LEARNING OBJECTIVES

The purpose of this module is to show managers how to maintain good employee relations and foster the commitment and motivation of their staff. They should learn that it is important to promote a climate of open communication in the workplace so that employees can feel confident about raising issues they may have relating to an aspect of their work. At all times managers should remain respectful of the employee’s dignity and address their concern even though they may not ultimately be able to resolve the matter. They should understand that in many cases the matter can be resolved in the course of the normal relationship between the employee and the Line Manager.

If attempts at informal resolution fail then the Grievance Procedure will come into play. The Grievance Procedure is a key HR tool which enables employees to formally raise their concerns and appeal the outcome to a higher level of management. Managers should ensure that all employees are aware of the existence of the Grievance Procedure and understand how it operates.

TIME

13.30 to 15.00

PROCESS

Introduce the module as per this guide and communicate your expectations of the participants. Follow the steps in the DVD and use the Leader’s Guide to steer the group through the interactive phases. Explain the learning objectives and the legal framework. Refer as appropriate to the Reference Book to allow for interaction and to make notes.

MATERIALS NEEDED

» DVD

» Reference Book
INTRODUCTION

Show Slide 1:

Show Slide 2:
LEARNING OBJECTIVES AND LEGAL FRAMEWORK

Show Slide 3:

Say something like:

Introduce the notion that dealing with grievances is akin to handling conflict. An organisation which does not handle and resolve its conflict issues appropriately will see them fester and worsen. Thus, the negative aspects of conflict emerge in ways which are unexpected and largely uncontrollable.

It is therefore vital to your role as a manager that you keep on top of grievances and encourage staff to air any perceived wrongs.

Show Slide 4:

Make the point that when this module is over they will:

» Describe the legal framework
» State what a grievance is and the purpose of the Grievance Procedure
» Know their role in managing and responding to grievances
» Understand the importance of creating an awareness of the Grievance Procedure amongst employees
» Understand the steps involved in the Grievance Procedure
» Be able to conduct a Grievance Hearing.
Show Slide 5:

Show Slide 6:

Make the following key points:

The legislation underpinning employee grievances is the Industrial Relations Acts 1946-2001, which provides that disputes can be adjudicated upon by a third party under the state’s industrial relations machinery which consists of:

- The Rights Commissioner Service
- The Labour Relations Commission
- The Labour Court.
Show Slide 7:

Rights Commissioners adjudicate on individual grievances/disputes. The types of issues that would usually be referred to a Rights Commissioner include an entitlement to incremental credit or the non-grant of a public holiday. They do not hear disputes concerning rates of pay, hours or times of work of a body of workers.

The Labour Relations Commission attempts to conciliate disputes. If the dispute cannot be resolved at conciliation the matter can then be referred to the Labour Court.

The Labour Court mainly investigates collective grievances and disputes. It is viewed as a “court of last resort”.

Make the following key point:

» Ireland has a well developed industrial relations structure. Therefore we must have well developed policies and procedures to match this structure.

TRAINER NOTE

As a manager, you want to avoid employee complaints ending-up before a third party. However, there may be occasions when a referral is made, despite your best efforts to resolve the issue. In the event that an employee refers a dispute to a third party, you must fully cooperate with the process and respect the employee’s right to seek redress.
DEFINING A GRIEVANCE

Show Slide 8:

Say something like:

Before we look at how to deal with a grievance it is useful to define what we mean by the word grievance. It may be defined as…

Show and Read Slide 9:

*grievance* n a complaint which an employee has concerning his / her terms and conditions of employment, relating to matters such as...
Show and Read Slide 10:

What are the issues that give rise to grievances?

Run the Brainstorm activity.

With the group in open session brainstorm the issues that give rise to grievances. Make the point that the following list is not exhaustive.

Show and Read Slide 11:

What is a Grievance?

Examples
- Allocation of work tasks
- Granting of annual leave
- Granting of overtime
- Access to training
- Health and safety issues
- Acting-up or deputising arrangements
- Resource issues
- Working relationships

Show Slide 12:

One-sentence grievances from different staff including “Why do I always get to do the filing?”, “Why is this office always so stuffy?”, “Why can I never take annual leave at Christmas?”
RESOLVING GRIEVANCES INFORMALLY

Show Slide 13:

Say something like:

The Grievance Procedure is the formal mechanism for progressing employee grievances. However it is more beneficial both for the employee and you if issues can be resolved informally.

Show Slide 14:

Say something like:

The first step to ensuring that employees’ grievances are resolved informally is to promote a climate of open communication. You should be approachable and open to listening to your employees. This way employees who have a grievance will firstly raise it with you directly.

