

INDIVIDUAL GRIEVANCE PROCEDURE

GENERAL

The following procedure has been devised for dealing with issues which constitute, or are liable to constitute, a source of grievance to an individual officer employed by an Education and Library Board.

It is essential that the procedure should operate rapidly and efficiently and the time limit specified in each stage and between each stage should, unless altered by mutual agreement between the parties, be strictly observed. The existence of this formal procedure does not prevent an officer from consulting the trade union representative before deciding to invoke the procedure.

An officer who has a grievance should exhaust each stage of the procedure before proceeding to the next stage. However there may be occasions when it would be appropriate to invoke the procedure at a level beyond the first stage.

Where a Head of Department¹ or Deputy Chief Officer has an individual grievance the principles enshrined in this process shall be adopted.

Pending resolution of the individual's grievance the aggrieved party's status quo position will be maintained subject to the exigencies of the service and discussion between the parties.

Nothing in this agreement may be construed as diminishing an employee's rights in law.

SCOPE

Such issues for the purpose of this procedure may include:-

- differences between an employing authority and an individual officer on a matter which affects the officer's conditions of service;
- alleged infringement of legislation such as the Health and Safety at Work (Northern Ireland) Order 1978; the Fair Employment Act (Northern Ireland) 1976 which makes religious and political discrimination in employment unlawful; and the Sex Discrimination (Northern Ireland) Order 1976 - which includes sexual harassment.

The procedure excludes questions of grading and issues of a collective nature, including agreements made at Council, and appeals against disciplinary action.

The procedure does not apply to teachers nor Chief officers.

¹ With effect from April 2016, agreed by JNC [Joint Secretaries] that the definition of Head of Department be amended to refer to: 'posts at Assistant Senior Education Officer level or above'.

THE PROCEDURE

1. STAGE 1 REFERENCE TO SUPERVISORY OFFICER

- 1.1** An officer who feels aggrieved on any matter, as specified above, should, as a first step in the procedure, discuss the issue with the supervisory officer who should attempt to resolve the issue as soon as possible. A reply should be given within 2 working days.
- 1.2** If the officer is not satisfied, or if there is no reply within 2 working days, the officer may, together with the local trade union representative, or a fellow officer, raise the matter further at a meeting with the supervisory officer. Such a meeting should be held within 3 working days of such a request and the supervisory officer should reply, in writing, within a further 3 working days.

2. STAGE 2 REFERENCE TO HEAD OF DEPARTMENT AND HUMAN RESOURCES MANAGER

- 2.1** If the officer is not satisfied, or if there is no reply within 3 working days, the officer may make a written request to the Human Resources Manager to have the matter raised with the Head of Department². Such a request should be made within a further 3 days.
- 2.2** The Head of Department² or nominee, along with the Human Resources Manager, (or nominee from the Personnel Section who shall be of a grade not less than Senior Executive Officer) should arrange a meeting with the officer and the supervisory officer. The officer may, if so desired, be accompanied by the local trade union representative or a fellow officer. The meeting should be held within 3 working days of such a request and a written reply should be given within a further 3 working days.

3. STAGE 3 REFERENCE TO CHIEF OFFICER [OR NOMINEE AT ASSISTANT SENIOR EDUCATION OFFICER LEVEL OR ABOVE AND WHO IS A MEMBER OF A REGIONAL MANAGEMENT TEAM]

- 3.1** If the officer is not satisfied, or if there is no reply within 3 working days, the officer may make a written request to the Human Resources Manager for a meeting with the Chief Officer or nominee at Assistant Senior Education Officer level or above. Such a request should be made within a further 3 days.
- 3.2** On receipt of such a request the Chief Officer, or nominee at Assistant Senior Education Officer level or above, should make arrangements for a meeting to be held within 10 working days. The Chief Officer, or nominee at Assistant Senior Education Officer level or above, may be accompanied by any Board member or officer not previously involved in the issue. The Human Resources Manager shall normally act as secretary. The officer may, if so desired, be accompanied by a fellow officer or by the local trade union representative who shall have the right to request the presence of the Full Time Official.
- 3.3** The Chief Officer or nominee at Assistant Senior Education Officer level or above, shall give a written decision as soon as possible and in any case within 5 working days of the meeting.

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4. STAGE 4 REFERENCE TO AN INDEPENDENT APPEALS COMMITTEE

- 4.1** If the officer is not satisfied or if there is no reply within 5 working days the officer may make a written request to the Human Resources Manager to have the grievance referred to an Independent Appeals Committee. Such a request should be made within a further 15 working days. The Human Resources Manager shall refer the grievance to the Labour Relations Agency within 5 working days of receipt of the request.
- 4.2** The Appeals Committee shall consist of an Independent Chairperson appointed by the Labour Relations Agency and two panel members, one drawn from a list supplied by the recognised unions and the other drawn from a list supplied by the Management. The management member shall not be from the local office which is a party to the appeal. The trade union member may be from the union representing the appellant provided he/she is not an employee of, or a trade union representative for, the Education and Library Service.
- 4.3** The Agency shall also appoint a Secretary to the Appeals Committee who shall be responsible for the setting up of the Committee and for the provision of administration services.
- 4.4** The Secretary, in conjunction with the Chairperson, shall fix a date for the Committee's hearing of the grievance and shall advise the parties accordingly and shall invite nomination to the Committee.
- 4.5** The Secretary shall also invite the parties to make written submissions to the Committee, such submissions to be received not later than 10 days before the date of the hearing. The Secretary shall distribute copies of the submissions to the Committee members and to the other party not later than five days before the date of the hearing.
- 4.6** The Committee shall meet the parties to hear the grievance within 20 working days of the matter being referred to the Labour Relations Agency. The Chairperson shall determine the order of the oral presentations to the Committee.
- 4.7** The decision of the Appeals Committee shall be given in writing to both parties within 10 working days of the hearing.
- 4.8** The work of the Appeals Committee shall not be invalidated by the absence of one or other of the parties.
- 4.9** The decision of the Appeals Committee will be final and binding on both parties.

This procedure shall take effect from 1 November 1989 and shall remain in force for a period of 3 years at which time it shall be subject to review.