

Labour Relations AGENCY

Improving Employment Relations in Northern Ireland

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 Labour Relations Agency. It is also important to review and maintain your document to ensure compliance with changes in statutory obligations.

1 April 2016

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.

See 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](#) give advice about dealing with grievance issues.

Why have grievance procedures?

Grievances are concerns, problems or complaints that employees may raise with their employers. Grievance procedures help employers to deal with grievances fairly, consistently and speedily and avoid the need for legal action. Guidance on drawing-up grievance procedures is set out below.

Drawing-up grievance procedures

In drawing-up grievance procedures it is good practice to involve everyone they will affect, eg, managers, employees and, where appropriate, their representatives. This should make the procedure more acceptable to all concerned.

Grievance procedures should make it easy for employees to raise issues with management and should:

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

Grievances could arise from the following issues:

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

It is important to ensure that everyone in the organisation understands the grievance procedures and that supervisors, managers and employee representatives are trained in their use. Employees should be given a copy of grievance procedures or have ready access to them, for instance, on a noticeboard or issued to them during the induction process.

Employers should take the time to explain the detail of grievance procedures to employees, paying particular attention to those employees who may have reading difficulties or for whom English is not their first language.

The right to be accompanied

Employees have a statutory right to be accompanied at grievance hearings by a companion. A companion may be a work colleague or a Trade Union official. The Trade Union official 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 companion at grievance hearings.

For the purposes of this right, a grievance hearing is defined as a meeting at which employers deal with a complaint about a legal duty owed by them to employees.

The duty may arise from statute or common law, for example, contractual commitments - an employee's request for a pay rise is unlikely to be a contractual right unless a right to an increase is specifically provided for in the contract. Alternatively, the request may raise a statutory issue about equal pay or the National Minimum Wage.

The companion should be allowed to address the hearing in order to:

- put the employee's case;
- sum up the employee's case;
- respond on the employee's behalf to any view expressed at the hearing.

The companion can also confer with the employee during the hearing. The companion has no right to answer questions on the employee's behalf, or to address the hearing if the employee does not wish it. Employees whose employers fail to comply with a reasonable request to be accompanied may present a complaint to a Tribunal.

Dealing with grievances in the workplace

Grievance procedures should allow for and encourage informal resolution of grievances. This may involve employees raising the matter verbally with their line manager. This could allow for early and quick resolution of employees' complaints. If a grievance cannot be settled informally, employees should raise it formally with management. The grievance procedure detailed below provides a framework for dealing with grievances in a formal manner. An Industrial Tribunal can take into account any **unreasonable** failure to follow the grievance aspects of the Agency's [Code of Practice on Disciplinary and Grievance Procedures](#) and may financially penalise employers or employees.

1. *Let the employer know the nature of the grievance*

If it is not possible to resolve a grievance informally employees should raise the matter formally, without unreasonable delay, with their manager. If the complaint is against their manager employees should be allowed to approach their 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.

Employees 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 employees should be encouraged to seek help, for example, from a work colleague, a Trade Union or other employee representative.

2. *Hold a meeting with the employee to discuss the grievance*

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

Employees have a statutory right to be accompanied at any such meeting.

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

Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any further investigation that may be necessary.

3. *Decide on appropriate action*

Following the meeting, employers 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 employees, in writing, without unreasonable delay. Where appropriate, the decision should set out what action employers intend to take to resolve the grievance. Employees should be informed that they can appeal if they think that their grievance has not been satisfactorily resolved.

Appeals

If employees feel 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 employers in writing of the grounds of appeal.

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

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

Employees have a statutory right to be accompanied at an appeal hearing.

Sample 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 will be given the opportunity to explain their grievance and how they think it could 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
- Where possible, a more senior manager not previously involved with the case will hear the appeal. Where a person at the most senior management level has already been involved with the case and there is a manager of the same status who has not, the appeal will be heard by the latter. In the event that neither of these is possible and the same manager who heard the grievance, unavoidably, has to hear the appeal, that manager will act as impartially as possible.
- 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 shall 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, mediation. In such instances 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**.

Dealing with grievances informally

If an employee has a grievance or complaint related to 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 meeting

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 will 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 (within 5 working days) **(insert job title)** will advise the employee in writing what action, if any; they have decided to take along with a full explanation of how the decision was reached. The employee will 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.