

Irish Employment Law

Grievances · Protected Disclosures · Dispute Resolution · Disciplinary Procedures

CMG Training Participant Workbook

Programme Outline

1. Overview - Key Irish Legislation and Codes of Practice
2. Grievance Procedures - How to De-escalate Before It Becomes a Complaint
3. Understanding Grievances & What Is a Grievance?
4. Informal versus Formal Grievances
5. Common Workplace Grievance Scenarios
6. Grievances Relating to Performance Improvement Plans (PIPs)
7. Best Practice in Handling Grievances - Step-by-Step Process
8. Roles and Responsibilities of Managers and HR
9. Natural Justice and Fair Procedures
10. Breakout Session - Grievance versus Bullying and Harassment Complaints
11. Protected Disclosures (Whistleblowing)
12. Workplace Dispute Resolution
13. Breakout Session - Resolving a Workplace Conflict
14. Disciplinary Procedures and Investigations

Section 1: Key Irish Legislation and Codes of Practice

1. Employment law in Ireland is built on a combination of primary legislation, statutory instruments and codes of practice.
2. Managers and HR professionals are expected to know and apply these.
3. Absence of knowledge of the framework is not a defence before the WRC.

The Legislation You Need to Know

1. Workplace Relations Act 2015

Established the Workplace Relations Commission (WRC) as the single enforcement body.

Mostly all employment rights claims are now referred to the WRC.

- WRC functions: conciliation, mediation, adjudication, inspection and enforcement
- Adjudication Officers issue legally binding decisions
- Employees must generally exhaust internal procedures before referring a claim
- Time limit: 6 months from the alleged breach, extendable to 12 months in exceptional circumstances
- Appeals go to the Labour Court, whose decisions are enforceable

A well-run internal process is your single most effective defence against a WRC claim.

2. WRC Code of Practice on Grievance and Disciplinary Procedures (SI 146/2000)

This is the minimum legal standard. Every employer must follow it. A breach of the Code is admissible as evidence before the WRC.

- Written procedures must be in place and communicated to all staff
- Right to be accompanied by a colleague or trade union representative at formal hearings
- Right to be informed of allegations and to respond before any decision is made
- Right of appeal against every formal decision
- Grievance and disciplinary procedures must be kept separate

3. Industrial Relations Acts 1946 to 2015

The legislative basis for collective bargaining, trade union involvement and WRC conciliation. Particularly relevant in a unionised environment where TU representatives must be facilitated at every formal stage.

4. Employment Equality Acts 1998 to 2015

Prohibits discrimination on nine grounds: gender, civil status, family status, sexual orientation, religion, age, disability, race and Traveller community membership. Relevant to grievance and disciplinary processes because inconsistent application of procedures across protected groups can constitute discrimination. PIPs and performance management must be applied equally.

5. Protected Disclosures Act 2015 as amended by the Protected Disclosures (Amendment) Act 2022

Protects workers who report wrongdoing. The 2022 Act implemented the EU Whistleblowing Directive and significantly extended the scope of protection. Covered in full in Section 5 of this workbook.

6. Safety, Health and Welfare at Work Act 2005

The employer's duty of care extends beyond physical safety to psychological safety. Bullying, harassment and a hostile working environment can constitute a breach of this Act. Relevant where a grievance or Dignity at Work complaint has a stress, anxiety or mental health dimension.

Section 2: Grievance Procedures

How to De-escalate a Grievance Before It Becomes a Formal Complaint

The most important intervention in any grievance is the earliest one. A concern addressed promptly and properly at the informal stage will rarely become a formal complaint. A concern ignored or dismissed will almost always escalate.

The De-escalation Principles

1. Intervene early. A 20-minute conversation at the right time can prevent a 6-month formal process.
2. Listen first. Do not immediately defend the organisation or justify the manager's decision.
3. Acknowledge. The employee needs to feel heard. You do not have to agree but you must listen.
4. Clarify. Ask what specifically happened, when and what the employee would like to see happen.
5. Explore resolution. What would a good outcome look like? Invite the employee to be part of finding one.
6. Agree a follow-up. Even if you cannot resolve it immediately, commit to coming back to them.
7. Document it. A brief note of the date, the issue discussed and what was agreed protects everyone.

