sector Acas conference on Employment Relations issues and lessons from previous Games. This is not favoured by ODA and LOCOG representatives.

Acas and BIS are asked to contribute to GOE briefing paper on how Acas can support the Games without stirring up issues by airing them beforehand.

November 2010

The final drafts of the Games Time Grievance Resolution Protocol (as it is now called) were circulated and approved by LOCOG, TUC and Acas key stakeholders. Discussions are ongoing with regard to the role that the Acas Helpline will play in support of employers, employees and volunteers during the Games.

February 2011

The signing of the LOCOG/TUC/Acas Games Time Grievance Resolution Protocol by Lord Coe (Chairman of LOCOG), Brendan Barber (former General Secretary of the United Kingdom's Trades Union Congress) and Ed Sweeney (Chair of Acas Council). Acas CEO and Director for London, Eastern and Southern England brief Department for Culture, Media and Sport (DCMS) and GOE colleagues (at the request of BIS officials) on the Acas role in supporting good Employment Relations before and during the Games. Acas staff brief Ed Davey, Minister of State for Employment Relations at BIS, on the proposed Acas support for the Games. Acas Chief Executive meets Transport for London (TfL) London Transport Commissioner to brief him on Acas activities to date and Acas’ Games ‘offering’.
March 2011

The second meeting of Acas initiated Transport Sector Employers’ Forum. Inputs from LOCOG and TUC on their view of the Acas role and Employment Relations issues leading up to and during the Games receive as were further updates from representatives on discussions with their Trade Unions.

May 2011

Network Rail announce agreement covering terms and conditions during the Games signed with RMT (National Union of Rail, Maritime and Transport Workers), UNITE and TSSA (Transport Salaried Staffs’ Association).

June 2011

A third meeting of Transport Sector Employers’ Forum held, hosted by LOCOG and including tour of the Olympic Park. A number of representatives reported ongoing discussions with their Trade Unions about terms and conditions during the Games.

July 2011

An outline strategy for Acas support for the ‘Olympic Legacy’ is discussed with approaches from Acas CEO to his opposite numbers in Stratford Westfield (about a possible Fair Employment Zone concept) and the Olympic Park Legacy Company (about a possible new Employment Relations model, based on the Acas Model workplace for all employers on the Olympic Park site post the Games).

The Olympics Project and associated plans were developed and the operational details of how the plans would be put into place were agreed with LOCOG, so far as it affected them.
3. MANAGING ACAS’ SERVICES IN LONDON 2012

Acas needed to have plans that were ‘SMART’ to respond appropriately to any workplace issues arising from the Games. The Acas Olympics project was governed by a Prince2 project board assisted by an Acas officer, Peter Lockyer, who qualified as a Prince2 Practitioner in preparation for the project. His responsibility was to administer the project under the direction of the project board, and ensure all the project products were delivered on time.

The project delivered 12 different products as follows:

1. A programme of dispute prevention activities to achieve collective agreements for critical services in advance of the Olympics. This work mainly involved working with employers and unions working in the transport sector where there was significant scope for disruption of the Games.

2. Provision of a helpline service for employers and employees working for LOCOG both on and away from the Olympic venues with a special helpline number available for use by employers and employees working at Olympic venues.

3. A rapid process for dealing with Pre-Claim and post Employment Tribunal claim conciliation, as well as requests for mediation, from employers and employees involved with the Olympics in any way.

4. A rapid collective conciliation service for disputes relating to the Games with a timetable of Acas conciliators briefed and available from June until the end of the Games in September 2012.

5. Written information and guidance with material relating to the Games aimed at employers and placed on the Acas website.

6. The design and delivery of Olympics related training for use primarily in London where employers are most likely to be affected by the Games. The training would give guidance to employers on issues affecting their workplace, e.g. requests for time off to watch the games, dealing with unauthorised absence from work.

7. A communications plan that covered internal and external communications on every aspect of Acas work connected to the Games.

8. Service Level definitions making it clear to key stakeholders (e.g. LOCOG and the unions) what level of service in products and services listed under products 1-4 above could be expected, e.g. response times to requests for collective conciliation.

9. A marketing plan for Acas training products to be delivered to employers.

10. Legacy planning to ensure that contacts with key stakeholders in LOCOG and their contractors are developed and that opportunities to supply Acas training after the games are followed through.
11. Plan to ensure that normal Acas activity can continue before and during the Games. Internal meetings, training and non-Olympic related collective work in Acas’ key London office could be disrupted due to travel restrictions etc., and plans needed to be in place to take this into account.

12. Research and evaluation to analyse the effect and effectiveness of Acas work relating to the Olympics.

The project board met monthly to check progress and authorise any changes to the initial project plans set out for each product. Thorough risk assessments were drafted for each service.
4. ACAS SERVICES: INFORMATION AND GUIDANCE

As market leaders in the field of employment relations, Acas needed to ensure that appropriate support was available for all employers and employees during the Games and that free information and guidance was available to make employers aware of potential workplace issues they may have to manage in the lead up to and during the period of the Games. Employees also needed information on their responsibilities during the same period.

To help employers plan ahead and ensure businesses continued to run smoothly, a webpage was designed to provide links to Acas guidance on managing attendance, working flexibly, dealing with performance issues and volunteering. A link was also provided to a case study carried out with PPHE Hotel Groups on how they had prepared to deal with the impact of the Olympics with Acas help. The lifting of Sunday trading restrictions was covered and there was a Questions and Answers section covering the most common questions concerning employers and employees.

Links were provided to specialist travel sites for the Olympic Games and related Acas training courses. See Appendix (see Appendix A.1)

Because employers needed to prepare in advance web guidance was available from July 2011, updated during November 2011 and enhanced during 2012.

Between July 2011 and November 2012, the webpage had 34,332 hits. The graph below shows the pattern of hits over that period. Appendix A.2 shows this pattern in more detail.
In addition to the website, Acas ran two bespoke workplace training programmes within the Olympics programme. Both in-house courses were recorded against the topic of 'recruitment, contracting and employing people'; the objective of one being to advise on best practice during the Olympics London 2012 in terms of recruiting and contracting staff and for the other the focus was on the HR issues that might arise from having the games on the doorstep of the company.

In addition to the workplace training, Acas also ran a series of open access training events. In total there were 11 ‘Getting-it-right’ open access courses delivered across London and the South East entitled 'Managing the impact of the London 2012 games on the workplace' which were attended by 104 delegates. These half-day courses were intended to guide employers through the key areas they should consider in the context of London hosting the Olympics including dealing with unauthorised absence, requests for time off, increased internet and social media use at work, volunteering, remote working, fairness and flexibility in the workplace.
5. ACAS SERVICES: HELPLINE

It was proposed that the Acas Helpline would deliver a bespoke service for the Olympic employees, volunteers and contractors attached to the Olympic Games as it was considered likely that some employers in the UK, particularly in the London area would be affected by the Games and would seek Acas assistance through the Acas Helpline. The service was wider than the usual helpline service to provide advice on the specific Olympic Employee Terms and Conditions of Service, by signposting employees to their own guidance to help resolve their problem. Advisers on the helpline would also be able to identify issues to refer through the faster dispute resolution channels.

The service was delivered through a dedicated Olympic telephone number which then fed into the main Acas Helpline. The service was available to 6000 LOCOG staff and workers, 70,000 volunteers and 1,000,000 people engaged through contractors although the main Helpline telephone number could also be used. It was agreed that there would not be a high profile promotion by LOCOG but that information would be included in the local website.

The Olympic Helpline service ran from mid-April 2012 to mid-September 2012 and was run to standard Helpline opening hours. A total of 156 calls were made during the period, but because of a lack of awareness, only four calls were to the dedicated number and the rest came directly to the main Helpline number. Figure 2 shows the monthly pattern of all calls over the period.

Figure 2

 Forty per cent of calls were from direct employees of contractors, 24 percent from Agency workers (contractors), 16 per cent from Agency workers (employees), 12 per cent from LOCOG employees and six per cent from Volunteers. The three main subject areas of the calls were Wages and National Minimum Wage (39 per cent), Discipline, Dismissal and Grievance (27 per cent) and Contracts (14 per cent). Appendix B gives a fuller breakdown and description of calls.
6. ACAS SERVICES: INDIVIDUAL DISPUTE RESOLUTION

This strand is called Olympic PCC (OPCC) and included pre Employment Tribunal and post Employment Tribunal claim conciliation and mediation requests from callers to the Olympic Helpline during the period 14 June to 9 September 2012. The aim was to deal with cases immediately and therefore to respond to the caller within two working hours of receipt of the case or contact details. To meet this aim, drawing from a pool of 14 volunteers, a minimum of 3 trained staff were available during the operating hours of the Helpline, 8 a.m. to 8 p.m. Monday to Friday and 9 a.m. to 1 p.m. on Saturday. It was also planned that the OPCC Conciliator would also be available for one hour after the closure of the Olympic Helpline. Preparations were also put in place to deliver an ‘out of hours’ service whereby the Olympics Project Manager would take details and assess the need for conciliation. If conciliation or mediation went ahead and a face to face meeting was considered necessary, it would only be offered on Acas premises in the first instance and if required an OPCC conciliator could visit parties on site.

The system was tested by using dummy referrals and putting them through the Acas operational system. Conciliators role-played the caller’s ability to be contacted throughout the system from beginning to end. OPCC referrals were monitored daily and assessed weekly in relation to volumes, speed of contact and outcomes achieved. Our contact average was less than two hours and usually within minutes of receipt.

During the Olympic period staff availability was adapted to suit demand and cases were few over that time. In the main one person was on standby during the extended working hours.

Over the period, there was a multiple claim involving 400 G4S (formerly Group 4 Securicor, a British multinational security services company) staff which was forwarded for collective action. OPCC cases included 90 G4S workers on varied pay rates and a variety of smaller multiple claims for non-payment of contract staff due to the "trickle down" of some contracts as well as some discrimination cases. According to management information there were 32 such referrals to Acas’ pre-claim conciliation service which most commonly related to disputes concerning wage issues. Once the games finished there was an increase in calls so a day-time service was continued to deal with those issues. These eight cases were mainly to do with pay as employed staff appear to be on a ‘month in hand’ arrangement. The last Olympic referral entered the system on 2 October 2012.

The cost of providing the service tailored to the Olympic/Paralympics incurred overtime for one conciliator to cover the late duty period. Apart from a small amount of management cover this was the only added staff cost.
7. ACAS SERVICES: COLLECTIVE DISPUTE RESOLUTION

The aim of this strand was to minimise the risk of collective industrial action disrupting the Games. Although official disputes may happen, they are predictable and the operation of law means they can generally be effectively managed. The timescale involved for going through the legal hoops for industrial action, 5-6 weeks, meant that Spring disputes may continue into the Summer Games period so where possible official disputes over for example, pay, should be concluded before the Spring 2012. The disputes that were likely to be of more concern were wildcat disputes where unofficial, unlawful collective action take place, possibly over disciplinary matters or payments issues. This type of dispute may even not be union-orchestrated.

