

17th October 2002

Hospital Consultants

Revised Grievance and Disputes Procedure Appendix 3

The purpose of this procedure is to deal with problems arising under the contract. To the greatest extent possible, such problems should be addressed and resolved within the normal structures of the employing Authority and at the earliest possible point.

The parties recognize the finite nature of resources and agree that issues involving the resourcing of services, roles of hospitals and other general service issues are not amenable to the Grievance and Disputes Procedure. However, the parties further agree that the disputes may arise, which although touching or concerning such issues, are essentially concerned with the operation of the individual contract and are therefore amenable to the procedure.

Stage 1

Local level discussions must be undertaken and completed within three months from the date on which either party to a dispute indicates in writing that it wishes to avail of this procedure. Where individual issues of an urgent nature arise, such as difficulties in obtaining locum cover, the consultant shall have the right to process the matter up to the level of the Chief Executive or his/nominated representative /deputy.

Stage 2 – Mediation/Adjudication

In exceptional cases where resolution at local level does not prove possible, the matter may be referred by way of written submission to the Mediator/Adjudicator by either party. The said submission shall be transmitted in the first instance to the Secretariat who shall immediately

forward the complaint to the Mediator/Adjudicator. It is pre-requisite to the invocation of this procedure that local discussions have taken place prior to referral to the Mediator/Adjudicator. The Mediator/Adjudicator shall decide whether all avenues at local level have been adequately explored and exhausted and further whether the matter is appropriate for his/her consideration.

The respondent will have a period of 6 weeks within which to prepare and lodge a counter statement with the Secretariat and shall forward a copy of same immediately to the complainant.

Mediation/Adjudication shall commence within two weeks of the expiry of the aforesaid time limit. Should the dispute not be resolved by mediation, the Mediator/Adjudicator shall proceed to issue a recommendation within 4 weeks of the completion of the adjudication hearing or such further time as might be agreed between parties.

- ◆ Disputes about the admissibility of particular cases shall be decided by the mediator/adjudicator.
- ◆ Hearings before the Mediators/Adjudicators shall be held in private.
- ◆ Both parties shall be entitled to representation at their own expense.
- ◆ Decisions of the Mediator/Adjudicator shall be non-binding but the parties agree that such decisions shall be afforded the status of a Labour Court Recommendation.
- ◆ The costs of the mediation/adjudication process shall be borne by the employing authority.
- ◆ The Health Service Employers Agency shall provide the Secretariat.

List of Mediators/Adjudicators

The attached list of Mediators/Adjudicators have been agreed between the parties as suitable nominees for appointment in any individual case. It shall be for the Secretariat to determine the precise Mediator/Adjudicator to be employed in any given case. The Secretariat will have due regard in the appointment of Mediators/Adjudicators from the panel to any possible conflict that might arise.

Review

The parties agree that the Grievance and Disputes procedure shall be reviewed within 2 years of date of implementation i.e. not later than 17th October 2004.

However, in the event that difficulties arise concerning individual issues of an urgent nature then an earlier review may take place in respect of such matters at the election of any of the parties hereto not earlier than the end of June 2003.

Consultants Grievance + Disputes Procedure
Mediators/Adjudicators

Name	Title	Phone No.	Address
Philip Flynn	Former Rights Commissioner	086-2494049	46 Belville, Blackhorse Avenue, Dublin 7
Janet Hughes	Rights Commissioner		12 Seabank Court, Sandycove, Co. Dublin
T. Mallon	B.L	8474564	Law Library Distillery Building, 158-159 Church Street, Dublin 7
W. McEllin	Solicitor	094-71042	Courthouse Rd, Claremorris, Co. Mayo
Gerry Durkin	S.C	8175041 8045041	Law Library Distillery Building, 145-151 Church Street, Dublin 7
John McMenamin	S.C	8174912/087- 2567863	1 Arran Square, Off Church Street, Dublin 7
John Cooney	Retired CEO (SEHB)	056-84396 086-2322104	Smithlands, Waterford Rd, Kilkenny