



The Effective Management of Grievances



This free e-book is a guide for employers to help manage grievance procedures efficiently and effectively.

1. Introduction

An effective grievance procedure is important in fostering a culture of fair treatment that encourages commitment and staff retention.

Grievances are concerns, problems or complaints that employees raise with their employer. A grievance might concern matters such as an employee's work, physical working environment, pay and benefits, working hours, health and safety, working relationships or general treatment at work.

The purpose of a grievance procedure is to allow employees to raise genuine workplace grievances and have them dealt with fairly and objectively without fear of recrimination. The grievance procedure should be in writing, as this helps to clarify the process – a grievance policy setting out the steps to follow is best.

As a minimum, all employers are required to include within the written statement of terms and conditions of employment that must be given to employees a note specifying the person to whom the employee should apply in relation to a grievance, the manner in which the application should be made, and any subsequent steps.

The written statement must be provided within two months of the start of employment.

2. The structure of a grievance procedure

It should be possible for most grievances to be dealt with informally by the employee's line manager.

However, as it may not be possible to resolve some grievances informally, the organisation's grievance procedure should also allow employees to raise grievances formally with management or with the HR department if the organisation has one.

Most employers will stipulate in their grievance procedure that an employee who has a formal grievance should, in the first instance, raise it with their immediate line manager (unless the line manager is the subject of the grievance - in which case the procedure should set out an alternative).

The procedure should allow for an **appeal** against the decision taken. However, some employers choose to have a further level of appeal so that an employee can appeal again if he or she still believes that the grievance has not been dealt with adequately, or that the outcome is unfair.

The procedure should make the various stages clear in terms of to whom grievances and appeals should be addressed. If the employer wishes grievances and appeals to be lodged in writing, this should also be set out in the procedure.

Appeals should, wherever possible, be to a more senior manager than the person who dealt with the previous stage of the grievance procedure. Timescales for dealing with the various stages are also normally stated in the procedure.

It should be made clear that, where an employee appeals against a decision regarding a grievance, they must set out the grounds for the appeal, i.e. why they think that the manager's decision was unfair or wrong.

At each stage of the formal grievance procedure, it should be a requirement that the outcome of the grievance hearing is put in writing, with a copy provided to the employee and a copy put on file.

3. General principles of managing grievances

The grievance procedure should require managers to deal with employee grievances promptly and fairly.

A grievance hearing should be conducted fairly and impartially, with the employee given the opportunity to put their concerns without interruption. The manager should ensure that feedback on the outcome of the meeting is given to the employee.

"Promptly" does not mean hastily. It means within as short a timescale as is reasonably practicable, considering the possibility of the need to investigate. Employee grievances should also be dealt with in a consistent manner across the organisation.

4. Keeping records

The records must be kept in accordance with the relevant provisions of the General Data Protection Regulations 2018 (GDPR), individuals have the right to request and be granted access to any documents held about them personally on file or on a computer system.

Normally, it will be appropriate to give the employee a copy of the record. The employer should withhold information only if this is necessary in order to avoid disclosing the identity of a witness who has asked for his or her name to be kept confidential.

5. Dealing with grievances

A good grievance procedure contributes to a culture of fair treatment, allowing employees to feel that they are being treated reasonably and with respect. They are more likely to be committed to their work and the organisation as a result, which in turn should lead to better standards of work, fewer absences and lower labour

turnover.

It is helpful if managers try to view the raising of grievances constructively. If a grievance is raised, this provides an opportunity for the manager to resolve a workplace problem. Knowing about a problem is much better than remaining ignorant of the fact that an employee is unhappy or disgruntled about some aspect of their employment.

Once a manager knows that an employee has a grievance, they can discuss the matter with the employee, take on board the employee's point of view and, if possible, provide a solution or part solution.

It is therefore, more constructive to view the raising of grievances positively rather than as a nuisance, since adopting a positive attitude may facilitate a satisfactory resolution.

A negative attitude towards the grievance, on the other hand, is likely to alienate the employee and aggravate the situation.

If, for example, the manager refuses to listen to the employee's grievance or declines to take it seriously, or if they treat the employee as a troublemaker, the employee may end up with two grievances. The original grievance will remain unresolved and the employee may have a new grievance in respect of the manager's unreasonable and unhelpful response.

Managers need a number of qualities and skills to handle grievances effectively. These include:

- an ability to listen well;
- patience;
- an ability to remain objective when hearing points of view that may not accord with their own;
- empathy;
- the ability to understand the employee's grievance within the larger context of the organisation's needs; and
- good verbal communication skills, in particular the ability to be direct and honest without alienating the employee.

6. The importance of acting promptly

If an employee raises a grievance, it will be important for the manager to deal with it promptly.

Dealing with grievances can be time consuming and sometimes not easy, but any delay in tackling and resolving a grievance is likely to make matters worse.

An employee may be experiencing stress as a result of what they perceive as a problem at work. This in turn might disrupt working relationships. The existence of the grievance is likely to have an escalating negative impact on the employee's performance and productivity.

7. The structure of a grievance procedure

A formal grievance procedure should contain defined stages. For example, the grievance hierarchy may be structured along the following lines:

Stage 1: Grievance raised with the employee's immediate line manager/supervisor.