In a unionised environment, engaging the TU representative early can be a helpful practice and not a sign of weakness. It demonstrates good faith and often accelerates resolution.

What Is a Grievance?

A grievance is a concern, problem or complaint that an employee has about their work, working conditions, management decisions, treatment at work or relationships with colleagues.

A grievance does not require inappropriate behaviour by another person. It can arise simply from a workplace decision the employee disagrees with.

Common Examples

- Disagreement with a promotion or appointment decision
- Dissatisfaction with workload allocation or role changes
- Concerns about a manager's communication style or decision-making
- Issues with annual leave, flexible working arrangements or pay
- Feeling excluded from meetings, projects or team activities
- Disagreement with the terms or targets of a Performance Improvement Plan
- Concerns about how a restructuring or organisational change is being managed

Informal versus Formal Grievances

	Informal	Formal
How raised	Verbally with line manager	Written complaint to HR or designated person
When used	First step for most concerns	When informal resolution fails or is not appropriate
Written record	Not required, though advisable	Required throughout
Timeline	5 to 10 working days	4 to 6 weeks (communicate any delays)

	Informal	Formal
Right of appeal	Not applicable	Mandatory at every stage

Common Grievance Scenarios — How Would You Handle These?

Scenario A — Management Style

An employee says their manager regularly dismisses their ideas in team meetings and speaks to them in a dismissive tone. They feel undermined and want to make a complaint.

Scenario B — PIP Dispute

An employee is placed on a PIP with six-week targets. They immediately submit a grievance saying the targets are unrealistic, they were given no prior feedback, and they believe the PIP is being used to push them out.

Scenario C — Not Invited to a Team Lunch

An employee complains they were not invited to a team lunch. They are describing it as bullying and want HR to investigate.

Scenario D — Annual Leave Refusal

An employee says: My manager is bullying me because she will not approve my annual leave request.

Best Practice Grievance Process — Step by Step

1. Receive — Acknowledge the grievance in writing within 2 to 3 working days.
2. Clarify — Meet the employee. Understand exactly what is being raised. Classify it correctly.
3. Investigate — Gather facts impartially. Interview relevant parties. Review all documentation.
4. Formal Hearing — Give the employee the opportunity to present their case. They must be offered the right to be accompanied.
5. Outcome — Issue a written decision with clear reasons and any remedial action.
6. Appeal — A right of appeal to a more senior, uninvolved person must always be offered.
7. Document — Contemporaneous notes, outcome letters and appeal decisions stored securely.

Aim to conclude within 4 to 6 weeks. If there is a delay, communicate it to the employee in writing. Unexplained silence is one of the most common triggers for WRC referrals.

Roles and Responsibilities

Line Manager	HR
First point of contact for informal concerns	Maintain the procedure and ensure consistent application
Listen without prejudice. Take all concerns seriously.	Guide managers through the formal process
Attempt early informal resolution where appropriate	Lead or oversee formal investigations
Escalate to HR when the formal process is required	Ensure natural justice at every stage
Implement remedial actions arising from any outcome	Issue outcome letters and manage appeals

Natural Justice — The Non-Negotiable Principles

Any process that fails to observe these principles is at serious risk of being overturned at the WRC regardless of the underlying merits.

1. Hear both sides. The accused must be told the allegations against them and given a genuine opportunity to respond before any decision is made.
2. No one judges their own case. The decision-maker must be impartial and free from bias or conflict of interest.
3. Right to representation. In any formal process, the employee has a statutory right to be accompanied by a colleague or trade union representative.
4. Right to reasons. Every decision must be communicated in writing with clear reasons. A bare outcome is not sufficient.
5. Right of appeal. Every formal decision must carry a right of appeal to a more senior, uninvolved person.
6. Proportionality. Any sanction must be proportionate to what actually happened. Excessive responses are regularly overturned.

Practical Question: When did your organisation last review its grievance procedure? Does it reflect current best practice and the WRC Code of Practice?

