



## **SAMPLE GRIEVANCE POLICY**

- 1.1 Employees of this organisation have the right to express any grievance relating to their employment. The purpose of the following grievance procedure is to provide a formal method for an individual member of staff to take up a complaint or concern with a management.
- 1.1.1 The grievance procedure will be followed if an employee feels that he or she has a grievance against the operation or decisions of the organisation or another employee, which affects his or her ability to perform his or her job satisfactorily.
- 1.1.2 The aim of the grievance procedure is to enable fair and quick resolution of any problem or grievance an employee may have relating to his or her employment. Management wished to ensure that all grievances are dealt with without undue delay and at the earliest possible stage of the procedure.
- 1.1.3 Employees are expected to make efforts to resolve grievances first of all directly with the person/people concerned. The grievance procedure will be used when these efforts are ineffective.
- 1.2 Grievance Procedure – General Points
- 1) Employees may at all stages in this procedure be advised or accompanied by a staff colleague, staff representative(s), or trade union representative(s) of their choice, or may elect to have this person or these persons present the complaint on their behalf.
  - 2) If the employee is a union member, management will notify the shop steward of all meetings at the same time as the employee is informed, unless management is specifically asked not to do so.
  - 3) Management will keep a written record of each meeting, which will include details of the employee's case, the response of management and the outcome of the meeting. The employee will be asked to agree and sign the record of the meeting, after consultation with his or her representative. Copies of the record will be given to everyone who attended the meeting.
  - 4) The employee will be advised by management of the next stage at the end of every stage of the procedure.

- 5) Time limits may be changed at every stage by mutual consent. The date and time of grievance hearing(s) will be agreed between the employee, (union) representative and management (and, where relevant, the person(s) who are the subject of the grievance).
- 6) The employee and (union) representative will be allowed adequate time to prepare the employee's case.
- 7) Every effort will be made to resolve the grievance at each stage.
- 8) The proceedings will remain confidential to the employee, his or her representative and management.
- 9) No action to change an employee's terms and conditions of employment will be taken while he or she is following the grievance procedure.
- 10) Copies of correspondence and written records relating to the grievance will be kept in the employee's personnel file. This information will be destroyed after 6 months unless management have an important reason not to do so.

#### **1.2.1 GRIEVANCE PROCEDURE**

##### **Stage 1**

The complainant will raise the matter with his or her immediate supervisor. The supervisor will investigate the grievance and will do his or her best to resolve the matter as soon as possible and in any event within 10 working days.

If the employee's grievance is with his or her supervisor, or if he or she feels they cannot approach their immediate supervisor on the matter, the employee will raise the issue with an individual one level higher, if appropriate, who will investigate the grievance and will do his or her best to resolve the matter as soon as possible and in any event within 10 working days.

##### **Stage 2**

If the matter is not resolved the complaint should be made in writing to the most senior person at executive level within the organisation. This person should attempt to resolve it within 15 working days.

##### **Stage 3**

If the matter is still unresolved the complaint should be made in writing to the Chair of the Disciplinary Grievance Panel. A hearing of the Disciplinary and Grievance Panel will be held as soon as possible (but no later than 15 working days from the receipt of the formal notification of the grievance from the employee).

##### **Stage 4**

Should the matter remain unresolved, it will be referred to the Labour Relations Commission for conciliation, or for a hearing by a Rights Commissioner. If still unresolved, it will be referred to the Labour Court for formal investigation.

## **SAMPLE DISCIPLINARY POLICY**

1.3 Management is responsible for the promotion of consistent and agreed codes of conduct and standards of behaviour within the organisation. The following disciplinary procedure sets out the action to be taken by management with a member of staff who may be guilty of misconduct or gross misconduct. The procedure aims to balance justice for the individual with the need for discipline in the organisation. It is the policy of the organisation that disciplinary procedures should be fair and uniform throughout.

1.3.1 The purpose of this procedure is to make clear the relationship between people empowered by management to take disciplinary action and employees who are the subject of disciplinary action so that all concerned understand their rights and obligations.

