



etbi

Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

GRIEVANCE

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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Document Reference Number	HR008 Grievance Policy and Procedures
Implementation Date	1 st October 2020
Review Date	1 st October 2022
Next Review Date	1 st October 2022
DES Circular Letter	Based on the nationally agreed procedure for ETB Sector. Adapted for implementation in ETBI
Date approved by ETBI Board	26 th January 2021

Grievance Policy and Procedure for all staff in Education and Training Boards Ireland

This policy must be brought to the attention of all staff employed directly by ETBI, through an agency to ETBI and seconded to ETBI, including those on an approved leave of absence.

ETBI will provide this policy and procedure to all staff through appropriate means (e.g. direct correspondence, SharePoint, CPD, induction and mentoring programmes and/or on the ETBI website).

Any queries in relation to the ETBI Grievance Policy and Procedure should be communicated to internalpolicies@etbi.ie in the first instance.

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I. INTRODUCTION

The Education and Training Boards Ireland (ETBI) is committed to developing and maintaining a positive working environment for all ETBI employees. It is the policy of ETBI to encourage employees and managers to resolve problems and handle complaints informally and quickly, without recourse to formal disputes or Grievance Procedures.

The immediate line manager should handle most grievances without recourse to formal procedures. However, it is in both parties member and employer) interests to have a clear strategy to resolve issues arising between them. It is accepted that grievances may occur in the normal course of interaction in any organisation and that failure to provide a procedure to deal adequately with these grievances promptly to disputes affecting not only the aggravated party but potentially all those employed within the organisation. Full recognition is given to the significance of personal grievances, and both employee and employer are determined that all grievances will be dealt with without undue delay and at the earliest possible stage of this procedure.

ETBI is committed to ensuring that all grievances raised are handled consistently in accordance with this procedure.

2. STAFF MEMBERS COVERED BY THIS PROCEDURE

The procedure is applicable to all staff employed directly by ETBI and seconded to ETBI.

3. POLICY

It is the policy of ETBI to:

- Encourage management at all levels to develop channels of communication and working relationships that will prevent or minimise the incidence of grievances.
- Endeavour to foster a working environment and working relationships in which the informal resolution of differences is the norm.
- Provide effective and fair facilities by which staff can seek redress of grievances.
- Resolve grievances fairly within the timeframes specified in the stages and at the earliest stage when a grievance/s arises.
- Reasonable time shall be granted to facilitate attendance at meetings convened and directly related to the processing of a grievance.

4. PRINCIPLES

The Grievance Procedure provides a comprehensive method for the resolution of grievances in the interest of the avoidance of conflict. Issues raised under it will be processed in accordance with the principles of full consultation and agreement during the process and in accordance with the general principles of natural justice and fair procedures, which include:

- Where engaged, the parties are expected to participate in and abide by the provisions of the procedure.
- The staff member(s) concerned has/have the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the staff member(s) and any other relevant or appropriate evidence, factors, or circumstances.
- The staff member(s) concerned may be accompanied by a work colleague during the procedure.
- A staff member(s) will not be penalised in any way for making a complaint in good faith, regardless of whether or not the complaint is upheld.
- Pending the outcome of a grievance under the formal procedure, it is imperative that normal work continues, under protest, if necessary.
- Every effort shall be made to adhere to the time limits prescribed in the procedure. The time limits laid down may be extended only by mutual agreement of the parties concerned.

- All relevant documentation concerning the grievance shall be made available to the parties involved at each stage of the procedure.
- A staff member(s) may withdraw a complaint at any stage of the procedure. There is no impediment to an aggrieved employee confirming withdrawal from the provisions of the Grievance Procedure and seeking recourse outside of the procedure in line with statutory entitlements. In such circumstances, the Grievance Procedure provisions terminate at that point and cannot be re-engaged.
- In the event that a grievance is referred to a third party, both sides will cooperate fully with the proceedings in accordance with the Industrial Relations Acts, 1946 – 2001.
- “Notice” counts from the next working day directly after the date the notice is sent/posted/emailed.

5. DEFINITION OF A GRIEVANCE

A grievance may be defined as a complaint that a staff member(s) has concerning any aspect of his/her/their employment or working environment.

Some common causes of grievance include:

- interpretation of conditions of employment.
- pay.
- work allocation.
- staffing levels.
- Promotion and grading
- changing working practices.
- alleged discrimination and/or harassment.
- health and safety issues.

Individual cases of bullying and harassment should be dealt with through ETBI’s bullying and harassment/Sexual Harassment/dignity at work policy where such has been put in place in

accordance with relevant legislative requirements; otherwise, the Grievance Procedure can be utilised.

6. INFORMAL RESOLUTION OF GRIEVANCE/ PRIOR TO INVOKING THE GRIEVANCE PROCEDURE

Management and employee opinions may be at variance on occasion, but most routine complaints are capable of being resolved on an informal basis without recourse to the formal grievance procedure. Where a complaint arises, the parties concerned are encouraged to strive to understand the other party's position and should seek, as far as possible, a mutually acceptable solution through informal means. At the informal stage, the right to be accompanied does not apply.

