

Grievance Procedure for the Health Service

Purpose of the Grievance Procedure

Health service employers are committed to promoting and maintaining good employee relations and fostering the commitment and morale of staff. The purpose of this procedure is to enable employees to raise any complaints concerning work-related matters so that the issue may be addressed promptly and as close as possible to the point of origin without disruption to patient/client care.

Definition of Grievance

A grievance may be defined as a complaint which an employee(s) has concerning his or her terms and conditions of employment, working environment or working relationships. This procedure covers individual and collective grievances, i.e. complaints raised by or on behalf of a group of employees.

Scope of the Procedure

The type of issues which are appropriate for referral under this procedure include:

- Allocation of work
- Assignment of duties
- Rostering arrangements
- Granting of all forms of leave, i.e. annual leave, compassionate leave, study leave
- Interpretation and application of national/local agreements including matters relating to pay-related benefits
- Granting of overtime
- Access to courses
- Health and safety issues
- Acting-up/deputising arrangements

- Conduct of disciplinary proceedings
- Relationships with work colleagues
- Organisational change/new working practices

Note: This list is not exhaustive.

The grievance procedure does not cover matters relating to improvements in pay or existing terms and conditions of employment which are of general application, i.e. matters appropriate to the collective bargaining process.

Principles

- The grievance procedure will be communicated to all staff.
- The employee should raise complaints on an informal basis in the first instance before invoking the formal grievance procedure.
- Every effort will be made to address complaints quickly and fairly and at the lowest level possible at which the matter can be resolved.
- An employee will not be penalised in any way for making a complaint in good faith regardless of whether or not the complaint is upheld.
- The employee has the right to be accompanied by a work colleague or staff representative at all formal hearings under the grievance procedure.
- While every effort will be made to adhere to the prescribed time limits these may be extended at any stage in exceptional circumstances.
- This procedure provides a comprehensive method for the resolution of grievances in the absence of conflict. In the norm issues raised under it will be processed in accordance with the principles of full consultation and agreement during the process or following third party recommendation. In the event of a grievance arising, and where an employee(s) is/are working under protest, a meeting with senior management will be held within 3 working days of the request being received. Where the matter remains unresolved following this meeting the issue may be referred to a third party as a priority.

- In the event that a grievance is referred to a third party, both sides will co-operate fully with the proceedings in accordance with the Industrial Relations Acts, 1946-2001.
- The grievance hearing cannot be used as an opportunity to address shortcomings in the employee's work standards, conduct or attendance. Any deficiencies will be dealt with through informal counselling or under the progressive stages of the disciplinary procedure.

Informal Discussions

Most routine complaints are capable of being resolved on an informal basis without recourse to the formal grievance procedure. Before invoking the grievance procedure the employee may raise the matter informally with his or her immediate supervisor/manager. If the complaint relates to the immediate supervisor/manager, the employee may discuss the matter informally with another manager.

If the matter has not been resolved satisfactorily through informal discussions, the employee may raise a formal complaint under the grievance procedure.

Grievance Procedure

Stage 1

The employee should refer the complaint to _____ (specify appropriate level of management). A meeting will be arranged to discuss the matter not later than **seven working days** following receipt of the complaint. The employee will be advised of his/her right to be accompanied by a work colleague or union representative. Following this meeting, the decision will be conveyed in writing to the employee within **seven working days**.

Working Under Protest

Where the grievance relates to an instruction issued by the supervisor/manager arising from a service imperative the employee is obliged to carry out the instruction "under protest". A meeting with senior management will be held within **3 working days** of the grievance being received.*

**Senior management refers to either senior line management or the human resources department. If the issue cannot be resolved at this stage, the matter may be referred to a third party.*

Stage 2

This stage would mainly apply in health boards due to the number of management levels and may be omitted in voluntary hospital, intellectual disability and specialist agencies

If agreement cannot be reached at stage 1, the matter may be referred to (specify level of senior management). A meeting will be arranged to discuss the matter not later than seven working days following receipt of the complaint. The employee will be advised of his/her right to be accompanied by a work colleague or union representative. Following this meeting, the decision will be conveyed in writing to the employee within seven working days.

