



& CDVEC Craft Unions (e.g. TEEU, INPDU, UCATT and BATU)

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### Frequently Asked Questions concerning the nationally agreed Grievance Procedure for use by Vocational Education Committees

A number of questions have arisen over the course of the training and since the Grievance Procedure was agreed in March 2010 by the parties to the Consultative Forum at national level. This FAQ document is provided as an aid to the Grievance Procedure and supporting Memorandum of Understanding which issued to all VECs for formal adoption.

This FAQ sheet may be subject to change so you are advised to maintain the most up-to-date version as a support to the official Grievance Procedure and Memorandum of Understanding adopted by your VEC.

***N.B. One should always read the Grievance Procedure and Memorandum of Understanding prior to invoking a grievance.***

#### General Questions

##### Question 1

**What should follow by way of raising awareness and further training regarding the Grievance Procedure?**

**Response:** It is the responsibility of both Management and Trade Union representative bodies to promote an awareness of the Grievance Procedure within the VEC sector. Where further training on the Grievance Procedure is undertaken locally by VECs, the Consultative Forum recommends that in a spirit of partnership, joint training initiatives would be undertaken wherever practicable.

##### Question 2

**What happens if a grievance has been activated under a previous Grievance Procedure?**

**Response:** If a grievance has commenced under a previous procedure, it should be completed under that procedure.

Only in the event that all parties to a grievance agree to suspend and exit from a previous procedure and invoke the newly adopted Grievance Procedure would it be in order to suspend use of a previous procedure and move into the appropriate stage of the newly adopted procedure.

Where a previous procedure in use makes no provision for a grievance against a CEO – the new procedure can be used commencing at stage 4. Adherence to the Procedure and the requirements to provide necessary documentation as prescribed by the procedure should be carefully noted.

### Question 3

**Does an individual have a right to bring a grievance on the basis of his/her timetable and how is this right balanced against the right of the Principal to assign staff to meet curricular and education service provision in the school?**

**Response:**

Understanding that the Principal has a right to assign staff to meet curricular and education service provision within the school/centre, the reality may prevail whereby a staff member may present with a grievance concerning the timetable as assigned.

On the understanding that a staff member is entitled to bring a grievance forward on the basis of his/her timetable, practical obligations to education and service delivery must be acknowledged. In this regard, a common sense approach to the grievance brought should be taken by all parties and informal discussion encouraged at the earliest possible juncture through informal means. The parties to the Consultative Forum (which devised the Procedure) do not support the taking of frivolous/vexatious grievances or individual grievances brought on the basis of a personal desire for accommodation within the timetable that would be inequitable, without just cause or infringe on the employee's responsibility to discharge his/her duties and contractual obligations.

### Question 4

**How does grievance differ from bullying in the workplace?**

**Response:**

The official definition of bullying<sup>1</sup> states that bullying is ...*"Repeated inappropriate behaviour, direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at a place of work and/or in the course of employment, which could reasonably be regarded as undermining the individual's right to dignity at work. An isolated incident of the behaviour may be an affront to dignity but as a once-off incident is not considered to be bullying"*.

Bullying is generally practiced by an individual or group and involves cruel, malicious attempts to undermine a person or group of people's right to dignity at work.

Grievance differs from bullying in that it is not person-specific but issue-specific. Grievance is defined in the procedure as *"a complaint which an employee/s has concerning any aspect of his/her/their employment, working environment or professional working relationships"*.

Progressing a grievance – whether it is perceived to be against a colleague, should be raised with one's line manager and is generally within the capability of being resolved through the employer (manager)/employee (staff member) relationship.

Acknowledging that bullying can present as an allegation against a line manager – the nature of the incidents or behaviour concerned to bullying in the workplace is generally characterised by behaviour that is destructive rather than constructive; is a criticism of a person rather than their mistakes; publicly humiliates rather than privately corrects and results in a person feeling threatened or compromised.

A separate procedure is available entitled *"Code of Practice for Dealing with Complaints of Bullying and Harassment in VEC Workplaces"* (September 2006) which can be used to process a complaint of bullying or harassment in the VEC workplace.