Most routine grievances are capable of being resolved in this manner.
Show Slide 15:

Resolving Grievances Informally

Grievances are more likely to be resolved informally if you:
- Promote a climate of open communication so that an employee with a grievance will raise it informally with you as their line manager.
- Listen carefully to what the employee’s grievance is and make a genuine effort to resolve it.
- Give serious consideration to their concerns.

Say something like:

You need to listen carefully to what the employee’s grievance is and make a genuine effort to resolve it.

» Don’t be too hasty with your reply, and

» Give serious consideration to their concerns.

Show and Read Slide 16:

Resolving Grievances Informally

Even if your initial reaction is that there is nothing you can do, you must:
- Respect the employee’s right to raise the matter.
- Be open to making a positive response.
Show Slide 17:

Grievances can escalate because a grievance that the employee has raised is dismissed too easily.

Show Slide 18: Chris Playlet, Segment 1

Chris is the manager of a busy clinic. Una complains that her cramped office is affecting her work, but because of her reputation he dismisses her complaint, due to an initial reaction of “Oh no, not again”.
Show Slide 19:

Discussion Points

TRAINER NOTE
Discuss with the group what Chris sees when this young woman presents her complaint. Is he as positively disposed to her complaint as he might be? Emphasise that he has already made up his mind that she is a difficult person to deal with. As a result he is at a disadvantage in trying to deal with her grievance, i.e. he immediately dismisses her grievance.

Show Slide 20: Chris Playlet, Segment 2

Chris did not appreciate how upset Una was, and he was stunned to receive a letter from the Health and Safety Authority two weeks later. He looked into the problem and organised a clean-up day.
Show and Read Slide 21:

Text Case Study

Margaret is employed as a staff nurse on a full-time basis and has a young child. She feels that her life would be less pressured if she could avail of the Flexible Working Scheme and reduce her weekly working commitment from 39 hours to 30 hours. She therefore approaches the Assistant Director of Nursing, Gráinne, to discuss the possibility of reducing her working hours.

Show and Read Slide 22:

Text Case Study

...Gráinne immediately replies saying that two of her employees are already out on maternity leave and another one is going on parental leave next week. She declares that it would be impossible to accommodate Margaret as the unit is already short-staffed. She finishes the conversation by saying "God, does no one want to work full-time any more". Margaret is very upset and feels that Gráinne is being unreasonable.
Show Slide 23:

Say something like:

What’s the key word in this Case Study?
(The answer is that this word is “immediately.” The manager makes up her mind too quickly and without due consideration.)

Ask what are the potential consequences of Gráinne’s reactions. Some suggestions may be:

» The matter remains unresolved
» It may interfere with what were good working relationships between Gráinne and Margaret
» The development of poor attitude to work
» Her negativity may rub off on her colleagues
» She might go out sick.

Show and Read Slide 24:

Key Learning Points

- Matters that remain unresolved might become formal grievances
- Dismissing an employee’s concerns too quickly can potentially cause long-term damage to working relationships
Show and Read Slide 25:

Remember
- Deal promptly and fairly with any issues raised
- Respect the right of the employee to air his/her grievance
- Listen patiently – do not trivialise the issue
- See what you can do to resolve the issue
- Explain the reasons for your decision

Say something like:
Remember this slide is the antidote to “immediately.”

Show Slide 26:

Formal Procedure
Some grievances fail to be resolved or are not capable of being resolved informally:
- These have to be addressed through the formal Grievance Procedure
- Advise the employee accordingly

Say something like:
Despite your best efforts some grievances can’t be resolved informally. These should be directed to the formal Grievance Procedure. Advise the employee accordingly of the steps in this procedure.
THE GRIEVANCE PROCEDURE

Show Slide 27:

The Grievance Procedure

Provides a framework for dealing promptly and fairly with individual employee grievances which cannot be resolved through the normal working relationship.

A National Grievance Procedure covers all employees in the Health Service.

Say something like:
The Grievance Procedure is for everyone in the Health Service. It exists to deal promptly and fairly with individual employee grievances which have not been resolved through the normal working relationship.

These grievances mostly relate to:

» Working environment
» Terms and conditions or
» Workplace relationships.

A National Grievance Procedure has been agreed for the Health Service. It is a staged procedure which allows an employee to pursue resolution of their grievance up through the management structures.

Show Slide 28:

Creating an Awareness

As a manager you must create an awareness of the Grievance Procedure.

Employees should:

• Be made aware of its existence
• Have the procedure explained to them
• Be encouraged to use the procedure where appropriate

Make the following key points:

You have a responsibility for creating an awareness of the Grievance Procedure in your Department. Therefore you should ensure that your employees:

» Are made aware of the existence of the Grievance Procedure
» Have the procedure explained to them. For new employees this may be covered at their induction
» Are encouraged to use the procedure where appropriate.
Show Slide 29: Billy Playlet

Billy is a Care Worker in a residential care setting. He asks his supervisor if he can change his roster to facilitate his part-time studies and some exams. She refuses, and he feels she is ignoring the importance of the exams to him. As a result he leaves work an hour early one day without permission.

