



Maynooth University  
Human Resources  
Office

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# **Grievance Procedure for Employees of Maynooth University**

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## Related Documents

A non-exhaustive list of documents related to procedure includes:

- Workplace Relations Commission’s Code of Practice on Grievance and Disciplinary Procedures;
- The Universities Act 1997;
- The National University of Ireland, Maynooth, Statutes;
- The Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000;
- Maynooth University’s Protection of Staff Against Workplace Bullying, Harassment & Sexual Harassment Policy;
- Code of Practice for Employers and Employees on the Prevention and Resolution of Bullying at Work 2020;
- Maynooth University’s Equality and Diversity Policy;
- Code of Practice on Dispute Procedures (including in Essential Services); and
- Maynooth University’s Disclosure Policy.

## Definitions

<p style="text-align: center;"><b>Grievance</b></p>	<p>A 'grievance' may be defined as a complaint that an employee has regarding their terms and conditions of employment, working environment or working relationships. The following is a non-exhaustive list of examples of workplace grievances:</p> <ul style="list-style-type: none"> <li>a. Allocation of work;</li> <li>b. Assignment of duties;</li> <li>c. Rostering arrangements;</li> <li>d. Terms and conditions of employment;</li> <li>e. Some health and safety issues;</li> <li>f. Granting of all forms of leave, i.e., Annual Leave, Compassionate Leave, Study Leave;</li> <li>g. Temporary assignment/deputising arrangements; and/or</li> <li>h. Organisational change/new working practices.</li> </ul>
<p style="text-align: center;"><b>Collective Dispute</b></p>	<p>A collective grievance is a grievance that falls within the remit of the Industrial Relations Acts and is raised by a body or bodies representative of the employees.</p>
<p style="text-align: center;"><b>Complainant</b></p>	<p>The term 'Complainant' refers to the employee(s) making a grievance complaint under this procedure.</p>
<p style="text-align: center;"><b>Stage 1 Decision Maker</b></p>	<p>A 'Stage 1 Decision Maker' will be the Complainant's immediate manager.</p> <p>If the grievance relates to the Complainant's immediate manager, the Complainant should contact an Employee Relations Manager and they will assign a different employee to act as the Stage 1 Decision Maker.</p>
<p style="text-align: center;"><b>Stage 2 Decision Maker</b></p>	<p>A 'Stage 2 Decision Maker' will be appointed by an Employee Relations Manager and will be the next level of management above the Stage 1 Decision Maker.</p>
<p style="text-align: center;"><b>Stage 3 Decision Maker</b></p>	<p>A 'Stage 3 Decision Maker' will be of appropriate authority and hold a grade that is no less senior than the Stage 2 Decision Maker and whom the President of Maynooth University or the Director of Human Resources deems appropriate in the context of the grievance.</p>
<p style="text-align: center;"><b>Recognised Trade Union</b></p>	<p>The term 'Recognised Trade Union' shall be understood to mean a trade union which is the holder of a negotiation licence under Part II of the Trade Union Act, 1941 and which is recognised as having collective bargaining rights for the Complainant(s) grade in Maynooth University.</p>
<p style="text-align: center;"><b>Nominee</b></p>	<p>A nominee is an employee appointed by the Director of Human Resources, or other relevant Officer of the University, that is appointed to undertake duties associated with the management of this process.</p>

## **Procedure Statement**

1. The purpose of Maynooth University Grievance Procedures (“procedure”) is to resolve employee grievances quickly, efficiently and in an atmosphere of mutual trust and respect. This procedure reflects the high value that the University places on its employees and forms part of the University’s industrial relations structures.
2. It is the policy of the University to treat all employees equitably and fairly in all matters relating to their work. The University recognises that from time to time, difficulties may occur in the ordinary course of workplace interactions, and this is to be expected in any workplace. Maynooth University fully appreciates the significance of these difficulties and the impact they may have.
3. In most instances, grievances can be resolved quickly and satisfactorily without the use of this procedure. However, should an employee feel that they have not been treated fairly, have a grievance, or a cause for complaint arising out of their employment, this procedure has been formulated to ensure that the grievance is dealt with appropriately.
4. This procedure has been developed in accordance with the Workplace Relations Commission’s Code of Practice on Grievance and Disciplinary Procedures, the Universities Act 1997, The National University of Ireland, Maynooth Statutes and the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000.
5. Nothing in this policy prevents an employee from referring a complaint to the Workplace Relations Commission. However, it is expected that grievances shall be raised via this procedure prior to any external referral being made.

