**Grievance Policy and Procedure**

**General Comments -**

* This is a template/precedent document only. It should be tailored as appropriate to suit the needs of each individual firm.
* All sections should be considered and implemented as deemed appropriate for the firm. This cover page should not be included.
* The LSQI cannot accept any responsibility for any errors or omissions contained in this template document.
* The document should be reviewed on an annual basis, or as required.

**Specific Comments –**

* All items in red italics are to be completed by the firm.

**The Legal Quality Standard of Ireland**

**March 2025**

**[*FIRM NAME*]**

**Grievance Policy**

**1.0 Introduction**

*[Name of firm]* is committed to promoting and maintaining good employee relations and fostering the commitment and morale of all employees. The firm wishes to provide every opportunity for every employee to express themselves without fear of jeopardising their position.

**2.0 Purpose**

The purpose of this procedure is to:-

* Enable employees to raise any complaints concerning work-related matters so that the issue may be addressed promptly and there is an early resolution of grievances with the intention of expediting the restoration of positive working relationships and without disruption to client care.
* To promote understanding of what is the scope of the procedure.
* To set out clearly and simply the key steps in the grievance procedure.

1. **Definition of Grievance**

A grievance may be defined as a complaint, which an employee(s) has concerning his/her terms and conditions of employment, working environment or working relationships.

1. **Scope of the Policy and Procedure**

4.1 This policy and procedure applies to grievances raised by all employees of *[Name of firm]* and has been prepared in line with the Code of Practice on Grievance and Disciplinary Procedures (S.I. no. 146 of 2000) under the Industrial Relations Act 1990 (hereinafter referred to as ‘the Code’), see Appendix A.

4.2 The following is a non-exhaustive list of the type of issues, which are appropriate for referral under the grievance procedure:-

* Relationships with work colleagues
* Allocation of work
* Granting of all forms of leave i.e. annual leave, parental leave
* Assignment of duties
* Access to training
* Health and safety issues
* New working practices

4.3 Complaints relating to bullying and harassment at work will be dealt with under the firm’s Dignity at Work Policy.

**5.0 Grievance Procedure – General Principles**

* This policy and procedure will be communicated to all employees.
* In the first instance, the employee should raise complaints on an informal basis, before invoking the formal grievance procedure.
* Every effort will be made to address complaints quickly and fairly and at the lowest level possible, at which the matter can be resolved.
* An employee will not be penalised in any way for making a complaint in good faith regardless of whether or not the complaint is upheld.
* The employee has the right to be accompanied by a work colleague or employee representative at all formal hearings under the grievance procedure as set out in ‘the Code’.
* [A Head of Department/Supervising Solicitor/Partner] hearing a grievance may be accompanied at all formal meetings by a representative of the *[Human Resources Office/Partner]* of appropriate seniority.
* While every effort will be made to adhere to the prescribed time limits these may be extended at any stage in exceptional circumstances.
* Grievances should be dealt with promptly by the employee’s immediate *[Supervising Solicitor/Head of Department/Partner].* Where the immediate *[Supervising Solicitor/Head of Department/Partner]* is the subject of the grievance or the subject of the grievance hold a position of greater seniority than the immediate *[Supervising Solicitor/Head of Department/Partner]* then the matter will be dealt with by the next appropriate level of management.
* Upon receipt of a grievance, the *[Supervising Solicitor/Head of Department/Partner]* should establish the facts. An agreed record should be made of the issues raised and discussed.
* A grievance hearing cannot be used as an opportunity to address shortcomings in an employee’s work standards, conduct or attendance. Any such shortcomings must be dealt with through informal pre procedural stage or under the progressive stages of the disciplinary procedure.
* All stages of the grievance procedure must be exhausted before any other action is taken by an employee.
* *[Name of Firm]* will take all reasonable steps to protect the parties involved in these procedures from intimidation, victimisation or discrimination resulting from raising a grievance under this procedure.

**6.0 Informal Grievance Procedure**

Many complaints are capable of being resolved on an informal basis without recourse to the formal grievance procedure. Before invoking the grievance procedure, the employee may raise the matter informally with his/her *[Firm to complete - Supervising Solicitor/Head of Department/Partner].*

If your grievance is of a kind you feel unable to raise with your *[Firm to complete - Supervising Solicitor/Head of Department/Partner],* you should raise the matter with *[another Supervising Solicitor/Head of Department/Partner]* who will endeavour to deal with your grievance promptly.

