



Self help guide

Preparing a grievance procedure

The sample wording in this document is for guidance only. The wording must reflect your current contractual arrangements. Any errors or omissions cannot be held to be the responsibility of the Agency. It is also important to review and maintain your document to ensure compliance with changes in statutory obligations.

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Self help guide - Preparing a grievance procedure

This guide gives practical advice on how to prepare a grievance procedure and how to operate it effectively.

The information given is not an authoritative interpretation of the law. Such an interpretation can be given only by the employment tribunals and by the courts.

The Agency offers assistance in producing and reviewing employment documents and you are strongly advised to forward your draft grievance procedure for review.

Before implementing your finalised grievance procedure you should consult directly with your employees and their representatives.

If you would like to have your document reviewed you can email, fax, or post your documents to the Agency.

✉ <mailto:alan.wilson@lra.org.uk> Phone 028 9033 7424

☎ For the attention of Advisory Services 028 90 330 827

📠 Labour Relations Agency, 2-16 Gordon Street, Belfast, BT1 2LG.

The Agency also runs Advisory Workshops to assist employers in drawing up the written statement of the main terms and conditions of employment and disciplinary and grievance procedures.

Workshops are held on the Agency premises in either Belfast or Londonderry on specified dates. There is no charge for attendance at these workshops. For more details on workshops and to book online visit the Agency's website at Workshops or contact us at the telephone number above.

Once you have set up a procedure, you will need to know how to operate it and deal with any problems that might arise.

The Labour Relations Agency's Advisory guide - "Advice on handling discipline and grievances at work" and the Labour Relations Agency's Code of Practice - Disciplinary and grievance procedures (**herein after referred to as the Code of Practice**) give advice about dealing with grievance issues. These publications can be downloaded from www.lra.org.uk

Why have grievance procedures?

Grievances are concerns, problems or complaints that an employee has about some aspect of their work. For example, it could be about a work colleague or a manager, a decision, a policy, the application of a policy or a working relationship.

Issues that may cause grievances include:

- terms and conditions of employment;
- health and safety;
- personal relationships at work;
- bullying and harassment;
- new working practices;
- working environment;
- organisational change;
- equal opportunities.

Grievance procedures are used by employers to deal with employees' grievances fairly, consistently and without unreasonable delay.

Employers are required by law to specify, through written statements of employment particulars, any procedure applicable to handling employee grievances. They must specify a person to whom employees can apply for the purpose of seeking redress of any grievance relating to their employment; and cover any further steps which follow from the making of such an application.

Drawing up grievance procedures

When drawing up grievance procedures, it is helpful to involve everybody they will affect, including managers and employees and, where appropriate, their representatives.

Grievance procedures should allow employees to raise issues with management and should:

- be simple and put in writing;
- enable an employee's line manager to deal informally with a grievance, if possible;
- keep proceedings confidential; and
- allow the employee to have a companion at meetings.

Grievance procedures should comply with the requirements of Labour Relations Agency's Code of Practice.

You should take reasonable steps to ensure that everyone in the organisation understands the grievance procedures and supervisors, managers and, where appropriate, employee representatives are trained in their use. Employees should be given a copy of the full procedures or have ready access to them, for instance on a noticeboard or as part of an induction process.

Dealing with grievances in the workplace

Employees should aim to resolve most grievances **informally** with their line manager. This has advantages for all workplaces, particularly where there might be a close personal relationship between a manager and an employee. It also allows for problems to be resolved quickly.

However, it is not always possible to resolve grievances informally and circumstances, such as the serious nature of the grievance, may dictate that a **formal** grievance procedure is the way to proceed.

If a grievance cannot be settled informally, the employee should raise it formally with management who should arrange a meeting to discuss the grievance according to the requirements of the Labour Relations Agency's Code of Practice.

Failure to follow the grievance procedure in those cases which an industrial tribunal can hear may mean that the tribunal adjusts any award by a percentage of up to, or down by, 50 per cent to reflect that the provisions of the Labour Relations Agency's Code of Practice have not been reasonably followed. Examples of this may be where you do not offer a meeting to discuss the grievance or the employee does not invoke an appeal.

Under the Disability Discrimination Act 1995 you are required to make reasonable adjustments throughout the grievance process. This may include assisting employees to formulate a written grievance if they are unable to do so because of a disability.

The Formal Procedure

The following steps should be taken when dealing with formal grievances:

Letting the employer know the nature of the grievance

If it is not possible to resolve a grievance informally the employee should raise the matter formally, and without unreasonable delay to his/her manager. If the complaint is against his/her manager the employee should be allowed to approach that person's manager or, if that is not reasonably practicable, another manager in the

organisation. Where this is not possible, the manager should hear the grievance and deal with it as impartially as possible.

The employee should raise the grievance in writing setting out the nature of the grievance and how it might be resolved. Setting out a grievance in writing might not be easy especially for those employees whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances the employee should be encouraged to seek help for example from a work colleague, a trade union or other employee representative.

