

GRIEVANCE PROCEDURE WHAT YOU NEED TO KNOW.



One of the key policies and procedures which employers of all sizes should have in place is a grievance procedure. This is a procedure by which employees can raise concerns or issues regarding matters such as their terms and conditions of employment, the work environment, decisions taken by management, or working relationships with management or other staff members.

It is easy to understand how misunderstandings, concerns or problems can arise in a workplace. Employers should encourage employees to raise issues or make management aware of issues at an early stage so that they can be resolved informally if possible, before those issues become more serious or more entrenched.

Most routine complaints/concerns of employees are usually capable of being resolved on an informal basis. If employee issues remain unresolved, the employee may raise their concern through the formal grievance procedure. A grievance procedure promotes resolution of matters without the need for third party intervention and promotes good working relationships.



GRIEVANCE PROCEDURES

The Code of Practice on Disciplinary and Grievance Procedures (prepared by the Labour Relations Commission: See SI No. 146 of 2000) sets out some of the critical features of a grievance policy which ensure that the procedure is fair and has regard to the rights of employees.

A grievance procedure should:

- be in writing,
- provide employees with clear course of action and a timescale within which to resolve issues of concern,
- be communicated to all employees and employers should have a record of bringing the procedure to the employee's attention, and be applied fairly and consistently to all staff.



GRIEVANCE PROCEDURE WHAT YOU NEED TO KNOW.



AS A MANAGER, WHAT SHOULD I DO?

Managers dealing with a grievance issue should refer to the employer's procedure and follow that procedure. There should be no undue delay in dealing with an employee grievance. If an investigation is necessary, it should be carried out by someone who is impartial so that there can be no perception of bias.

Both the employee raising the grievance and (if there is another employee subject of the complaint) the employee subject of the grievance have certain rights/entitlements during the grievance process:

- Both employees are entitled to representation at any meeting/interview.
- The employee subject of the complaint has a right to know the complaint against them.
- The employee raising the grievance and any employee subject of the complaint have the right to a fair and impartial hearing/a right to respond.
- There is also a right to appeal the outcome/decision made in respect of any grievance. Any appeal should be dealt with by someone who has not had a prior involvement in the earlier stages of the process.

CONCLUSION

An employee should not be penalised in any way for raising a grievance in good faith regardless of whether or not their complaint is upheld.

Employers should ensure that they retain appropriate records in relation to any grievances raised and how those matters were dealt with.

A decision on a grievance, following the exhaustion of the entire process internally through the employer's procedures, should be final and no further internal appeal should be facilitated. If the employee is still unhappy with the outcome, it is open to the employee to bring a complaint externally, for example to the Workplace Relations Commission. Generally, the best measure to avoid third party involvement is to ensure that there is a culture of fairness and listening promoted by the employer.

Emily Sexton, Partner at Comyn Kelleher Tobin (CKT) deals with complex to simple straight forward employment law matters every day. Emily and the Employment Law Team assist clients in finding practical solutions to the most complex of workplace issues.



Emily Sexton
Partner

E: Emily.Sexton@ckt.ie
T: +353 21 4626900



Disclaimer: The information provided in this article is as a general guide only. You should contact a solicitor for legal advice specific to your situation.

CORK 021 4626900 | DUBLIN 01 8745929 | www.ckt.ie

Comyn Kelleher Tobin LLP is a limited liability partnership regulated by the Legal Services Regulatory Authority.