1.3.2 This procedure has been written in the light of requirements of the Unfair Dismissals Act 1977 and the 1993 Amendment. The procedure applies to all staff, whether full or part-time, except staff who are in their probationary period to whom the Disciplinary Procedure for Probationary Employees (paragraph 27.9) shall apply.

1.3.3 The disciplinary procedure is designed to assist any member of staff whose conduct is in question, and its initiation should be seen as giving an opportunity to improve rather than as a first step in the process of sanctioning a dismissal.

1.3.4 It is the responsibility of management to clarify the role and responsibilities of the employee within the agreed job description and within the context of supervision.

1.3.5 It is the responsibility of management:

- a) To resolve matters with potential disciplinary implications at the informal level, if possible;
- b) To ensure that employees at all stages in the disciplinary procedure are given a fair hearing;
- c) To find out, if possible, any underlying reasons for disciplinary problems.

1.3.6 Employees' personal problems will, where appropriate, be taken into account.

1.3.7 Management consider that members of management and employees who have responsibility for implementing disciplinary procedures should have a thorough knowledge of them and know how to conduct disciplinary interviews and hearings. Management will ensure that they receive adequate training for this important responsibility.

### 1.4 **MISCONDUCT**

It is not possible to list in writing every possible act or omission what will constitute misconduct. In any event every employee is required to behave in a manner, which will not endanger or inconvenience fellow employees or visitors or bring discredit to the organisation. Examples of misconduct that could lead to formal disciplinary action (if not resolved through informal proceedings) are as follows:

- Consistently poor time-keeping

- Negligence in the performance of duties
- Violent or threatening behaviour
- Breach of confidence not amounting to gross misconduct
- Being absent without reasonable permission or reasonable excuse
- Reporting for work under the influence of alcohol
- Deliberate breach of safety rules
- Deliberate falsification of information relating to the organisation
- Deliberately withholding information which obstructs the work of the organisation
- Deliberately bringing the organisation into disrepute
- Consistent non-cooperation with staff members or management
- Repeated breach of the organisation's policies.

## 1.5 Responsibility for Disciplinary Action

Disciplinary action is the responsibility of management or any appropriate body to which disciplinary powers have been delegated.

### 1.5.1 Disciplinary and Grievance Panel

The Disciplinary and Grievance Panel may be composed of three members of the management committee. The management committee delegates powers to the Panel to make disciplinary decisions, including termination of employment.

### 1.5.2 Appeals Panel

The Appeals Panel is the management committee (excluding those who are members of the Disciplinary and Grievance Panel who made the decision which is the subject of the Appeal and the Chair where the Chair has been involved at an earlier stage of the Disciplinary Procedure).

## 1.6 General Principles Applying to the Disciplinary Procedure

An employee's natural rights are:

- To know the case against him/her
- To reply
- To due consideration
- To representation
- To appeal

1.6.1 If the employee is a union member, management will notify the shop steward of all meetings at the same time as the employee is informed, unless the employee requests otherwise.

1.6.2 Management will keep a written record of each meeting, which will include details of the employee's case, the response of the management and the outcome of the meeting. The employee will be asked to agree and sign the record of the meeting, after consultation with

his or her representative. Copies of the record will be given to everyone who attended the meeting as soon as possible.

- 1.6.3 Time limits may be changed at every stage by mutual consent.
- 1.6.4 At all stages disciplinary proceedings will be completed as quickly as is compatible with the need to ensure that justice is done and seen to be done.
- 1.6.5 Management will ensure that a proper investigation of the facts is carried out. This may involve interviewing all parties concerned.
- 1.6.6 Any disciplinary action will be appropriate to the insubordination, incompetence, inefficiency or misconduct established.
- 1.6.7 Any mitigating circumstances and the previous record of service of the staff member concerned will be taken into account.
- 1.6.8 Disciplinary action will be treated confidentially as far as possible.

## **1.7 DISCIPLINARY PROCEDURE**

Where an employee's conduct, attendance or performance warrants disciplinary action, the following disciplinary procedures will apply, except in the cases of gross misconduct where immediate suspension pending investigation may take place (see paragraph 27.11). There may be occasions when, depending on the seriousness of the misconduct involved, it will be appropriate to enter the procedure at a later stage, for example, stage 3 (written warning) or stage 4 (final written warning).