If the matter is not resolved satisfactorily through informal discussions, the employee may raise a formal grievance/complaint under the formal grievance procedure.

**7.0 Formal Grievance Procedure**

**7.1 Stage 1**

The employee should raise the grievance/complaint with *[Firm to complete - Supervising Solicitor/Head of Department/Partner]* preferably in writing, explaining you wish to use the formal procedure. Your *[Firm to complete - Supervising Solicitor/Head of Department/Partner]* will arrange a meeting to fully discuss the matter and listen to your concern, this meeting will be set up no later than [*5*] **working days** following receipt of the grievance/complaint. As set out in the principles above, the employee will be advised of his/her right to be accompanied by a work colleague or employee representative. Following this meeting, the decision will be conveyed in writing to the employee within *[5]* **working days**.

**7.2 Stage 2**

In circumstances where the grievance/complaint is not resolved at stage 1, you may request a meeting in writing with the next level of management.

The *[senior manager i.e. next level of management]* will meet with the employee to discuss the matter not later than *[5]* **working days** following receipt of the written grievance/complaint. As set out in the principles above the employee will be advised in advance of his/her right to be accompanied by a work colleague or employee representative and the *[senior manager]* hearing the grievance/complaint may also meet with any other person whom he/she considers relevant to the grievance/complaint and request and consider any and all relevant documentation.

All relevant information gathered during this process will be made available to the complainant and to other directly involved parties as necessary.

The *[senior manager]* hearing the grievance/complaint will communicate her/his decision/recommendation within *[5]* working days of the initial grievance meeting or in the event that investigation of the grievance/complaint necessitates further meetings with the complainant or parties relevant to the complaint, within *[5]* working days of the final meeting.

**7.3 Stage 3**

In circumstances where the grievance/complaint is not resolved at stage 2, there will be no further consideration of the matter by the firm. Should the employee be dissatisfied with the final decision and wish to pursue the matter further she/he may refer the matter to an appropriate third party, e.g. Workplace Relations Commission.

1. **Legislation**

SI 146/2000 Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures)(Declaration) Order, 2000