## **General Principles**

6. The overarching principle of this procedure is that all grievance processes will be conducted in line with the concepts of fairness and natural justice as developed in the Irish courts. The principles of natural justice have been incorporated into the fair procedures as set throughout this document and shall at all times apply to any grievance procedure.
7. In addition, the following principles will guide the application and interpretation of these procedures at all times:
  - a) All grievances should, where appropriate, be raised informally in the first instance with the intention of securing a resolution prior to invoking formal procedures;
  - b) The decision to carry out any enquiries or investigation as a result of a grievance being raised shall not be inferred as wrongdoing on any party;
  - c) It is the University’s policy that all employees should have recourse to this procedure without any fear of reprisal or victimisation as a result of raising a grievance;

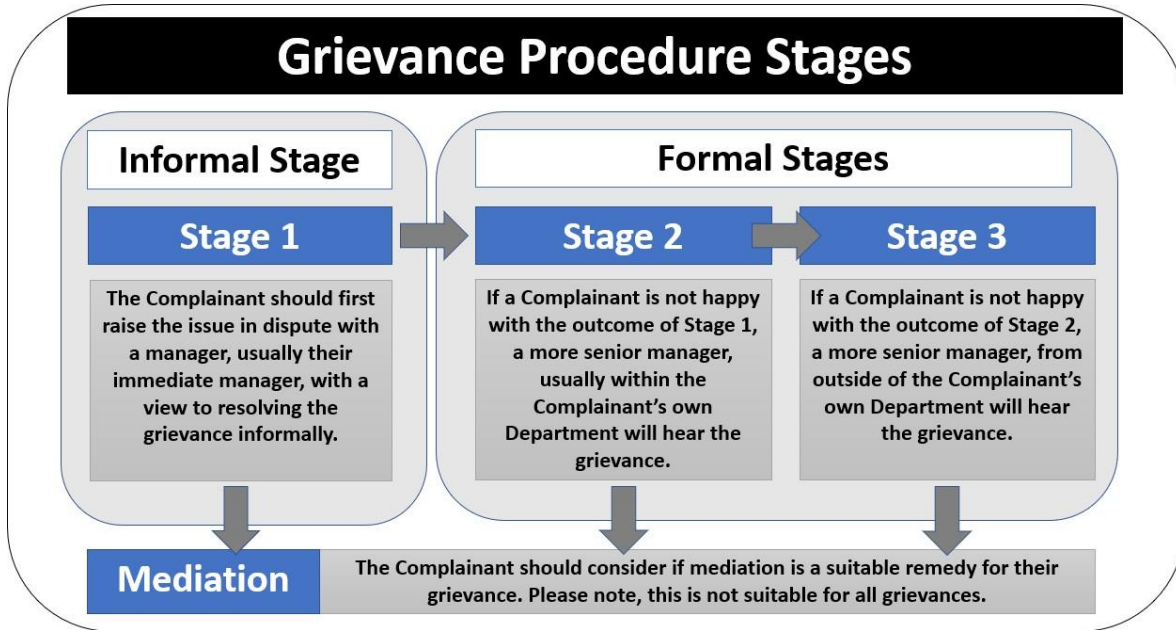
- d) If a grievance is found to be vexatious, deliberately misleading, or malicious it may be dealt with through the University's Disciplinary Procedure;
- e) All parties shall abide by the applicable laws, codes of practice and other statutory obligations at all times during the application of this procedure;
- f) Every effort will be made to adhere to the timelines contained within this policy, however, depending on the circumstances of each case, this may not always be possible. Where there is a delay in the procedure set out in this document, relevant parties should be advised of same in a timely manner; and
- g) Grievances, where raised by employees, will be treated with fairness, sensitivity, respect and confidentiality for all parties concerned.

