

DEALING WITH EMPLOYEE GRIEVANCES

This checklist sets out how your business should respond if an employee raises a grievance.

Why is it important to follow the Acas Code?

It can avoid a potential claim

The *Acas Code of Practice on Disciplinary and Grievance Procedures* was introduced to help businesses and employees resolve grievances in the workplace. Dealing with a grievance effectively can avoid employment tribunal claims by allowing the issue to be resolved internally.

It can affect the level of compensation

If an employee's claim is successful, but either your business or the employee has failed to follow the Acas Code, the level of compensation awarded can be affected:

- If your business unreasonably failed to follow the Code, the employment tribunal may increase the employee's compensation by up to 25%.
- If the employee unreasonably failed to follow the Code, the employment tribunal may reduce their compensation by up to 25%.

This regime applies to the majority of claims brought in an employment tribunal, including those related to:

- Discrimination.
- Unfair dismissal.
- Breach of contract.

How should grievances be handled?

The grievance should be raised in writing

- A grievance can be any concern, problem or complaint an employee raises with your business.
- If a grievance cannot be resolved informally, the employee should raise it in writing with a manager (if the grievance concerns their line manager, the grievance should be raised with another manager).
- A failure to raise the grievance in writing does not prevent an employee bringing an employment tribunal claim. However, they may recover less compensation if they have not done so.

Your business should hold a meeting and investigate the complaint

- You should hold a meeting with the employee to enable them to explain their grievance and how they think it should be resolved.
- If the matter needs further investigation, you should adjourn the meeting and resume it after the investigation has taken place.
- When the meeting is concluded, your business should communicate your decision promptly in writing, including details of any action you intend to take to resolve the grievance.

The employee can bring a companion

- An employee has a legal right to bring a companion (a fellow worker or a trade union representative) to a grievance meeting.
- However, it would be unreasonable for an employee to bring someone whose presence would prejudice the meeting.

The employee has a right of appeal

- Your business should inform the employee they have a right of appeal when you communicate your decision. If the employee is not satisfied with the outcome, they should appeal in writing, specifying the grounds of their appeal. If they bring a tribunal claim without appealing, any compensation they are awarded can be reduced.
- The appeal should ideally be dealt with by a manager who has not been previously involved. The employee should be informed in advance of the time and place of the appeal hearing and may bring a companion. Your business should communicate your decision promptly in writing.

Handling grievances during a disciplinary procedure

Employees often submit grievances during disciplinary procedures, either regarding the procedure itself or the circumstances leading up to the initiation of that procedure. Your business must decide whether to suspend the disciplinary procedure to fully investigate the grievance or, if the issues are related, deal with them both concurrently.

Practical steps for your business to take to improve your grievance procedures

- Involve employees or their representatives in developing workplace procedures, and make sure those procedures are transparent and accessible to employees.
- Train your managers:

- how to handle grievances effectively;
- when to involve HR;
- how to spot potential legal claims.
- Encourage managers to resolve issues quickly and informally before they get to a formal grievance stage.
- Allow employees to put their side of the story at a meeting before undertaking any necessary investigation and again before making your decision.
- Keep written records, including minutes of meetings.
- Communicate decisions effectively and promptly, setting out your reasons.

The comments in this note are of a general nature only. Full advice should be sought on any specific problems.

More information

If you have any queries about the content of this note, please contact Christopher Gigg, Kathryn Meir or David Hardstaff.