Section 3: Grievance versus Dignity at Work

This is one of the most mishandled areas of Irish employment law. Employees routinely label a complaint as bullying or a Dignity at Work issue when what they are describing is a grievance. Getting the classification right is important for the employee, to the person accused and to the organisation.

The Core Distinction

	Grievance	Dignity at Work Complaint
Definition	A concern about work, decisions, conditions or relationships	An allegation of bullying, harassment, sexual harassment, discrimination or victimisation
Focus	A situation or decision the employee wants changed	The behaviour of a specific person toward the employee
Requires another person's conduct?	No. A workplace decision alone can give rise to a grievance.	Yes. It is always about how someone has been treated by another person.
Repeated behaviour required?	No. A single incident can be a grievance.	For bullying: yes. Irish law requires repeated, inappropriate conduct.
Process	Grievance procedure	Dignity at Work or Anti-Bullying policy
Outcome	Resolution — no finding against a named person required	Formal investigation with findings of fact. Named respondent involved.

The Two-Question Test

Before deciding which process to apply, ask:

1. Is the employee unhappy with a workplace decision or situation? → That is usually a grievance.
2. Is the employee alleging inappropriate behaviour by a specific person that undermines their dignity at work? → That may be a Dignity at Work complaint.

Real Examples

Example 1 — Annual Leave

An employee says: My manager is bullying me because she will not approve my annual leave.

That is not bullying. It is a disagreement with a management decision. Handle it as a grievance.

Example 2 — Promotion

An employee says: I was not appointed to the promotion and I feel disrespected.

That is a grievance. The employee is unhappy with a decision and its impact on them. Depending on the grounds, there may also be an equality dimension to consider.

Example 3 — Repeated Conduct

An employee says: Since I applied for the promotion, my manager has repeatedly mocked me in team meetings, called my work worthless in front of colleagues and excluded me from project discussions.

Now the picture is different. This employee is describing repeated, targeted behaviour by a specific person that is undermining their dignity. This could be a Dignity at Work complaint. It requires a different process.

Example 4 — Mixed Complaint

An employee is placed on a PIP and grieves the targets as unfair. They also say that in PIP review meetings their manager has repeatedly shouted at them and threatened them with dismissal in an aggressive and threatening manner.

This complaint has two strands. The challenge to the PIP is a grievance. The manager's conduct in the meetings may be a Dignity at Work matter. Both strands must be identified separately and addressed through the correct procedure. Do not put everything into one box.

The Consequences of Getting It Wrong

If you treat a grievance as a Dignity at Work complaint:

1. You trigger a formal investigation that is not warranted
2. A manager is labelled a potential bully before any finding has been made
3. The working relationship is damaged unnecessarily
4. You spend months and significant resource on the wrong process

If you treat a Dignity at Work complaint as a grievance:

1. The employee is denied the process they are entitled to
2. You breach your duty of care to that employee
3. The employee can bring a claim to the WRC
4. In serious cases they may also bring a personal injuries action

An employee using the word bullying does not make it bullying. Listen to the substance of what is being described. The substance determines the correct process, not the label the employee chooses.

Frequently Asked Questions

Q: An employee says their manager excluded them from a team lunch. Is this bullying?

Not on its own. A single incident of being left out of a social occasion does not meet the legal threshold for bullying. It may be a grievance or a misunderstanding. Start with a conversation. If there is a pattern of deliberate exclusion over a period of time, the analysis changes.

Q: The employee insists it is bullying and refuses to engage with the grievance process.

You must still classify the complaint correctly based on what is actually being described. Explain in writing which process you are applying and why. You can acknowledge the employee's experience while still applying the correct procedure. If the complaint contains genuine elements of both, address each strand separately.

Q: Can a complaint be both a grievance and a Dignity at Work complaint?

Yes, frequently. Identify the two strands: the challenge to a decision or situation goes through the grievance procedure; allegations of inappropriate behaviour go through the DAW procedure. Communicate clearly to the employee which process is being applied to which element.

Q: A manager says they were just managing performance. The employee says they were bullied. How do we decide?

