

Contractual Dismissals (UPDATE 2)

Colleagues,

We have just finished the individual grievances and the collective grievance submitted in Asda Colindale with our members on the checkout team.

To recap, 2 months ago Asda moved to enact what they considered as a "Flexible Clause", present in all contract types, which allegedly enables Asda to alter a colleague's hours and days of working, as well as their department.



In Colindale, this has resulted in our members with care responsibilities, disabilities and other personal circumstances, being told that they must drastically change their hours, and in many cases increase their hours, within a week or the company would force disciplinary action. Asda have confirmed that this would be classed as a gross misconduct offence and could result in the dismissal of that colleague.

Several questions have been put forward in those grievances which challenges the ability of Asda to use this clause. One such challenge that has arisen is that the clause is only present in the colleague handbook, which Asda states forms part of your terms and conditions. The issue is that where stores do not possess the original handbook copy, any new handbooks issued would be considered a variation of terms and conditions, which as a variation of contract must be consulted on before being enacted.

The grievance hearing manager is currently investigating these grievances and points raised and we are due to have our next meeting during January. We now await the commencement of our GMB Regional Grievance, submitted by myself on behalf of all members in the London Region.

If you have questions regarding the flexible clause, and GMB's challenge of it, please speak to your local Shop Steward or visit the Member's Support Centre at www.gmb-asda.com/support

Regards

Nathan Clarke

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