

Labour Relations AGENCY

Improving Employment Relations in Northern Ireland

Problems at work?

What you need to know about dealing with problems at work.



This leaflet provides information for employees whose workplace is in Northern Ireland.

This leaflet does not provide legal advice.

Web references and phone numbers

I've got a problem at work - who can help me?

To speak to a Labour Relations Agency adviser about employment issues phone the Labour Relations Agency Helpline on 028 9032 1442

Read the Labour Relations Agency [Code of Practice on Disciplinary and Grievance procedures](#) on the Agency's website www.lra.org.uk

To find detailed information on what to do, go to www.nidirect.gov.uk/resolving-workplace-disputes

If you are a union member, contact your union representative for advice and support on employment issues

For information and to find your local Citizens Advice Bureau, see <https://www.citizensadvice.co.uk/> or look at your local telephone directory, if you do not have internet access.

For information on the minimum wage, working hours that apply if you are employed by an employment agency call Acas at 03001231100 or go to www.acas.org.uk/helplineonline.

Queries on other areas of employment rights can be directed instead to the Labour Relations Agency Helpline on Tel. 028 9032 1442

Arrangements for dealing with problems at work.

Problems with your employer will come under one of the following categories:

Grievances: these are concerns, problems or complaints that you raise with your employer. They cover, for example, concerns you have about your job, your terms and conditions, your contractual or statutory rights, or the way you are being treated at work. If your

Disciplinary issues: where your employer has concerns about your conduct, your absence from work or the way in which you are doing your job, they are likely to start a disciplinary procedure which could lead to disciplinary action (including potentially dismissal in more serious cases). If you are facing a disciplinary issue at work, go to page 7.

There are a number of organisations that can help you deal with disciplinary and grievance issues and you can find their contact details on page 2. You can get advice from them at any point whilst you sort out your problem with your employer.

You should always **try to resolve grievance and disciplinary issues in the workplace** if at all possible. It can also sometimes help to use an independent third party to help you resolve the problem.

If you cannot resolve your problem in the workplace, **you may have a right to make an industrial tribunal claim**. You should get advice from one of the organisations listed on page 2 before doing so.

Remember that in most cases you must make a claim to an industrial tribunal within three months of the date when the matter you are complaining about happened. If your claim is received after this time limit, the tribunal will not usually accept it. If you are worried about how the time limits apply to you, take advice from one of the organisations listed on page 2.

Raising a grievance

-what you need to do*

Remember: when dealing with your grievance - it is always a good idea to keep a note of exactly what happens and when.

1. Talk

Often the best way to raise a grievance with your employer is to have an informal meeting with your immediate manager to explain your concerns. You may find it helpful to suggest to your employer what you would like them to do to resolve the problem. If you don't feel you can talk to your immediate manager, you could speak to someone else in the organisation with a position of authority.

If you cannot resolve your grievance by talking directly to your manager, the next thing to do is to consider using your employer's formal procedures for grievances. You should be able to find these in your Company Handbook, HR or Personnel manual, on your HR intranet site, or in your contract of employment.

These procedures are likely to include steps 2-5.

2. Write

You should write to your employer with details of your grievance. Your letter should be dated and you should keep a copy. If you have not done so already, you may find it helpful to tell your employer how you would like them to resolve the problem.

*The information for dealing with a grievance set out in this leaflet is based on the guidance in the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures. It is important that you are aware that industrial tribunals will consider whether a failure to follow the Code of Practice was unreasonable and will be able to adjust awards, up or down, by 50 percent if they feel that either you or your employer has unreasonably failed to follow the Code of Practice.

You can access the Code of Practice using the link on page 2.

3. Meet

Your employer should arrange an initial meeting at a reasonable time and place to discuss your grievance.

You have a statutory right to request that someone accompanies you to the meeting - either a colleague from work or a trade union representative.

Your employer should give you the opportunity to explain your grievance and any suggestions you may have for resolving it.

After the meeting, your employer should write to you to tell you what they have decided.

4. Appeal

If you do not agree with your employer's decision, you should write to your employer to say that you are appealing against the employer's decision and explaining why you do not agree with it.

Your employer should arrange a further meeting to discuss your appeal and where it is possible, a different and more senior manager should deal with this appeal.

You have a statutory right to request that someone accompanies you to the meeting - either a colleague from work or a trade union representative.

After this appeal meeting, the employer should write to you to tell you their final decision.

5. Explore other options

If you are still not happy with your employer's decision, you may want to consider other ways of resolving your grievance. Details of some of the options available to you are on page 9 and you can contact the Labour Relations Agency for further advice and information.

Dealing with disciplinary and dismissal issues

- what you need to do*

1. Talk

The first time you may be aware of a problem with your employer is when he/she asks to talk to you about a concern they have. It is often best to keep this conversation informal at first because sometimes this may be the result of a misunderstanding, and you may be able to provide evidence (e.g. doctors' notes) to clarify the issue. You should, however, keep a note of the conversation and what was agreed.

Your employer may, however, decide to go directly to formal disciplinary and dismissal procedures. These procedures are likely to include steps 2-5:



2. Receive letter

If your employer is considering disciplinary action or dismissal, their first step must be to write to you setting out the complaint made against you.

This must include sufficient information about the alleged misconduct or poor performance so that you have the opportunity to prepare a response or an explanation before the meeting.