Look at the specific behaviours described. Performance management conducted fairly, proportionately and with appropriate communication is not bullying. Performance management that involves shouting, public humiliation, threats or deliberate exclusion may cross the line. The question is not whether the manager was managing performance — it is how they were doing it.

Section 4: Breakout Sessions

Breakout Session 1 — Grievance versus Dignity at Work

Scenario: An employee tells their manager they feel they are being bullied. Their supervisor has been pointing out their mistakes in front of the team at weekly meetings for the past two months. They were placed on a PIP three weeks ago which they say has unrealistic targets and no support. They were also not included in a team lunch last week. The employee wants to make a formal complaint about bullying.

Discussion Questions

1. Looking at each element of this complaint separately, which parts are a grievance and which, if any, may meet the threshold for a Dignity at Work complaint? Give your reasons.
2. What is the correct first step for the manager and for HR?
3. What are the legal and practical risks of misclassifying this complaint?
4. Would your approach differ if this employee is a trade union member?

GROUP NOTES

Breakout Session 2 — Handling a Bullying Complaint Under Dignity at Work

Scenario: Aoife, a senior employee, submits a formal written complaint to HR. She states that over the past six months her line manager Donal has: shouted at her in team meetings on at least four separate occasions; told her in front of colleagues that her work is not good enough; excluded her from a key project without explanation; and copied her out of important team communications. Aoife is now on certified sick leave citing work-related stress and anxiety. Donal denies wrongdoing and says he was managing performance issues.

Discussion Questions

1. Does what Aoife has described meet the threshold for a Dignity at Work investigation? What factors support or undermine that conclusion?
2. What immediate steps should HR take before the investigation begins? Consider Aoife's wellbeing, Donal's position, the team and documentation.
3. Should Donal be suspended? If so, on what basis?

4. What are the legal risks if HR decides to treat this as a grievance rather than a Dignity at Work complaint?

GROUP NOTES

Section 5: Protected Disclosures (Whistleblowing)

The Protected Disclosures Act 2015, as amended by the Protected Disclosures (Amendment) Act 2022, gives legal protection to workers who report wrongdoing in the workplace. This area of law has changed significantly and employers must understand their obligations fully.

What Is a Protected Disclosure?

A protected disclosure is a disclosure of relevant information made by a worker who reasonably believes it tends to show a relevant wrongdoing. The worker does not need to be proven right but the belief must be genuine and made in good faith.

Categories of Relevant Wrongdoing

1. A criminal offence
2. Failure to comply with a legal obligation
3. A miscarriage of justice
4. Endangerment of health or safety
5. Damage to the environment
6. Misuse or misappropriation of public funds
7. Covering up or concealing any of the above

A protected disclosure is not the same as a grievance. If a concern could be a protected disclosure, do not route it through the grievance process. The protections and obligations are entirely different.

Who Is Protected?

- Employees including part-time and fixed-term workers
- Agency workers and contractors
- Trainees, interns and volunteers
- Job applicants
- Facilitators - persons who assist or support the discloser
- In some circumstances, third parties connected to the discloser

Protection applies from the moment of disclosure and is not dependent on the disclosure being proven correct.

Reporting Channels

Internal	External	Media
Preferred first channel under the 2022 Act	Used when internal channel fails or retaliation feared	Last resort only — very restricted circumstances
Designated Person required senior, trained, independent	Prescribed Persons: HSA, Revenue, Central Bank, Garda Síochána	Worker must have already used internal or external channel
Acknowledge within 7 days; outcome within 3 months	Worker need not exhaust internal channel first if reasonable to go external	Wrongdoing must be of exceptional public interest
Mandatory for organisations with 50+ employees since December 2023	Legal advice strongly recommended before external disclosure	Legal advice essential before any media disclosure

Employer Obligations

1. Establish and maintain a formal internal reporting channel (mandatory for 50+ employees)
2. Appoint a Designated Person who is senior, trained and independent
3. Acknowledge receipt of every disclosure within 7 calendar days
4. Investigate fairly and proportionately
5. Communicate the outcome to the worker within 3 months of acknowledgement
6. Maintain strict confidentiality without revealing the discloser's identity offence
7. Keep secure records of all disclosures whether acted upon or not
8. Protect the worker from penalisation

Penalisation

Penalisation of a worker for making a protected disclosure is unlawful. Once the worker establishes a prima facie case of penalisation, the burden shifts to the employer to prove the action was unconnected to the disclosure.