To avoid official disputes, Acas encouraged employers and trade unions associated with the Games to discuss amongst themselves what issues could arise and to plan how problems may be managed, for example to avoid holding negotiations on potentially contentious issues during the lead up to or during the Games themselves. Acas also brought to parties attention the LOCOG/Acas/TUC dispute resolution protocol, signed in February 2011, which applied primarily to LOCOG controlled venues and allowed the parties to involve Acas in resolving any disputes by mutual agreement (see Appendix C.1). Parties were encouraged to consider how the protocol links with their current procedures and to nominate key people in their organisations who would be contacted in the event of issues arising that needed to be speedily addressed.

Potential issues were raised with the main players and assurances received that parties would be addressing the issues in a timely fashion. A complete contact list was drawn up as well as a list of main contact details of LOCOG employers and contractors, TUC and Trade Unions for urgent use in the event of disputes.

To deal with the possibility of wildcat strikes, Acas needed conciliators on hand to deal with self-appointed shop stewards, rather than full time officers. Overall, Acas planned for two collective conciliators to cover each day who would be prepared to deal with any games disputes. Rooms at Euston Tower were set for negotiations.

During the period, 20 collective conciliations were carried out where 17 were full conciliations and three were running alongside case. Of the 17 collectives 13 11 were settled, in one case progress was made and differences were reduced and one case was unsuccessful. Four were still ongoing. Five of the disputes were general pay claims, 11 were other pay and conditions of employers, 2 involved changes in working practices and 1 was described as ‘other TU matters’. Crucially, there was only one day of strikes and no other industrial action during the 2012 Olympic/Paralympic games, which was a notable achievement for all involved.

See Appendix C.2 for a detailed Case study of collective conciliation between management and unions in London Underground, carried out by Acas conciliators.
8. ACAS AND THE 2012 LEGACY

Throughout the Olympic Programme Acas has promoted the need for good employment practices to be part of the Games Legacy.

The most positive potential legacy work to date has arisen from our discussions with the Foreign and Commonwealth Office. Acas officers visited the FCO to brief them on our work and through diplomatic channels the Brazilian Government expressed a strong interest in learning about our dispute resolution/prevention work. The result was a high level meeting held in Acas offices on with Gilberto Carvalho, the vice president of Brazil. The meeting was also attended by the Ambassador of Brazil in the UK and his British counterpart.

They were interested in the Acas Olympics project work and Acas’ experience of dispute resolution. As a result an ACAS delegation was invited to attend and present at the official Olympic Rio/London handover event. It was felt that with big events like the Pope’s visit to Brazil and the football world cup in 2014 as well as the Rio games in 2016 that the ACAS experience could add value to the running of these events.

Discussions also took place on the wider concept of dispute resolution and it was agreed an appropriate way forward would be for ACAS to invite a delegation from the Brazilian government to visit ACAS in the Spring of 2013.

A programme which includes employment relations frameworks, alternative dispute resolution, ACAS services, the Olympic project work and visits to key stakeholders has been suggested.

Another legacy initiative is being developed with the London Legacy Development Corporation where ACAS has offered to facilitate a series of diagnostic workshops for new employers on the Olympic site. The aim of events will be to encourage good workplace practices which will include the promotion of effective equality and diversity practices.
9. CONCLUSIONS

Three main conclusions can be drawn from the Acas experience of 2012 Games.

1. The importance of planning early

The planning of Acas' Olympic work was a significant piece of work that was complex and complicated to organise. One cannot underestimate the amount of time that it takes to deliver this sort of project. Though preparatory work had been done by some key individuals before July 2011, the serious planning work that was required began at that point. There is an argument that this planning work should have begun six months before, i.e. eighteen months before the start of the Games. On reflection, it might have been wise to have had a project manager seconded part time to the role, rather than project managing Acas' involvement in London 2012 in addition to their day to day job.

2. The importance of developing good relationships with people who make things happen in partner organisations

Detailed and comprehensive plans were put in place before the Games began. However, plans on pieces of paper are not enough. It is people that make plans happen. Significant effort was put into developing a good working relationship with key people in partner organisations, e.g. LOCOG. This was essential on the few occasions when rapid action was needed during the Games to avoid disputes spiralling out of control. Acas had got to know people who could make things happen quickly in LOCOG, and so when Acas passed on important intelligence Acas had received about potential disputes, they took prompt and effective action to nip them in the bud.

3. The importance of good risk analysis and management

Acas was thorough in its approach to risk management for the Games. Many of the risks did not occur, but some of Acas' concerns were shown to have foundation. It is not possible to have a perfect fit between the level of risk and resources dedicated to meet those risks, and there will inevitably be a degree of 'gold plating' when a large national event is being staged. However, Acas learned that it is possible to cover some large risks without an inordinate amount of resources being kept 'on standby' at huge cost to the public purse. However, to do this, detailed and thoughtful risk analysis is key.
APPENDIX A INFORMATION AND GUIDANCE

A.1 Acas Olympics webpage

The Olympic and Paralympic Games

Everyone is working together to make the Paralympic Games as great a success as the Olympic Games. Employers should be considering more flexible working arrangements, how they might minimise potential disruption and manage staff expectations to ensure business runs smoothly.

Your employees will fall largely into two groups:

- **those who plan to take time off** during the Games because they are:
  - a spectator: millions will be visiting London this summer to watch the Games
  - a volunteer: if you've been lucky enough to be selected as a Games Maker

- **those who have no plans to take time off** during the Games but may either:
  - hope to watch some **tv or internet coverage** while at work or may wish to discuss some sort of temporary flexible working arrangement
  - get **fed up with all the fuss** and any perceived favouritism shown to those with sporting interests
  - want to **take annual leave** during the holiday period when the schools are off

As the countdown to the Games continues, Acas has published guidance to help you plan ahead and ensure your business runs smoothly:

- **manage attendance**: you should be talking to your employees about their plans. You may keep your policy simple - maybe have a 'first come, first served' policy for booking leave - but it may help to draw up some guidelines
work flexibly: whether or not you currently have flexible working in your business, it may be something to consider, even as a short-term measure
dead with performance issues: there may be problems around staff watching lengthy coverage via their computers. Why not plan for popular sporting events in advance - perhaps giving staff access to a tv during agreed times?
understand the legal rights of volunteers and the responsibilities you have towards them and how volunteering can help your business. Volunteering can help develop your employees’ skills but you obviously need to protect your business interests. Many volunteers will be agreeing to ten days work, with three days training prior to the Games. You may decide to match an employee’s leave with special leave.

Case study

PPHE Group Case Study - Read about how PPHE Hotel Groups ensured they were well prepared to deal with the impact of the London 2012 Games, and the initiatives Acas helped them put in place.

Sunday Trading restrictions will be suspended during the Paralympics Games

The Sunday Trading restriction which limits the Sunday opening hours for some shops to six continuous hours between the hours of 10am and 6pm is to be suspended during the Games.

The suspension is for eight consecutive Sundays which will start on 22 July and end 9 September 2012. This is a temporary measure and applies to England and Wales.

Shop workers will still have the statutory right to opt-out of Sunday working during this period. The opt-out notice period has been reduced from three months to two months and employees who do not wish to work on any of the eight Sundays must give notice on or before 22 May 2012.

Questions and Answers

How can I keep travel disruption to a minimum?

Think about how your staff can plan to get into work. Trains, buses and trams might be operating different timetables. Car and bicycle travel may be delayed by road closures and slower driving.
Have you and employees looked at arranging an alternative route or travel method to get in and get home?
Make sure your staff know how to get in touch with you if they are unable to get into work and that you have a means of communicating with them if difficulties arise.
If you staff are affected by travel disruption, is there some way you can work around this or keep the difficulty to a minimum? Do they have the option of working from home, or altering their hours. Talk to your employees now.
Consider how you can deal with the workload in the event of staff being absent. Do you need to let your employees know if any deadlines are at risk?

For more information on potential travel disruption and alternative routes, please visit:

- Get Ahead of the Games - Olympic travel advice
- London.gov.uk - London 2012 Olympics and Paralympic Games
- Transport for London - 2012 Games
- Walkit.com - The urban walking route planner

I have a lot of staff who want leave over the Paralympic period - some to watch the games and others for holidays. What do I do?

The company annual leave policy should give guidance as to how to book time off. You may wish to look at being a little more flexible when allowing employees leave during this period. If so, be clear that this is a temporary arrangement. The key is for both parties to try and come to an agreement.

Whatever policy you adopt - for example, first come, first serve until you reach the agreed level of cover needed - try and be fair and consistent in the way it is applied in practice.

How can my staff work more flexibly during this period?

A more flexible approach to matters such as working hours and location may be effective if possible. The handling of travel disruption etc can be an opportunity to enhance staff morale and productivity by the way it's handled for example is there an opportunity for staff to work from home.

Information technology could be useful in enabling a business to run effectively if many employees are absent from work, for example using laptops or smartphones.

Is it possible to change some terms and conditions of employment for a temporary period during the Paralympics?

During the Paralympic Games changes to working practices may help you organise your work load and help staff with travel difficulties. For example a change in location of work may be beneficial to both you and your employee; a change in working hours may also help you both. Look at your contracts - they may already have a flexibility clause that may allow some changes and allow staff to travel to other locations.

Any change to a contract of employment should be done with the agreement of your employees. Make sure your employees know this is a temporary change for this period only. See the Acas Leaflet - Varying a Contract of Employment.
Q&A on Volunteering

**Employer**

Three of my staff have got volunteer positions at the Paralympics. I can only let one go. What's the best way of handling this?

The key to avoiding potential misunderstanding or conflict is to have a clear policy in advance and communicate this to all staff - that way, everyone knows where they stand and you look after your business needs. Your policy need not be very complicated - a simple process of 'first come, first served' may be enough.

I have a member of staff who has got a volunteer place at the Paralympics. Do they need to use their own holiday?

Employees have no legal right to take time off for volunteering. You can decide to give paid or unpaid time off or, if not, the employee may wish to take annual leave. Many employers encourage their employees to volunteer to help develop their skills and give employees an agreed quota of paid days leave per year to volunteer - typically, about two days a year.

I have a member of staff who has got a volunteer place at the Paralympics. Am I expected to pay for them while they volunteer?

There is no legal right to be paid for volunteering. Volunteering is something employees often do because of their own interest, but increasingly employers are recognising the business benefits of volunteering - in terms of developing skills and supporting the local community. If your employee is taking special leave then it would be up to you to decide whether that will be paid or unpaid.