7. MEDIATION

Mediation may be used in the grievance process and involves the service of a neutral third person that assists an employee and ETBI in resolving an employee grievance in a mutually acceptable manner. Mediation provides an opportunity for the two parties to openly discuss the grievance and reach a resolution that is mutually acceptable to both the ETBI and the employee.

Mediation, if appropriate, and subject to the agreement of the parties to the grievance is not excluded by way of a mechanism to resolving grievances at informal or formal stages.

Mediators can be drawn from any of the following approved websites:

1. **Mediators' Institute of Ireland:** <https://www.themii.ie/>
2. **Workplace Mediation Service, Workplace Relations Commission:**
https://www.workplacerelations.ie/en/Workplace_Relations_Services/Mediation_Service/s/

A record of the outcome of mediation is completed by the Mediator and submitted to HR **(Appendix 1)**

8. PROCEDURE

The following is the approach to be taken when dealing with a staff member's concern or issue. It is expected that most concerns or issues raised will be resolved at the informal or Stage 1 of the process. This is likely to produce solutions which are speedy and effective. At any stage in the formal process, the staff member may be accompanied by a work colleague of their own choosing. The role of the work colleague is to act as a procedural witness and if required, assist the aggrieved party in describing any relevant information pertaining to the grievance. The manager hearing the grievance has the right to know in advance of the meeting who the accompanying person attending the meeting will be.

Formal Resolution of Grievance

Stage 1:

- Failing settlement at the informal stage, the staff member should refer his/her grievance, in writing, to his/her line manager. The line manager will arrange a meeting with the staff member as soon as possible but not later than **five working days** from the date of receipt of the grievance.
- The meeting will normally be between the complainant(s), who may be accompanied by a work colleague and the line manager, who may be accompanied by an appropriate member(s) of ETBI's Management Team.
- At this meeting, both sides shall seek a mutually acceptable resolution of the grievance.
- If the matter is not resolved at the meeting or fails to be resolved or progressed to the satisfaction of the party invoking the procedure, the matter may be referred to a Stage 2 meeting by the employee. In the event that the matter is to be referred to Stage 2, the employee will do so in writing to the HR department within **five working days** following management's response or the employee may formally invoke Stage 2 immediately and confirm that in writing.
- A statement of the outcome of the meeting (Appendix 2) shall be prepared for sign-off by both parties.

Stage 2:

- A meeting will be held involving the complainant(s), who may be accompanied by a work colleague and appropriate senior line manager from the Executive Leadership Team as nominated by the General Secretary and a representative from HR and the individual's line manager as appropriate. Management will ensure that their representatives include at least one member who is fully familiar with the issue(s) concerned.
- If the matter is not resolved at the meeting or fails to be resolved or progressed to the satisfaction of the employee, the matter may be referred to a Stage 3 meeting by the employee within five working days following management's response or the Stage 3 may be formally invoked immediately and subsequently confirmed in writing.
- A statement of the outcome of the meeting (Appendix 3) shall be prepared for signing off by both parties.

Stage 3:

- If the matter has not been resolved at Stage 2, Human Resources will arrange a meeting with the General Secretary and the Vice-Chairperson of the Board and the complainant(s), who may be accompanied by a work colleague.
- If the matter is not resolved at the meeting or fails to be resolved or progressed to the satisfaction of the employee, the matter may be referred to a Stage 4 meeting by the employee, where possible within five working days following management's response or Stage 4 may be invoked immediately and subsequently confirmed in writing.
- At this meeting, both sides shall seek a mutually acceptable resolution of the grievance. A statement of the outcome of the meeting (Appendix 4) shall be prepared for signing off by both parties.

Stage 4:

- If the matter has not been resolved at Stage 3, it may be referred to Workplace Relations Commission (WRC). The WRC will determine whether the complaint is suitable for

mediation. Failing this the complaint will be sent forward for adjudication. If still unresolved it may be referred to the Labour Court for formal investigation.

- It should be clearly understood that by invoking Stage 4 of this procedure that the emphasis involves conciliation with a view to resolution between the parties of the grievance/s. However, in the event that this is not achieved the parties will be subject to a decision adjudicated upon which will be binding on the parties.

9. VARIATION

The policy may be amended at any time following consultation between management and staff.

10. REVIEW OF THE POLICY

There will be a review of this policy two full years after its introduction or earlier if deemed necessary by ETBI management.

APPENDIX I

RECORD OF THE OUTCOME OF MEDIATION

Name of Complainant	
Name of person - the subject of the grievance procedure	
Name of Mediator	
Date/s of session/s undertaken	The above-named parties have engaged in a mediated process involving _____ of sessions.
The outcome of these sessions has resulted in:	
An agreed outcome	An agreed outcome not being achieved

MEDIATOR’S SIGNATURE: _____ **DATE:** _____

This record should be furnished by the Mediator, to the HR-IR Support Officer, ETBI (marked strictly private and confidential and copied to the parties to mediated process. A copy will be retained in a dedicated complaint file for a period of one year where mediation has been successful. Where mediation has been unsuccessful, a copy will be retained on both files until the expiration of Formal Procedure (if invoked) and for a period not exceeding six years thereafter.

