

Civil Service Grievance Procedure – Report for 2009

Report by Mediation Officer

1. Having performed the role of Mediation Officer since 1992 it has been my overall experience that the principal Management and Union representatives have found the process to be useful and satisfactory in resolving difficult and increasingly more sensitive issues.
2. It is also my view that a greater understanding and appreciation of the conciliation aspect of the process has emerged among the practitioners who use the process. This, along with an acceptance of the necessity for confidentiality associated with nearly all grievance cases, has assisted me in the performance of my role in an unobtrusive way.
3. In that regard it is essential for all concerned to bear in mind that the agreed Grievance Procedure is just that – an agreed procedure. For that procedure to be effective all concerned (particularly complainants and first-line respondents) must be prepared to fully engage in the process with a view to reaching a conciliated outcome.
4. There is an ongoing need for any practitioner in this area to draw a balance between the need for confidentiality and the creation of an awareness of the availability of the facility of mediation.
5. Given the non-formal ground rules which are encouraged to operate at hearing stage, I am happy to record that most issues are resolved in a mutually satisfactory fashion. In accordance with the principles governing the mediation process, settlements reached at mediation remain confidential to the parties.

Kieran McGovern
Mediation Officer

DATE

Report:

1. The Civil Service Grievance Procedure is contained in *Circular 11/2001: Revised procedure for dealing with grievance problems* (attached). The grievance procedure provides a mechanism to deal with the complaints of individual members of staff which are not appropriate for discussion under the Conciliation and Arbitration Scheme.
2. A grievance procedure has been in operation in the civil service since 1984 and was revised in 2001 introducing new procedures in relation to mediation. Under these procedures the Personnel Officer in each Department or Office makes a report each year to the Mediation Officer on the operation of the Grievance Procedure. Based on these reports, an Annual Report is prepared by the Mediation Officer on his activities and the operation of the scheme generally.
3. The role of the Mediation Officer under the Grievance Procedure is to try to find resolutions to complaints which have been referred to him. Where agreement is not possible the Mediation Officer may make recommendations subject to the provisions of the Grievance circular.
4. This report deals with complaints that were handled under the Civil Service Grievance Procedure – it does not deal with complaints handled under *Circular 23/2005: A Positive Working Environment – an anti-Harassment, Sexual Harassment and Bullying Policy for the Civil Service*.

Annual Report 2009

5. In March 2010, Personnel Officers were requested by the Department of Finance to report on:
 - The number and nature of cases dealt with under Stage 1 of the grievance procedure
 - The number and nature of cases where complainants requested a referral to the Mediation Officer and such referral was refused
 - The reasons for the refusal of requests for referral to the Mediation Officer.
6. In reply, most Personnel Officers reported that there had been no grievance cases processed under the Grievance Procedures in their Departments/Offices during 2009 and hence returned a nil reply. Two Departments did not provide a report. Eight Departments/Offices reported that they had cases under the Procedures.
7. Four Departments reported single cases that were initiated under the Grievance Procedure in 2009. Three cases were still on-going at year end.

8. One Department reported three cases processed under the Grievance Procedures which sought referral to the Mediation Officer but were refused by the Personnel Officer.
9. Three Departments reported one case each which were referred to the Mediation Officer in the year.

Complaints under Grievance Procedure

10. In recording the following grievance cases, every effort has been made to protect confidentiality while at the same time giving information as required under the policy in relation to the issues that have led to complaints during 2009 as provided by Departments.
11. Three cases related to staff members who complained about a proposed re-assignment from one location to another. A small regional office was being closed. The complainants sought referral to the Mediation Officer under stage 11 of the procedure. Having carefully considered the cases the Personnel Officer decided that the cases were not appropriate for reference to the Mediation Officer. The Personnel Officer was of the view that the Department had fully complied with the terms of an agreement in place on the deployment of staff in that particular Department.
12. One case related to a complaint against a member of the HR unit regarding the handling of a meeting between the complainant and his line manager. The complainant felt that the HR official should not have discussed issues relating to their work in a previous Division of the Department in front of the current line manager. The complainant felt that they should have been discussed in private. The matter was resolved.
13. One case related to a complaint by a staff member against her 2 managers relating to the conduct of her review and her access to training courses. Case on going at year end.
14. One case related to a staff member being instructed to move to another location as the office was closing. The complainant requested referral to the mediation Officer and this was granted. A conciliated outcome was reached.
15. One case related to the payment of a decentralisation training allowance. The complainant requested referral to the mediation Officer and this was granted. A mediation hearing was held and the matter was resolved at that hearing.
16. Three cases were at various stages at year end and as such their details were not provided.