### Question 5

**If my grievance is with my colleague – why would I go to my line manager?**

**Response:**

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<sup>1</sup> The (HSA) Code of Practice on the Prevention of Workplace Bullying, 2007

The grievance procedure provides for the hearing of complaints at stage 1 by a Principal/Co-ordinator/immediate supervisor and at stage 2 by a Principal/Head of Centre and at subsequent stages within the management structure of the VEC. Often the complaint may rest with work practices or the working environment and are generally within the capability of management to resolve. Separating the person from the issue will inform the individual and the line manager as to what is really at the heart of the issue. Hence the importance of positive communication between line manager and staff and visa-versa and the importance of raising issues informally in the first instance when concerns arise is emphasised throughout the Procedure, supporting documentation and in the training sessions facilitated by the Labour Relations' Commission.

### Questions concerned to the Informal Procedure

#### Question 6

**Should the CEO of the VEC be involved in the informal stages of the Grievance Procedure?**

**Response:**

The Consultative Forum recommends that the CEO *not* be involved in the informal stage.

#### Question 7

**Should notes be taken at informal stage?**

**Response:**

No notes are to be taken at informal stages.

It is useful however for managers to complete a file note for reference confirming that the named parties concerned to the grievance have attempted informal resolution (e.g. meetings, mediation) and it has been successful or unsuccessful and stating what action will arise contingent on the success or failure of informal approaches.

### Questions concerned to the Informal and Formal Procedure

#### Question 8

**When in the Formal Procedure, can one move back to Informal?**

**Response:** Where all parties agree to exit the Formal Procedure and return to the Informal Procedure, this is permissible. However, it is important that this action be recorded in a statement of outcome signed by the parties to the grievance recording the exit at the relevant stage.

### Questions concerned to the Formal Procedure

#### Question 9

**Does the other named party in a grievance get a copy of the grievance?**

**Response:** The Grievance Procedure is primarily aimed at grievances/complaints concerned to the employer/employee relationship and the procedure itself is a voluntary IR process rather than being legal in nature. VECs should endeavor to ensure that the correct procedure is being applied (e.g. whether appropriate to the Grievance Procedure or another procedure) when another named party is involved.

If the grievance is in written form and is appropriate to being processed through the Grievance Procedure, advice is such that the other named party is entitled to a copy of the grievance. It is the responsibility of the Principal/Co-ordinator/immediate supervisor at stage 1 and at stage 2 the Principal/Head of Centre and not the aggrieved employee to provide the other named party with a copy of the grievance.

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This does not apply to the informal stage of the procedure given that informal does not require the written documentation of the complaint details (*see Q7 also*).

### Question 10

**Should I have union representation present at meetings under the Formal Stages of the Procedure?**

**Response:** It is always advisable to have union representation with you at formal procedure stage meetings.

### Question 11

**If I am not a member of a trade union can I invoke the Grievance Procedure and can I bring someone with me to meetings under the Formal Procedure?**

**Response:** All employees are entitled to access the Grievance Procedure and can be accompanied by a work colleague (if not a member of a trade union) in meetings concerned to the formal stages of the Grievance Procedure.

### Question 12

**Are the timeframes set out in the procedure mandatory?**

**Response:** All parties should adhere to the timeframes outlined in the procedure. Where there is agreement by all parties to some accommodation in the timeframes – then and only then, can the timeframes be altered.

### Question 13

**What is meant by “working days” and how does the Procedure operate over defined breaks of Christmas, Easter, mid-terms and particular summer holiday periods?**

**Response:** Where there is agreement between the parties, the operation of the Procedure could be extended into holiday periods, bearing in mind that early resolution is always preferable.

### Question 14

**What kinds of issues need to be recorded at formal stage grievance meeting/s?**

**Response:**

**Though not an exhaustive list, the following information should be recorded at formal stage grievance meetings:**

- Aggrieved staff member’s name; job title and work location in the VEC
- Name(s) of staff member(‘s’) representatives (whether trade union or work colleague) in attendance at this meeting
- Date of submission of the original grievance
  
- VEC Name
- Person representing the employer at the meeting; name; job title; work location in the VEC and relationship to the aggrieved employee (e.g. line manager, Principal, Centre Head etc.)
- Name(s) of person(s) accompanying the employer nominee (whether Trade Union or work colleague)
  
- Name(s) of any other parties in attendance at the grievance meeting (including recording secretary as appropriate)
  
- Stage of procedure applicable to the current meeting e.g. Formal Stage 1, Formal Stage 2 etc.