*The information for dealing with disciplinary and dismissal issues set out in this leaflet is based on the guidance in the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures. [Steps 2 to 4 conform with the statutory procedure that an employer must follow to comply with the Code of Practice].

It is important that you are aware that industrial tribunals will consider whether a failure to follow the Code of Practice was unreasonable and will be able to adjust awards by between 10 and 50 percent if they feel that either you or your employer has unreasonably failed to follow the Code of Practice.

You can access the LRA Code using the link on page 2.

Remember: when dealing with a disciplinary action or dismissal - it is always a good idea to keep a note of exactly what happens and when.

3. Meet

Once your employer has contacted you in writing, they must also arrange a meeting at a reasonable time and place to discuss the issue. Your employer should not take any disciplinary action before this meeting. You have a statutory right to request that someone accompanies you to the meeting - either a colleague from work or a trade union representative.

Your employer should give you the opportunity to set out your case at the meeting.

After the meeting, your employer should tell you what they have decided and should do so in writing.



4. Appeal

If you do not agree with your employer's decision, you need to write to your employer and tell them that you are appealing their decision explaining why you do not agree with it.

Your employer must arrange a further meeting to discuss your appeal. You have a statutory right to request that someone accompanies you to the meeting - either a colleague from work or a trade union representative. You should make sure you take notes at the appeal meeting.

After the meeting the employer must write to you to tell you their final decision.



5. Explore other options

If you are still not happy with your employer's decision, you may want to consider other ways of resolving this issue. Details of some of the options available to you are on page 9 and you can contact the Labour Relations Agency for further advice and information.

Options for resolving grievance and disciplinary issues

A. Mediation*

You or your employer may want to consider mediation as a way to help resolve the problem. Mediation is completely voluntary and confidential.

It involves an independent, impartial person helping you and your employer reach a solution that is acceptable to everyone. Sometimes the mediator may come from within your organisation, or you and your employer may want to consider bringing in an external mediator e.g. from the Labour Relations Agency*.

If mediation is unsuccessful, all the other options are still open to you so you have nothing to lose by trying it. For more information on Mediation visit the Labour Relations Agency website at www.lra.org.uk

B. Pre-Claim Conciliation

If you believe that, after having used workplace procedures, you could complain about your employment rights but have not yet made a claim to an industrial tribunal, you might be able to resolve the matter using the Labour Relations Agency's Pre-claim conciliation service. The Agency can conciliate in almost every type of potential claim about individual employment rights and most are resolved at this stage.

If an agreed solution cannot be found you may still choose to lodge a claim with the industrial tribunal. Claims must be made within a specified time of the events they concern. In most cases this is three months. For more information on Pre-claim conciliation visit the Labour Relations Agency website at www.lra.org.uk

*Labour Relations Agency mediation can help you resolve your disagreement. When you are involved in a conflict, talking to the person you are in disagreement with can seem impossible. Mediation can re-establish those channels of communication. Any agreement is on terms agreed by you, not dictated by someone else.

You can call the Labour Relations Agency to find out more about either of these options on 028 9032 1442

C. Making an industrial tribunal claim

If you have exhausted other options for sorting out your problem at work and you still do not feel your concerns have been addressed, you may want to consider making an industrial tribunal claim.

Remember that in most cases you must make a claim to an industrial tribunal within three months of the date when the matter you are complaining about happened. If your claim is received after this time limit, the tribunal will not usually accept it.

You have a right to make a claim to an industrial tribunal regardless of whether you or your employer have followed any or all of the information set out in the preceding pages of this leaflet which is based on the guidance in the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures. It is important to be aware, industrial tribunals will consider whether a failure to follow the Code of Practice was unreasonable and will be able to adjust awards, up or down, by between 10 to 50 percent if they feel that either you or your employer has unreasonably failed to follow the Code of Practice, on which this information is based. You can access the LRA Code using the link on page 2.

Most people find submitting a claim a challenging process and it is important to understand the key aspects of the law and procedures that will apply in your tribunal case. You will probably want to take advice at this stage if you have not done so already. Even after you submit your claim, the Labour Relations Agency will offer **conciliation** to help you and your employer find ways to settle the case before it gets to tribunal.

For more information on **Conciliation** visit the Labour Relations Agency website at www.lra.org.uk

D. Labour Relations Agency Arbitration Scheme

You can use the Labour Relations Agency Arbitration Scheme to resolve an employment-related dispute (a “claim”) instead of going to an industrial tribunal. An arbitrator’s decision is binding as a matter of law and has the same effect as a tribunal. The Scheme is entirely voluntary. Its use must be agreed by all parties to a claim.

Most claims that could be the subject of industrial tribunal proceedings can instead be resolved through arbitration.

There is no charge for using the Scheme. Entry to the Scheme is through an Arbitration Agreement, which will normally be drawn-up by a Conciliation Officer. This Arbitration Agreement must be signed by all parties. Once an Arbitration Agreement has been concluded the claim can no longer be heard by an industrial tribunal.

For more information on the Arbitration Scheme visit the LRA website at www.lra.org.uk

HEAD OFFICE

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

Tel: 028 9032 1442

Fax: 028 9033 0827

TDD (Textphone): 028 9023 8411

Email: info@lra.org.uk

Website: www.lra.org.uk

REGIONAL OFFICE

Labour Relations Agency
1-3 Guildhall Street
Londonderry, BT48 6BJ

Tel: 028 7126 9639

Fax: 028 7126 7729

Email: info@lra.org.uk

Website: www.lra.org.uk