### **Scope**

- 8. This procedure applies to all current Maynooth University employees on an individual basis who make a grievance complaint.
- 9. This procedure is not designed to reopen any matters which have previously been considered under other University policies which have the potential to make findings of fact.
- 10. This procedure will not be used as an alternative in respect of matters which, in the opinion of the Director of Human Resources, or nominee, would more appropriately be considered under other University Policies. For example, in cases of alleged bullying and/or harassment, including alleged sexual harassment, the Complainant should channel their complaint through the Protection of Staff Against Workplace Bullying, Harassment & Sexual Harassment Policy or the Equality and Diversity Policy, depending on the nature of the complaint.
- 11. In instances where an employee wishes to make a disclosure regarding an alleged or apparent wrongdoing, the Complainant should direct their complaint through the University's Disclosures Policy.
- 12. This procedure does not apply to complaints about decisions in respect of open/external recruitment, promotion, appointment, or issues covered by other University policies which may or may not include an appeal mechanism.
- 13. Where, in the opinion of the Director of Human Resources or nominee, it is in the interest of fair procedures and due process or where an actual or potential conflict exists between this procedure and any other related proceedings this process may be deferred until those matters are resolved. This will be dealt with on a case-by-case basis.

### **Grievance Process Steps**

- 14. Below is a high-level summary of the different stages of this procedure.



## Mediation

15. Mediation is an alternative means of resolving work-related disputes, and employees are encouraged to use mediation to solve grievances when appropriate.
16. Mediation will be carried out in an informal, confidential, equitable and timely manner. Mediation may be appropriate in some circumstances, however, mediation may not be suitable to all grievances.
17. Prior to commencing the procedure listed below, employees are encouraged to consider whether mediation would be of benefit to their complaint. Information on the University's Mediation Services is available at <https://www.maynoothuniversity.ie/mediation>.
18. Alternatively, employees may contact [employeerelations@mu.ie](mailto:employeerelations@mu.ie) to discuss the benefits of mediation prior to deciding on how best to progress their grievance.

## Stage 1

19. Where applicable and appropriate, the Complainant should speak to their immediate manager who will act as the Stage 1 Decision Maker. Often, the difficulty lies in an area of communication and may easily be a misunderstanding.
20. If the grievance relates to the Complainant's immediate manager, the Complainant should contact the Employee Relations Manager and they will assign a different employee to act as the Stage 1 Decision Maker.
21. If resolution cannot be reached informally, or the Complainant is not satisfied with the outcome of Stage 1, the Complainant may request that their grievance be referred to Stage 2 of this procedure using the below process.

## **Stage 2**

22. If the Complainant has explored the problem in detail with the Stage 1 Decision Maker, and is not satisfied, then they should send the completed Grievance Form (see Appendix 1) to [employeerelations@mu.ie](mailto:employeerelations@mu.ie) addressed to the Employee Relations Manager.
23. Upon receipt of the completed Grievance Form, the Employee Relations Manager will undertake a review of same to confirm that the correct policy is being used to progress the matters in dispute.
24. Once confirmed, the Employee Relations Manager will acknowledge receipt of the grievance in writing within five (5) working days and confirm the identity of the Stage 2 Decision Maker to the Complainant.
25. The Employee Relations Manager will forward the Complainant's Grievance Form to the Stage 2 Decision Maker within five (5) working days.
26. The Stage 2 Decision Maker will invite the Complainant to attend a meeting to discuss their grievance. Where possible, this meeting will take place within ten (10) working days of receipt of the completed Grievance Form.
27. The Stage 2 Decision Maker will make such investigations and consultations as they may consider appropriate regarding the nature of the grievance and may meet with any other person whom they consider relevant to the grievance.
28. The Stage 2 Decision Maker should then inform the Complainant and the Employee Relations Manager of their decision in writing, if possible, within ten (10) working days of the meeting.
29. If a Complainant is not satisfied with the outcome of Stage 2, the appeal mechanism for the Complainant shall be to initiate Stage 3 of this process.