Penalisation includes: dismissal, suspension, demotion, reduction in pay, harassment, intimidation, transfer against the worker's will and refusal of promotion or training.

Recent case in the news – Aer Lingus Pilot

Can You Take Disciplinary Action Against a Discloser?

Yes, but only where there is a genuinely separate, documented reason unconnected to the disclosure. This is a high bar. Timing matters enormously. Disciplinary action taken shortly after a disclosure will be treated with significant suspicion even if the reason appears unrelated. Always obtain legal advice before proceeding.

SME Considerations

Organisations with fewer than 50 employees still have legal obligations. At a minimum you need: a Designated Person; a written policy; and a secure confidential reporting channel. A shared Designated Person function between organisations may be permissible. take advice on your specific structure.

Practical Question: Does your organisation have a compliant internal reporting channel? When was your Designated Person last trained? Could you answer a disclosure received today within the required timeframes?

Frequently Asked Questions

Q: What should protected disclosure training include?

What a protected disclosure is; the categories of relevant wrongdoing; how to make a report internally; who the Designated Person is; what happens after a disclosure; confidentiality protections; protection from penalisation; and how to access external channels. Training should be given to all staff, not just managers.

Q: An employee makes an anonymous disclosure. Do we have to investigate?

You are not legally required to investigate every anonymous report, but best practice is to assess its credibility and act where it discloses a credible concern. Document everything received, including anonymous reports.

Q: The disclosure contains hearsay. How do we handle it?

Document everything. Assess the evidential weight of each element. First-hand accounts carry more weight than second-hand reports. Do not act solely on hearsay, but use it to identify lines of inquiry you can pursue with direct evidence. Take legal advice in complex cases.

Q: Can a disclosure to the media ever be protected?

Only in very limited circumstances under s.18 of the Act. The worker must have already used internal or external channels, the response must have been inadequate, the wrongdoing must be of exceptional public interest, and the disclosure must not be made for personal gain. Legal advice is essential. Workers who go to the media without following this sequence lose their protection.

NOTES

Section 6: Workplace Dispute Resolution

The vast majority of workplace disputes can and should be resolved before they reach the WRC. The key is early intervention, correct classification and a willingness to engage with resolution options.

Why Disputes Escalate

1. Concerns are dismissed or ignored when first raised
2. The manager does not follow up after a conversation
3. Rules are applied inconsistently – Comparator – was one person is treated differently from another
4. The wrong procedure is applied because the complaint was misclassified
5. Poor communication, employees hear about decisions that affect them from colleagues, not management
6. Delay - the longer a concern sits unaddressed, the harder it becomes to resolve

Difficult Conversations — A Framework

1. Prepare. Know what you want to say and what outcome you are seeking. Choose a private, neutral setting.
2. Open without judgment. Start with what has been raised or observed, not with conclusions.
3. Listen properly. Give uninterrupted time. Reflect back what you hear.
4. Separate behaviour from person. Talk about the impact of what happened, not about character.
5. Acknowledge the emotion without being derailed by it.
6. Focus on resolution. What would a good outcome look like? Invite them to help find it.
7. Close with clarity. Agree next steps, responsibilities and a follow-up date. Confirm in writing if formal.

Formal Resolution Options

Option	What It Is	Key Features
Internal Mediation	HR-facilitated resolution process	Voluntary; confidential; no findings of fact; faster than any formal process
WRC Mediation	Free independent mediation from the WRC	Voluntary; confidential; binding if agreement reached; no public record
WRC Conciliation	For collective or trade union disputes	Facilitates agreed resolution without a formal hearing
WRC Adjudication	Formal hearing before an Adjudication Officer	Legally binding; public record; last resort after other options exhausted

WRC Mediation — Why It Is Underused

WRC Mediation is free, confidential, faster than adjudication and binding if agreement is reached. There is no public record. Both parties must consent but either party can apply. It is suitable for interpersonal disputes, entrenched grievances and situations where both parties want to continue working together. It is not suitable where criminal conduct is alleged or where there is a significant power imbalance.