### ***Stage 1 – First Verbal Warning***

The immediate supervisor/manager will conduct a disciplinary interview and may decide to issue a formal verbal warning. In this case the immediate supervisor will agree with the employee and /or his or her (trade union) representative:

- i. What action or improvement is to be taken to prevent further disciplinary action
- ii. The time limit by which action should be taken or improvement made
- iii. A plan for assistance and review.

### ***Stage 2 – Second Verbal Warning***

If the immediate supervisor/manager considers after the review that the progress is unsatisfactory then the immediate supervisor will conduct a disciplinary meeting and may issue a second formal verbal warning. Details of how the employee's progress has not been satisfactory will be clearly outlined.

In this case the immediate supervisor will agree with the employee and/or his or her (trade union) representative:

- i. What action or improvement is to be taken to prevent further disciplinary action
- ii. The time limit by which action should be taken or improvement made
- iii. A plan for assistance and review.

### ***Stage 3 – First Written Warning***

If the immediate supervisor considers after Stage 2 review that progress is unsatisfactory, then a hearing of the Disciplinary and Grievance Panel will be held as soon as possible (but not later than within 20 working days of a review). The Disciplinary and Grievance Panel may decide to issue a written warning. This first written warning will set out: the precise nature of the problem; the improvement required and by when; a plan for assistance; and the likely consequences if there is a subsequent lack of improvement.

### ***Stage 4 – Final Written Warning***

If the immediate supervisor considers after Stage 3 review that progress is unsatisfactory, then a hearing of the Disciplinary and Grievance Panel will be held as soon as possible (but not later than within 20 working days of a review). The Disciplinary and Grievance Panel may decide to issue a second and final written warning. This written warning will state that any subsequent lack of progress or recurrence of the offence will lead to dismissal.

### ***Stage 5 – Dismissal***

If progress is still unsatisfactory, the Disciplinary and Grievance Panel, after a hearing, may decide to dismiss the employee. Dismissal will be confirmed in writing by letter, stating the grounds for the action taken.

## 1.8 Conduct of Disciplinary Interviews/Hearings

*At stages 1 and 2 of the Disciplinary Procedure:*

1. The immediate supervisor will state the complaint(s) made against the employee, will state the investigation he or she has carried out referring where necessary to appropriate documentation, and may call witnesses at any stage as part of his or her presentation of the complaint.

Witnesses will be called in turn, and for each witness the procedure will be:

- (a) the immediate supervisor questions the witness
  - (b) the employee and/or (trade union) representative (same person throughout the hearings) questions the witness.
2. The employee and/or (trade union) representative questions the immediate supervisor at the conclusion of the presentation of his or her case.

3. The employee and/or (trade union) representative presents the employee's case, referring where necessary to appropriate documentation, and may call witnesses at any stage as part of the presentation of the case.

Witnesses will be called in turn, and for each witness the procedure will be:

- (a) the employee and/or (trade union) representative questions the witness
  - (b) the immediate supervisor questions the witness.
4. The immediate supervisor questions the employee and/or his or her (trade union) representative at the conclusion of the employee's case.
  5. The immediate supervisor and the employee and/or (trade union) representative sum up their respective cases without introducing new evidence.
  6. The immediate supervisor will withdraw to consider the case in consultation with a member of management. The decision will be notified to the employee verbally at the end of the hearing and confirmed in writing.

*At Stages 3 and 4 and 5 of the Disciplinary Procedure:*

1. The immediate supervisor will state the complaint(s) made against the employee, will state the investigation he or she has carried out referring where necessary to appropriate documentation, and may call witness at any stage as part of his or her presentation of the complaint.

Witnesses will be called in turn, and for each witness the procedure will be:

- (a) the immediate supervisor questions the witness
  - (b) the employee and/or (trade union) representative questions the witness
  - (c) the Disciplinary and Grievance Panel question the witness
2. The employee and/or (trade union) representative questions the immediate supervisor at the conclusion of the presentation of his or her case.
  3. The Disciplinary and Grievance Panel asks questions of the immediate supervisor.
  4. The employee and/or (trade union) representative presents the employee's case, referring where necessary to appropriate documentation, and may call witnesses at any stage as part of the presentation of the case.

