



July 2007

## UNISON fights unfair dismissals

**As you are aware, during May a number of staff at Peel Park were suspended and subject to disciplinary investigations. The company claimed staff had circulated e-mails which contained material in breach of SAIC's SG1 and SG3 policies. Following disciplinary hearings seven staff including two contractors were dismissed and the remainder given final written warnings.**

UNISON representatives have been at the forefront of representing the four union members caught up in this, two of whom have been dismissed and have argued strongly for the company to step back and put the situation into perspective. We have made it clear that we do not believe the punishment fits the crime. Senior full time officers have been involved and legal representation has been sought on behalf of the members.

### Company fail to apply rules consistently

It is UNISON's view that the company have over-reacted in imposing the ultimate sanction of dismissal and have failed to apply the rules consistently and fairly. In particular:

- The sorts of e-mails produced in evidence have been widely circulated by many staff over many years.
- During the hearings evidence was presented showing senior managers had circulated similar material, yet they have not been disciplined and remain in their posts.
- Although the content of the e-mails is varied, it would be hard to imagine they could be construed to be anything more than mildly offensive and certainly no evidence has been presented which suggests there was any intention to offend.
- The allegations do not involve significant volumes of e-mails - the number produced by the company as evidence in most cases is in single figures, and in some cases this covers a period of more than two years.
- The company claim that the investigative process can be traced back to a single complaint in all cases but have refused to provide evidence to substantiate this when challenged.

continued  
overleaf



## Continued from page 1

- The two members dismissed have clocked up 44 years of loyal unblemished service between them and yet this does not appear to have made any difference to the verdict.

### Exaggerated rumours unchallenged

The lengthy period of the investigation, the drip-feed of the suspensions and the involvement of security specialists from the parent company in the US helped create a climate of fear and has left many staff feeling angry, confused and uncertain about what is and is not acceptable behaviour in relation to email and internet use.

To compound the situation the lengthy process coupled with a prolonged silence from the company helped fuel speculation and rumours. The worst of these exaggerated the charges out of all proportion and have damaged the good name and integrity of not only those who have been investigated but all staff who work for SAIC. This has led to recruitment agencies as far away as Edinburgh refusing to take current and former SAIC staff onto their books due to concern at rumours they have heard.

UNISON representatives have formally requested that the company issue a statement to set the record straight on the nature of the allegations. So far, the only written communication has been a formal restatement of company policy whilst recent verbal briefings have been inconsistent – in some cases the written statement was simply read out. In light of this UNISON wish to clarify two particular points:

- No-one has been charged with doing anything illegal.
- The allegations relate solely to e-mails circulated allegedly in breach of company policy SG1 and SG3.

### Where next?

The results of the internal appeals have now been issued but the final stage of the disciplinary process provides for the option of taking the case to ACAS, where both parties would be bound by the outcome. UNISON have made a formal request for the cases to be referred to ACAS but astonishingly SAIC have refused, claiming that this part of the agreement is no longer valid. It appears the company now wish to pick and choose which part of the collective agreements they want to follow.

This leaves UNISON with little choice other than to pursue legal advice with a view to referring the cases to an employment tribunal. This avenue will be time-consuming, lengthy and expensive and we would much prefer to avoid the unnecessary expense and publicity by resolving the matter internally. Even at this eleventh hour we urge the company to reconsider, take a more measured view and withdraw the dismissal decisions.

We recognise that this is an uncertain time for many members and these sort of actions by the company only create disillusionment and foster resentment. Nevertheless we remain committed to defending your agreements and supporting members going forward. We encourage you to continue to assist your colleagues by challenging any unfounded rumours that you may hear and keeping your stewards advised of any concerns or information which may be helpful to our case.