**Employee**

I've got a volunteer place at the Paralympics but my boss won't let me have the time off.

There is no legal right to time off to volunteer. Your employer will need to look at their business needs when allocating time off. Check with your line manager if the company has a policy on volunteering. You may be able to reach a compromise - in terms of taking annual leave or unpaid leave for some of the days.

I've got a volunteer place at the Paralympics but I don't quite have enough holidays left to take. Is there anything I can do?

Discuss this with your employer, they may have a policy for employees wishing to volunteer as many businesses now actively encourage employees to get involved in community or charitable projects. Your employer may allow you time off, either unpaid or paid, or even match your annual leave with special leave.
Will I get paid if I volunteer at the Paralympics?

There is no legal right to be paid for time off from your employer for volunteering, however your employer may allow you special leave with or without pay, or you may wish to take paid annual leave.

Read about what Acas has been doing behind the scenes to help the Games run smoothly.

Related training courses

Absence management
Employing People - A Practical Introduction
Flexible working
Performance management
Skills for supervisors

Have you been approached by anyone claiming to be working in association with Acas?

If you think you have we've provided some advice and guidance on what to do and what to look out for to avoid Acas imitators.

Further information

Other Sites

- Get Ahead of the Games - Olympic travel advice
- London.gov.uk - London 2012 Olympics and Paralympic Games
- Met Office - Olympic Games weather forecast
- Transport for London - 2012 Games
- Walkit.com - The urban walking route planner

Acas Publications

- Acas quick tips for employers on managing during the games. pdf [19kb]

The 2012 Olympics and Paralympics: quick tips
A.2 Daily volumes of hits to Acas Olympics webpage

![Graph showing daily volumes of hits to Acas Olympics webpage from July 2011 to October 2012. The x-axis represents dates from 25/07/2011 to 25/10/2012, and the y-axis represents the number of daily page views from 0 to 3,000. The graph displays spikes in page views on specific dates.](image)
APPENDIX B HELPLINE

B.1 Helpline call volumes

Day by Day Olympic Call Volume

Week by Week Olympic Call Volume
### B.2 Breakdown of Olympic Helpline calls (April/October 2012)

#### Breakdown of caller types

<table>
<thead>
<tr>
<th>Source of call</th>
<th>Dedicated Olympic Helpline</th>
<th>Main Acas Helpline</th>
<th>Total calls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Direct employee of contractor</td>
<td>0</td>
<td>63</td>
<td>63</td>
</tr>
<tr>
<td>Direct LOCOG employee</td>
<td>1</td>
<td>17</td>
<td>18</td>
</tr>
<tr>
<td>Agency worker (Employee)</td>
<td>0</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Agency worker (Contractor)</td>
<td>1</td>
<td>37</td>
<td>38</td>
</tr>
<tr>
<td>LOCOG Management</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Volunteer</td>
<td>1</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Out of Scope</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total calls</td>
<td>4</td>
<td>152</td>
<td>156</td>
</tr>
</tbody>
</table>
## Breakdown of call subjects

### Main Call Subject

<table>
<thead>
<tr>
<th>Subject</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages and National Minimum Wage (NMW)</td>
<td>74</td>
<td>39.4%</td>
</tr>
<tr>
<td>Discipline, Dismissal and Grievance</td>
<td>50</td>
<td>26.6%</td>
</tr>
<tr>
<td>Contracts</td>
<td>27</td>
<td>14.4%</td>
</tr>
<tr>
<td>Holiday and Working Time</td>
<td>13</td>
<td>6.9%</td>
</tr>
<tr>
<td>Diversity and Discrimination</td>
<td>13</td>
<td>6.9%</td>
</tr>
<tr>
<td>Others</td>
<td>5</td>
<td>2.7%</td>
</tr>
<tr>
<td>Redundancies, Lay Offs and Business Transfers</td>
<td>3</td>
<td>1.6%</td>
</tr>
<tr>
<td>Maternity, Paternity and Adoption</td>
<td>2</td>
<td>1.1%</td>
</tr>
</tbody>
</table>

Category Totals - Advisers can nominate more than one subject per call so the total number of subjects may exceed the total number of calls taken. Percentages quoted relate to the percentage of *call subjects* recorded rather than the percentage of *calls* themselves.

### Secondary Call Subject

<table>
<thead>
<tr>
<th>Subject</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-payment/Deduction of Wage</td>
<td>58</td>
<td>27.8%</td>
</tr>
<tr>
<td>Grievance Procedure</td>
<td>36</td>
<td>17.2%</td>
</tr>
<tr>
<td>Olympics: Pay</td>
<td>17</td>
<td>8.1%</td>
</tr>
<tr>
<td>Other (C)</td>
<td>14</td>
<td>6.7%</td>
</tr>
<tr>
<td>Dismissal</td>
<td>13</td>
<td>6.2%</td>
</tr>
<tr>
<td>Working Time Regulation</td>
<td>9</td>
<td>4.3%</td>
</tr>
<tr>
<td>Discipline Procedure</td>
<td>6</td>
<td>2.9%</td>
</tr>
<tr>
<td>Disability</td>
<td>6</td>
<td>2.9%</td>
</tr>
<tr>
<td>Other</td>
<td>5</td>
<td>2.4%</td>
</tr>
<tr>
<td>Variation</td>
<td>4</td>
<td>1.9%</td>
</tr>
<tr>
<td>Holiday Entitlement</td>
<td>4</td>
<td>1.9%</td>
</tr>
<tr>
<td>Olympics: Food</td>
<td>4</td>
<td>1.9%</td>
</tr>
<tr>
<td>Written Statement</td>
<td>4</td>
<td>1.9%</td>
</tr>
<tr>
<td>Written pay statements</td>
<td>4</td>
<td>1.9%</td>
</tr>
<tr>
<td>Race</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Sex (inc. EQP)</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Notice Period / Pay</td>
<td>3</td>
<td>1.4%</td>
</tr>
<tr>
<td>Bullying/Harassment</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Fixed Term Contracts</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Maternity Entitlement</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Redundancy</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Other (WN)</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Other (DD)</td>
<td>2</td>
<td>1.0%</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>1</td>
<td>0.5%</td>
</tr>
<tr>
<td>Non-Payment of NMW</td>
<td>1</td>
<td>0.5%</td>
</tr>
<tr>
<td>Pregnancy/Maternity Discrim</td>
<td>1</td>
<td>0.5%</td>
</tr>
<tr>
<td>Age</td>
<td>1</td>
<td>1.5%</td>
</tr>
<tr>
<td>Constructive Dismissal</td>
<td>1</td>
<td>0.5%</td>
</tr>
</tbody>
</table>

Category Totals - Advisers can nominate more than one subject per call so the total number of subjects may exceed the total number of calls taken. Percentages quoted relate to the percentage of *call subjects* recorded rather than the percentage of *calls* themselves.
C.1  LOCOG Games-Time Disciplinary and Grievance Resolution Protocols

LOCOG
Games time
Disciplinary Policy
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Appendix C.1 – 2
1. Purpose

The intention of this policy is to provide fairness and consistency in the treatment of people who are subject to disciplinary action at Games time. Anyone directly employed by LOCOG is covered by this policy and the processes within it. Secondees, sponsors, agency workers and contractors are also covered by the informal stages of this policy (see section 6), but any serious or formal issues will be dealt with by the seconded/contracted organisation under their own disciplinary policies. Volunteers are covered by this policy and the volunteer code of conduct.

For the purpose of this policy a ‘LOCOG employee’ is anyone directly employed and paid by LOCOG.

2. Our Commitment

Our goal is to ensure the smooth operational delivery of the Olympic and Paralympic Games (‘The Games’). Our ambition is that working on the Games will be one of the most memorable life and work experiences for the ‘Games Workforce’, which includes LOCOG employees, secondees, sponsor staff, agency workers, volunteers and contractors.

We do, however, acknowledge that there is a requirement for procedures to be in place to ensure disciplinary issues can be dealt with fairly and quickly, given the relatively short time period of the Games.

If we need to use the disciplinary procedures we will ensure they are followed in a consistent, fair and non-discriminatory fashion.

During the course of the disciplinary process, we will seek, where possible, to respect the confidentiality of the discussions.

Formal procedures will be simple, in writing and rapid in operation, with clearly identified timescales.

3. Principles

Any disciplinary action, where possible, should first be dealt with in the Functional Area (FA) and managed by the FA Line Manager. Any necessary escalation should include Workforce Operations (WFO).

All minor issues should be dealt with informally and by the FA Line Manager wherever possible.

All serious issues must be managed by the WFO Manager with the support of the FA Line Manager. All serious issues must at least be reported verbally to the WFO Functional Area Command Centre (FCC) and on the daily report in writing by the WFO Manager. Advice and support may also be sought from the FCC and, where necessary, the FCC would escalate the issue to the WFO Main Operations Centre Desk (MOC).

All forms of gross misconduct or issues that could amount to gross misconduct must be managed by the WFO Manager on venue in conjunction with the FA Line Manager, as far as possible. All such issues must also be immediately reported verbally to the WFO FCC and then on the daily report in writing. Once the necessary initial action has been taken on venue by the FA Line Manager/WFO Manager, the WFO FCC will take over the management of the issue. Where necessary, the WFO MOC team will also provide support.
4. Examples of misconduct

Examples of minor issues

– Poor time keeping or lateness to shift
– Minor breaches of work procedures, rules, policies or conditions of employment/ agreement (e.g. failing to turn up for a shift and failing to follow absence reporting procedure)
– Failure to meet minor job requirements (e.g. failing to provide the expected standard of service to spectators)
– Entering an area without the correct accreditation

Examples of serious issues

– Persistent poor time keeping or lateness to shift
– Persistent unreported absence or failure to follow absence notification procedures
– Persistent issues/complaints regarding performance
– Minor breach of health and safety rules
– Arguing with another member of staff within a public area on venue
– Anti-social, disruptive or discourteous behaviour

Examples of gross misconduct

– Breaking the law
– Theft or deliberate damage to LOCOG, third party or venue property
– Abuse of a spectator or another member of workforce – if involved children or vulnerable adult, refer to the Safeguarding policy
– Threatened or actual physical violence against a spectator or another member of workforce or another third party
– Unlawful harassment or discrimination
– Bullying or victimisation
– Corruptive or severe anti-social behaviour
– Bringing LOCOG into disrepute
– Serious abuse of LOCOG systems (computing, email, telephone), including but not limited to abuse that could or has caused unwanted press
– Serious or repeated breach of LOCOG policies and rules
– Unauthorised use, misuse of information or disclosure of confidential information
– Serious or repeated breach of health and safety rules or security procedures
– Being under the influence of alcohol or illegal drugs whilst at working, during working hours, or possessing illegal drugs.

