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Human Resources & Health and Safety



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Do you employ staff?

Managing an Employee Grievance

Introduction

Employers are legally required to have certain policies in place to aid the employer / employee relationship, and to ensure legal rights and obligations are met. For example, employment legislation states that a dispute resolution mechanism must exist between employer and employee. The employer's dispute resolution mechanism is the Disciplinary Procedure, and the employee's dispute resolution mechanism is the Grievance Procedure. This is the procedure that enables an employee to raise an issue or complaint with their employer, and the procedure ensures that the issue or complaint will be dealt with in an appropriate and structured manner. Because the grievance procedure is a legal requirement that all employers must offer, ACAS created the "Code of Practice on Disciplinary and Grievance Procedures" and also the "Discipline and Grievances at Work Guide" to help employers interpret employment law correctly and apply a consistent and fair procedure at all times.

An employee's grievance can cover a wide range of topics, but typically a grievance may be focused on one or more of the following issues:

- The terms and conditions of their employment
- Health and safety
- Work relations
- Bullying and harassment
- New working practices
- Working environment
- Organisational change
- Discrimination or victimisation

An Overview

The ACAS Code recommends that, where possible, employee grievances should be dealt with informally. Depending upon the nature of the employee's grievance, a formal procedure may feel like "overkill" and could be more serious than what the employee intended. However, where the issue cannot be dealt with informally, the grievance will need to be thoroughly investigated. The first step of this investigation is to meet with the employee who raised the grievance and ask them to discuss and expand upon the points raised. Some employers choose to investigate a grievance before holding the grievance meeting with the employee, but the danger there is that the investigating manager may not fully understand the employee's grievance or the resolution sought by the employee, which could possibly lead to the wrong "corrective action" being taken.

After a grievance meeting has been held with the employee, subsequent investigations may be necessary. For example, if the grievance is based around the actions of another individual, that individual will also need to attend an investigation. Once all investigations have taken place, the investigating manager will be in a position to uphold or overturn the employee's grievance. In other words, agree or disagree with the points raised in the grievance.

The employee should be informed of the decision in writing, with a detailed explanation of how and why the decision was made. Employees do have the right to appeal a grievance decision if they believe the procedure has not been carried out correctly, but an employee can only submit one appeal.

The manager who facilitated the grievance procedure will then need to ensure any necessary corrective action is taken. For example, if the grievance was raised due to an allegation of bullying, the alleged bully may need to be managed in line with the disciplinary procedure. Or, if the grievance was raised in relation to the way the annual bonus is calculated, this internal procedure may need to be re-evaluated and updated.

Things to Remember

- An employee is not a burden, a nuisance, or "difficult" for raising a grievance. In the same way that the employer has every right to manage employee issues appropriately in line with the disciplinary procedure, employees also have the right to raise a grievance if they have an issue they want to address.
- Grievance procedures should be managed as confidentially as possible and all documentation should be managed in line with the Data Protection Act 2018.
- Some grievances can be raised "maliciously". This is when an employee raises a non-genuine grievance in an attempt to get someone else in trouble. The grievance procedure still needs to be followed, but an outcome of the grievance may be that it is the employee who raised the grievance who is in receipt of formal management.

Management Skills

Employee grievances can cover a wide range of topics. Because of this, it is important that the members of management responsible for dealing with a grievance have the appropriate skills to do so. For example, being able to actively listen and ask open questions is essential to understanding the employee's grievance and conducting the necessary investigations. Objectivity and positive leadership are necessary to ensure the procedure is followed fairly

and decisions aren't influenced by bias. Empathy and open mindedness are also necessary as grievances can cover a wide range of often sensitive subjects, and the managers responsible for grievance proceedings need to be prepared to deal with this in a supportive and non-dismissive fashion.

The Risks

The grievance procedure is an important one that needs to be carried out correctly. Employees have the right to raise a grievance and therefore managers do need to be aware of the correct way to work through the procedure to ensure this right is met. If the grievance procedure is not followed appropriately, this could lead to disengaged and unmotivated employees who feel uncared for and unsupported by their employer, which could lead to a lack of productivity or issues with the employee's attendance record. It could even eventually lead to a valued employee leaving the Company to work elsewhere, leading to recruitment and training costs for the Company, to replace the lost employee. The employee who has left the Company could also decide to raise a constructive dismissal claim, stating that they attempted to address issues within the workplace via the grievance procedure, but the procedure was not followed appropriately which left them no choice but to leave their employment. This could cause a significant financial risk for the Company, as well as bad publicity that could hinder the attraction of future employees.

How We Can Help

We regularly provide training on how to manage grievances therefore if this is something you believe you would benefit from, or if you have any queries relating to any of the above, please don't hesitate to contact us at hradvice@hasslefreehr.co.uk