

Grievance Policy & Procedure



Policy owner UCD HR

Approval date and body UMT 17th December 2020

1. Purpose

University College Dublin (UCD) is committed to promoting and maintaining good employee relations and safeguarding the well-being of its employees. As such, this policy is intended to reflect the high value the University places on its community and forms part of the University's industrial relations structures. The University recognises that from time to time difficulties will occur in the normal course of interaction between employees. This is to be expected in any organisation or workplace; UCD fully appreciates the significance of these difficulties and the impact they can have on employees, students and the wider University community. UCD, therefore, endeavours to resolve any issues affecting its employees quickly, efficiently and in an atmosphere of mutual trust and confidence. UCD is committed to implementing a Grievance Policy where the primary focus is to bring about an early resolution of employee relations issues and potential grievances.

In most instances, it is intended that issues will be resolved informally between employees and their line manager. In cases where this is not possible, this Grievance Policy, which has been developed in accordance with the Labour Relations Commission's Code of Practice, the Universities Act 1997 and the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000, will apply.

When issues concerning a potential conflict of interest arise and/or where senior employees are party to the grievance, the University will endeavour to ensure an objective party of appropriate level of seniority is in place to hear the grievance.

2. Definitions

Grievance

A grievance may be defined as a complaint that an employee has regarding their terms and conditions of employment, working environment or working relationships.

A non-exhaustive list of grievances may include;

- 1) assignment of duties;
- 2) terms and conditions of employment;
- 3) health and safety issues; and/or
- 4) workplace change.

Grievance Stages

Informal Stage

Most grievances are capable of being resolved on an informal basis without recourse to the formal grievance process stages listed in the paragraphs below. Where a grievance arises, the parties concerned are encouraged to understand the other party's position and should seek, as far as possible, a mutually acceptable solution through informal means. Where appropriate, employees should in the first instance raise the grievance informally and engage in respectful conversation with their manager to ascertain if a solution can be reached prior to evoking the formal stages of the grievance process.

Formal Stages

Where a grievance remains unresolved following the informal stage of the grievance process, or where a grievance raised is not suitable to be dealt with informally, the grievance may be referred to the formal stages of the process listed below.

There are four formal stages of the UCD Grievance Process;

- 1) **Formal Stage 1**

This is the first step of the formal process of the grievance policy. Typically, where an employee has a grievance, under Stage 1, the employee raises the grievance with their immediate manager.

- 2) **Formal Stage 2**

If an employee's grievance cannot be resolved at Stage 1, the grievance may be referred to a more senior manager under Stage 2 of the process.

- 3) **Formal Stage 3**

If an employee's grievance remains unresolved after Stage 2, or if the grievance relates to remuneration, the grievance may be referred to UCD HR. As appropriate, an investigator may be appointed to investigate the grievance. If necessary, this may be an external appointee.

- 4) **Formal Stage 4**

If having exhausted the internal resolution mechanisms at Stages 1 to 3, and the grievance remains unresolved, a referral to the Workplace Relations Commission may be made by either the employee or the University.

3. Scope

This Grievance Policy aims to address promptly, impartially and as far as possible in a manner acceptable to all, grievances that do not have a resolution expressly provided for elsewhere within the University.

This Policy applies to all current UCD employees and can be invoked at any time.

Please note, in cases of alleged bullying and/or harassment, including alleged sexual harassment, the employee concerned should channel their complaint through the University's Dignity and Respect Policy. If an employee wishes to make a protected disclosure regarding a relevant alleged wrongdoing, the complainant should direct their complaint through the University's Protected Disclosures Policy. Please note, the University reserves the right to direct an employee to policies and procedures, other than this Grievance Policy and procedure document, where a resolution is expressly provided for elsewhere within the University.

4. Principles

Below is a non-exhaustive list of this Grievance Policy's principles

1. The policy applies to all current UCD employees;
2. Any grievance should be raised informally in the first instance with the intention of securing a resolution prior to invoking formal procedures;
3. The grievance should be addressed promptly and where possible, by the employee's immediate manager;
4. Employee(s) who have made a grievance complaint will not be penalised. In instances of where the issue raised is proven to be vexatious, misleading, false or malicious, such matters will be dealt with in accordance with University disciplinary mechanisms;
5. Employee(s) have the right to be accompanied at the formal stage of the grievance procedure by a colleague of their choice or by a Trade Union representative;
6. Time limits will be indicated and adhered to unless there are exceptional circumstance prevailing or due process requires extensions to the indicated timelines;
7. The decision to carry out any fact-finding enquiries as a result of a grievance complaint shall not be inferred as liability or wrongdoing on any party;
8. Where the issue remains unresolved following all internal stages of the grievance process, as set out in the Grievance Procedure, the grievance may be referred to the Workplace Relations Commission by either party, individually or jointly;

9. In the event of any issues arising which cannot immediately be disposed of and which are being processed in accordance with this Grievance Policy and Procedure, including any referrals to third parties, normal working practices will continue pending the outcome of the proceedings. All parties should continue to work as normal and cooperate with any change(s) while the issues remain unresolved; and
10. The right of appeal for decisions made in accordance with this Grievance Policy and Procedure shall be the next stage of the Grievance Procedure up to Stage 4 of the policy¹.

5. Roles and responsibilities

Employee(s) making a grievance complaint under this Policy shall

1. Consider in the first instance local and informal resolution options in advance of instigating formal grievance procedures;
2. Engage with and adhere to this Grievance Policy and Procedure at all times;
3. Commit to only submitting *bona fide* grievances and under no circumstances make vexations, misleading, false or malicious complaints;
4. Not treat differently or inappropriately interact with any employee(s);
5. Not interfere with University property, including electronic data, as a result of grievance proceedings;
6. Maintain discretion and confidentiality when required with due regard for the circumstances
7. Make themselves available to attend meetings as required; and
8. Ensure that the dignity of UCD employee(s) is maintained at all times.

Relevant manager(s) should

1. Engage with this Grievance Policy and Procedure fully at all times;
2. Treat employee(s) who have made the complaint with dignity and respect at all times;
3. Handle any grievance with confidentiality and discretion with due regard for the circumstances;
4. Make themselves available to attend meetings as required;
5. Not punish, isolate, treat differently or inappropriately interact with any employee(s) or interfere with University property, including electronic data, as a result of grievance proceedings; and

¹ For example, if an employee is not satisfied with the decision of the relevant manager reached at Stage 1 of the Grievance Policy, the appeal mechanism for the employee shall be to initiate a Stage 2 grievance.

6. Maintain discretion and confidentiality when required with due regard for the circumstances.

UCD HR should

1. Deal with all grievances fairly and in a time efficient manner;
2. Treat all employee(s) with dignity and respect at all times;
3. Maintain discretion and confidentiality when required with due regard to the circumstances;
4. Deal with all grievances fairly, transparently and impartially;
5. Advise employee(s) and managers of the correct interpretation and application of this Grievance Policy and procedure; and
6. Keep all relevant parties informed during the grievance process of pertinent developments.

Other UCD Employee(s) should

1. Treat all employee(s) with dignity and respect at all times;
2. Not treat differently or inappropriately interact with any employee(s);
3. Not interfere with University property, including electronic data, as a result of grievance proceedings;
4. Use discretion at all times concerning employee(s) and the alleged grievance; and
5. Make themselves available to attend meetings as required.

6. Related documents

7. Dignity and Respect Policy
8. Disciplinary Policy
9. Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000

10. Version history

Version 27th February 2020.