

Document Control

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1.0 POLICY

Sunbeam House Services employees are committed to promoting and maintaining good relations and fostering the commitment and morale of employees. The purpose of this procedure is to enable employees to raise any grievance concerning work related matters so that the issue may be addressed promptly without undue delay and as close as possible to the point of origin without disruption to client care, however the timescales may be extended if it is agreed upon by both parties.

In all cases the guidelines set out in Trust in Care (published by the Health Service Executive in May 2005) will be followed.

2.0 DEFINITION

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

3.0 SCOPE

The grievance procedure applies to all employees of Sunbeam House Service.

This procedure is not intended to deal with:

1. Dismissal or disciplinary matters which are dealt with in the disciplinary policy.
2. Disputes, which are of a collective nature and which are dealt with in the disputes resolution policy.

The types 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 training and courses
- Health and safety issues
- Acting-up/deputising arrangements
- Conduct of disciplinary proceedings
- Relationships with work colleagues
- Organisational change/new working practices
- Breach of internet/email policy.
- Refusal to obey reasonable instructions.

NOTE: This list is not exhaustive.

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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.

4.0 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 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, 1946-2012.
- The grievance hearing cannot be used as an opportunity to address shortcomings in the employees work standards, conduct or attendance. Any deficiencies will be dealt with through informal counselling or under the progressive stages of the disciplinary procedure.

5.0 PROCEDURE

5.1 INFORMAL PROCEDURE

5.1.1 INFORMAL DISCUSSIONS

- Most grievances are capable of being resolved on an informal basis without recourse to the formal grievance procedure.
- Before invoking the formal procedure an employee who has a grievance, should raise the matter informally immediately verbally or in writing with his or her immediate supervisor/reporting manager to see if the grievance can be resolved there and then.
- If the matter itself concerns the employee's immediate supervisor/ reporting manager, then the grievance should be taken to their Senior Services Manager.
- If the manager is unable to resolve the matter at that time then a formal written grievance should be submitted to the Senior Services Manager.



5.2 FORMAL GRIEVANCE PROCEDURE

5.2.1 STAGE 1

- The employee should refer the formal complaint in writing to their immediate supervisor/reporting manager.
- A meeting will be arranged to discuss the complaint as soon as is reasonably possible following receipt of the employee's written complaint.
- The employee will be advised of his/her right to be accompanied by a work colleague or trade union representative.
- The grievance will be discussed and a prompt response provided as appropriate.
- A summary of the meeting will be recorded with a copy given to the employee and work colleague/union representative present.

The grievance procedure is normally operated on a progressive basis. However, the following exception applies:

WORKING UNDER PROTEST

While the grievance is being processed through the agreed procedures the employee or group of employees will continue to work as required by management, under protest if necessary. In addition work efficiency levels will be maintained.

Where the grievance relates to an instruction issued by the supervisor/reporting 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 as soon as is reasonably possible following the grievance being received.

The supervisor/ reporting Manager refers to either senior services management or the human resources department. If the issue cannot be resolved at this stage, the matter may be referred to a third party.

5.2.2 STAGE 2

- If agreement cannot be reached at stage 1, or should the employee be dissatisfied with the response given, or feel that they cannot approach their immediate supervisor/manager, the employee may refer the matter in writing to their reporting Senior Services Manager where they will attempt to resolve the grievance.
- Following receipt of the written grievance a meeting will be arranged to discuss the grievance with the employee.
- The employee will be advised of his/her right to be accompanied by a work colleague or trade union representative.
- The grievance will be discussed and a prompt response provided to employee in writing as appropriate.



- A summary of the meeting will be recorded with a copy given to employee /trade union representative present.

5.2.3 STAGE 3

- If agreement cannot be reached at stage 2 or if the Senior Services manager's response is not adequate in resolving the grievance, then the employee may refer the matter in writing to the Human Resources Department.
- A meeting will be arranged to discuss the matter with the employee following receipt of the grievance.
- The employee will be advised of his/her right to be accompanied by a work colleague or trade union representative.
- The grievance will be discussed and a prompt response provided to employee in writing as appropriate.
- A summary of the meeting will be recorded with a copy given to employee/union representative present.