Stage 2: Grievance raised with a nominated senior person, either at first instance or as an appeal following stage 1.

Stage 3: Appeal stage to a more senior manager.

There is no requirement to operate to precisely this formula or number of stages. There should be at least one level of appeal, but the number of stages will depend on the size of the organisation, its management structure and the resources that are available to it.

At each stage, a grievance hearing should be set up to allow the employee the opportunity to explain his or her complaint fully

The procedure should indicate the timescales within which a grievance hearing will be set up and the time frame within which the employee will normally receive an answer or decision about the grievance.

8. The right of appeal

Employees should always be granted a right of appeal in the event that they are dissatisfied with the outcome of their grievance hearing. Where an employee does appeal against a decision regarding a grievance, he or she should be asked to set out the grounds for the appeal, i.e. why they think that the decision was unfair or wrong.

The appeal should be heard by a more senior manager than the one who attended the grievance hearing. This may not always be possible in smaller organisations without several management tiers: if this is the case, another manager at the same level as the one who heard the formal hearing should preside over the appeal.

If a panel heard the employee's formal grievance, the person hearing or chairing the appeal should not be the individual who chaired the grievance hearing. In some organisations, an external conciliator chairs all appeals to provide an independent, impartial viewpoint.

Because an appeal is, by definition, the final stage in the grievance procedure, time

and effort should be taken to ensure that the appeal process is handled seriously and sensitively and gives the employee the opportunity to be heard. Some organisations include provision for two appeals stages in their grievance procedure, and the final appeal involves recourse to a very senior member of staff, such as a director.

9. The grievance hearing

On learning that an employee has a grievance, the manager should arrange a hearing.

The aims of the meeting should be to:

- ensure that the employee is given a full opportunity to explain their grievance; and
- seek a means of resolving the grievance to the employee's satisfaction if this is possible, considering company policies, procedures, rules and the need for consistency and fairness.

The employee will have the right to be accompanied if the hearing is part of the employer's formal procedure.

At the hearing, the manager's main role should be to listen to what the employee has to say. The aim will be to achieve a full understanding of the grievance and how the employee thinks that it should be resolved.

Following the hearing, the manager should give the grievance careful and thorough consideration before coming to any conclusions or deciding about what to do.

10. Dos and don'ts of conducting grievance hearings

Do make sure that there will be no interruptions.

Do make the effort to put the employee at ease.

Do allow the employee to explain their complaint fully.

Do listen actively to what the employee has to say and take it on board.

Do distinguish between facts and opinions.

Do avoid emotional reactions such as anger or impatience.

Don't interrupt the employee unless this is necessary to keep the discussion on track.

Don't react negatively, for example by expressing criticism or disapproval.

Don't adopt a judgmental attitude.

Don't allow any personal like or dislike of the employee to influence your responses.

Don't forget to summarise towards the end of the hearing in order to check understanding.

Don't make any decision about what to do about the grievance until all the facts have been aired and, if necessary, investigated or checked.

11. The right to be accompanied

All workers are entitled in law to be accompanied, if they wish, at any formal grievance hearing by either a colleague or a trade union official of their choice. If a worker's chosen companion is not available at the proposed time of the grievance hearing, he or she may request a reasonable alternative time for the hearing that falls within five working days of the time originally proposed. In this case, the manager must postpone the hearing as requested.

The worker raising the grievance has the right to determine, within limits, the role that they wish the companion to play at the hearing. If the worker wishes, the companion must be allowed to:

- address the hearing on behalf of the worker, ie put their case;
- confer with the worker during the hearing;
- sum up the worker's case; and
- respond on the worker's behalf to any views expressed at the hearing.

The manager is, however, entitled to expect the worker, and not the companion, to answer any questions asked. In some cases, the worker may wish to bring the companion along simply for moral support rather than for representation.

12. Investigating the grievance

It may be necessary for a grievance hearing to be adjourned if there is a need for an investigation into any allegations raised by the employee. Any such investigation should be impartial and thorough.

The manager may need to check policies or procedures, discuss what the employee has raised with other employees (confidentially where appropriate), or access the employee's file to check out the history of their employment terms or general background.

The manager should remain open minded when looking into the substance of the employee's grievance.

13. Resolving the grievance

Once the grievance has been investigated, where necessary, and conclusions drawn, the employee should be given feedback on the outcome. Of course, it will not always be possible for the manager to resolve the grievance to the employee's satisfaction, perhaps because giving the employee what he or she wants would breach company policy, cost too much money or be impracticable.

The feedback should consist of an explanation of what action has been taken or will be taken, or an explanation that no action can be taken, together with the reasons for this. This feedback should also be confirmed in writing.

The employee should be informed that he or she has the right of appeal in accordance

with the organisation's grievance procedure. Any appeal should be dealt with impartially and, wherever possible, by a manager not previously involved in the case. Where possible, this should be a more senior manager.

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

Once the grievance procedure, including the appeals stage, has been exhausted, the employee should be informed clearly that the grievance procedure is at an end and that there is no further right of appeal. The matter will be closed irrespective of whether the employee accepts the outcome.

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