



DITSU CLG Grievance and Disciplinary Policy and Procedures

These procedures have been prepared in accordance with the Labour Relations Commission's Code of Practice on Grievance and Disciplinary Procedure. The Code of Practice highlights that good practice entails a number of stages in dealing with grievance and disciplinary matters.

Grievance and disciplinary procedures must be conducted in accordance with the provisions of natural justice and fair procedures including:

- The grievances and disciplinary of the employee are fairly examined and processed.
- The details of allegations or complaints against a particular employee are put to the employee concerned.
- The employee concerned is given an opportunity to address the complaint or allegation made against them.
- The employee concerned has the opportunity to avail of the right to be represented.
- The employee concerned has the right to a fair and impartial determination of the issues involved.

DITSU CLG Grievance Procedure

Grievances will occur in the normal course of interaction in any organisation or workplace.

The purpose of the following grievance procedure is to provide an agreed method for an individual member of DITSU employees, to raise a genuine grievance against the operation or decisions of the organisation or another employee that affects his /her ability to perform his/her job satisfactorily.

The DITSU Clg grievance policy is underpinned by the core principles of Dignity at Work, natural justice, and confidentiality.

- All employees should refer to the DITSU Dignity at Work Policy before raising a grievance.
- Employees are also encouraged to make full use of the Employment Assistant Programme (EAP).

Employees are reminded that breaching confidentiality will be dealt with through DITSU's disciplinary procedures.



Informal Discussion

DITSU employees are expected in the first instance to make efforts to resolve grievances directly with the person/people involved. This affords both parties the opportunity to seek an informal resolution of the issue.

The approach will be by way of a confidential, non-confrontational discussion with a view to resolving the issue in an informal, low-key manner.

Where a direct approach has not resolved the matter or s/he is not confident with the direct approach, s/he should bring the matter to the attention of their line manager as outlined in Stage 2.

Stage 2:

Line Manager Intervention

If agreement cannot be reached at stage 1, the matter may be referred to your line manager. Your line manager will arrange a meeting to discuss the matter not later than 10 working days following receipt of the complaint.

The employee will be advised of his/her right to be accompanied by a work colleague or union representative. Following this meeting, the decision will be conveyed in writing to the employee within 10 working days.

Line Managers will deal with issues that fall within their immediate work area or area of responsibility only. All other matters should be referred to the CEO.

Where the grievance is against the line manager it should be raised directly with the CEO. In the case of a complaint against the CEO, it should be made through the chair of DITSU Clg. In the case of sabbatical officers, complaints can be made through the CEO.

Where a direct or intervention of a line manager does not bring about a satisfactory outcome, the matter may be referred to the CEO which is outlined in stage 3.

For matters brought directly to the attention of the CEO, the CEO will attempt to resolve the issue within 10 working days of having it brought to their attention.

Stage 3:

Written Grievance to CEO

If agreement cannot be reached at stage 2 the matter may be referred to the CEO. The complaint must be submitted in writing to the CEO, outlining the nature of the complaint and resolution that is sought.

The CEO will meet informally with the employee and ensure they understand why the grievance has arisen establishing the facts and asking for more information as necessary.



Where appropriate the employee will be asked to make a more detailed complaint following this meeting.

Where appropriate the CEO will hold meetings with all parties involved in the grievance.

The grievance will be considered and if justified a range of options and solutions will be discussed.

The CEO will attempt to resolve the grievance it within 15 working days.

If the grievance is unfounded the reasons will be set out for the complainant. If the issue is not resolved at this stage, the matter should be referred to next stage

A written record of each meeting will be kept which will include details of the employer's grievance, the response of the CEO and the outcome of the meeting.

All parties will be asked to agree and sign the record of the meeting. Copies of the record will be given to everyone who attended the meeting.

Stage 4:

Mediation

The objective of mediation is to resolve the matter speedily and confidentially without recourse to a formal investigation and with the minimum of conflict and stress for the individuals involved.