## **Stage 3**

30. If a Complainant is not satisfied with the Stage 2 decision, they may invoke Stage 3 of the procedure no later than ten (10) working days after receipt of the Stage 2 decision. In such instances, the Complainant shall email an updated Grievance Form to [employeerelations@mu.ie](mailto:employeerelations@mu.ie), addressed to the Director of Human Resources to review under Stage 3.
31. Where a Complainant has filled out the Grievance Form as part of Stage 2 of the Formal Process, they must fill out a new Grievance Form at Stage 3 and include any updates and progress of the grievance from Stage 2.
32. Upon receipt of the completed Grievance Form, the Director of Human Resources will undertake a review of same to confirm that the correct policy is being used to progress the enduring matters in dispute.

33. Once confirmed, the Director of Human Resources will then appoint a Stage 3 Decision Maker who, at a minimum, will be from outside of the Department(s) in which the Complainant is engaged.
34. The Director of Human Resources will write to the Complainant and confirm the identity of the Stage 3 Decision Maker within ten (10) working days of receipt of the completed Grievance Form.
35. The Director of Human Resources will then send the completed Grievance Form to the Stage 3 Decision Maker within five (5) working days.
36. The Stage 3 Decision Maker will invite the Complainant to attend a meeting to discuss their grievance. Where possible, this meeting will take place within ten (10) working days of receipt of the completed Grievance Form.
37. The Stage 3 Decision Maker will make such investigations and consultations as they may consider appropriate regarding the nature of the grievance and may meet with any other person whom they consider relevant to the grievance.
38. Having considered all of the information relevant to the grievance, the Stage 3 Decision Maker will uphold or not uphold the grievance and shall make the Complainant and the Director of Human Resources aware of their decision not more than twenty (20) working days after meeting with the Complainant.
39. The decision by the Stage 3 Decision Maker will be final.

### **Standards Applicable to Stage 2 and Stage 3**

40. As part of any formal grievance meetings, the Complainant shall be given the full opportunity to make written and oral submissions regarding the grievance. Full consideration will be given to any such submissions and other relevant information.
41. Where the grievance submitted concerns another employee, that employee will be given the details of the allegations or complaints for their review. The employee concerned will be given an opportunity to respond fully to any such allegations or complaints.
42. During relevant grievance proceedings, a Decision Maker may, at their absolute discretion, make enquires to establish facts and/or to gain a better understanding of the grievance, as appropriate to the circumstances.
43. The Complainant may be accompanied at any such meeting by a colleague of their choice, a colleague who is an elected Union representative<sup>1</sup> or an official of a recognised union. Their chosen companion may address those present at the hearing and may confer with the Complainant but cannot answer questions on their behalf.
44. Decision Makers have the right to be accompanied by a member of Human Resources to

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<sup>1</sup> <sup>1</sup>The colleague must not be party to the grievance (this provision applies to all stages of the grievance process).



any grievance meeting to support the Decision Maker in their role.

45. Where a Decision Maker upholds a grievance, they will at the same time recommend what is to be done to resolve the grievance and/or, if appropriate, refer the matter to the relevant authority within the University.
46. Factual material gathered during each stage of the grievance process may be supplied to the Decision Maker in any subsequent stages of the process.
47. Where grievances relate to contractual matters, such as pay, annual leave or a Complainant's grade, this procedure will ordinarily start at Stage 3. In such instances, the Director of Human Resources or their nominee will hear the grievance on behalf of the University.

### **Collective Grievances**

48. Where a collective grievance arises, the Complainant representative and/or trade union representative will raise this with the Employee Relations Manager directly, and in line with the provisions of the Industrial Relations Acts as amended. The provisions of those acts, and applicable codes shall always apply, and all parties are bound by same.
49. In such instances, the University and the Complainant representative/trade union official will aim to resolve collective grievances quickly, efficiently and in an atmosphere of mutual trust and respect.