NB: these lists are not intended to be exhaustive.
It is for the FA Line Manager and/or WFO Manager to use their judgement to decide whether an issue is minor, serious or potential gross misconduct. The WFO FCC should be contacted if there is any doubt as to how the issue should be treated.

5. Procedure: LOCOG employees

On venue the process shown on the flowchart overleaf should be used to deal with any issue regarding the performance or conduct of a LOCOG employee.
Disciplinary process for LOCOG employees
NB: We acknowledge that the reality of certain situations would mean that some of these activities may happen simultaneously.

**Dealing with a minor issue**

Where the minor issue process has been followed, an informal discussion should take place with the person concerned in order to agree a way to improve to the required level of conduct or performance.

Where the issue has not been resolved through informal steps, an informal verbal warning may be given which will be confirmed in writing. An informal verbal warning must include:

- Level of improvement required and timescale for improvement;
- The next stage of the procedure to be implemented if the required improvements are not achieved and maintained, or further misconduct occurs;
- Length of time the warning will remain on file.

To record any informal discussions or informal verbal warnings, the informal disciplinary record form (appendix 1) must be used and saved electronically to a confidential location as directed by the WFO Manager on venue.

If a further offence is committed before the agreed timescale has come to an end, or the required standards of action are not achieved and maintained, the process for serious issues will be followed.

**Dealing with serious issues and gross misconduct**

Where the serious issue process has been followed, the steps below will be conducted by the WFO Manager with support from the FA Line Manager. The WFO FCC will also provide support and guidance where necessary/ appropriate.

For issues of gross misconduct, the WFO FCC will manage the process, with the support of the venue WFO Manager and FA Line Manager as required.

**Removing a LOCOG employee from venue**

A LOCOG employee should be suspended from duty where

- a potential issue of gross misconduct needs to be investigated or
- keeping them onsite would be disruptive and/ or obstructive to the investigation or
- the presence of the employee is likely to disrupt the work of others or the continuation of the Games

Wherever a LOCOG employee is suspended, they must be informed that suspension is not a disciplinary sanction in itself, that it does not prejudice the outcome of the process and is solely a means of improving the process for everyone involved. They should also be given/sent a letter confirming their suspension (see template in appendix 2). The suspension should only be in place for as long as is necessary to investigate the disciplinary issue. In some cases it may be operationally necessary to wait until an event is over to commence any formal proceedings.

Where a decision is made to remove an employee from venue, the WFO Manager should contact the Venue Security Manager who will enact any appropriate ejection procedures.
Initial investigation

Any disciplinary related matter or complaint will be investigated within one calendar day unless mutually agreed otherwise or where this is not operationally feasible (e.g. cases of gross misconduct may take longer to investigate and it may be operationally necessary to wait until an event is over to conduct a full investigation). The investigation will typically be conducted by the FA Line Manager. The LOCOG employee concerned will, if the circumstances allow, be made aware that an investigation is taking place. Investigation includes:

- gathering all the relevant facts
- taking statements from witnesses
- collecting documents.

An investigatory meeting may take place with the LOCOG employee to ascertain the facts from their perspective. The LOCOG employee concerned is not entitled to be accompanied at this meeting but the person running the investigation may permit this, should he or she think it’s appropriate.

The formal process

1) Hearing

If after the investigation there appears to be good reason for taking formal disciplinary action, it will be necessary to commence the formal disciplinary procedure.

The LOCOG employee under investigation will be invited to a disciplinary hearing. Due to the short period of the Games, there is not enough time to send an invitation by post and the LOCOG employee should therefore be invited to the hearing by phone. The script shown in appendix 3 should be used when making this phone call. This must then immediately be followed up by an email to the employee (see appendix 4). The LOCOG employee must be provided with the following information:

- The reason for the hearing and an outline of the nature of the allegations/complaints against them;
- The possible consequences/outcomes of the hearing;
- The time and place of the hearing and the proposed attendees
- The right to be accompanied by a work colleague or certified Union Representative or official;
- Any documentation that will be referred to in the hearing (including witness statements) and provided with copies and;
- The names of any witnesses that will be called.

The hearing will be held without unreasonable delay whilst still allowing the person concerned reasonable time to prepare their case. This will be a minimum of one calendar day prior to the hearing, where practical and no longer than two calendar days, where practical. In cases of potential gross misconduct a minimum of two calendar days notice should be given where possible.

The hearing will be chaired by a manager who has not previously been involved with the investigation or the issue itself. This will typically be the WFO Manager. The WFO Manager may be accompanied by another impartial manager if necessary and feasible. This manager must not have previously been
involved in the issue, and will not make the final decision on the outcome, which will be made by the WFO Manager.

During the hearing, notes must be taken by the WFO Manager and the LOCOG employee should be given an opportunity to ask questions, present evidence and their case, call a witness and raise points about the evidence provided by the witnesses.

All notes from the hearing must be confidentially stored electronically to a confidential location as directed by the WFO Manager on venue.

2) Right to be accompanied

All LOCOG employees have the right to be accompanied by a LOCOG workforce member or a Trade Union official/representative at the formal disciplinary hearing and any appeal hearing. If a Trade Union representative or official is requested and is not on venue, the WFO Manager should contact the WFO FCC, who will then arrange for representation by the relevant Trade Union official.

3) Decision

The hearing will be adjourned before any decision is taken. The chair of the hearing will consider the evidence and their findings and then come to a decision as to whether disciplinary action is appropriate or not.

A decision will be made within one calendar day of the hearing and if it is decided that the issue is sufficient to justify dismissal; the LOCOG employee will be made aware of that decision. The employee will also be provided with the decision in writing, and informed of their right to appeal in this letter/email and the timeframe for this (see template in appendix 5).

4) Appeal

The LOCOG employee will have the right appeal the decision if they are unhappy with the outcome. This must be confirmed in writing by the person concerned and must be within 3 calendar days of the decision (and within 5 days where the decision has been taken to dismiss the employee). They should set the grounds for their appeal in writing to the manager stated in the disciplinary outcome letter.

An appeal hearing will then be arranged with the person concerned as soon as possible. Due to the short period of the Games, there is not enough time to send an invitation by post and the LOCOG employee should therefore be invited to the appeal hearing by phone. The script shown in appendix 6 should be used when making this phone call. This must then immediately be followed up by an email to the employee (see appendix 7). The appeal hearing will be dealt with impartially by a more senior manager who has not previously been involved in the case. The person concerned may also ask anyone previously involved to be present, but such individuals will not make the decision on the appeal. The person concerned has a right to bring a LOCOG colleague or Trade Union representative or official to this meeting.

The manager hearing the appeal has the authority to uphold a decision or lessen the level of action taken. Where new evidence has come to light in the appeal hearing itself, and this requires investigation, then the appeal hearing should be adjourned and another hearing should be planned once this has been investigated. The appeal hearing should not be a repeat of the earlier disciplinary hearing, unless this is necessary given the grounds of appeal, but should focus on new issues raised or areas that did not receive sufficient or appropriate consideration earlier.
The appeal decision will not be made by the manager at the hearing itself. A written decision by the manager hearing the appeal will be provided within one calendar day where practical (see template in appendix 8). The decision following the appeal is final.

All hearings/appeals where possible will take place in a confidential area in the workplace.

The three managers dealing with the investigation/hearing/appeal must not discuss the case while it is still going on.

5) After dismissal

If the decision is taken to dismiss, the employee’s accreditation and any other entitlements such as train tickets and accommodation will be revoked.

If the issue is seen to be a risk to the public or the press may have a level of interest about it, the PR team need to be notified, this will be done through the WFO FCC.

6. Procedure: Secondees, Sponsor staff & Agency workers

On venue the process shown on the flowchart overleaf should be used to deal with any issue regarding the performance or conduct of a secondee, sponsor staff or agency worker.

The stages to follow on venue remain similar to those in the flowchart for LOCOG employees.

Where a secondee, sponsor staff or agency worker is involved in an issue that cannot be resolved by following the informal steps, the FA Line Manager should seek the support of the WFO Manager. The WFO Manager should then contact the WFO FCC, who will inform them of who employing organisation is. The WFO FCC will then get in contact with the relevant person at the employing organisation to inform them of the situation.

The WFO FCC will liaise with the employing organisation to arrange how to best deal with any formal procedure which the employing organisation may wish to conduct.

The employing organisation should retain overall control of the issue, with support from the WFO Manager and FCC to assist with the evidence collection for the investigation.

All formal hearings must be conducted by the employing organisation and not LOCOG. The employing organisation will make the decision as to any disciplinary sanction if necessary.

Following the investigation and hearing, which the employing organisation will conduct, if a secondee, sponsor staff, agency worker or contractor is suspended from duty, the WFO Manager must ensure that the workforce member’s accreditation is revoked and any LOCOG property is redeemed. It will be the responsibility of the employing organisation to get in contact with their employee to discuss the next steps.
Disciplinary process for Secondees, Sponsor staff & Agency workers
7. Procedure: Contractors

On venue the process shown on the flowchart overleaf should be used to deal with any issue regarding the performance or conduct of a contractor.

Where an issue involves a contractor, the stages to follow on venue remain similar to those in the flowchart for secondees, sponsor staff and agency workers. In most cases, any disciplinary issues would be reported to the contractor organisation and the procedures would be managed by the contractor organisation on venue.

For issues that are serious or potentially gross misconduct, the WFO Manager and WFO FCC must be informed of the situation and kept updated on the ongoing progress.
Disciplinary process for Contractors
8. Procedure: Volunteers

Volunteers are covered by this policy and the volunteer code of conduct.

On venue the process shown on the flowchart overleaf should be used to deal with any issue regarding the performance or conduct of a volunteer.

The initial stages to follow on venue would remain similar to those in the flowchart for LOCOG employees. However, as volunteers are not under a formal contract, disciplinary action cannot lead to a “dismissal” (although they may be removed from their role). In most cases it would also not be necessary to follow the formal stages of the disciplinary process.

For issues that are serious or potentially gross misconduct, the WFO Manager must still inform the WFO FCC of the situation and keep them updated on the ongoing progress through daily reporting and by using the appropriate documentation.

An initial investigation must also still be conducted by the FA Line Manager with the support of the WFO Manager. Following this, where appropriate, the WFO Manager may decide to remove a volunteer from their role.

If a volunteer is removed from their role, the WFO Manager must ensure their accreditation is revoked and any LOCOG property is redeemed. Where a decision is made to remove a volunteer from venue, the WFO Manager should contact the Venue Security Manager who will enact any appropriate ejection procedures.

