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Member
Event

Member Webinar

Handling Disciplinary Issues and
Grievances Effectively



Elizabeth Kingston

DCM Trainer

Webinar Overview

- Understanding the difference between grievance and discipline
- The importance of policy and procedure
- Managing a workplace grievance
- Handling discipline according to natural justice and fair procedure





Understanding the Difference Between Grievance and Disciplinary

What is a Grievance?

A grievance is any concern, complaint, or problem raised by an employee about their work, conditions, or treatment.

Examples

- Pay & Benefits
- Interpretation of conditions of employment
- Unfair treatment
- Workplace changes
- Poor working conditions
- Conflict with colleagues or management

What is Discipline ?

Disciplinary action addresses employee behaviour or performance that does not meet expectations

Example

- Repeated tardiness or absenteeism
- Violation of company policies
- Misconduct or insubordination
- Gross misconduct

Key Difference Between Grievance and Discipline

Grievance: Employee's complaint about treatment or working conditions. Can involve interpersonal conflicts

- Employee-driven
- Focuses on resolving dissatisfaction

Discipline: Employer action addressing performance or behaviour issues.

- Employer-driven
- Aimed at correcting behaviour or performance to maintain workplace standards



The Importance of Policy and Procedure

Importance of Policy and Procedure

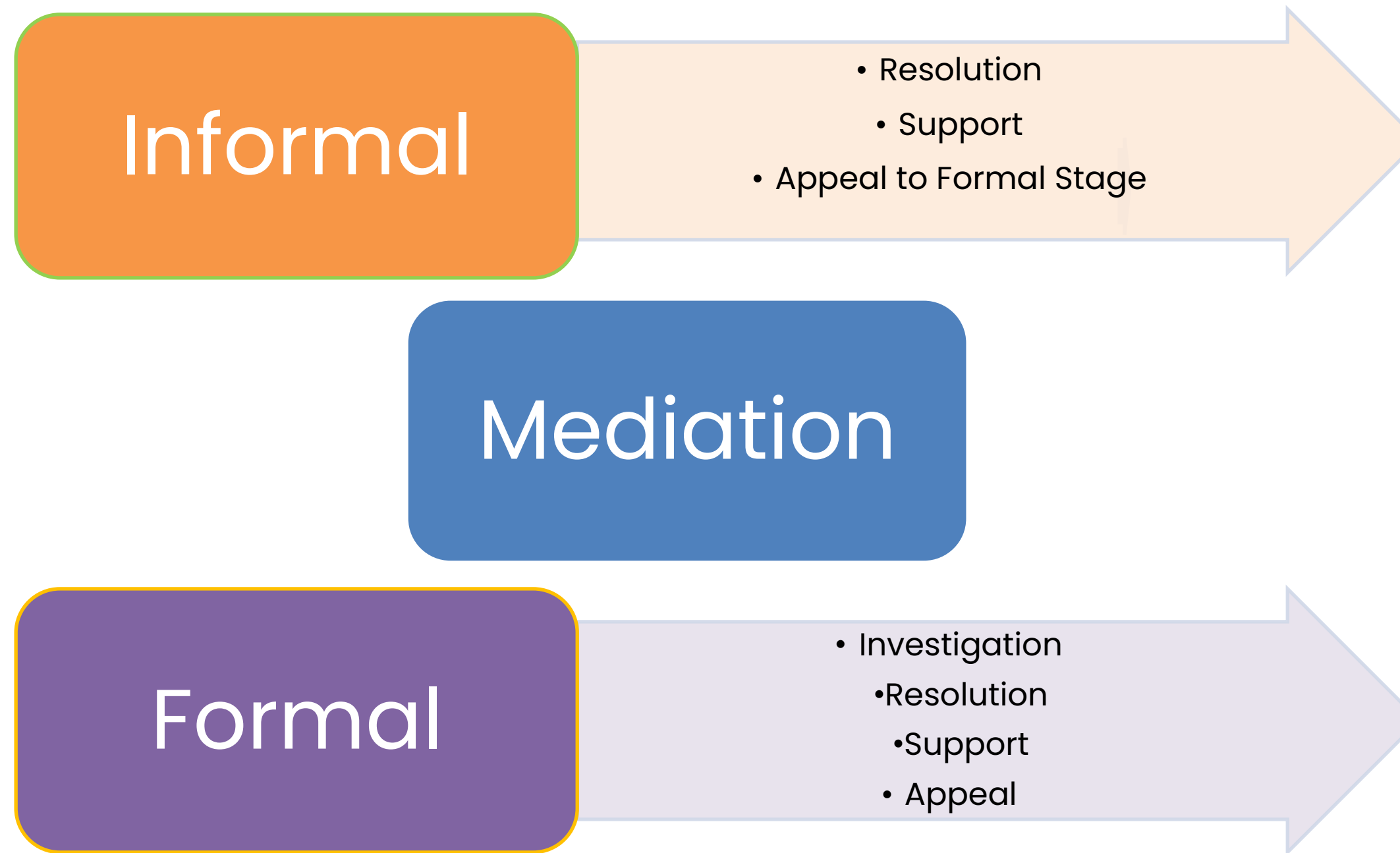
- **Consistency:** Ensures fair treatment for all employees
- **Clarity:** Employees know the steps to follow when addressing concerns
- **Legal Compliance:** Reduces risk of legal disputes