Mediation requires the voluntary participation and co-operation of both parties to work effectively. By signing a contract of employment all employees indicate their willingness to participate in mediation if need be. Failure to agree to mediation will result in a formal investigation of the complaint.

An assigned external mediator meets with all parties, usually separately before bringing all parties together to reach a common understanding and agreement on the grievance raised. The Mediator will issue a report with his/her findings and recommendations to the CEO within 10 working days of the mediation meeting. This will be circulated to all the parties involved. The report is confidential to the parties involved.

If mediation does not produce a satisfactory outcome the matter can be pursued through a formal investigation.

Mediation may be attempted again during or following the outcome of a formal investigation and hearing.

A review meeting will be held within 3 months of mediation to ensure the issue remains resolved.



Stage 5:

Formal investigation

If the issue doesn't meet the criteria for an informal resolution, a formal investigation will take place by the CEO or his/her nominee an external expert and a representative of the Board other than the Chair of the Board of DITSU

If a staff member decides to make a formal complaint of bullying or harassment, DITSU's formal complaint procedure must be followed.

The formal procedure commences when a written and signed complaint is presented either by, or on behalf of a complainant, to one of the following:

- Line Manager
- CEO

Should the CEO or Sabbatical Officers be the subject of a formal investigation it should be made in writing to the Chair of the Board of DITSU Clg. Where the Chair is the subject of a formal complaint, it should be made in writing to the Board of DITSU Clg.

Employees may at all stages of a formal investigation be advised or accompanied by a Trade Union representative or representative of their choice

Investigation process

1. The investigation team will consist of the CEO and or his/her nominee, an external expert and a representative of the Board other than the Chair of the Board of DITSU
2. Terms of reference will be established, preferably agreed between the parties in advance. If the parties fail or are unable to agree terms they will be determined by the Investigating CEO or his/her nominee.
3. In the interest of natural justice, the person being complaint against will be given a copy of the written complaint and invited to respond to the allegations in writing within 10 working days.
4. The complainant and person/s being complained against will be advised of the aims and objectives of the formal process, the procedures and time frame involved, and the possible outcomes. Both parties will be offered the opportunity to avail of appropriate support as required throughout the process.
5. Copies of the grievance and disciplinary policy and procedure along with the dignity at work policies and procedures will be made available to both parties.
6. An investigation will be held within 15 working days from the formal initiation of the grievance process.



7. All parties are entitled to participate fully in the investigation. All parties will have the opportunity to meet with the investigators and to have their views on the grievance fully considered.
8. All parties are entitled to be accompanied and/or represented at any stage of the investigation Representation is the involvement of any representative, friend of the party's choice, or a Trade Union representative.
9. The investigation will be carried out as quickly as is practical.
10. On completion of the investigation, a report on the findings will be communicated in writing to all parties and to the Chair of the Board of DITSU. The findings should state clearly whether the grievance is justified; or unjustified; or whether there is insufficient evidence; or is malicious.
11. Where there are recommendations for counselling, additional mediation and/or disciplinary action (including penalties) this will be communicated to the CEO who will ensure compliance with the recommendations.
12. Copies of correspondence and written record relating to the grievance procedure will be kept in the employee's personal file. This information will be kept on file in accordance with the *Data Protection Act 1998 and 2003*
13. In cases where the conduct complained of is violent or criminal in nature the complaint should be made verbally initially to the CEO to be followed by a written complaint.

Right to Appeal

The complainant may appeal the findings to the Chair of the Board of DITSU Clg.

Grounds for appeal are restricted to:

- Correct procedures not adhered to and followed.
- Full information not being made available during the formal investigation

An appeal must be made, in writing, citing the ground for the appeal, within 10 working days of being informed of the outcome of the formal investigation and hearing.

The Chair may decide to refer the findings to an external adjudicator, appointed by the Board of Directors for the purpose. On hearing the appeal, the adjudicator will report to the Chair, who will then decide whether to allow the appeal.

Nothing in the DITSU Grievance Policy or accompanying measures is designed to prevent an individual exercising his or her statutory entitlements under the relevant legislation or from bringing a claim or making a complaint to an external agency such as the Labour Relations Commission or a court bearing in mind the appropriate time limits.

