

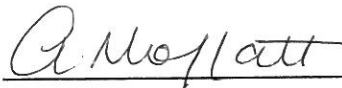
ISLE OF MAN PUBLIC SERVICES COMMISSION

ARBITRATION AGREEMENT 2015

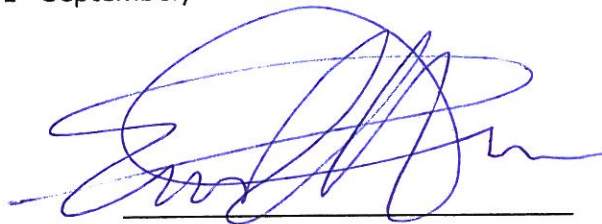
This Agreement is made between the Public Services Commission ("the Employers' Side") and representatives of Prospect and Unite the Union ("the Employees' Side").

1. The sides to this Agreement attach high importance to the orderly settlement of disagreements and to the avoidance of industrial disputes.
2. If the sides to this Agreement are unable to resolve matters in dispute by negotiation it shall be open to either side to refer the matter in dispute to the Industrial Relations Officer who may seek to bring about a settlement by way of conciliation or mediation.
3. Where a settlement by conciliation or mediation cannot be brought about then, subject to paragraph 6 below, it shall be open to either side to refer the matter in dispute to independent arbitration.
4. Independent arbitration will be binding on both sides. It shall be for the Industrial Relations Officer to appoint the independent arbitrator who shall be acceptable to both sides. The costs of an arbitrator will be met by the Employers' Side.
5. If the Industrial Relations Officer considers it appropriate to do so, then he or she may appoint one or more independent assessors to provide technical or specialist advice to the arbitrator. Either party may suggest such an appointment, but any assessor so appointed must be acceptable to both sides.
6. Matters which may be referred for independent arbitration shall concern:-
 - a) questions of pay;
 - b) allowances;
 - c) hours of work (both weekly and daily); and
 - d) annual leave
7. For all other disputes and matters not in the scope of paragraph 6 above, the provisions of the Trade Disputes Act 1985 apply which continue to require the agreement of both sides.
8. The sides to this Agreement shall endeavour to agree terms of reference in respect of any matters in dispute. Where they cannot agree terms of reference, each party may prepare a statement containing a description of the issues it alleges are in dispute and its submission in respect of those issues. These statements taken together will constitute the terms of reference for the arbitration.
9. The Arbitration Act 1976 shall not apply to any dispute referred to arbitration under this Agreement.
10. Wherever practicable, the Industrial Relations Officer shall ensure that the arbitration hearing is fixed for a date no later than 4 weeks from the date upon which the arbitrator is appointed.

11. The recommendation or award of an arbitrator under this Agreement shall become operative once ratified by the Council of Ministers to whom it shall be submitted as soon as practicable by the Industrial Relations Officer.
12. The Industrial Relations Service shall provide the sides with a copy of any recommendation or award of the arbitrator.
13. Following the conclusion of arbitration proceedings, any subsequent enquiries required of the arbitrator by either party, for clarification or other purposes, shall be collectively agreed and referred via the Industrial Relations Officer who shall communicate the process and decisions to each party.
14. For the purposes of this Agreement -
 - "allowances" includes, but is not restricted to, overtime rates, subsistence rates, travelling rates, recruitment and retention allowances, shift disturbance, nightshift and unsocial hours payments, public holiday and weekend premiums and on call, standby and recall to duty rates.
15. For the avoidance of doubt, matters relating to individual employees of the Public Services Commission are excluded from the provisions of this Agreement except, in the case of pay, where the post occupied is individual in character so that the pay for it has necessarily to be assessed separately.
16. This Agreement may only be amended by the agreement of both the Employers' Side and the Employees' Side.
17. This Agreement may be cited as the Public Services Commission Arbitration Agreement and shall come into force with effect from 1st September, 2015.



Signed on behalf of
Prospect



Signed on behalf of
Unite the Union



Signed on behalf of the Commission

1 September 2015