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Mitigating Risk through effective
Grievance & Disciplinary Procedures



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- * Why have a Grievance and Disciplinary procedure?
- * A typical procedure for grievance & disciplinary
- * What is gross misconduct?
- * So what is best practice?
- * Employee Rights
- * Advantages of linking Disciplinary Procedures to Performance Management
- * Some general tips
- * Q&A

* Agenda



- * Ensure fairness and consistency
- * Save employers time and reduce risk of employee disputes
- * Legal obligation to provide staff with written procedures before dismissal
- * Provides employers an opportunity to manage disputes internally directly with staff
- * Can avoid issues escalating unnecessarily
- * Courts and Employment Tribunals will be influenced when deciding on a dispute
- * Good practice and gives a good impression of the company

* Why have a Grievance and Disciplinary procedure?



*Stage 1 - one week

*Stage 2 - one week

*Stage 3 - one week

*External - Rights Commissioner etc

*** A typical procedure
for grievance
handling**



- * Pre Disciplinary - Informal discussions
- * Stage 1 - Formal Verbal Warning - 3 months
- * Stage 2 - First Written Warning - 6 months
- * Stage 3 - Final Written Warning - 12 months
- * Stage 4 - Dismissal following a series of warnings
 - Given due notice of termination of employment
 - Terminated with pay in lieu of notice
 - Transferred to other duties including demotion
- * Summary Dismissal - Gross Misconduct

*** A typical procedure for disciplinary handling**



- * Theft, fraud or deliberate falsification of records
- * Violence, threats of violence, intimidation or fighting
- * Sexual, racial or other harassment
- * Unauthorised use or disclosure of confidential information
- * Attending work under the influence of alcohol or non-medically prescribed drugs
- * Any action that may bring the Organisation into disrepute.
- * Serious acts of insubordination
- * Any criminal offence that may adversely affect the interest of the Organisation or its employees

“These areas however, are not exclusive and instances of a similar nature will also be dealt with in the same way”

* What is gross misconduct?



- * Provided in written format
- * Clear, reasonable and rational
- * Have an informal stage first
- * Have an internal appeals mechanism
- * Have timescales specified
- * Broken down in stages - progressive procedure
- * Trained and understood by all
- * Included in induction procedure
- * Grievance Procedure should be similar length as Disciplinary Procedure
- * Highlight examples of gross misconduct
- * Be linked to all other policies and procedures - including performance management.

LRC code of conduct -

<http://www.lrc.ie/documents/publications/codes/5GrievanceDisciplinary.pdf>

*** So what is best practice?**



- * Right to be informed of the complaint against them & be given sufficient opportunity to present their case & call witnesses to support their case, as appropriate
- * Right to be accompanied to disciplinary meetings by a colleague or friend to record the proceedings on their behalf
(Note - Employee representative includes a colleague of the employee's choice and a registered TU but not any other person or body unconnected with the company)
- * Right to normally not be dismissed for a first offence, other than gross misconduct
- * Right to written confirmation of meetings
- * Right of appeal, refer the matter to a Rights Commissioner once internal procedure has been exhausted.

* Employee Rights



- * Promotes a culture of high performance
- * Highlights non-tolerance for underperformance
- * Provides a procedure for managing employee out of the business
- * Reduces risk of Unfair Dismissal Claims
- * Employees are clear on what is expected of them

* Why Link Disciplinary Procedures to PM



- * Review procedure regularly - keep it current
- * Ensure all staff are trained and retrained
- * Conduct exit interviews for feedback on how staff view the system
- * Survey all staff and management to ensure system is effective
- * Hire a professional for initial set up

*** Some general tips**

*Thank you

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*Q&A