



# Staff Grievance

## 1.0 Policy Statement and Objectives

1.1 Mary Immaculate College is committed to promoting and maintaining good employee relations and fostering the commitment and morale of staff. The College recognises that from time to time employee grievances will arise and it has put in place procedures to facilitate examination and early resolution of grievances with the intention of expediting the restoration of positive working relationships.

1.2 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.

1.3 The purpose of the grievance procedure is to enable employees to raise complaints concerning work-related matters which fall within the scope of the Policy so that the issue may be addressed promptly and as close as possible to the point of origin without disruption to the business of the College.

1.4 All policies, guidelines and protocols of Mary Immaculate College, will reflect the Colleges commitment to the promotion of equality in accordance with law.

## 2.0 Scope of Policy and Procedure

2.1 This Policy and related procedures are applicable to grievances raised by employees of Mary Immaculate College.

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

- Allocation of work;
- Assignment of duties;
- Granting of all forms of leave, e.g. annual leave, compassionate leave, study leave
- Interpretation and application of national/local agreements;
- Access to training;
- Health and safety issues;
- Relationships with work colleagues;
- Organisational change/new working practices.

Note: This list is not exhaustive.

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

2.3 Complaints in respect of bullying and harassment at work will be dealt with under the College's Dignity and Respect at Work Policy and Procedures.

### 3.0 Legislation/Other Related Policies

3.1 Legislation, regulations and codes of practice in relation to this document include:

- S.I. No. 146 of 2000 – Industrial Relations Act, 1990 ) Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000

### 4.0 Responsibilities

4.1 It is the responsibility of all employees to seek to resolve grievances, complaints and concerns in as constructive manner as possible, informally if appropriate or by invoking relevant formal procedures if necessary. All employees are required to comply with the provisions of the Staff Grievance Policy and Procedures.

4.2 It is the responsibility of each line manager and Head of Department to deal promptly and fairly with complaints raised by employees under this Policy and in accordance with the procedures set out in this document. Where a complaint is not upheld it is the responsibility of the manager considering the grievance to provide the employee with a clear explanation as to how the decision was reached. Line managers and Heads of Department are expected to handle complaints in a manner that respects the right of the employee to air their grievances and to seek redress without fear of reprisal. Line managers and Heads of Department must respect the employee's right to exercise their entitlement to seek redress by co-operating fully with proceedings and maintaining normal working relationships. Line managers and Heads of Department 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.

4.3 It is the responsibility of the Human Resources Office to promote awareness of the Staff Grievance Policy and Procedure as a mechanism for addressing concerns and resolving disputes and to make training and advice available to staff with responsibility for processing and investigating grievances.

4.4 It is the responsibility of the College's Executive Team to oversee the implementation of this Policy and Procedures.

### 5.0 Grievance Procedure – General Principles

5.1 The following general principles apply to all stages of the 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.
- Grievances should be dealt with promptly by the employee's immediate supervisor/manager. Where the immediate supervisor/manager is the subject of the grievance or the subject of the grievance hold a position of greater seniority than the immediate supervisor/manager then the matter will be dealt with by the next appropriate level of management.

- Upon receipt of a grievance, the manager should establish the facts. An agreed record should be made of the issues raised and discussed.
- Employees have the right to be accompanied by a work colleague or trade union representative at all formal meetings which they attend under the grievance procedure.
- A line manager or Head of Department hearing a grievance may be accompanied at all formal meetings by a representative of the Human Resources Office or a manager of appropriate seniority.
- A grievance hearing cannot be used as an opportunity to address shortcomings in an employee's work standards, conduct or attendance. Any such shortcomings must be dealt with through informal counselling or under the progressive stages of the disciplinary procedure.
- While every effort will be made to adhere to prescribed time limits these may be extended at any stage in exceptional circumstances or to ensure completeness of the process.
- All stages of the grievance procedure must be exhausted before any other action is taken by an employee.
- 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 College will take all reasonable steps to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from raising a grievance under this procedure.
- The engagement of this policy shall, insofar as possible, be carried out in a confidential manner both by the College and the employee/s in question. Breaches of confidentiality by parties to the grievance procedure may result in disciplinary action subject to the provisions of the Staff Disciplinary Policy.