To access: workplacerelations.ie. There is no cost to either party.

Practical Question: Has Mediation been considered in any of your current or recent workplace disputes? If not, why not?

MY NOTES

Section 7: Disciplinary Procedures and Investigations

The most common reason employers lose disciplinary cases at the WRC is not that the conduct was insufficiently serious. It is that the process was flawed. A sound process protects the employee, the respondent manager and the organisation.

Minor versus Gross Misconduct

Minor Misconduct	Gross Misconduct
Persistent lateness; minor insubordination; failure to follow reasonable instruction	Theft; physical assault; serious confidentiality breach; fraud; gross negligence
Progressive discipline: verbal warning → formal verbal → written → final written → dismissal	May justify summary dismissal but the full process must still be followed
Each stage must be followed in order unless conduct warrants skipping	Suspension with pay is appropriate pending investigation
Each sanction documented and communicated in writing	Employee must be informed of allegations in writing before any hearing
Warnings typically live 6 to 12 months — confirm in your policy	Right of appeal is mandatory even in summary dismissal

Suspension

Suspension must always be: with pay; for the minimum period necessary; and communicated to the employee as a neutral act — not a punishment. Track who made the decision to suspend and why?

1. Tell the employee why they are being suspended, that it is a neutral act and how long it is expected to last
2. Review it regularly — prolonged suspension can itself give rise to a constructive dismissal claim
3. Employment rights continue throughout — sick pay, pension and communications must continue
4. Do not escort the employee from the building in front of colleagues or cancel access without warning

Running a Fair Disciplinary Hearing

Before the hearing

1. Give written notice of the hearing with adequate time to prepare
2. Provide all evidence in advance — the employee must know the full case against them
3. Confirm the right to be accompanied by a colleague or trade union representative

At the hearing

1. The chairperson must be impartial and not the investigator
2. Take detailed written notes
3. Give the employee a genuine opportunity to respond to every allegation
4. Adjourn if new evidence emerges rather than deciding on an incomplete picture

After the hearing

1. The decision-maker must not be the same person who conducted the investigation
2. Issue a written outcome letter with the sanction, the reasons and the right of appeal
3. The warning period does not begin to run until the appeal is determined

Sanctions and Proportionality

The WRC applies a reasonableness test: would a reasonable employer in the same circumstances have reached the same conclusion? When deciding on a sanction, weigh the following:

Mitigating Factors

- Length of service and clean prior record
- Personal circumstances
- Remorse and acknowledgement of the conduct
- Whether the conduct was a first occurrence

Aggravating Factors

- Breach of trust
- Previous warnings for similar conduct
- Deliberate or repeated behaviour
- Significant impact on colleagues or the organisation
- Unrepairable breakdown of trust?

Consistency is critical. If a similar situation was handled differently in the past, you must be able to objectively justify the difference. Inconsistency is one of the most powerful arguments before the WRC.

Common Pitfalls — Why Employers Lose

1. Predetermined outcomes — the investigation is a formality and the decision has already been made
2. Lack of proper investigation — allegations not adequately tested before a decision is reached
3. No right of appeal offered, or the appeal was heard by someone involved in the original decision
4. Inconsistent treatment — similar conduct handled differently across the organisation
5. Poor communication — the employee is not told the allegations against them in advance
6. Disproportionate sanctions — dismissal for a first offence of minor misconduct
7. No written procedures in place, or procedures not communicated to the employee
8. Excessive delay between the allegation and the outcome
9. The investigator and decision-maker are the same person
10. Poor documentation — no contemporaneous notes, no written outcome letters

Practical Question: Would your disciplinary process withstand scrutiny before a WRC Adjudication Officer? If not, identify the gaps and fix the process before making the next decision.