For minor issues or where, following the investigation, there is no need to take any formal action, the FA Line Manager and WFO Manager may decide to simply move the volunteer into another role or another team in order to prevent disruption of the work of others or the continuation of the activities on venue.
Disciplinary process for Volunteers
9. Appendices

Appendix 1: Informal disciplinary record form

This form is to be completed by the FA Line Manager or WFO Manager. Once completed, this form must be treated as private and confidential and saved in X

<table>
<thead>
<tr>
<th>Your name:</th>
<th>Venue:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date:</td>
<td>Competition:</td>
</tr>
</tbody>
</table>

Issue details: Who, What, When, Where

Action Taken

Level of improvement required & timescales agreed

Next steps if the above is not achieved

<table>
<thead>
<tr>
<th>Sign:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Print name:</td>
<td></td>
</tr>
</tbody>
</table>

Appendix 2: Letter/email confirming suspension
(LOCOG employees only)

Dear [name]

Suspension Pending Disciplinary Process

In accordance with the LOCOG Games-time Disciplinary Policy, I confirm that, from the date of this letter, you are suspended on full pay pending an investigation into the allegations of [gross] misconduct made against you.

This suspension is in order to allow us to conduct the investigation impartially and fairly, and is in no way a form of disciplinary action against you. We will keep the matter under review and will aim to make the period of suspension no longer than is necessary.

You will not be permitted [at any venue] during the suspension or to carry out any of your duties, however you are requested to remain available within reason should we need to contact you. I would ask that, at this stage, you do not contact any LOCOG contractors, suppliers, sponsors or your work colleagues. During the suspension, your accreditation will be suspended.

You will continue to be employed by LOCOG throughout your suspension and so remain bound by your terms and conditions of employment.

You will be required to co-operate in our investigation and may be required to attend an investigation interview. Once we have carried out the investigation, we will telephone you (and follow this up with an email) to inform you whether we intend to hold a disciplinary hearing. If we consider that there are grounds for disciplinary action we will inform you of those grounds in writing and you will have the opportunity to state your case at the hearing.

In the meantime, if you have any information or know of any documents, witnesses or information that you think will be relevant to the matters under investigation please let me know as soon as possible.

Please contact me if you have any queries about this letter.

Yours sincerely

(NAME)
Appendix 3: Phone call script for invite to disciplinary hearing

(LOCOG employees only)

Hi, my name is (NAME, JOB TITLE) I am calling to inform you that you are required to attend a disciplinary hearing in (PLACE) on (DATE) at (TIME). The purpose of the hearing is to consider an allegation of [gross] misconduct against you.

The allegation is that (SET OUT ALLEGATION).

The basis for this allegation is that (GIVE SUMMARY OF INFORMATION OBTAINED AS A RESULT OF INVESTIGATIONS INTO THE ALLEGATION).

The hearing will be held in accordance with the LOCOG Games time Disciplinary Policy.

If you are found to have committed misconduct, disciplinary action may be taken against you, up to and including dismissal

[If you are found to have committed gross misconduct, your contract may be terminated without notice or pay in lieu of notice.] [ONLY INCLUDE FOR GROSS MISCONDUCT ISSUES]

The hearing will be conducted by (NAME) and the following people will also be present: (GIVE NAMES OR JOB ROLES OF PARTICIPANTS). We intend to call the following witnesses to the hearing: (GIVE NAMES OF WITNESSES) OR We do not intend to call any witnesses to the hearing.

You are entitled to bring a fellow employee or a Trade Union representative or official to the meeting in accordance with our Disciplinary Policy. If you wish to bring a companion, please let me know their name as soon as possible.

If you wish to call any relevant witnesses to the hearing please let us have their names no later than [DATE].

If there are any further documents or information you wish to be considered at the hearing, please provide copies/details as soon as possible.

I will follow this phone call with an email, please confirm the best address to send this to. (TAKE DOWN EMAIL ADDRESS). The email will contain all information we have gone through already on this call and attached will be the LOCOG Games time Disciplinary Policy, plus copies of any relevant witness statements and any other documents which may be used at the disciplinary hearing.

Please confirm that you have received the email and reply by confirming that you will attend at the time and date stated. If, for any unavoidable reason, you or your companion cannot attend at that time please contact me immediately. If you have any specific needs at the hearing as a result of a disability, or if you have any other questions, please also contact me as soon as possible.
Appendix 4: Email for invite to disciplinary hearing

(LOCOG employees only)

Dear (NAME)

Invite to Disciplinary Hearing

As per our telephone call my name is (NAME, JOB TITLE) and I called you today (INSERT DATE & TIME) to inform you that you are required to attend a disciplinary hearing in (PLACE) on (DATE) at (TIME). The purpose of the hearing is to consider an allegation of [gross] misconduct against you.

The allegation is that (SET OUT ALLEGATION).

The basis for this allegation is that (GIVE SUMMARY OF INFORMATION OBTAINED AS A RESULT OF INVESTIGATIONS INTO THE ALLEGATION).

I enclose copies of any relevant witness statements and any other documents which may be used at the disciplinary hearing.

The hearing will be held in accordance with the LOCOG Games time Disciplinary Policy (attached).

If you are found to have committed misconduct, disciplinary action may be taken against you, up to and including dismissal.

[If you are found to have committed gross misconduct, your contract may be terminated without notice or pay in lieu of notice.] [ONLY INCLUDE FOR GROSS MISCONDUCT ISSUES]

The hearing will be conducted by (NAME) and the following people will also be present: (GIVE NAMES OR JOB ROLES OF PARTICIPANTS). We intend to call the following witnesses to the hearing: (GIVE NAMES OF WITNESSES) OR We do not intend to call any witnesses to the hearing.

You are entitled to bring a fellow employee or a Trade Union representative or official to the meeting in accordance with our Disciplinary Policy. If you wish to bring a companion, please let me know their name as soon as possible.

If you wish to call any relevant witnesses to the hearing please let us have their names no later than [DATE].

If there are any further documents or information you wish to be considered at the hearing, please provide copies/details as soon as possible.

Please confirm that you have received this email and reply by confirming that you will attend at the time and date stated. If, for any unavoidable reason, you or your companion cannot attend at that time please contact me immediately. If you have any specific needs at the hearing as a result of a disability, or if you have any other questions, please also contact me as soon as possible.

Yours sincerely

(NAME)
Appendix 5: Letter/email following a disciplinary hearing
(LOCOG employees only)

Dear [NAME OF EMPLOYEE],

Outcome of Disciplinary Hearing

I am writing to confirm that, following the disciplinary hearing held on [DATE], it was decided that EITHER [your employment should be terminated on grounds of your gross misconduct / misconduct OR [you should be given a final written warning/ written warning] OR [you should be transferred to an alternative post/other sanction] OR [no disciplinary action should be taken against you].

The reason for this decision is that [SET OUT EACH ALLEGATION OF MISCONDUCT AND SUMMARISE FINDINGS IN RESPECT OF EACH ARISING FROM THE HEARING, AND REFER TO ANY PREVIOUS WARNINGS IF RELEVANT].

You have the right to appeal against this decision. If you wish to appeal, you must submit your appeal in writing to [NAME] by [DATE]. You should state the grounds for your appeal in full. [Lodging an appeal will not delay the disciplinary sanction above taking effect].

[INCLUDE FOR DISMISSALS ONLY]

The following arrangements apply with immediate effect (but may be varied or revoked in the event of a successful appeal):

(a) Your dismissal is effective immediately and your final day of employment is therefore [DISMISSAL DATE]. [You shall receive [one month’s] pay in lieu of notice in accordance with your contract of employment, subject to normal deductions of tax and National Insurance contributions.] OR [As you have been dismissed for gross misconduct you are not entitled to notice or payment in lieu of notice].

(b) [You will receive your final salary payment at the usual time, which will be subject to deductions for tax and national insurance as usual. We shall forward your P45 to you in due course].

(c) You must return any property including [INSERT DETAILS SUCH AS MOBILE PHONE, LAPTOP COMPUTER, RADIO, CONFIDENTIAL DOCUMENTS] belonging to us in good condition by [DATE].

If you have any further questions please do not hesitate to contact me.

Yours sincerely

[NAME]
On behalf of [NAME OF EMPLOYER]
Appendix 6: Phone call script for invite to appeal hearing

(LOCOG employees only)

Hi, my name is (NAME, JOB TITLE) I am calling to inform you that you are required to attend an appeal hearing in (PLACE) on (DATE) at (TIME). The purpose of the hearing is to consider your appeal against the outcome of your disciplinary hearing, as set out in [your letter/email] dated [DATE].

The appeal hearing will be held in accordance with the LOCOG Games-time Disciplinary Policy.

The appeal hearing will be conducted by (NAME) and the following people will also be present: (GIVE NAMES OR JOB ROLES OF PARTICIPANTS). We intend to call the following witnesses to the hearing: (GIVE NAMES OF WITNESSES) OR We do not intend to call any witnesses to the hearing.

You are entitled to bring a fellow employee or a Trade Union representative or official to the meeting in accordance with our Disciplinary Policy. If you wish to bring a companion, please let me know their name as soon as possible.

If there are any further documents or information you wish to be considered at the appeal hearing, please provide copies/details as soon as possible.

I will follow this phone call with an email, please confirm the best address to send this to. (TAKE DOWN EMAIL ADDRESS). The email will contain all information we have gone through already on this call.

Please confirm that you have received the email and reply by confirming that you will attend at the time and date stated. If, for any unavoidable reason, you or your companion cannot attend at that time please contact me immediately. If you have any specific needs at the hearing as a result of a disability, or if you have any other questions, please also contact me as soon as possible.
Appendix 7: Email for invite to appeal hearing

(LOCOG employees only)

Dear (NAME)

**Invite to Disciplinary Hearing**

As per our telephone call my name is (NAME, JOB TITLE) and I called you today (INSERT DATE & TIME) to inform you that you are required to attend an appeal hearing in (PLACE) on (DATE) at (TIME). The purpose of the hearing is to consider your appeal against the outcome of your disciplinary hearing, as set out in [your letter/email] dated [DATE].

I enclose copies of any relevant witness statements and any other documents which may be used at the hearing.

The appeal hearing will be held in accordance with the LOCOG Games-time Disciplinary Policy (attached).

The Appeal hearing will be conducted by (NAME) and the following people will also be present: (GIVE NAMES OR JOB ROLES OF PARTICIPANTS). We intend to call the following witnesses to the hearing: (GIVE NAMES OF WITNESSES) OR We do not intend to call any witnesses to the hearing.

You are entitled to bring a fellow employee or a Trade Union representative or official to the meeting in accordance with our Disciplinary Policy. If you wish to bring a companion, please let me know their name as soon as possible.