Holding a meeting with the employee to discuss the grievance

You should arrange for a formal meeting to be held without unreasonable delay after a grievance is received.

Your employee has a statutory right to be accompanied at any such meeting. (See page 6)

You, your employees and their companions should take reasonable steps to attend the meeting.

At the meeting employees should be allowed to explain their grievance and how they think it should be resolved. You should consider adjourning the meeting for any further investigation that may be necessary.

Deciding on appropriate action

Following the meeting, you should decide on what action, if any, to take. The decision, and a full explanation of how the decision was reached, should be communicated to the employee, in writing, without unreasonable delay. Where appropriate, the decision should set out what action you intend to take to resolve the grievance. The employee should be informed that they can appeal if they feel that their grievance has not been satisfactorily resolved.

Appeals

If the employee feels that their grievance has not been satisfactorily resolved then they should have the opportunity to appeal. An appeal should be made without unreasonable delay, advising you in writing of their grounds of appeal.

You should hear the appeal without unreasonable delay and at a time and place which should be notified to the employee in advance.

The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.

Your employee has a statutory right to be accompanied at any such appeal hearing. (See page 6)

The outcome of the appeal should be communicated to the employee in writing without unreasonable delay.

Has an employee the right to be accompanied at a grievance hearing?

If you ask your employees to attend certain grievance hearings they have a statutory right to be accompanied (if they request it) by a fellow worker or trade union official. This right applies irrespective of how many employees you employ. If you refuse a request from an employee to be represented at a grievance hearing the employee may make a complaint to an industrial tribunal.

Mediation

There may be circumstances where you and your employee feel it would be beneficial to involve a third party to help in resolving the issue, through for example a process of mediation. In this instance the grievance procedure may be temporarily set aside.

*Mediation is a process whereby an independent third party intervenes in a workplace dispute to assist the parties to reach a satisfactory outcome. The Labour Relations Agency can provide a mediation service to assist the parties. Further information on mediation is available on the Agency's website www.lra.org.uk or by telephoning 028 9032 1442].

A sample grievance procedure which meets the requirements of the Code is set out on pages 7-8.

Individual Grievance Procedure

The aim of this procedure is to give an employee an opportunity to raise a grievance either informally and/or formally and to discuss this with their employer with a view to having it resolved.

General Principles

- Grievances should be raised as soon as possible, to allow issues to be resolved quickly.
- Employees should be given the opportunity to explain their grievance and how they think it should be resolved.
- If the employee's grievance is against their line manager they may raise the matter with another manager in the organisation, where possible.
- The employer will ensure that the timing and location of all meetings under this procedure are reasonable.
- As far as is reasonably practicable appeal hearings will be conducted by a manager more senior than the manager who took the decision which is being appealed. This does not apply where the most senior manager attended the hearing at which the decision being appealed was taken.
- Employees will be entitled (where reasonably requested) to be accompanied to any grievance or appeal hearing by a fellow worker or Trade Union Official (who may be either a full-time official employed by a union or a lay union official who has been reasonably certified in writing by his/her union as having experience of, or as having received training in, acting as a worker's companion).
- Employers, employees and their companions should take reasonable steps to attend grievance and appeal meetings.
- Records shall be kept detailing the nature of the grievance raised, the employer's response, any action taken, the reasons for it and other information relevant to the process. These records shall be kept confidential.
- There may be circumstances where the employer and employee feel it would be beneficial to involve a third party to help in resolving the issue, through for example a process of mediation*. In this instance the grievance procedure may be temporarily set aside.

Dealing with grievances informally

If an employee has a grievance or complaint to do with their work they should, in the first instance and, wherever possible, discuss it with their line manager. They may be able to agree a solution informally.

Formal grievance

If it is not possible to resolve a grievance informally, or the employee does not feel it is appropriate to do so, they should raise the matter formally in writing to **(insert job title)**. The written grievance should contain details of the nature of the grievance and how they feel it might be resolved.

Grievance hearing

The **(insert job title)** will call the employee to a meeting to discuss their grievance. This will normally be held within 5 working days from receipt of the complaint in writing. Employees should be allowed to explain their grievance and how they think it might be resolved.

The employee will be entitled to be accompanied at this meeting.

Following the meeting the employer (within 5 working days) **(insert job title)** will advise the employee in writing what, if any action they have decided to take along with a full explanation of how the decision was reached. The employee should be informed that they can appeal (and to whom the appeal should be made) if they feel that the grievance has not been satisfactorily resolved.

Appeal

If the employee wishes to appeal they should let **(insert job title)** know in writing stating their reason(s) for appeal. This should be done within 5 working days of the grievance hearing decision being communicated in writing to them.

Within 5 working days of receipt of the appeal an appeal meeting will take place. The appeal will be conducted by **(insert job title)**. The employee will be entitled to be accompanied at this meeting.

Following the meeting **(insert job title)** will advise the employee in writing of the outcome of the appeal, no later than 5 working days from the appeal being heard. This decision is final.