

PROCEDURE FOR SETTLING GRIEVANCES

([Section B](#) – Civil Service Regulations)

1. KEY FEATURES

The 4 key features of grievance procedures, apart from ensuring that all civil servants know about them, are fairness, facilities for representation, procedural stages and promptness. The approach is very different to that needed when dealing with disciplinary matters with the emphasis being more on listening, explaining and persuading.

a) Fairness

Fairness is essential in the interests of natural justice and to maintain confidence that the procedure is viable. The procedures should also be kept simple so that they are easily understood.

b) Facilities for Representation

The option to be represented can help the civil servant who lacks the confidence or experience to present a case to management single-handed. Moreover, a representative may have the advantage of having dealt with a range of problems and may be able to advise whether a case is worth pursuing. It is important, however, that both management and the representative who, on occasions, may have differences in other areas adopt a constructive attitude in dealing with a grievance situation.

c) Procedural Stages

There should be **three** procedural stages. The **first stage** enables the civil servant to raise a grievance informally with his line manager or with the person whose decision has caused it. If, for any reason, it is impracticable for the line manager to deal with the matter at this stage, another appropriate manager should normally be specified (by name or reference to his post) to whom the grievance should normally be referred.

This stage is important because it gives the line manager the opportunity to review any decision(s) made causing the dissatisfaction, hopefully enabling the grievance to be resolved. Senior management must permit supervisors some degree of delegated responsibility to deal with at least the more routine problems to avoid the temptation of aggrieved civil servants to by-pass their supervisor, thus undermining his legitimate managerial role.

The second stage is a hearing when the civil servant should be given the opportunity to explain the grievance to a more senior manager than the one who dealt with the grievance under the first stage of the procedures. Both parties should be allowed to attend and it is important that the hearing should attempt to finalise the matter, whenever possible. This stage may have to be omitted if the grievance has been raised at a more senior level.

The third and final stage is an appeal to a designated more senior manager, who may be the Accounting Officer. The appeal body will be able to confirm or modify the decision taken at the hearing stage. (Where it is a senior manager who has the grievance it may be appropriate, occasionally, for the appeal to be heard by a body chaired by an independent person who may be an officer from the Office of Human Resources. Where the grievance is against the Accounting Officer, it should be submitted to the Secretary of the Public Services Commission who may discuss it with the aggrieved civil servant before deciding whether it would be appropriate for the Commission to deal with it).

Exceptionally, there is the possibility that an issue which remains unresolved after the foregoing procedures have been exhausted could be referred by a group of civil servants (not an individual) as a dispute under the Trade Disputes Act.

d) Promptness

Promptness is needed to avoid the discontent and frustration that can come from delay. For this reason it is good practice to incorporate time limits between the stages to facilitate a speedy resolution of the issue(s) and early return to a better working relationship. The first stage preliminary review should be concluded normally within 3 working days and if there is no satisfactory resolution, the grievance should be referred for a second stage meeting which should take place normally within 4 working days. If the meeting fails to resolve the issue the third and final stage appeal should be heard, wherever possible, within 7 working days. In each case there should be some flexibility to extend the time limit where, for example, the person who has authority to deal with the situation is on leave or absent through illness.

2. RECORDS

It is essential that a record should be kept of grievances raised and that details of the stages of handling them should be entered on the form (GP1) provided. Civil servants can find this form at Section B, **Annex B5**, of the PSC Civil Service Regulations 2015.

3. RESPONSIBLE STAFF

It is important that all civil servants are told who (by name or reference to his job) will usually be responsible for dealing with the different stages in the grievance procedures. It is a requirement under the Employment Act 2006 that a civil servant must be informed in writing of the person to whom he can apply for the purpose of seeking redress of any grievance relative to his employment.

4. REACHING A DECISION

Most managers will be able to resolve grievances within their terms of reference although it should be remembered that the results of grievance decisions may have an impact on other work areas. It is important, therefore, that any solutions proposed are in line with any established policies and procedures and do not set precedents for other individuals and public sector groups.

The tenor of any grievance hearing should be carefully considered especially as in many cases the opportunity to be heard by, and to state the case to, "a sympathetic ear" and the provision of a careful explanation of the Commission's policy and reasons for not resolving the grievance may be sufficient to remove the central frustration which led to the grievance being raised.

5. CONCLUSION

Internal grievance procedures, like the discipline procedures, are an essential part of the terms and conditions of appointment and all civil servants must be made aware of them. The acid test of such procedures is the extent to which the rights and obligations of managers and staff are understood and accepted by all concerned. It follows that the procedures must be followed carefully at all stages in the event of a grievance arising.