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- Confirmation as to whether informal resolution attempts have been made to resolve the grievance **YES/NO?**
- Confirmation as to whether structured mediation has previously taken place with respect to the grievance **YES/NO?**
- Any other previous steps undertaken in an attempt to resolve the grievance (*List only the facts of what has taken place and whether successful nor unsuccessful*)
  
- Date of the current grievance meeting
- Current stage of the procedure (e.g. stage 1, 2 etc.)
- Summary of the grievance as outlined by the aggrieved employee
- Summary of the grievance as outlined by the respondent
- Record of current meeting e.g. points raised by aggrieved employee; respondent; other parties present at the meeting
- **Summary Statement of outcome of the meeting to include the following (at a minimum):**
  - Recommendations for resolving the grievance arising from this meeting
  - Further agreed action (e.g. follow-up meeting, review in a period of X weeks, referral to next stage of the Procedure etc.)
  - Confirmation of whether the grievance is resolved or not resolved and requires to be referred onto a further stage.
  - Signature of the parties to the grievance as verification of agreement of the summary statement of outcome of the meeting.

### Question 15

**Stage 2 of the procedure states: “the Principal/Head of Centre may be accompanied by a Deputy Principal/senior colleague from the centre”. In small centres, this may prove difficult given that the Co-ordinator may not have someone unconnected to the grievance to accompany him/her. Could some facility be afforded to have a Centre Head accompanied by someone outside the centre but within the VEC?**

**Response:** The Forum advises that in centres where staff numbers are particularly small and the ability to have a Deputy accompany the Principal/Head of Centre may not be easily achieved given the particular circumstance of the grievance (e.g. Deputy is party to the grievance or there is no Deputy Head of Centre) – the Centre Head, may in such instances, be accompanied by someone from outside the centre but within the VEC.

### Question 16

**Can we advise the maximum number of attendees on management and employee/union side at meetings concerned to the grievance under Stage 4?**

**Response:** The Consultative Forum cannot be prescriptive about the maximum number of attendees at meetings concerned to the grievance. A common sense approach and reasonable numbers to facilitate the successful operation of any formal meeting must be taken into account by all parties. At stage 4 of the Formal Procedure, the Independent Appeals Officer or the LRC in the case of staff who have direct access, may ascribe the maximum number of attendances from each of the parties concerned to the grievance so as to facilitate the practical operation of this stage.

## Advice on Good Practice

### Question 17

**What is advised by way of guidelines for good practice for promoting and implementing the Grievance Procedure in VECs?**

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The following are the suggestions for good practice which were recommended arising from the training sessions on *Managing Grievance effectively in the VEC Workplace*.

### Adoption and Awareness

- VECs are encouraged to adopt the Grievance Procedure and supporting Memorandum of Understanding at VE Committee level.
- Both management and union representatives have a shared responsibility to promote the Grievance Procedure within VECs.
- VECs are encouraged to use a variety of methods e.g. induction packs; staff notice boards; staff zones on websites; intranets; staff meetings and other local consultation fora etc. to promote an awareness of the Grievance Procedure, Memorandum of Understanding and other supporting documentation (e.g. general information poster, FAQ, managers' checklist etc.).
- Unions are similarly encouraged to use a variety of methods e.g. Union handbooks; union notice boards; union websites and intranets, branch union meetings and other local consultation fora etc. to promote an awareness of the Grievance Procedure, Memorandum of Understanding and other supporting documentation (e.g. general information poster, FAQ etc.).
- The use of an organisational chart which identifies immediate supervisors/line managers/Principals/Heads of Centres etc. is a useful resource at local school/office/centre level.

### Good practice encourages that:

- There be a focus on the issue behind the grievance rather than personalities
- Grievances are dealt with as early as possible. Time invested in seeking to resolve grievances through informal means should help reduce the necessity to go into the Formal Procedure.
- The Procedure must be accompanied by clear expectations of workplace behaviour- e.g. dignity at work, the need for a manager to manage etc.
- Managers are encouraged to use the **L.A.R.E.S** skills (**LISTEN-ATTEND-REFLECT-EXPLORE-SUMMARISE**) during all grievance meetings.
- A secure bulletin board is available for procedural issues that arise which may require clarification concerning the grievance procedure. Matters posted on the bulletin board should **only** relate to procedural queries and not the specifics of a particular grievance. Matters **appropriate** for referral and clarification on procedural/interpretation queries may be referred to the Consultative Forum of management and unions. To access the bulletin board contact [paul.mahon@ivea.ie](mailto:paul.mahon@ivea.ie) by email and you will be provided with login details for <http://www.ivea.ie/vecnet/> The option also exists to refer queries appropriate to one's respective trade union, VEC or management body.

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