If there are any further documents or information you wish to be considered at the appeal hearing, please provide copies/details as soon as possible.

Following this appeal hearing, the decision may be made to uphold the original disciplinary decision and sanction, reverse the decision, or lessen or change the disciplinary sanction.

Please confirm that you have received this email and reply by confirming that you will attend the appeal hearing at the time and date stated. If, for any unavoidable reason, you or your companion cannot attend at that time please contact me immediately. If you have any specific needs at the hearing as a result of a disability, or if you have any other questions, please also contact me as soon as possible.

Yours sincerely

(NAME)
Appendix 8: Letter/email following an appeal hearing
(LOCOG employees only)

Dear [EMPLOYEE’S NAME],

Outcome of appeal

I am writing to inform you of the outcome of the appeal hearing held on [DATE].
We have decided to [uphold OR change] our original decision that [DETAILS OF ORIGINAL DECISION]:

Our new decision is that [DETAILS OF NEW DECISION INCLUDING, IN A GRIEVANCE CASE, ACTION THE EMPLOYER INTENDS TO TAKE TO RESOLVE THE EMPLOYEE’S GRIEVANCE].

Our decision on this is now final and there is no further right of appeal under the [grievance OR disciplinary OR redundancy OR capability OR [OTHER]] procedure.

[The arrangements for [dismissal] set out in our letter of [DATE] are [revoked OR varied as follows [INSERT NEW ARRANGEMENTS INCLUDING EFFECT ON CONTINUITY OF EMPLOYMENT AND SALARY]].]

If you have any further questions please do not hesitate to contact me.

Yours sincerely

[NAME]

On behalf of [NAME OF EMPLOYER]
## Appendix 9: Disciplinary crib sheet

<table>
<thead>
<tr>
<th></th>
<th>Paid staff</th>
<th>Secondees, Sponsor staff &amp; Agency workers</th>
<th>Contractors</th>
<th>Volunteers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who should be informed?</td>
<td>FA Line Mgr</td>
<td>FA Line Mgr</td>
<td>FA Line Mgr</td>
<td>FA Line Mgr</td>
</tr>
<tr>
<td></td>
<td>WFO Mgr</td>
<td>WFO Mgr</td>
<td>WFO Mgr</td>
<td>WFO Mgr</td>
</tr>
<tr>
<td></td>
<td>WFO FCC</td>
<td>VGM</td>
<td>WFO FCC</td>
<td>Employing organisation</td>
</tr>
<tr>
<td>Who should manage the issue?</td>
<td>FA Line Mgr</td>
<td>WFO Mgr</td>
<td>Supported by FA Line Mgr</td>
<td>WFO FCC</td>
</tr>
<tr>
<td>Suspend person from duty?</td>
<td>No</td>
<td>Exceptional circumstances only</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Who suspends them?</td>
<td>N/A</td>
<td>WFO Mgr</td>
<td>Supported by VGM &amp; FA Line Mgr</td>
<td>Approval from WFO FCC</td>
</tr>
<tr>
<td>Who conducts investigation?</td>
<td>N/A</td>
<td>FA Line Mgr</td>
<td>Supported by WFO Mgr</td>
<td>FA Line Mgr</td>
</tr>
<tr>
<td>Who conducts hearings?</td>
<td>N/A</td>
<td>WFO Mgr</td>
<td>Another Mgr not previously involved</td>
<td>WFO FCC to coordinate</td>
</tr>
<tr>
<td>Who conducts appeals?</td>
<td>N/A</td>
<td>Senior Mgr not previously involved</td>
<td>WFO FCC to coordinate</td>
<td>N/A</td>
</tr>
<tr>
<td>Who decides on disciplinary sanctions?</td>
<td>N/A</td>
<td>WFO Mgr (or whoever conducts hearing/appeal)</td>
<td>WFO FCC</td>
<td>N/A</td>
</tr>
<tr>
<td>What written documentation is needed?</td>
<td>Informal disciplinary record form</td>
<td>Where applicable: Letter/email confirming suspension Email invite to hearing Letter/email following hearing Email invite to appeal hearing Letter/email following appeal</td>
<td>Informal disciplinary record form</td>
<td>Responsibility of employing organisation</td>
</tr>
</tbody>
</table>

Appendix C.1 – 24
Protocol
Games-Time Grievance Resolution Protocol for LOCOG Workforce Members and Contractors

Introduction

The Parties to this protocol, the London Organising Committee for the Olympic Games and Paralympic Games (LOCOG), the Trades Union Congress (TUC) and the Advisory, Conciliation and Arbitration Service (ACAS) recognise that the London 2012 Olympic and Paralympic Games (the Games) are unique events that will provide us with an opportunity to showcase Britain.

Staging the Games is a highly complex programme, run to a precise timescale and tight budget, involving many different organisations whose workers will be employed or deployed for different periods of time on different terms and conditions.

Our goal is to ensure the smooth operational delivery of the Games and our ambition is that working on the Games will be one of most memorable life and work experiences for the Games Workforce.

Given the highly complex nature of this unique event we know that problems and differences will arise from time to time whilst people are working on the Games and the Parties to this Protocol are committed to ensuring that any such problems or differences are resolved in a fair, speedy and informal manner wherever possible.

We do, however, acknowledge that there is a requirement for a formal procedure to be in place to ensure grievances which cannot be resolved informally can be dealt with fairly and quickly given the relatively short time period of the Games and the potential for issues to impact across other operations.

For the purposes of this protocol grievances are defined as concerns, problems or complaints that workforce members raise with LOCOG. They could include, for example, issues such as terms and conditions of employment; health and safety; workplace relations; bullying and harassment; change of working practices or discrimination.

The parties acknowledge that grievances can be individual or collective and have developed distinct procedures to deal with each. The term collective grievance is used to cover collective disputes, for example where a grievance may apply to more than one person.

Scope

- This protocol will apply to all LOCOG paid staff and LOCOG volunteers (for the purposes of this process referred to as ‘workforce members’).

- LOCOG contractors are required by their contract with LOCOG to put in place robust Games-time grievance procedures, and ensure their subcontractors do the same. They are strongly encouraged to adopt the protocol procedures but must adopt the protocol’s fundamental principles. Where contractors already have collective agreements in place covering these issues, they are asked to ensure that any existing procedures are amended to adopt the fundamental principles of the protocol, through negotiation and agreement with the relevant trade union(s). In the absence of existing collective
agreements contractors are encouraged to consult with representatives of the workforce and/or trade unions as relevant.

- The protocol will be clearly defined for both individual and collective grievances.

- The protocol will apply during Olympic and Paralympic exclusive use periods in each defined site. This may be extended on an individual venue basis dependent on operational requirements. Existing LOCOG/Company procedures will apply outside these periods.

- The protocol will apply primarily to LOCOG-controlled sites, and LOCOG workforce members operating at other sites, during Games-time.

- The protocol does not apply to other ‘delivery partners’ and organisations supporting the Games, although LOCOG are keen to encourage other organisations to put in place Games-time grievance procedures and hope that the protocol and the principles on which it is built will help inform these.

- Performance management and/or disciplinary issues are not within the scope of this protocol, and are dealt with in separate procedures.

Fundamental Principles

- Grievances should be dealt with quickly, fairly and consistently, informally wherever possible, and at the lowest practicable level within the organisation.

- All workforce members have the right to representation by a LOCOG workforce member colleague or Trade Union official/ representative.

- Only paid staff will be involved in managing formal stages of the process.

- There should be early identification of potential grievances and clarification of key issues.

- The process is primarily intended to resolve concerns that would impact Games operations, in particular those that arise during Olympic and Paralympic Games periods.

- Formal procedures will be simple, in writing and rapid in operation with clearly identified timescales.

- Implementation of agreed grievance resolution procedures will include escalation where appropriate and the involvement of appropriate internal or external support where required.

- At any stage in the procedure the parties involved may, by mutual agreement, refer the matter to ACAS for support in seeking a solution.
• In all other instances than where it would be inappropriate to do so, parties will continue normal operations during the operation of the protocol. Exceptions may include, for example where concerns regarding Health and Safety, bullying, discrimination, victimisation or harassment form part of the grievance.

• Contracting organisations must inform LOCOG (through the Workforce Operations Manager/ nominated equivalent/ Workforce Desk in the Main Operations Centre) in a timely manner of any grievance likely to impact operational delivery during key operational periods.

• Grievance proceedings and any records made should be confidential.

• The parties commit to providing appropriate resources to ensure the smooth delivery of the protocol including communications, advisory services, training and nominated senior officials and representatives.

Signatories

Chair of LOCOG

TUC General Secretary

Chair of ACAS

Date

16th Feb 2011.
Individual Grievance Procedure

1. Informal

1.1 Anyone who has a grievance should, in the first instance, discuss it informally with their line manager, or with the next level of management where the grievance relates to their immediate manager. We expect the majority of concerns can be resolved at this stage.

1.2 If appropriate, a meeting of both parties will be arranged with the aim of facilitating a discussion and reaching a resolution.

1.3 The manager handling the grievance should ascertain the facts of the grievance and discuss with the workforce member(s) how the matter could be resolved.

1.4 Grievances can often arise due to misunderstandings about rights and responsibilities, and in such situations they can normally be resolved by parties receiving informed advice. As part of these procedures we have provided details of sources of possible assistance that may be able to help in such circumstances, which are: Venue workforce team; ACAS helpline; and Trade Union representatives and senior officials.

2. Formal Stage 1

2.1 If it is not possible to resolve a grievance informally, workforce members should raise the matter formally and without unreasonable delay with their line manager. This should be done in writing using the grievance resolution form and should set out the nature of the grievance. If their line manager is the subject of the grievance, workforce members should raise the grievance formally to the next level of management.

2.2 The Line Manager should notify the Workforce Operations Manager/nominated equivalent that the grievance has been raised and that it is being dealt with.

2.3 If the grievance is with a contractor employee, the person handling the grievance should inform the contracting organisation and the Workforce Operations Manager/nominated equivalent and include the contracting organisation in any further meetings/correspondence required to resolve the grievance.

2.4 The person handling the grievance should organise a meeting to take place within 24 hours of the grievance being raised, unless mutually agreed otherwise (for example where an issue will not impact during the Games-time competition, or where resolution is not crucial within 48 hours and operationally it is impossible to hold an effective meeting within this timeframe and it would be beneficial to all parties to arrange the meeting for after an event e.g. the Opening Ceremony). They should notify the workforce member of the meeting in writing through the Grievance Resolution Form and remind them of the right to be accompanied by a representative.
2.4.1 Workforce members can be accompanied by a LOCOG colleague representative or a Trade Union representative.

