

Submission in relation to the consultation on the reform of the State Employment rights and Industrial Relations Structures and Procedures

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4. Key issues for Consideration

1. Resolution of Grievances and disputes as close to the workplace as possible and as early as possible after they arise

The resolution of grievances close to the work place should be directly linked to how quickly they arise. In circumstances where an employee has left the employment of the employer and has moved elsewhere, a different approach may be fairer. An employee moves where the work is in the construction industry for example. It is an unfair advantage economically and time wise to an employer to have a unilateral rule that the case be heard in the vicinity of the employer. In such a circumstance, it should be up to the Court to nominate a fair venue depending on the addresses of both parties as entered on the statutory complaint form.

If the grievance arises before an employee has moved outside the region, or during the employment, the above mentioned issue does not arise. A nomination of a venue may work in this case.

- 1.1 The first step should be to request an independent mediator if all company procedures have failed or none are in place. That mediator could attend at the employers place and mediate between the parties to resolve the issues.
- 1.2 This will work if it is adhered. However, paper trails and insufficient memory recall can cloud the issues meaning that the matters are difficult to resolve. In this regard, the mediation would be assisted by the provision of a form to be filled in by both parties which would narrow down the facts or dispute as to facts.
- 1.3 Once the company grievance procedure has been exhausted, assistance from the new service should be available.. If there is no grievance procedure, then assistance should be available immediately. If an employee or employer refuses to co-operate, this will have to be taken into account.