**Signed:**

**Dated:**

**Date of next review:**

**Appendix A**

# S.I. No. 146/2000 - Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000

|  |  |  |
| --- | --- | --- |
|  |  | WHEREAS the Labour Relations Commission has prepared under subsection (1) of [section 42](https://www.irishstatutebook.ie/1990/en/act/pub/0019/sec0042.html#sec42) of the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) (No. 19 of 1990), a draft code of practice on grievance and disciplinary procedures and which code is proposed to replace the code set out in the Schedule to the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) , Code of Practice on Disciplinary Procedures (Declaration) Order, 1996 ( [S.I. No 117 of 1996](https://www.irishstatutebook.ie/1996/en/si/0117.html) ); |
|  |  | AND WHEREAS the Labour Relations Commission has complied with subsection (2) of that section and has submitted the draft code of practice to the Minister for Enterprise, Trade and Employment; |
|  |  | NOW THEREFORE, I, Mary Harney, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by subsections (3) and (6) of that section, the Labour (Transfer of Departmental Administration and Ministerial Functions) Order, 1993 ( [S.I. No. 18 of 1993](https://www.irishstatutebook.ie/1993/en/si/0018.html) ), and the Enterprise and Employment (Alteration of Name of Department and Title of Minister) Order, 1997 ( [S.I. No. 305 of 1997](https://www.irishstatutebook.ie/1997/en/si/0305.html) ), and after consultation with the Commission, hereby order as follows: |
|  |  | 1.     This Order may be cited as the Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000. |
|  |  | 2.     It is hereby declared that the code of practice set out in the Schedule to this Order shall be a code of practice for the purposes of the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) (No. 19 of 1990). |
|  |  | 3.     The code of practice set out in the Schedule to the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) , Code of Practice on Disciplinary Procedures (Declaration) Order, 1996 ( [S.I. No 117 of 1996](https://www.irishstatutebook.ie/1996/en/si/0117.html) ), is revoked. |
|  |  | **SCHEDULE** |
|  |  | **1. INTRODUCTION** |
|  |  | 1.     [Section 42](https://www.irishstatutebook.ie/1990/en/act/pub/0019/sec0042.html#sec42) of the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) provides for the preparation of draft Codes of Practice by the Labour Relations Commission for submission to the Minister, and for the making by him of an order declaring that a draft Code of Practice received by him under section 42 and scheduled to the order shall be a Code of Practice for the purposes of the said Act |
|  |  | 2.     In May 1999 the Minister for Enterprise, Trade and Employment requested the Commission under [Section 42](https://www.irishstatutebook.ie/1990/en/act/pub/0019/sec0042.html#sec42) of the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) to amend the Code of Practice on Disciplinary Procedures ( [S.I. No. 117 of 1996](https://www.irishstatutebook.ie/1996/en/si/0117.html) ) to take account of the recommendations on Individual Representation contained in the Report of the High Level Group on Trade Union Recognition. The High Level Group, involving the Departments of the Taoiseach, Finance and Enterprise, Trade and Employment, the Irish Congress of Trade Unions (ICTU), the Irish Business and Employers Confederation (IBEC) and IDA-Ireland, was established under paragraph 9.22 of *Partnership 2000 for Inclusion Employment and Competitiveness* to consider proposals submitted by ICTU on the Recognition of Unions and the Right to Bargain and to take account of European developments and the detailed position of IBEC on the impact of the ICTU proposals. |
|  |  | 3.     When preparing and agreeing this Code of Practice the Commission consulted with the Department of Enterprise, Trade and Employment, ICTU, IBEC, the Employment Appeals Tribunal and the Health and Safety Authority and took account of the views expressed to the maximum extent possible. |
|  |  | 4.     The main purpose of this Code of Practice is to provide guidance to employers, employees and their representatives on the general principles which apply in the operation of grievance and disciplinary procedures. |
|  |  | **2. GENERAL** |
|  |  | 1.     This Code of Practice contains general guidelines on the application of grievance and disciplinary procedures and the promotion of best practice in giving effect to such procedures. While the Code outlines the principles of fair procedures for employers and employees generally, it is of particular relevance to situations of individual representation. |
|  |  | 2.     While arrangements for handling discipline and grievance issues vary considerably from employment to employment depending on a wide variety of factors including the terms of contracts of employment, locally agreed procedures, industry agreements and whether trade unions are recognised for bargaining purposes, the principles and procedures of this Code of Practice should apply unless alternative agreed procedures exist in the workplace which conform to its general provisions for dealing with grievance and disciplinary issues. |
|  |  | **3. IMPORTANCE OF PROCEDURES** |
|  |  | 1.     Procedures are necessary to ensure both that while discipline is maintained in the workplace by applying disciplinary measures in a fair and consistent manner, grievances are handled in accordance with the principles of natural justice and fairness. Apart from considerations of equity and natural justice, the maintenance of a good industrial relations atmosphere in the workplace requires that acceptable fair procedures are in place and observed. |
|  |  | 2.     Such procedures serve a dual purpose in that they provide a framework which enables management to maintain satisfactory standards and employees to have access to procedures whereby alleged failures to comply with these standards may be fairly and sensitively addressed. It is important that procedures of this kind exist and that the purpose, function and terms of such procedures are clearly understood by all concerned. |