2.4.2 Workforce members should notify the person handling the grievance of who their representative will be at least 2 hours in advance of the meeting.

2.5 During the meeting the workforce member should be given the opportunity to explain their grievance. The manager handling the grievance should seek to understand the basis of the problem, how the workforce member thinks it should be resolved, and decide on the outcome of the meeting.

2.5.1 If additional information is required then the manager should adjourn the meeting, collect this information within 24 hours, unless mutually agreed otherwise, and hold a further meeting to provide confirmation of the outcome and any further action suggested to resolve the grievance.

2.5.2 Dates of all contacts and findings should be recorded on the workforce grievance resolution form, this should then be forwarded to the Workforce Operations Manager/nominated equivalent who will file the form in the venue and forward a copy via email to the Workforce Desk in the Main Operations Centre (MOC).

2.6 The manager should confirm the outcome and decision of the grievance in writing (via the grievance resolution form) to the workforce member, and their representative where they are represented by a Trade Union, and the right to appeal the decision if they are not content with the outcome.

2.7 The manager should follow up immediately and ensure the recommended course of action is carried out. The Workforce Operations Manager/nominated equivalent should speak to the Manager to ensure the action has been carried out satisfactorily.

2.8 The manager should immediately inform the relevant Workforce Operations Manager/nominated equivalent if the grievance has highlighted issues with any policies, procedures or conduct which may need to be changed.

3. **Formal Stage 2**

Where workforce member(s) feel that their grievance has not been satisfactorily resolved they have the right to appeal.

3.1 Workforce members should request in writing (through the grievance resolution form) a meeting with the next level of management. This appeal should be requested within 24 hours of receiving written confirmation of the outcome of the previous hearing.
3.2 Managers should inform the Workforce Operations Manager/nominated equivalent who will inform the venue management team and consult with the Workforce Desk at the MOC where appropriate to seek advice, particularly in cases involving trade union agreements, health and safety, bullying, discrimination, harassment, victimisation, or policy issues which have the potential to affect other venues.

3.3 The manager hearing the appeal should organise a meeting to take place within 24 hours of receiving notice of the appeal, unless mutually agreed otherwise, and notify the workforce member(s) of the date and time of the meeting and their right to be accompanied by a representative.

3.3.1 Workforce members can be accompanied by a LOCOG colleague representative or a Trade Union representative.

3.3.2 Workforce members should notify the person handling the grievance of who their representative will be at least 2 hours in advance of the meeting.

3.4 The manager should notify the workforce member(s) that this is the final stage of the grievance resolution procedure.

3.5 The manager should notify the workforce member(s) and their representative in writing of the outcome of the appeal and any action which will be taken within 24 hours of the meeting taking place, or as soon as is practicable. Their decision at this stage is final.

Collective Grievance Procedure

4. Informal

4.1 Workforce members who have a collective grievance should, in the first instance, discuss it informally with their line manager, or with the next level of management where the grievance relates to their immediate manager. We expect the majority of concerns can be resolved at this stage.

4.2 If appropriate, a meeting of both parties will be arranged with the aim of facilitating a discussion and reaching a resolution.

4.3 The manager handling the collective grievance should inform the Workforce Operations Manager/nominated equivalent of the grievance. They will agree between them who is the most appropriate person to ascertain the facts of the grievance and discuss with the workforce members how the matter could be resolved.

4.4 Grievances can often arise due to misunderstandings about rights and responsibilities, and in such situations they can normally be resolved by parties receiving informed advice. As part of these procedures we have provided details
of sources of possible assistance that may be able to help in such circumstances which are: Venue workforce team; ACAS helpline; and Trade Union representatives and senior officials.

5. Formal Stage 1

5.1 If it is not possible to resolve a collective grievance informally, workforce members should, wherever possible, nominate up to 2 spokespeople and raise the matter formally and without unreasonable delay with their line manager. Where there are existing trade union agreements this would normally be the recognised trade union representative. This should be done in writing using the grievance resolution form and should set out the nature of the grievance. Where the line manager is the subject of the grievance, the spokespeople should raise the grievance formally to the next level of management.

5.2 The person receiving the collective grievance form should inform the Workforce Operations Manager/nominated equivalent of the grievance and they will appoint a nominated Manager to hear the grievance.

5.3 The Workforce Operations Manager/nominated equivalent should inform venue management that the grievance has been raised.

5.4 The Workforce Operations Manager/nominated equivalent should consult with the Workforce Desk at the MOC where appropriate. The MOC will provide advice and decide whether to seek external support to resolve the grievance.

5.5 If the collective grievance is with a contractor employee, the person handling the grievance should inform the contracting organisation and include them in any further meetings/correspondence required to resolve the grievance.

5.6 The person handling the collective grievance should organise a meeting to take place within 24 hours of the grievance being raised, unless mutually agreed otherwise (for example where an issue will not impact during the Games-time competition period). They should notify the spokespeople of the meeting and remind them of the right to be accompanied by a representative.

5.6.1 The spokespeople can be accompanied by a LOCOG colleague or a Trade Union representative.

5.6.2 The spokespeople should notify the person handling the grievance of who their representative will be at least 2 hours in advance of the meeting.

5.7 During the meeting the spokespeople should be given the opportunity to explain their collective grievance. The manager handling the grievance should seek to understand the basis of the problem, how the workforce members think it should be resolved, and decide on the outcome of the meeting.

5.7.1 If additional information is required then the manager should adjourn the meeting, collect this information within 24 hours, unless mutually agreed
otherwise, and hold a further meeting to provide confirmation of the outcome and any further action suggested to resolve the grievance.

5.7.2 Dates of all contacts and findings should be recorded on the workforce grievance resolution form, this should then be forwarded to the Workforce Operations Manager/nominated equivalent who will file the form in venue and send a copy via email to the Workforce Desk at the MOC.

5.8 The manager should confirm the outcome and decision of the grievance in writing (via the grievance resolution form) to the workforce spokespeople and their representative, and the right to appeal the decision if they are not content with the outcome.

5.9 The manager should follow up immediately and ensure the recommended course of action is carried out.

5.10 The manager should immediately inform the relevant member(s) of the LOCOG management team if the grievance has highlighted issues with any policies, procedures or conduct which may need to be changed. The Workforce Operations Manager should follow this up within 48 hours and ensure necessary actions are taken.

6. Formal Stage 2

Where workforce members feel that their grievance has not been satisfactorily resolved they have the right to appeal.

6.1 Workforce members should, wherever possible, nominate up to 2 spokespeople and request in writing (through the grievance resolution form) a meeting with the next level of management. This appeal should be requested within 24 hours of receiving written confirmation of the outcome of the previous hearing.

6.2 Managers should inform the Workforce Operations Manager/nominated equivalent and the Venue management who will consult with the Workforce Desk at the MOC for advice where appropriate, particularly in cases involving trade union agreements, health and safety, bullying, discrimination, harassment, victimisation, or policy issues which have the potential to affect other venues.

6.3 The manager hearing the appeal should organise a meeting to take place within 24 hours of receiving notice of the appeal, unless mutually agreed otherwise, and notify the spokespeople of the date and time of the meeting and their right to be accompanied by a representative.

6.3.1 The spokespeople can be accompanied by a LOCOG colleague representative or an appropriate Trade Union representative.

6.3.2 The spokespeople should notify the person handling the grievance of who their representative will be at least 2 hours in advance of the meeting.
6.4 The manager should notify the spokespeople that this is the final stage of the internal grievance resolution procedure.

6.5 The manager should notify the spokespeople and their representative in writing of the outcome of the appeal and any action which will be taken within 24 hours of the meeting taking place, or as soon as is practicable. Their decision at this stage is final.

Confidentiality

During the course of a grievance, we will seek, where possible, to respect the confidentiality of all the discussions.

Records should be treated as confidential and be kept no longer than necessary in accordance with the Data Protection Act 1998. Copies of the grievance resolution form should be given to the workforce member(s). In certain circumstances (for example to protect a witness) we reserve the right to withhold some information.
Appendix 1 - Best practice guidelines

Diversity and Inclusion

- Where workforce members have difficulty expressing themselves because of language or other difficulties, they may like to seek help from Trade Union or other employee representatives or from a colleague, and should be allowed to do so. LOCOG will make this procedure accessible for everyone and provide language support for those that need it.
- If reasonable adjustments are required for grievance resolution meetings for the workforce member(s) and/or their companion, the manager handling the grievance should be notified and the adjustments made.

Grievance resolution meetings

- The meeting should be in private where there will be no interruptions. and a minute taker should be present.
- Where formal investigation is required, the person handling the grievance should ensure all persons involved or questioned as part of the investigation are aware of and given the opportunity to respond fully to allegations. The person handling the grievance should also caution all parties involved in the investigation that victimisation is totally unacceptable and could be viewed as misconduct leading to disciplinary action.
- Managers should adjourn formal meetings to enable a reasonable period of time to consider their decision.
- Managers should ensure resolutions are fair and reasonable and do not create undesirable precedents.
- Workforce members are asked to keep the details of the grievance confidential and not to discuss the issues with colleagues other than your representative or the management involved in the grievance hearings where they are individual grievances. Where there are collective grievances it would be expected that the grievance would only be discussed within the group concerned with the grievance hearing.

The role of the representative

- The representative should be allowed to address the hearing to put and sum up the workforce member’s case, respond on behalf of the workforce member to any views expressed at the meeting and confer with the workforce member during the hearing.
- The representative does not have the right to answer questions on the workforce member’s behalf, address the hearing if the workforce member does not wish it or prevent the employer from explaining their case.
- The representative will be consulted on the date and time of a hearing, within the appropriate timeframes. If the representative cannot attend on a proposed date, the workforce member can suggest an alternative time and date so long as it is reasonable and it is not more than 48 hours after the original date.
• The representative can either be a workforce colleague or Trade Union official where the individuals are members of that Union, or if agreed by the respective Trade Union for non-members.

Sources of Advice for workforce members/managers

• Venue workforce team
• ACAS helpline
• Trade Union Representative
This case study explores Acas’ role in a collective conciliation between the National Union of Rail, Maritime and Transport Workers (RMT) and London Underground Limited (LUL) which arose prior to the London 2012 Olympic and Paralympic Games\(^1\).

Acas Social Researchers have written this based on interviews with the lead representative of each of the key parties involved: Gerry Duffy, Director of Employee Relations at LUL; Steve Hedley, Assistant General Secretary of the RMT; and John Woods, Deputy Chief Conciliator at Acas.