### **Conduct during a Grievance Procedure**

50. In the event of any issues arising, which cannot immediately be rectified, and which are being processed in accordance with any Stage of the procedure, normal working conditions, duties and obligations shall continue.
51. Pending the exhaustion of this procedure in any case, the Complainant(s) concerned will comply with any disputed instructions and the principle of "working under protest" will apply. When dealing with a collective dispute, the conduct of all parties will be governed by the provisions of the Industrial Relations Acts, Codes of Practice and other statutory requirements at all times.
52. Where the grievance relates to an instruction issued by a Head of Department or a University Policy arising from a service imperative, change, alternation or restructuring, the Complainant(s) is obliged to carry out the instruction, duties and/or obligations in dispute while proceedings remain ongoing and unresolved.
53. During the period(s) in which the above formal and informal procedures are taking place, no strike, lock-out, walk-out, sit-in, go-slow, or any other form of industrial action designed to bring pressure or influence that actually or potentially affects any party shall take place.
54. All stages of this procedures must have been thoroughly exhausted before any industrial action shall take place. Any such action will require seven working days valid written notice.
55. Failure of staff to adhere to the standards of conduct listed in this document may result in

the staff member(s) being referred to the University Disciplinary mechanisms.

## **Roles and responsibilities**

### **56. All Employees will:**

- a) Abide by the applicable laws, codes of practice and other statutory obligations at all times during the application of this Procedure;
- b) Not punish, isolate, treat differently or inappropriately interact with any employee(s) as a result of a grievance;
- c) Treat all employees with dignity and respect at all times;
- d) Not improperly interfere with university property, including electronic data in the course of grievance proceedings; and
- e) Maintain discretion and confidentiality when required with due regard for the circumstances during the course of a grievance process.

### **57. A Complainant(s) will:**

- f) Consider, in the first instance, local and informal resolution options in advance of instigating formal grievance procedures;
- g) Engage with these procedures at all times in a bona fide manner;
- h) Make themselves available to attend grievance meetings as required; and
- i) Commit to only submitting bona fide grievances and under no circumstances make vexations, deliberately misleading, or malicious complaints.

### **58. Decision Makers will:**

- j) Deal with all grievances fairly, transparently and impartially;
- k) Treat all employees with dignity and respect at all times; and
- l) Handle all grievances with confidentiality and discretion with due regard for the circumstances.

### **59. Human Resources will:**

- m) Deal with all grievances in a time-efficient manner;
- n) Engage with, and adhere to, these procedures at all times;
- o) Treat all employees with dignity and respect at all times;
- p) Advise employees and Stage1-3 Decision Makers of the correct interpretation and application of this procedure;
- q) Keep all relevant parties informed during the grievance process of pertinent developments; and
- r) Maintain accurate records of the process.

## Appendix 1 (Grievance Form)

### Grievance Form

- Please use this form when submitting a grievance under Formal Stages 2 and 3.
- All sections of this form should be completed with as much information as possible, dated and signed prior to its submission<sup>2</sup>.
- The Complainant should keep a copy of all documentation submitted.
- Once completed, this form should be emailed to [employeerelations@mu.ie](mailto:employeerelations@mu.ie) marked for the attention of the Employee Relations Manager at Stage 2 and the attention of the Director of Human Resources at Stage 3.

#### 1. Personal Details

<b>Name:</b>	
<b>Email Address:</b>	
<b>Contact number:</b>	
<b>Position:</b>	
<b>Department:</b>	