Key Documents:

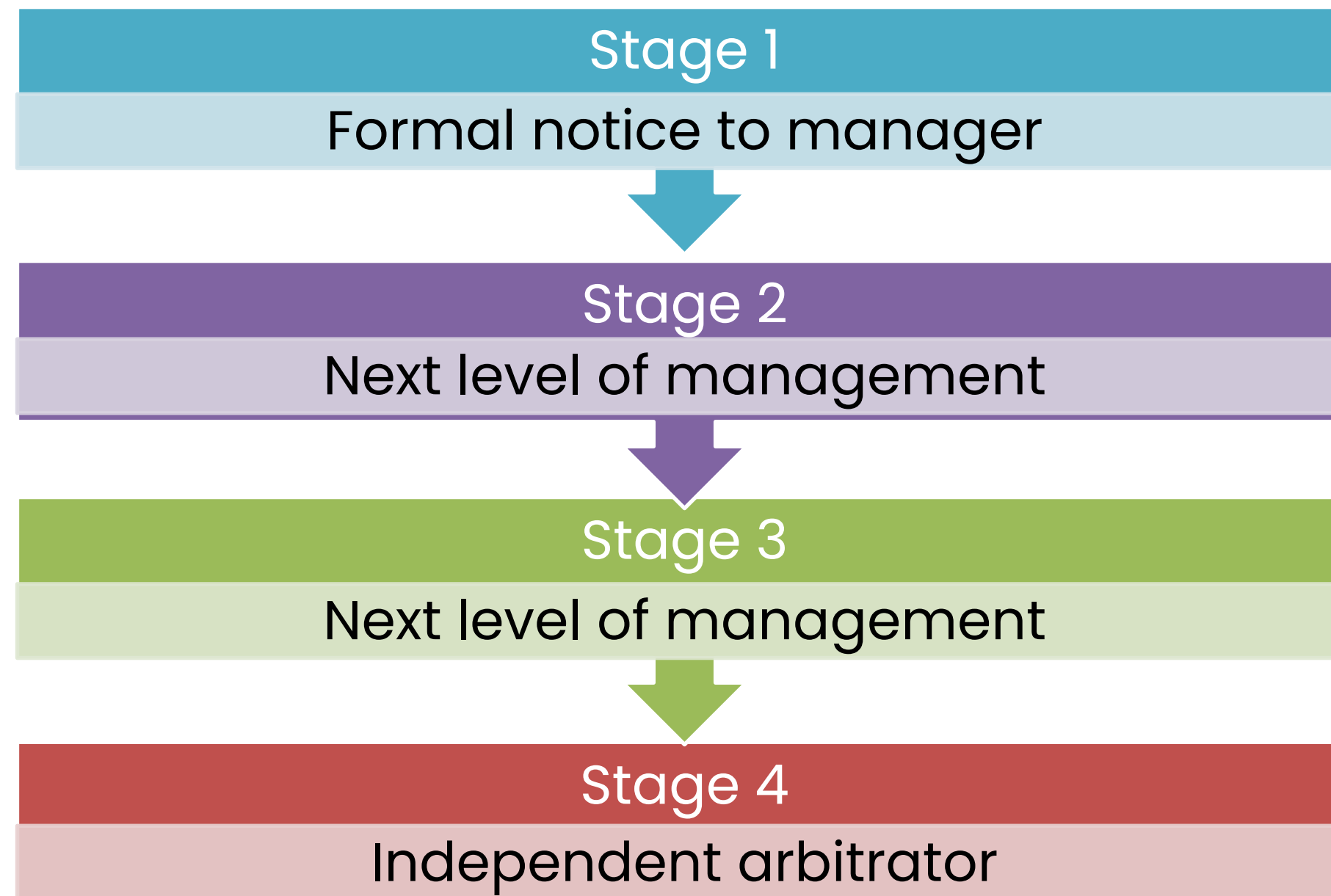
- Grievance Policy
- Disciplinary Policy
- **Code of Practice on Grievance and Disciplinary Procedures (2000)**