Witnesses will be called in turn, and for each witness the procedure will be:

- (a) the employee and/or (trade union) representative questions the witness
- (b) the immediate supervisor questions the witness
- (c) The Disciplinary and Grievance Panel questions the witness.

5. The immediate supervisor questions the employee and/or his or her (trade union) representative.
6. The Disciplinary and Grievance Panel ask questions of the employee and/or his or her (trade union) representative.
7. The immediate supervisor and the employee and/or (trade union) representative sum up their respective cases without introducing new evidence, and then, together with all the witnesses, withdraw.
8. The Disciplinary and Grievance Panel will withdraw to consider the case. The decision of the Panel will be notified to the employee and the immediate supervisor verbally at the end of the hearing and will be confirmed in writing.
9. The employee has the right to appeal at the end of every stage of the disciplinary hearing.

#### 1.9 APPEALS PROCEDURE

1. The employee will be informed of his or her right to appeal, and how to exercise that appeal, at all stages of the disciplinary procedure.
2. Appeals will be heard by the Appeals Panel.
3. The Appeals Panel is the management committee (excluding those who are members of the Disciplinary and Grievance Panel who made the decision, which is the subject of the Appeals and the Chair where the Chair has been involved at an earlier stage of the Disciplinary Procedure).
4. The employee may be accompanied by a representative of his or her choice at any appeal hearing.
5. An appeal should be made within 7 working days of the decision by notifying the Chair of the Appeals Panel in writing. The appeal will be heard as soon as possible but not later than 20 working days from the receipt of notification from the employee.
6. The date(s) and time(s) of the appeal hearing will be agreed between the employee, the (trade union) representative, the representative of the employer and the Panel member.
7. The appeals process provides the opportunity for the Appeals Panel to consider any new evidence not previously presented and to consider if the decision of the disciplinary hearing was reasonable in the circumstances.

## 1.10 Conduct of Appeal Hearings

An Appeal Hearing will be conducted as follows:

1. The employee and/or (trade union) representative will put his or her case in the presence of the immediate supervisor (or Disciplinary and Grievance [D&G] Panel representative), outlining the grounds for the appeal and the reasons why he or she feels the original decision was incorrect. The employee and/or his or her (trade union) representative may call any witnesses or may refer to any documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:
  - (a) the employee and/or his or her (trade union) representative to question the witness
  - (b) the immediate supervisor (or D&G Panel Representative) to question the witness
  - (c) the Appeals Panel to question the witness.
2. The immediate supervisor (or D&G Panel representative) will ask questions of the employee and/or his or her (trade union) representative.
3. The Appeals Panel will ask questions of the employee and/or (trade union) representative.
4. The immediate supervisor (or D&G Panel representative) will put the case for disciplinary action in the presence of the employee and his or her (trade union) representative calling witnesses and referring to documents as necessary. Witnesses shall be called in turn and for each witness the procedure shall be as follows:
  - (a) the immediate supervisor (or D&G Panel representative) to question the witness
  - (b) the employee and/or (trade union) representative to question the witness
  - (c) the Appeal Panel to question the witness
5. The employee and/or (trade union) representative will ask questions of the immediate supervisor (or D&G Panel representative).
6. The Appeal Panel will ask questions of the immediate supervisor (or D&G Panel representative).
7. The immediate supervisor (or D&G Panel representative) and the employee and/or (trade union) representative will sum up their respective cases and then, together with all witnesses, withdraw.
8. The Appeals Panel will consider the case in private. The decision of the Panel shall be notified to the employee verbally at the end of the hearing, if possible, in the presence of the immediate supervisor (or D&G Panel representative) and shall be confirmed in writing.

### 1.11 Disciplinary Procedure for Probationary Employees

The above procedure does not apply to employees within their probationary period. Such employees shall be subject to the procedure set out below.