#### 2. Details of the alleged grievance

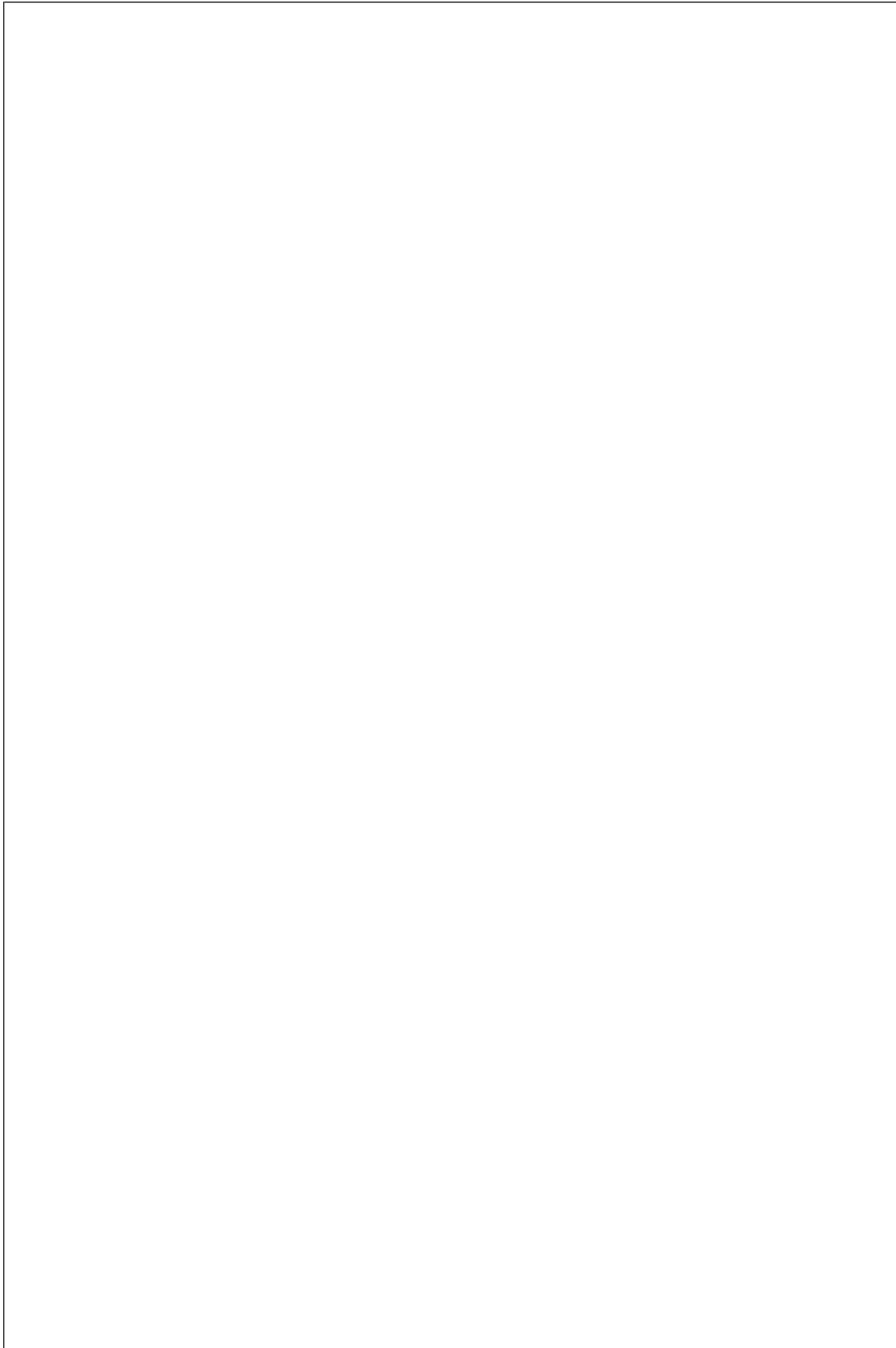
<b>Date:</b>	
<b>Place:</b>	
<b>Description:</b>	

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<sup>2</sup> Attach additional sheets to submission if necessary.