The Grievance Policy & Procedure

Grievance Policy



Formal Grievance Procedure



The Disciplinary Policy & Procedure

Stages of Disciplinary Procedure

Informal Stage

- Informal Discussions

Formal Stage 1:

- Verbal Warning

Formal Stage 2:

- First Written Warning

Formal Stage 3:

- Final Written Warning

Formal Stage 4:

- Dismissal/Summary Dismissal

Key Characteristic Effective Policies



- Clear steps for managing grievances and discipline
- Timelines for resolving issues
- Fair and impartial processes
- Representation
- Documentation of all actions and decisions
- Right to appeal
- Training
- Staff communication

Managing A Workplace Grievance



Informal Process

- Start with informal steps to resolve the issue early
- Complaint:- verbally or in writing
- Schedule a Meeting
- Identify the Cause
- Focus on Informal Resolution
- Use mediation to help both parties reach an agreement
- Offer additional support, such as Employee Assistance Programs (EAP), if needed.

Listen actively

Check Understanding

Offer suggestions if
appropriate

Agree on next steps of
process /action plan

Formal Process

- Complaint in writing
- Designated Manager to schedule a meeting
- Allow the employee to explain their concern fully
- An investigation may be necessary—ensure adherence to timelines
- Clearly communicate the decision and outcome of the grievance
- Offer mediation if appropriate to help resolve the issue
- Provide additional support such as Employee Assistance Programs (EAP), if needed

Challenges of Managing Grievance

- Lack of evidence to support the grievance.
- Emotional responses from employees.
- Managing employee expectations

Key steps for Managing Grievance

Take the Concern Seriously

Meet the Employee Promptly

Choose a Suitable Location

Discuss and Ask Questions

Explore Resolution Options

Determine if an Investigation is Needed

Provide a Response and Explain Reasons

Confirm in Writing

Follow Up on Actions.

Monitor Resolution Progress

Document & Record

Handling Discipline



Handling Discipline

- Investigate misconduct or performance issue
- Notify the employee of allegations
- Hold a disciplinary hearing
- Right to representation
- Right to respond
- Make a fair decision
- Offer the right to appeal

Investigation

Prior to the Investigation

- Terms of Reference

During the investigation

- Natural justice
- All relevant parties are interviewed
- Document all meetings
- Terms of reference adhere to

Investigation Report

All relevant facts have been thoroughly reviewed and objectively justified

The incident is assessed based on the balance of probability of occurrence and potential policy breach

Employees are given the opportunity to comment on the draft report

Report forwarded to the Decision Maker for final determination

Reports are shared in accordance with GDPR guidelines

Post Investigation –Support

Disciplinary Hearing

- Right to Know Allegations
- Right to a Fair Hearing
- Right to Representation
- Right to Present Their Case
- Opportunity to Raise Mitigating Circumstances

The decision is carefully considered, and the outcome is communicated to the employee

Document & Record

•**Written Sanction Details:** The employee receives written details of the sanction and the consequences if performance or behaviour does not improve

•**Improvement Measures:** Written details of the required improvements, including a timeline are provided to the employee

•**Right to Appeal:** Employees have the right to appeal the decision or sanction

Gross Misconduct

What examples of actions can constitute gross misconduct and result in summary dismissal?



Dealing with Gross Misconduct

Gross misconduct is severe behaviour that fundamentally undermines the employer-employee relationship, often leading to immediate dismissal (summary dismissal).

◦ **Examples of Gross Misconduct:**

- Theft, fraud, dishonesty
- Physical violence or threats of violence
- Serious breaches of safety protocols
- Harassment, discrimination, bullying
- Substance abuse (e.g., alcohol or drugs)

General Principles

- Principle of Natural Justice
- Fair procedure
- Procedurally compliant / Separation of processes
- Right to representation
- Present the entirety of the case in writing
- Adequate time to consider allegations
- Opportunity to reply
- Based on probability

Fairness
Objectivity
Transparency
Respect
Confidentiality

Vicarious liability
Ensure all company policies are updated in
compliance with legislation & best practice

Summary of Best Practice

Grievance Process: Act promptly, investigate impartially, provide clear communication, and ensure the right to appeal

Disciplinary Process: Ensure fairness, consistency, and legal compliance. Always document each step and follow fair procedures.

Gross Misconduct: Address immediately with suspension if necessary, follow a fair investigation, and treat the employee's rights with respect.

Ensure your grievance and disciplinary policies are clear, transparent, and consistently applied.

Document Everything

Key Takeaways

01

Consistency and fairness are critical to managing grievances and discipline.

02

Clear policies and procedures help avoid legal challenges.

03

Always adhere to natural justice principles

QUESTIONS & ANSWERS?

Ask Away.

elizabeth@dcmlearning.ie

01 524 1338