APPENDIX 2

Statement of Outcome to Stage 1

To be completed by the recipient of the grievance at the end of the Stage 1 meeting.
This statement of outcome is use where the grievance is resolved or not resolved.

PART I

Name of Person conducting Stage 1 meeting:	
Title of person conducting Stage 1 meeting:	
Name(s) of complainant(s):	
Names of persons present at meeting:	
Name of ETBI staff member – the subject of the grievance	
Role of ETBI staff member – the subject of the grievance	
Has there been mediation?	YES/NO <i>(Circle as appropriate)</i>
Outcome of Stage 1:	Resolved/Not Resolved <i>(Circle as appropriate)</i>

PART II

Number of meeting/s conducted at Stage 1:	
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Dates of meetings conducted at Stage 1:	
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(Note: This is not expected to be detailed but should capture the essence of the complaint –it may be useful to use bullet points to document the key elements of the grievance)Where no agreed resolution is achieved from Stage 1, is there a proposal on what should happen next?

Where no agreed resolution is achieved from Stage 1, is there a proposal on what should happen next?

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PART III

Signature of the recipient of the grievance:	
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Signature of Complainant:	
Signature of ETBI staff member:	
Date of statement:	

This record should be furnished by the recipient of the grievance. A copy will be provided to the parties to the grievance.

A copy will be retained in a dedicated complaint file for a period of one year where Stage 1 has been successful. Where Stage 1 has been unsuccessful, a copy will be retained until the expiration of Formal Procedure (if invoked) and for a period not exceeding six years thereafter.

APPENDIX 3

Statement of Outcome to Stage 2

To be completed by the recipient of the grievance at the end of the Stage 1 meeting.
This statement of outcome is use where the grievance is resolved or not resolved.

PART I

Name of person conducting Stage 2 meeting:	
Title of person conducting Stage 2 meeting:	
Name(s) of complainant(s):	
Names of persons present at meeting:	
Name of ETBI staff member – the subject of the grievance	
Role of ETBI staff member – the subject of the grievance	
Has there been engagement at Stage 1?	YES/NO <i>(Circle as appropriate)</i>
Outcome of Stage 2:	Resolved/Not Resolved <i>(Circle as appropriate)</i>

PART II

Number of meeting/s conducted at Stage 2:	
Dates of meetings conducted at Stage 2:	

Summary of the key points of the grievance raised by the complainant

(Note: This is not expected to be detailed but should capture the essence of the complaint – it may be useful to use bullet points to document the key elements of the grievance)

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Where no agreed resolution is achieved from Stage 2, is there a proposal on what should happen next?

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PART III

Signature of the recipient of the grievance:	
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Signature of Complainant:	
Signature of ETB staff member:	
Date of statement:	

This record should be furnished by the recipient of the grievance. A copy will be provided to the parties to the grievance.

A copy will be retained in a dedicated complaint file for a period of six-months where Stage 2 has been successful. Where Stage 2 has been unsuccessful, a copy will be retained until the expiration of Formal Procedure (if invoked) and for a period not exceeding one year thereafter.

APPENDIX 4

Statement of Outcome to Stage 3

To be completed by the recipient of the grievance at the end of the Stage 1 meeting.
This statement of outcome is use where the grievance is resolved or not resolved.

PART I

Name of person conducting Stage 3 meeting:	
Title of person conducting Stage 3 meeting:	
Name(s) of complainant(s):	
Names of persons present at meeting:	
Name of ETBI staff member – the subject of the grievance	
Role of ETBI staff member – the subject of the grievance	
Has there been engagement at Stage 2?	YES/NO <i>(Circle as appropriate)</i>
Outcome of Stage 2:	Resolved/Not Resolved <i>(Circle as appropriate)</i>

PART II

Number of meeting/s conducted at Stage 3:	
Dates of meetings conducted at Stage 3:	

Summary of the key points of the grievance raised by the complainant

(Note: This is not expected to be detailed but should capture the essence of the complaint – it may be useful to use bullet points to document the key elements of the grievance)

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Where no agreed resolution is achieved from Stage 3, is there a proposal on what should happen next?

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PART III

Signature of the recipient of the grievance:	
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Signature of Complainant:	
Signature of ETB staff member:	
Date of statement:	

This record should be furnished by the recipient of the grievance. A copy will be provided to the parties to the grievance.. A copy will be retained in a dedicated complaint file for a period of six-months where Stage 3 has been successful. Where Stage 3 has been unsuccessful, a copy will be retained until the expiration of Formal Procedure (if invoked) and for a period not exceeding one year thereafter.