1. Where the immediate supervisor considers that a probationary employee is incapable of performing, or has materially failed to perform, the duties of his or her post to the required standard, the matter shall be dealt with through the system of probationary assessment (see paragraph 5).
2. In cases of misconduct a probationary employee shall not be dismissed, without having received on a previous occasion one recorded warning outlining the consequences of further misconduct.
3. Disciplinary hearings shall not take place until the alleged misconduct has been investigated and the probationary employee informed, in writing, of the case against him or her and given the opportunity to state his or her case.
4. Throughout the process, the employee shall have the right to be accompanied by a trade union representative or person of his or her choice.
5. The employee and (union) representative will be allowed a reasonable time in order to prepare the employee's case.
6. The date and time of (any) disciplinary hearing(s) shall be agreed between the probationary employee, the (union) representative and representative(s) of the employer.
7. A Disciplinary Hearing will be conducted in accordance with the procedure set out in paragraph 27.6 above.
8. Only the Disciplinary and Grievance Panel can take a decision to dismiss a probationary employee for reasons of misconduct.
9. A probationary employee who is dissatisfied with a disciplinary decision taken against him or her, including one of dismissal, shall have the right of appeal against the decision of the Disciplinary and Grievance Panel.
10. An appeal should be made within 7 working days of the decision by notifying the Chair of the Appeals Panel in writing. The appeal will be heard as soon as possible but not later than 10 working days from the receipt of notification from the employee.
11. The date(s) and time(s) of any appeal hearing(s) will be agreed between the employee, the (union) representative and Panel members.
12. An Appeal Hearing will be conducted in accordance with the procedure set out in 27.8.

13. The decision of the Appeals Panel will be final.

#### 1.12 Personnel File

1. Where a formal verbal warning or written warning is given, records will be kept by management in the employee's personnel file detailing the nature of any breach of discipline, the action taken and the reasons for it, the date of the action taken, whether an appeal was lodged, its outcome and any subsequent developments.
2. All reference to matters of misconduct will be removed from the employee's personnel file after the following periods:
  - formal verbal warning: 3 months
  - first written warning: 6 months
  - final written warning: 12 months

and in the event of a future complaint about the employee's conduct, no reference shall be made to the warning in any correspondence or proceedings and it shall not be used to justify a more severe penalty than would apply for a first offence.

#### 1.13 GROSS MISCONDUCT

Management reserves the right to suspend an employee pending investigation in cases of gross misconduct.

Some examples (the list is not exhaustive) of what may be regarded as gross misconduct are:

- Theft, fraud, deliberate falsification of company documents
- Gross negligence
- Malicious mischief resulting in danger to fellow employees or other persons or danger to or destruction of the organisation's property or equipment.
- In the course of employment, inflicting bodily injury on another person.
- Serious breaches of the organisation's Equal Opportunities Policy
- Serious breaches of the organisation's Health & Safety Policy
- Failing to account for money or other property received on behalf of the organisation
- Stealing from the organisation
- Repeated acts of misconduct as previously outlined

In such cases management will suspend the employee concerned, either with or without pay, while an investigation of the incident takes place. Such a suspension should last as short a time as possible but no longer than 10 working days.

The complaint against the employee and his or her rights under this procedure will be explained, including the right to be accompanied by a trade union representative or a person of his or her choice. The employee should be told that if the complaint is upheld it could lead to his or her dismissal.

Before a decision is reached the employee will be interviewed by the Disciplinary and Grievance Panel and given the opportunity to state his or her case. The procedure outlined above (Conduct of Disciplinary Hearings) will be followed.

An employee dismissed for gross misconduct has the right to appeal. The appeal should be made to the Appeals Panel within 7 working days of the decision by notifying the Chair of the Appeals Panel in a letter sent by recorded delivery.

The Appeal will be heard by the Appeals Panel as soon as possible but not later than 15 working days from the receipt of notification from the employee. The procedure outlined above (Conduct of Appeals Hearing) will be followed.

Should the Appeal Panel uphold the decision to dismiss, and the employee still wishes to challenge this decision, he or she has the right to refer the matter to a Rights Commissioner, the Labour Court, the Labour Relations Commissioner, or the Employment Appeals Tribunal, as appropriate.