

1. Raising a Grievance Informally

Any employee [this term includes volunteers for the remainder of this document] who has a grievance relating to their employment may raise the matter informally with their manager during the course of normal work. This is not part of the grievance procedure. Only if the matter is not resolved between them should the formal grievance procedure need to be used.

2. The Formal Grievance Procedure

Stage 1

The employee should put their grievance in writing. The employee does not need to state that their complaint is a formal grievance, however it would be helpful if they would do so.

Stage 2

Once a written grievance has been received by the employer, then the organisation has a responsibility to investigate the matter and to invite the employee to a formal grievance hearing.

The employee may at this stage, if they wish, be accompanied by another employee/work colleague from the organisation or a trade union official or representative in accordance with the provisions of the Employment Relations Act 1999 when requesting that an issue be raised formally.

The supervisor is required to:

1. Record full details of the matter, or accept signed written details of the matter
2. Provide an answer in writing to the employee with a copy to the representative, if any. Should the employee then wish to take the issue to the next stage of this procedure, the supervisor shall notify the Stage 3 management representative without delay.

Under the statutory standard grievance procedure, a grievance hearing must not take place unless the employee informs the employer of the basis of their grievance. Also, such a hearing must not take place unless the employer has had a reasonable opportunity to consider their response to that information.

The timing and location of the grievance meeting must be reasonable. Therefore should an employee make a complaint with regards to an unacceptable working environment, the meeting would usually take place away from this environment and in most circumstances the meeting will take place during the employee's normal working hours.

Stage 3

The Stage 3 management representative will arrange to meet the employee concerned and/or, at the latter's wish, their representative.

At this meeting the employee may be accompanied as at Stage 1.

Following the meeting, the management representative is required to dispatch an answer, in writing, to the employee and, if applicable, to the representative.

The decision of the Stage 3 management representative will be final.

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3. Time Limits

Under the Employment Relations Act 1999, if the employee's chosen companion (fellow worker or union official or representative) is not available on the day of the meeting the employee may reasonably request that the meeting be held on another day within five working days of the selected date.

The various steps of the procedure should be held within a reasonable time. Often the procedure will give an indication of these times but they should not be fixed, as it may not be possible to meet them. For example, if a detailed investigation is required, time will have to be extended.

In the absence, for any reason, of the appropriate management representative, the procedure may authorise any other executive of the [Company/Organisation] to take the necessary action on their behalf. At the request of the employee, however, consideration may be deferred until the return of the appropriate management representative.

Although there are time limits within which answers to grievances are to be given, it is important that grievances are dealt with as quickly as possible, and as close to the level of origin as possible.

Notes:

1. The Employment Rights Act 1996, s.3 requires an employer to specify in an employee's written statement of employment particulars, a person to whom the employee can apply to seek redress of any grievance relating to their employment and the manner in which any such an application should be made.

Although the grievance procedure does not need to be provided as part of the written statement, the document does need to be readily accessible to the employee (e.g. it could be contained in the staff handbook).

The employer who fails to ensure this can incur a financial penalty if one of their employees brings a successful claim under the tribunal jurisdictions set out in Sch.5 of the Employment Act 2002. The employee may be awarded two or four weeks' pay: Employment Act 2002, s.38.

2. An employee may be able to establish constructive dismissal either if the employer has no procedure or fails to deal with a grievance under the procedure. It is an implied term of the contract of employment that the employer will give employees a reasonable opportunity to obtain redress of grievances.

3. A grievance procedure should be simple, set down in writing and rapid in operation. The procedure should provide that grievance proceedings and records should be kept confidential.

4. An employee has a statutory right to be accompanied by a representative at a grievance hearing. A grievance hearing is defined as one 'which concerns the performance of a duty by an employer in relation to a worker' (Employment Relations Act 1999, s.13).

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