## **6.0 Informal Grievance Procedure**

6.1 Many 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 line manager or Head of Department. If the complaint relates to the employee's line manager or Head of Department, the employee may discuss the matter informally with the next appropriate level of management. If the matter has not been resolved satisfactorily through informal discussions or where the employee does not wish to use the informal procedure, they may raise a formal grievance under the grievance procedure.

## 7.0 Formal Grievance Procedure

### 7.1 Stage 1

An employee who wishes to invoke the formal Grievance Procedure should refer their grievance in writing to their own line manager or Head of Department in the first instance. The line manager or Head of Department will meet with the employee to discuss the matter not later than five (5) working days following receipt of the written complaint. The employee will be advised in advance of their right to be accompanied by a work colleague or trade union representative.

The manager hearing the grievance may also meet with any other person whom they consider relevant to the grievance and request and consider any and all relevant documentation and information. All relevant information gathered during this process will be made available to the complainant and to other directly involved parties as necessary.

The manager hearing the grievance will communicate their decision within five (5) working days of the initial grievance meeting or in the event that investigation of the grievance necessitates further meetings with the complainant or parties relevant to the complaint, within five (5) working days of the final meeting.

### 7.2 Stage 2

In the event of a grievance not being resolved at stage 1, the employee may refer the matter in writing to a senior manager in the employees reporting line i.e. Associate Vice President, Dean or Vice President

The senior manager will meet with the employee to discuss the matter not later than five (5) working days following receipt of the written complaint. The employee will be advised in advance of their right to be accompanied by a work colleague or trade union representative

The senior manager hearing the grievance may also meet with any other person whom they consider relevant to the grievance and request and consider any and all relevant documentation. All relevant information gathered during this process will be made available to the complainant and to other directly involved parties as necessary.

The senior manager hearing the grievance will communicate their decision within 5 working days of the initial grievance meeting or in the event that investigation of the grievance necessitates further meetings with the complainant or parties relevant to the complaint, within five (5) working days of the final meeting.

### 7.3 Stage 3

In the event of a grievance not being resolved at stage 2, there will be no further consideration of the matter within the College. Should the employee be dissatisfied with the final decision and wish to pursue the matter further she/he may refer the matter to an appropriate third party, e.g. Workplace Relations Commission.

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.

## 8.0 Conflicts of Interest

8.1 Where a grievance being submitted at stage 1 relates to a member of staff who is not in the reporting line of the person lodging the grievance, then the person considering the grievance must be in a position of equal or greater seniority to that member of staff.

8.2 In the event that an employee's own line manager or Head of Department is the subject of a grievance or is otherwise conflicted then the grievance will be referred to the next most senior manager or Head of Department in the reporting line who is not a party to the complaint or otherwise conflicted.

8.3 In the event that a senior manager responsible for hearing a grievance at stage 2 of the grievance procedure has already, due to the nature of reporting relationships, already considered the grievance at stage 1 or is a party to the grievance or is otherwise conflicted at either stage 1 or stage 2, then the President will appoint another manager of equal or greater seniority, who is not a party to the grievance or otherwise conflicted, to consider the grievance.

8.4 In the event that the President wishes to use the grievance procedure or due to conflict of interest there is no appropriate manager available to consider a grievance at either stage 1 or stage 2, then the President may request the Chairman of *An tÚdarás Rialaithe* to appoint an independent chair to consider the grievance.

## 9.0 False or Malicious Complaints

9.1 The College will not tolerate vexatious or malicious complaints and will address any complaints of this nature through appropriate procedures including the disciplinary procedure.

## 10.0 Audit and Evaluation

10.1 This policy will be reviewed on a five-yearly basis. The Director of Human Resources will initiate the review.

Revision	Document History	Reviewed By ET	Approved By UR
0	Initial Release		UR2010#07
1	Review	ET2018#09	UR2018#04
2	Review	ET2024#11	UR2025#01