This agreed Grievance Procedure will replace existing agreements/arrangements for relevant employees.



DITSU CLG Disciplinary Policy and Procedure

Introduction

Management is responsible for the promotion of consistent and agreed codes of conduct and standards of behaviour within the organisation.

The disciplinary policy sets out the agreed action to be taken with an employee who may be guilty of misconduct or gross misconduct. The parties to this agreement accept that it is in their mutual interest to establish a clear set of procedures for the resolution of disciplinary issues.

The procedure aims to balance justice for the individual with the need for discipline within the organisation. It is the policy of DITSU that the disciplinary procedure is applied in a fair and uniform manner.

Purpose

The purpose of the disciplinary procedure is to assist any employee whose conduct, attendance or performance is in question. It is the responsibility of management to clarify the role and responsibilities of an employee within the agreed job description and within the context of supervision.

Management will endeavour to resolve matters with potential disciplinary implications at the informal level, where appropriate.

A proper investigation of the facts will be carried out prior to initiating disciplinary action. However, in the cases of gross misconduct immediate suspension pending investigation may take place.

Employees will be given a fair hearing at each stage of the disciplinary procedure.

Employees may at all stages of the disciplinary procedure be advised or accompanied by a representative of their choice or a trade union representative.

The DITSU grievance policy is underpinned by the core principles of mutual respect and dignity, natural justice, and confidentiality.

The initiation of disciplinary procedures is an opportunity to improve rather than a first step in the process of sanctioning a dismissal.

Object

DITSU acknowledges that for the vast majority of the employees the question of disciplinary action never arises.

The following procedure, however, is set out to ensure that on the exceptional occasions when disciplinary action has to be taken that it is exercised in a fair and reasonable manner with due regard to the rights and responsibilities of all the parties concerned.



The disciplinary policy and procedure applies to all DITSU employees.

Conduct and Efficiency

Employees are expected to carry out their duties to the best of their capabilities, to be in attendance at their normal hours of duty and responsibilities, to abide by the terms and conditions of their contracts of employment and the policies, practice and procedures established by DITSU.

Failure to comply with these requirements will be a disciplinary offence and will make an employee liable to disciplinary action as set out in this document.

While most disciplinary cases will commence at Stage 1, the stage at which the disciplinary procedure is initiated will depend on the relative seriousness and circumstances of the situation. In very serious cases commencement at Stages 2, 3 or 4 may be deemed necessary.

A list of examples of Disciplinary Offences is included.

Gross Misconduct

Gross misconduct is misconduct of such nature that DITSU is justified in no longer tolerating the continued employment of the person in question.

While it is difficult to be prescriptive as to what constitutes gross misconduct it is generally regarded as a gross breach of rules or regulations, policies or procedures or standards of behaviour.

Employment Rights

- An employee's natural and statutory rights will be upheld at all times in the operation of the disciplinary procedure.
- The employee will have the right to know the case against him/her, and a right to access all relevant information.
- The employee will have the right to reply and explain his/her position.
- The employee will have the right to due consideration.
- The employee will have the right to representation.
- The employee will have the right to appeal.

Representation

An employee has the right to be accompanied at all stages by a Trade Union representative or another representative of his or her choice.

Suspension to Facilitate Investigation

An employee suspended pending investigations into alleged misconduct will receive full pay.

Investigation



- Breach of discipline at Stage 1 to 4 will be referred the CEO or his/her nominee, an external expert and a representative of the Board other than the Chair of the Board of DITSU
- The Investigator/s must not have been previously involved in the case.
- An investigation will be held within 15 working days from the formal instigation of the disciplinary process.
- Investigations should be governed by terms of reference, preferably agreed between the parties in advance. If the parties fail or are unable to agree terms they will be determined by the Investigating CEO or his/her nominee.