Stage 3

If agreement cannot be reached at stage 2 the matter may be referred to the **Human Resources Department**. A meeting will be arranged to discuss the matter not later than seven working days following receipt of the complaint. The employee will be advised of his/her right to be accompanied by a work colleague or union representative. Following this meeting, the decision will be conveyed in writing to the employee within seven working days.

Stage 4

If the issue remains unresolved after stage 3, the matter may be referred to an appropriate third party:

- Rights Commissioner
- Labour Relations Commission
- Labour Court
- Equality Tribunal

No strikes or other forms of industrial action will be initiated or threatened until all stages of the grievance procedure including third party referrals have been fully exhausted.

Guidelines for managers on the operation of the grievance procedure are set out at Appendix 1.

Guidelines for Managers on the Operation of the Grievance Procedure

Introduction

It is management's responsibility to deal promptly and fairly with any complaints raised by employees either informally or under the formal grievance procedure. Managers are expected to handle all complaints in a manner that respects the right of the employee to air his/her grievances and to seek redress without fear of reprisal. If an employee feels sufficiently aggrieved to make a complaint then any attempt by a manager to trivialise the issue may result in a local issue escalating into a more serious dispute. Managers are required to address grievances at the lowest level possible and to give careful consideration to the merits of the employee's case before reaching a decision. Where a complaint is not upheld the employee is entitled to a clear explanation as to how the decision was reached.

Third party referrals should be viewed as a 'last resort' having exhausted the internal stages of the grievance procedure. In the event that an employee refers the matter to a third party, the manager must respect the employee's right to exercise his/her statutory entitlement to seek redress by co-operating fully with proceedings¹ and maintaining normal working relationships. Managers have a duty to ensure that no employee suffers detrimental treatment as a result of making a complaint either internally or to a third party.

The following guidelines apply to all hearings under the formal grievance procedure:

¹Under the Industrial Relations Act, an employer may object to a Rights Commissioner investigation in which case the dispute will be referred to the Labour Court.

Preparing for the Hearing

The manager conducting the hearing should establish the precise details of the complaint in advance in order to check any policies or rules relevant to the matter. Where appropriate the manager should talk to the employee's immediate supervisor and/or any other relevant person to ascertain all the facts pertaining to the issue. The manager may also need to contact the HR department to obtain advice on how best the issue might be resolved.

The manager should arrange for a colleague to attend the hearing to take notes.

Sufficient time should be set aside for the hearing and reasonable efforts made to avoid unnecessary interruptions.

The employee should be notified of the arrangements (date, time and venue) for the hearing and informed of his/her right to be accompanied by a union representative or work colleague.

Conducting the Hearing

- The manager should begin by introducing those present and outlining the purpose of the meeting.
- The employee should be invited to state his/her case and how s/he would like to see the matter resolved. The employee may wish his/her representative to present the case on his/her behalf.
- The manager should encourage an open discussion of the issue and where appropriate explore possible options for resolving the complaint.
- The hearing should be adjourned – even for just a short period – to allow the manager to consider all the issues raised and undertake further enquiries, if necessary, before reaching a decision. A timescale for re-convening the hearing must be agreed. The manager may need to seek advice from the HR department about how the issue might best be resolved and whether there is scope for compromise. This will help to ensure a consistency of approach and avoid decisions that have repercussions for the rest of the organisation.

- The meeting should be reconvened within the agreed time limits to inform the employee of the decision. The manager must outline fully the reasons for his/her decision and afford the employee and his/her representative an opportunity to respond. If the employee is not satisfied with the outcome of the hearing, s/he should be advised of his/her right to progress to the next stage of the procedure.
- A letter should be issued to the employee (and copied to his/her representative) confirming the outcome of the hearing, the reasons for the decision and what action, if any, will be taken.
- A detailed and accurate record of the hearing and its outcome should be retained on the employee's personnel file. This documentation may be required as evidence in the event of an employee referring the matter to a third party.
- Any action agreed must be implemented without undue delay.