**Background to the conciliation**

LUL employs approximately 19,000 staff, serves 270 stations and, in 2011/2012, 1.171 billion journeys were made on the London Underground. The RMT has around 77,000 members nationwide and is one of four recognised unions (RMT, ASLEF\(^2\), Unite and TSSA\(^3\)) with whom LUL started negotiations to bring in temporary changes to existing working patterns and practices in preparation for the period of the Games. The daily timetable for the Games extended the normal working day, and in effect, created a third daily peak of late-night, passenger activity as well as more weekend traffic. For most LUL operational staff, this would mean changing their working practices in order to ensure the Underground was able to deal with the predicted extra passenger demand. LUL needed an agreement with all its trade unions to make this happen. It began talks with them seven months before the opening ceremony, but direct talks between the parties to deliver an agreement began to stall and Acas was asked to assist.

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\(^1\) Referred to from this point on as the Games

\(^2\) Associated Society of Locomotive Engineers and Firemen

\(^3\) Transport Salaried Staffs’ Association
Acas began conducting negotiations from early March 2012, initially with all four unions involved. Agreement had been reached with ASLEF in respect of drivers working extended shifts in exchange for a one-off payment of £500, a supplement of £20 per shift and up to £150 dependent on a customer feedback survey covering the Games period. The new shift patterns breached agreed practices set out in the so-called Framework Agreement, and had the effect of making negotiations more difficult with the other three unions, TSSA, Unite and RMT. TSSA represented station staff and managers; Unite represented engineers; and RMT represented drivers, station staff, managers and engineers.

The talks were on a number of issues separating the three unions and LUL management, including the appropriate Games reward package for the different groups of staff, but for RMT and LUL management, the question of drivers had become particularly challenging. Added to this was a separate, ongoing dispute over the deployment of contingency staff, specifically Incident Customer Service Assistants (ICSAs) working on underground station platforms.

The LUL representative has worked in employment relations for nearly 40 years and stated that the Games were his biggest challenge yet, explaining this was ‘partly due to the time pressures around the Olympic period’ but also due to LUL having ‘five groups of workers with multiple unions that could have broken the agreement’.

“We’ve never had a more complicated deal”.

Gerry Duffy, LUL

Potential impacts of the disputes

Both the LUL and RMT representative stated that the most critical potential outcome of a failure to resolve the dispute was industrial action, including the possibility of strikes, during the Games period. Both representatives also identified the potentially negative impacts on both organisations’ reputations as a result of the disputes.

“Without the conciliation there would have been strikes, which would have caused chaos over the Olympic period without a doubt”

Steve Hedley, RMT

Industrial action on such a key part London’s public transport system creates wider economic and welfare costs beyond the disputing parties. The disruption and delays caused by industrial action would have had a knock-on effect on the productivity of the Capital’s businesses, delaying or preventing many thousands of employees from reaching their workplaces. Further, a strike on the Underground during the Games would have reflected poorly on London as host city.
For an idea of the costs involved if the strikes had not been avoided, a 2007 report estimated that the cost of a major tube strike to Britain is £48 million a day in lost productivity, and this is likely to be an underestimate in this case, due to inflation since 2007, and the added effect of the Games.

**Acas’ role**

Acas were asked to help resolve the dispute regarding the Games reward and the first meeting took place on 1st March 2012, with the opening day of the Games barely five months away. A series of meetings took place over the next three months, with all four unions involved to begin with, but eventually this reduced to three. LUL management and RMT, in particular, were experiencing serious difficulties with aspects of how to achieve the temporary changes to working patterns that the logistics of the Games required; many employees would have to work longer hours and extend the beginning and end of their working day. Furthermore, this agreement had to be in place at least four weeks ahead of the Games for the actual Olympic rosters to be filled, so time was running out.

Both parties stressed the importance of having a non-judgemental but proactive third party, whose overriding objective is to help the parties get a deal:

“[Acas were] involved early enough and the quality [of service] could not have been better.”

Gerry Duffy, LUL

“It is useful to have an impartial service, giving advice, trying to reach a solution”

Steve Hedley, RMT

Overall, both representatives were very complimentary about the collective conciliation service offered by Acas:

“It’s a very good service...it’s good for trade unions and industrial relations in general”

Steve Hedley, RMT

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4 Reported by the London Chamber of Commerce and Industry (LCCI) and calculated based on the results of a September 2007 London Business Leaders’ Panel survey, conducted by LCCI and ComRes, in which 315 leading firms of all sizes and operating in all sectors from across the capital were surveyed.  http://www.londonchamber.co.uk/lcc_public
“The conciliation service is superb...Acas were phenomenal”

Gerry Duffy, LUL

**What does the conciliation process involve?**

Acas conciliation is a process where by a conciliator works with the parties involved to come to a mutually agreed outcome, according to Acas’ Deputy Chief Conciliator:

“Conciliation is a very flexible process. There are no rules, really, other than the Acas conciliator will not take sides and will not express any judgements about the merits or otherwise on any party’s position. Unlike arbitration, where parties give up their power to a third party to decide upon an outcome to their dispute, in conciliation they can walk away at any time. We try to take the heat out the situation, we listen, we challenge assumptions, we throw in new ideas, ask speculative questions, and, above all, we try to find common ground to narrow the gap between the parties. We also ask the parties to keep the discussions confidential while they’re at Acas. No tweeting, please!”

John Woods, Acas Deputy Chief Conciliator

Conciliators have different styles but they use the same mediation skills to successfully resolve an average of nine in ten of all collective disputes in which Acas become involved. In the case of the LUL and RMT dispute during the Games, to begin with, the conciliator placed the management team (numbering around ten people) and each of the four trade unions (varying from four to ten people) into separate rooms and visited each group for their perspective and priorities regarding the dispute. Collective conciliation may start as “shuttle diplomacy” but it is more pro-active than just message-taking. In this case, after the initial sessions, the format changed.

“I was getting a feel for the issues and tried to get the parties to look again at their lines in the sand. I use a lot of ‘What if they ... then would you be prepared to ...?’ questions to test whether one side would make a significant movement in their position, if the other side would do the same. This is a key conciliation technique as Acas can ask questions which the parties often cannot for fear of appearing weak. I used a lot of caucus meetings -'corridor meetings’ as they are better known - to change the dynamics and got one, two or three key players from each team to meet under my chairmanship to have a frank discussion to break the deadlocks we encountered. We made a lot of progress in these smaller meetings and they often ended up being brain-storming sessions.”

John Woods, Acas Deputy Chief Conciliator
After many meetings, with parties having gone over several issues multiple times, a deal was finally reached:

“At the eleventh hour, we got a deal. I can’t say it wasn’t stressful – two months of intense discussions with the possibility of strikes disrupting the Games if we didn’t get a deal. The final deal in June 2012 relied on Acas asking both RMT and LUL to trust each other to deliver their side of the bargain. By that time, I knew the parties well enough to believe they would both deliver. And full credit to the officials of the other three unions as well, as they played their part in making sure the arrangements they had made for Games stuck. So it was a pleasing outcome”

John Woods, Acas Deputy Chief Conciliator

Conciliator skills

Both the LUL and RMT representatives felt that the knowledge and skills of the conciliator involved were instrumental in the success of the conciliation. The conciliator’s knowledge of their organisation and general context, along with the conciliators experience of past LUL/RMT disputes was particularly highly regarded by both representatives.

“Someone with no experience of LU wouldn’t have understood the business. [The conciliator] understands the problems, he understands the politics...he knows the dynamics, he knows how we work...he was tremendous”

Gerry Duffy, LUL

“The people we were dealing with understood the background and have dealt with LU disputes previously. Achieving an outcome may have been more difficult with a less experienced conciliator.”

Steve Hedley, RMT

The representatives were also complimentary of the conciliator’s skills in general, such as persuasion skills, an ability to remain calm and an ability to build and maintain a good relationship with both parties.

“We have a good relationship with Acas – [the conciliator] is unflappable“.

Steve Hedley, RMT
“[The conciliator] makes it his business to get very close to both sides. [The conciliator uses] persuasion, persuasion, persuasion.”

Gerry Duffy, LUL

**Outcomes of the conciliation**

The main outcome of two months of Acas collective conciliation was that - with the Games opening ceremony seven weeks away - the deadlock between LUL and RMT was finally broken and arrangements for filling the new rosters for the Games could begin. It also enabled other agreements to be finalised with all operational staff, as well as train drivers, receiving a Games reward package, with the amount received dependent on job role, shift attendance during the Games and the results of the LUL Customer Service Satisfaction Survey. All four trade unions, ASLEF, RMT, TSSA and Unite, were now party to a deal for their members with LUL. Part of the agreement was that disputes during the Games period would go to Acas conciliation service, with no industrial action while discussions took place – this was important as it minimised the chance of strikes over the issue.

Both LUL and RMT were content with this deal as it meant that all Underground train drivers now felt they had a fair reward for working with the temporarily extended shift patterns and longer days, while management had the assurance that there were a sufficient number of drivers available during the Games.

The RMT representative felt that the “root issues” of the additional, and longstanding, dispute over the deployment of ICSAs were not resolved, and RMT members had said that they might withdraw labour or not stop at stations if they were deployed on platforms. However, after both representatives had discussed their positions, the outcome of this dispute in relation to the Games was that the ICSAs were still used as a contingency resource, but that their deployment was limited and the dispute did not materially hinder the Games.

Both the LUL and RMT representatives felt that the role of Acas was vital to finding a solution to the disputes and that the same outcomes would not have been achieved without their involvement.

“There are certain things that I know, instinctively, that there is no way I can resolve it without Acas. It needed somebody to break it – it wouldn’t have had the same outcome.”

Gerry Duffy, LUL
When asked whether they would use Acas again in the future, LUL and RMT representatives answered a definitive ‘yes’.

“Yes, absolutely – in any situation where we couldn’t find a resolution. We are most likely to use collective conciliation.”

Steve Hedley, RMT

“Yes. Without an Acas, it would be a disaster.”

Gerry Duffy, LUL

Conclusion

Both the LUL and RMT were very satisfied overall with the Acas collective conciliation, and the skills and experience of the conciliator in particular. Both also felt that, although they wanted to resolve their dispute, it would have been highly unlikely that a satisfactory outcome would have been achieved without Acas’ involvement.

The representatives were in agreement that the conciliation was successful in helping both parties to reach an agreement on a dispute involving LUL train drivers, which in turn helped avoid any potentially damaging impacts on the Games and both organisations’ reputations.

Thanks to the efforts of Acas and representatives of management, trade unions and employees from many organisations, there were no recorded strikes in any sector during the London 2012 Olympic and Paralympic Games, a rare accomplishment for a major event such as this. The transport sector was of most concern to the organisers, Acas, many organisations and the public, making the resolution of these disputes crucial to a successful Games.

“[People thought] transport was going to kill the Olympics; but transport was magnificent”

Gerry Duffy, LUL

Jon Cooper and Emma Dibb, Acas Research and Evaluation