Documentation — The Golden Rule

If it is not written down, it did not happen. This is especially true in WRC proceedings.

1. Investigation notes — written up on the day, not reconstructed later
2. Hearing notes — full record of what was said by each party

3. Outcome letters — sanction, reasons and right of appeal clearly stated
4. Appeal notes and outcome letter
5. Suspension letter where applicable

Store all records securely. GDPR applies — access must be restricted to those with a genuine operational need. Retention is typically 1 to 3 years after the warning expires. Seek legal advice for your sector's specific requirements.

NOTES

Section 8: Participant Questions

The following questions were submitted in advance of the training. They are answered here for reference.

Q1: What should protected disclosure training include and what guidance is available on content?

At a minimum: what a protected disclosure is; the categories of relevant wrongdoing; how to make a report; who the Designated Person is; what happens after a disclosure; confidentiality; protection from penalisation; and access to external channels. Training should cover all staff, not just managers. The Office of the Protected Disclosures Commissioner publishes guidance at protecteddisclosures.gov.ie.

Q2: What are the key steps in a grievance and what should be avoided?

The steps are: acknowledge promptly; clarify the complaint and classify correctly; investigate impartially; hold a formal hearing; issue a written outcome with reasons; offer a right of appeal; document throughout. The most common failures are: delay; predetermined outcomes; the investigator and decision-maker being the same person; failing to offer representation; and disproportionate outcomes. See Section 2 of this workbook.

Q3: We have multiple grievances in a unionised environment. How should we approach this?

Apply the same process consistently to each. Engage with TU representatives early and transparently. If there are recurring themes across multiple grievances, look at the organisational issues driving them — processing individual grievances one by one will not resolve a systemic problem. Consider whether mediation or a wider organisational intervention is needed.

Q4: Staff are raising Dignity at Work queries when the issue is actually a grievance. How do we manage this?

Classify based on substance, not label. Apply the two-question test in Section 3. Communicate your classification in writing and explain why. The employee may disagree but if you have applied the correct test and documented your reasoning, your position is defensible. If both elements are present, address each strand through the correct procedure simultaneously.

Q5: Can you provide real case examples?

We will work through live scenarios during the breakout sessions. The scenarios in Sections 2 and 3 of this workbook are based on the types of cases that regularly come before the WRC. Decisions of WRC Adjudication Officers are published at workplacerelations.ie and are an excellent ongoing reference resource.

Q6: For an SME — what should the reporting structure look like for protected disclosures and how do we protect against hearsay?

The minimum structure is: one Designated Person, a written policy and a secure confidential channel. For very small organisations, a shared or external Designated Person may be appropriate. On hearsay: document all elements of a disclosure including hearsay components; assess the evidential weight of each; do not act solely on hearsay but use it to identify lines of inquiry you can pursue with direct evidence. Legal advice should be sought in complex cases.

Q7: What is the role of health and safety in grievance and protected disclosure processes?

Under the Safety, Health and Welfare at Work Act 2005, the duty of care extends to psychological safety. A grievance involving bullying or a hostile working environment may also engage your health and safety obligations. A protected disclosure may concern a health and safety matter. Ensure your policies are joined up and that occupational health support is available to employees going through formal processes.

KEY MESSAGE

Most organisations do not lose cases because they lacked a policy.

They lose cases because they failed to apply the correct process, failed to document their decisions, or failed to act fairly.

Good employment law practice is not about complexity.

It is about consistency, fairness and documentation.

Key Contacts and Resources

Organisation	What They Do	Contact
Workplace Relations Commission	Mediation, adjudication, inspection, enforcement	workplacerelements.ie 0818 80 80 90
Labour Court	Appellate body for employment disputes	labourcourt.ie
Office of the Protected Disclosures Commissioner	Oversight of protected disclosures framework	protecteddisclosures.gov.ie
Data Protection Commission	GDPR oversight	dataprotection.ie
Health and Safety Authority	Health, safety and welfare at work	hsa.ie
Central Bank of Ireland	Financial services regulatory disclosures	centralbank.ie

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