|  |  | 3.     In the interest of good industrial relations, grievance and disciplinary procedures should be in writing and presented in a format and language that is easily understood. Copies of the procedures should be given to all employees at the commencement of employment and should be included in employee programmes of induction and refresher training and, trade union programmes of employee representative training. All members of management, including supervisory personnel and all employee representatives should be fully aware of such procedures and adhere to their terms. |
|  |  | **4. GENERAL PRINCIPLES** |
|  |  | 1.     The essential elements of any procedure for dealing with grievance and disciplinary issues are that they be rational and fair, that the basis for disciplinary action is clear, that the range of penalties that can be imposed is well-defined and that an internal appeal mechanism is available. |
|  |  | 2.     Procedures should be reviewed and up-dated periodically so that they are consistent with changed circumstances in the workplace, developments in employment legislation and case law, and good practice generally. |
|  |  | 3.     Good practice entails a number of stages in discipline and grievance handling. These include raising the issue with the immediate manager in the first instance. If not resolved, matters are then progressed through a number of steps involving more senior management, HR/IR staff, employee representation, as appropriate, and referral to a third party, either internal or external, in accordance with any locally agreed arrangements. |
|  |  | 4.     For the purposes of this Code of Practice, “employee representative” includes a colleague of the employee's choice and a registered trade union but not any other person or body unconnected with the enterprise. |
|  |  | 5.     The basis of the representation of employees in matters affecting their rights has been addressed in legislation, including the [Protection of Employment Act, 1977](https://www.irishstatutebook.ie/1977/en/act/pub/0007/index.html) ; the European Communities (Safeguarding of Employees Rights on Transfer of Undertakings) Regulations, 1980; [Safety, Health and Welfare at Work Act, 1989](https://www.irishstatutebook.ie/1989/en/act/pub/0007/index.html) ; [Transnational Information and Consultation of Employees Act, 1996](https://www.irishstatutebook.ie/1996/en/act/pub/0020/index.html) ; and the [Organisation of Working Time Act, 1997](https://www.irishstatutebook.ie/1997/en/act/pub/0020/index.html) . Together with the case law derived from the legislation governing unfair dismissals and other aspects of employment protection, this corpus of law sets out the proper standards to be applied to the handling of grievances, discipline and matters detrimental to the rights of individual employees. |
|  |  | 6.     The procedures for dealing with such issues reflecting the varying circumstances of enterprises/organisations, must comply with the general principles of natural justice and fair procedures which include: |
|  |  | •    That employee grievances are fairly examined and processed; |
|  |  | •    That details of any allegations or complaints are put to the employee concerned; |
|  |  | •    That the employee concerned is given the opportunity to respond fully to any such allegations or complaints; |
|  |  | •   That the employee concerned is given the opportunity to avail of the right to be represented during the procedure; |
|  |  | •   That the employee concerned has the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the employee and any other relevant or appropriate evidence, factors or circumstances. |
|  |  | 7.    These principles may require that the allegations or complaints be set out in writing, that the source of the allegations or complaint be given or that the employee concerned be allowed to confront or question witnesses. |
|  |  | 8.    As a general rule, an attempt should be made to resolve grievance and disciplinary issues between the employee concerned and his or her immediate manager or supervisor. This could be done on an informal or private basis. |
|  |  | 9.    The consequences of a departure from the rules and employment requirements of the enterprise/organisation should be clearly set out in procedures, particularly in respect of breaches of discipline which if proved would warrant suspension or dismissal. |
|  |  | 10.    Disciplinary action may include: |
|  |  | • An oral warning |
|  |  | • A written warning |
|  |  | • A final written warning |
|  |  | • Suspension without pay |
|  |  | • Transfer to another task, or section of the enterprise |
|  |  | • Demotion |
|  |  | • Some other appropriate disciplinary action short of dismissal |
|  |  | • Dismissal |
|  |  | 11.    Generally, the steps in the procedure will be progressive, for example, an oral warning, a written warning, a final written warning, and dismissal. However, there may be instances where more serious action, including dismissal, is warranted at an earlier stage. In such instances the procedures set out at paragraph 6 hereof should be complied with. |
|  |  | 12.    An employee may be suspended on full pay pending the outcome of an investigation into an alleged breach of discipline. |
|  |  | 13.    Procedures should set out clearly the different levels in the enterprise or organisation at which the various stages of the procedures will be applied. |
|  |  | 14.    Warnings should be removed from an employee's record after a specified period and the employee advised accordingly. |
|  |  | 15.    The operation of a good grievance and disciplinary procedure requires the maintenance of adequate records. As already stated, it also requires that all members of management, including supervisory personnel and all employees and their representatives be familiar with and adhere to their terms. |
|  |  | |  |  | | --- | --- | | /images/seal.jpg | Given under my Official Seal,  This 26th day of May 2000 | |  | Mary Harney | |  | Minister for Enterprise, Trade and Employment | |
|  |  | **EXPLANATORY NOTE** |
|  |  | ***This note is not part of the Instrument and does not purport to be a legal interpretation.*** |
|  |  | The effect of this Order is to declare that the draft code of practice set out in the Schedule to this Order is a code of practice for the purposes of the [Industrial Relations Act, 1990](https://www.irishstatutebook.ie/1990/en/act/pub/0019/index.html) . |