Show Slide 30:

Say something like:

Ask participants what action they would take in this situation and does the blame lie solely with Billy? Are there any steps Billy’s manager could have taken to prevent this from happening?

TRAINER NOTE

Before running the next playlet emphasise to the participants that Billy looks after very vulnerable people and his presence during the full shift is vital.
An important element of the Grievance Procedure is the “working under protest” provision. It’s there to cover situations where you issue a work instruction arising from an urgent service imperative which an employee objects to on the basis that it is outside their normal remit. In these cases the employee is obliged to carry out the instruction “under protest”.

For example if a Porter in A&E is asked to go to Theatre due to staff shortages there and refuses to go as this is not his/her normal work location, he/she must carry out the disputed duty(ies) “under protest” and refer the matter under the Grievance Procedure.

This provision was negotiated with their trade union at national level and should be enforced by you.
Show Slide 32:

Make the following key points:

» If this happens a meeting with senior management will be held within 3 working days of the grievance being received to determine if the instruction(s) given by you was/were appropriate

» Senior management in this context refers to either senior line management or the Human Resources department

» If the issue cannot be resolved at this stage, the matter may be referred to a third party.

Show Slide 33:

Say something like:

To commence the procedure the employee must write to their Line Manager giving brief details of their complaint and that they wish the matter to be progressed through the Grievance Procedure.

Every effort should be made by both parties to resolve the matter as speedily as possible.

The employee should also be given the chance to state their case fully without fear of repercussion.
Show Slide 34:

STAGE 1
This is the first step in the Grievance Procedure. Under Stage 1 the employee must outline their grievance in writing to their Line Manager.

STAGE 2
If agreement cannot be reached at Stage 1, the matter may be referred to a more senior level of management under Stage 2 of the procedure.

STAGE 3
If agreement cannot be reached at Stage 2 the matter may be referred to the Human Resources department under Stage 3 of the procedure.

Show Slide 35:

Make the following key points:

At Stages 1-3 of the Grievance Procedure the following arrangements apply:

» A meeting will be arranged within 7 working days to consider the grievance
» Ensure that the employee knows they have a right to representation
» Keeping records at the meeting is critical
» Following the meeting the employee must have a written decision conveyed to him/her within 7 working days.
Show Slide 36:

If the issue is not resolved at the earlier stages the matter may be brought to Stage 4, i.e. it is referred to one of the following external third party/parties:

» Rights Commissioner
» Labour Relations Commission
» Labour Court
» Equality Tribunal.

Show Slide 37:

Where you have been unable to resolve a grievance informally you may find yourself part of a formal Grievance Hearing, where the employee is challenging a decision that you have made.
Show Slide 38:

**Your Involvement in a Hearing**

You may have to state:
- why the matter was not capable of being resolved informally
- explain why you came to your decision and stand over your actions

Guidelines on how to prepare for a Grievance Hearing are outlined in your Reference Book

Say something like:

If this does occur you may have to testify why the matter was not capable of being resolved informally. Be prepared – explain why you came to your decision.

In this context it would be useful to keep an informal note if employees do raise grievances informally.

Make the following key point:

> Guidelines on how to conduct a Grievance Hearing are contained within the Reference Book

Show Slide 39: Alan Playlet

Alan is a Lead EMT. One of his employees, Peter, spends a lot of his “on call” duty on the golf course, which could delay his response time. Alan raises it for the first time when Peter comes to him about something else. Peter said he was unaware of the problem as no one had spoken to him about it. Alan gives him a warning.
Show Slide 40:

Say something like:
What has Alan done here? Is he procedurally wrong? What is the likely outcome of this situation – (Peter now has two grievances!)

Show Slide 41:

Say something like:
Under no circumstances should the Grievance Hearing be used as an opportunity to address shortcomings in an employee’s work performance or conduct which the manager was reluctant to confront previously.
If you wish to deal with an issue relating to a staff member’s performance, make sure you take the initiative on this matter and deal with it as a separate process, i.e. through informal counselling or the Disciplinary Procedure.
Show and Read Slide 45:

Recap

- A grievance is an employee’s complaint regarding terms and conditions
- Grievances are best dealt with informally
- Grievances can escalate because issues raised are dismissed too quickly
- A National Grievance Procedure covers all employees
- Managers should create an awareness of this amongst their staff

Show and Read Slide 46:

Recap

- The procedure contains a “working under protest” element
- You may have a key role in the formal procedure
- A Grievance Hearing is not your chance to air your complaints about the employee’s work performance

TAKE BREAK FROM 15.00 TO 15.15

TRANSITION TO MANAGING ATTENDANCE