5.2.4 STAGE 4

- If the grievance remains unresolved after stage 3, the grievance may be referred to an appropriate third party:
 - For a hearing by a Rights Commissioner
 - For conciliation with the Labour Relations Commission.
- If still unresolved, it will be referred to;
 - The labour Court for formal investigation, or
 - In the case of a dismissal, to the Employment Appeals Tribunal
- During the period in which the above procedure is being followed no strike, lock out, walk out, sit in, go slow or any other form of industrial action designed to bring pressure to bear on either party will take place, until all avenues including third party referrals have been exhausted

Where the agreed procedures have been exhausted, no strike, lockout or any other form of industrial action will be taken until at least 14 days written notice of such action taking affect has been received by Sunbeam House Services

No industrial action of any kind will be taken in disputes involving dismissal.

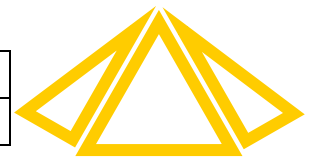
Any employee engaging in unofficial industrial action of any kind outside of the terms of the above grievance procedure, be it strike, go slow, work to rule or otherwise against the company, shall be liable to have his/her employment terminated in accordance with the agreed procedures.

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The union and company employees must comply fully with both the agreed procedures and all the legislative provisions including the Industrial Relations Acts.

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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 grievances 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 will be dealt with without undue delay in a fair and reasonable manner. Managers should give careful consideration to the merits of the employee's case before reaching a decision.

Where a grievance 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 proceedings and maintaining normal working relationships.

Managers have a duty to ensure that no employee suffers detrimental treatment as a result of submitting a grievance either internally or to a third party.

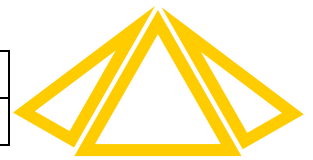
The following guidelines apply to all interviews under the grievance procedure:

Preparing for the Grievance Interview

- The Manager should ensure there has been an opportunity for an informal meeting.
- The manager should decide if they can deal with the grievance immediately or if they need time to investigate and to check any policies or rules relevant to the matter and to consider what action are necessary.
- The manager should be clear about their authority in relation to possible solutions, particularly with regard to possible precedents and organisation policy.
- The manager should arrange for a colleague to attend the hearing to take notes.
- Sufficient time should be set aside for the interview and reasonable efforts made to avoid unnecessary interruptions.
- Plan the interview with a view to identifying the true nature of the grievance and consider ways to draw out further information.
- The employee should be notified in advance of the arrangements (state date, time and venue) for the interview and informed of his/her right to be accompanied by a union representative or work colleague at the formal stages.

Conducting the Grievance Interview

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- The manager should begin by introducing those present and outlining the purpose and structure of the interview, informing the employee that there will be notes taken.
- The employee should be invited to state the background of the grievance and to outline what action he or she would like to see taken to resolve the problem.
- The manager should listen and try to understand why the employee has raised the grievance and should encourage an open discussion of the issue and establish the facts further and where appropriate explore possible options for resolving the complaint.
- The manager should state what they understand the grievance to be and ask the employee to confirm that your understanding is correct
- The manager should identify any relevant rules, policies or procedures which may not have been followed.
- The interview can 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 interview 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 interview should be reconvened within the agreed time limits to inform the employee of the decision.
- The manager should discuss options and a range of solutions. If the grievance is justified, the manager should suggest a solution to the problem. If the grievance is unfounded, the manager should carefully explain the reasons for rejecting it and allow the employee an opportunity to respond.
- The manager should inform the employee of the right of appeal and advised of his/her right to progress to the next stage of the grievance procedure.

After the interview

- The manager should write up a detailed an accurate record of the interview 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.
- If necessary, the manager must ensure the next stage of the procedure is activated.