Penalties

The penalties which may be imposed on employees in the course of disciplinary action could include:

- i. Verbal warning
- ii. Written warning
- iii. Suspension
- iv. Transfer of an employee found to have harassed or bullied another employee, particularly in case where a mutually acceptable resolution cannot be found
- v. Duties or responsibilities may be reassigned as appropriate as part of disciplinary action
- vi. Dismissal
- vii. Any other penalty, which may be appropriate in relation to the nature of the offence.

Right to Appeal

Against disciplinary actions other than dismissal

An employee has the right to appeal against disciplinary sanctions short of dismissal. The appeal will be heard by chair of DITSU Clg or an agreed independent adjudicator. The employee will be required to submit the grounds for the appeal in writing within 10 working days of being notified of the original decision.

Grounds for appeal are restricted to:

- Correct procedures not adhered to and followed.
- Full information not being made available during the formal investigation and hearing

No person involved in the Investigation Committee should be subsequently involved in the final appeal process at the stage where dismissal is due to take place. This is done in order to ensure natural justice and fairness.



An investigating committee will consist of the CEO, his/her nominee, an external expert and a representative of the Board other than the Chair of the Board of DITSU.

Appeal against dismissal decision

An employee may appeal against dismissal decision to the Chair of the Board of DITSU Clg.

Grounds for appeal are restricted to:

- Correct procedures not adhered to and followed.
- Full information not being made available during the formal investigation and hearing

An appeal must be made, in writing, citing the ground for the appeal, within 10 working days of being informed of the outcome of the formal investigation and hearing.

The Chair may decide to refer the findings to an external adjudicator, appointed by the Board of Directors for the purpose. On hearing the appeal, the adjudicator will report to the Chair, who will then decide whether to allow the appeal.

An investigating committee will consist of the CEO, his/her nominee, an external expert and a representative of the Board other than the Chair of the Board of DITSU.

Disciplinary Action

Procedure

The prime responsibility for discipline lies with the CEO of DITSU CLG. No disciplinary action may be initiated without prior consultation with the CEO to ensure fairness and consistency of practice across the DITSU.

Any letters of dismissal will be issued by the Board of DITSU Clg.

Informal Discussion / Pre Disciplinary Stage

If an employee's conduct, attendance or performance is unacceptable their line manager should make him/her aware of this and point out how it must be improved and, where essential, provide appropriate support to the employee in order to enable him or her to make the expected improvement. This should be seen as an advisory session and their line manager may keep a written record. Union representation would not be appropriate at this stage.

Employees will be afforded a maximum of two opportunities for informal resolution of any infringement of conduct, attendance or performance before the issue is moved to formal disciplinary action.

Stage 1:

Verbal Warning



dit students' union

Where an employee's conduct, attendance or performance is unacceptable the CEO will interview the employee and may issue a verbal warning. A record of the warning will be kept on the employee's personal file.

The employee will be informed:

- a) That this warning is the first stage of the Disciplinary Procedure.
- b) Of the rights of appeal against this decision.
- c) The warning period will lapse after six months satisfactory service.
- d) How to improve or remedy the situation (appropriate support being provided where essential).
- e) To whom an appeal may be made.
- f) Time limit within which an appeal may be lodged
- g) Action that may be taken in the event of a subsequent infringement.

Stage 2:

Written Warning

If the conduct, attendance or performance does not improve, or in a case of a serious breach of discipline, the CEO will assemble all the relevant evidence and carefully consider it. He/she will then interview the employee giving him/her adequate opportunity to state his/her case and if satisfied that the case warrants it, he/she will issue a written warning to the employee. A record of the interview should be kept and agreed record circulated to both parties if requested.

The written warning will record:

- a) The nature of the unacceptable behaviour/performance.
- b) The written warning will lapse after one year's satisfactory service.
- c) The right of appeal against this action.
- d) To whom an appeal may be made.
- e) Time limit within which an appeal may be lodged
- f) Action that may be taken in the event that there is no improvement in the situation.