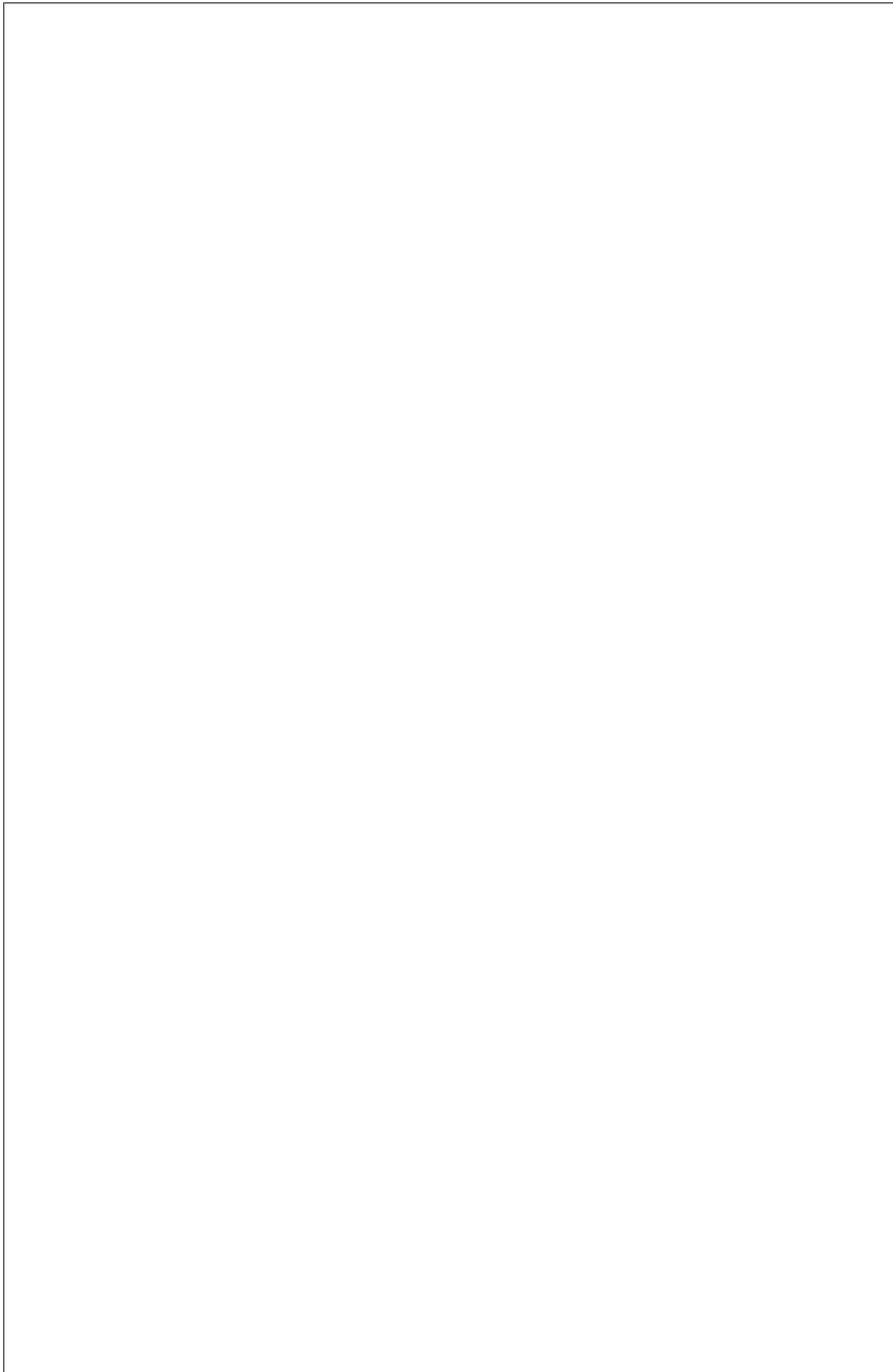
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- 3. Please provide details of any attempts which have been made to resolve the grievance prior to this submission.**

A large, empty rectangular box with a thin black border, intended for the user to provide details of any attempts made to resolve the grievance prior to the submission.

- 4. Please provide details, if any, of other Maynooth University policies that these matters have been considered under.**

**5. Please provide details of the outcome sought from raising this grievance.**



**6. Please supply any other information that you believe is relevant to your grievance.**

**Signed:** \_\_\_\_\_

**Date:** \_\_\_\_\_



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