Stage 3:

Final Written Warning

If following a further examination of the case there is no improvement in the situation or if there is a very serious breach of discipline the employee will be interviewed by an Investigating Committee who, after considering all the relevant facts of the case, will consider issuing a final written warning to the employee and the imposition or recommendation of appropriate disciplinary measures. A record of the interview will be kept and agreed records circulated to both parties.



An investigating committee will consist of the CEO, his/her nominee, an external expert and a representative of the Board other than the Chair of the Board of DITSU.

The final written warning will record:

- a) The nature of unacceptable conduct, attendance or performance.
- b) Disciplinary action to be imposed, and/or recommendations to be made to the CEO.
- c) The period during which the warning will remain effective.
- d) The right of appeal against this action.
- e) To whom an appeal may be made.
- f) Time limit within which an appeal may be lodged.
- g) Action that will be taken in the event of no subsequent improvement in the situation.

Note: Verbal warnings will lapse after 6 months subsequent satisfactory service.

Written & Final Written warnings will lapse after 1 years subsequent satisfactory service.

Stage 4:

Dismissal

In the event of no improvement in the situation or in cases of gross misconduct the CEO will: (a) first give detailed consideration to reports/recommendations submitted; (b) interview the employee; (c) ensure that the employee has adequate opportunity to present his/her case; (d) determine appropriate action which may include the dismissal or initiation of the procedures that are necessary for the dismissal of an employee. A record of the interview should be kept and agreed the record should be circulated to both parties if requested.

The employee will be informed in writing of the outcome of the hearing and the letter will indicate:

- a) The nature of the unacceptable behaviour/performance.
- b) Disciplinary action being taken.
- c) The employee's right of appeal against this action.
- d) The time limit within which an appeal may be lodged.

The final appeal in the case of a dismissal will be heard by the Board of DITSU CLG.

These examples are not exhaustive or exclusive and offences of a similar nature will result in action under the disciplinary policy and may result in summary dismissal.

Misconduct includes, but is not limited to the following examples:

Unacceptable conduct, attendance or performance including:

- Unauthorised absence from duty



- Unsatisfactory time-keeping
- Abuse of the sick scheme
- Being negligent, disruptive or otherwise unsatisfactory in the performance of duties and obligations
- Failure to comply with DITSU policy and procedures
- Failure to attend DITSU meetings and training events
- Deliberately withholding information which obstructs the work of the organisation

Note that depending on the nature of the offence (any such breaches may be considered gross misconduct

Gross Misconduct includes, but is not limited to the following examples:

Theft from DITSU or its employees and other offences of dishonesty such as:

- Engaging in fraudulent or corrupt practices within, or related to DITSU.
- Deliberate misuse or unauthorised use of DITSU equipment, including computer equipment, materials or other property.
- Falsification of DITSU documents or records.
- Malicious and/or wilful damage to DITSU property.

Bringing DITSU into disrepute including:

Insulting or abusive language or gesture or threatening attitude or behaviour or physical violence or improper behaviour directed to fellow employees, students, DIT staff or members of the public.

Harassment or bullying as defined under the DITSU policy in the Dignity at Work policy. Being under the influence of alcohol or drugs at work or while representing DITSU (other than those which have been medically prescribed). Any criminal act.

Breaches of health and safety regulations including:

- Misappropriation of safety equipment.
- Failure to wear or use safety equipment or to comply with Safety Regulations
- Fighting, assault or dangerous horseplay which may have repercussions for work situations.
- Improper disclosure of information and/or breaches of confidentiality.
- Failure to comply with regulations governing intellectual copyright.

Continued and repeated unacceptable conduct, attendance or performance including:



- Unacceptable absenteeism or abuse of sick leave scheme.
- Failure to comply with regulations governing sick leave or leave generally.
- Repeated poor performance despite measures to alleviate the problem.
- Insubordination or refusal to follow reasonable instructions of a supervisor or manager.
- Consistent non-cooperation with DITSU employees and management.
- Neglect of health, which may have repercussions for the work situation.

Review of Procedures

There will be a review of the operation of these procedures after 12 months implementation of the agreed procedures.

This agreed Disciplinary Procedure will replace existing agreements/arrangements for relevant employees.