

12. Grievance at work - what to expect

Legislation on grievances is set out in the **Employment Rights Act 1996**, Section 3

UK Gov: Employment Rights Act 1996



Employers are obliged to inform employees and workers of its Disciplinary and Grievance procedures in the written statement of particulars of employment.

The main legislation which covers grievances is noted:-
Employment Relations Act 1999
Trade Union and Labour Relations (Consolidation) Act 1992
ACAS Code of Practice on Disciplinary and Grievance Procedures

UK Gov: Employment Relations Act 1999



UK Gov: Trade Union and Labour Relations (Consolidation)



ACAS: Code of Practice on disciplinary and grievance...



The government has produced guidance for employers:

UK Gov: Handling an employee's grievance



Details of trade unions suited to industry sectors can be found here:

TUC: Join a union



Grievances are concerns, problems or complaints that employees can raise with their employers when there is an issue at work. Employers must treat grievances seriously and promptly to ensure business continuity. When the matter cannot be settled informally, then the usual next step would be for an employee to raise (make) a formal grievance, in writing, usually in a letter or email.

Employees and workers have the right to join a Trade Union. Trade Unions can be helpful to both employers and employees and can support partnership working.

It should be noted that although anyone has the right to make a complaint at work the ACAS code of Practice on Disciplinary and Grievance Procedures only applies to employees but not people who are workers.

Employers should be aware that if they fail to comply with ACAS Code of Practice on Disciplinary and Grievance Procedures any Employment Tribunal may adjust by increasing any awards by up to 25% for unreasonable failure in compliance with this standard.

It is important that employers ensure that they have a competent manager trained in dealing with grievances at work.



If you need more help with employment rights, contact your nearest **Citizens Advice Bureau**.

The ACAS Code of Practice, Rules and Procedures for handling disciplinary and grievances specifically state that they should:-

- Be in writing
- Be clear and specific
- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should allow employees to be accompanied at any formal disciplinary or grievance meeting.
- Employers should allow an employee to appeal against any formal decision made.

Employers should also be open to third party involvement, such as using a mediator or arbitrator in an attempt to resolve the situation.

Employers should arrange for someone independent to act as minute taker / observer at any formal meetings.

There are many reasons for raising grievances at work and it is unlikely that there are two identical situations, therefore, one size doesn't fit all.

Very often with grievances, but not always, there can be allegations of bullying, harassment, victimisation and discrimination, and, consequently, people want to know what can be done to

address this as these can be interlinked. The Equality Act 2010 sets out legislation relating to detriment in employment.

UK Gov: Equality Act 2010

Employers have a duty of care to protect the safety, health and wellbeing of its employees as set out in HASAWA 1974 section 2. and should be proactive in minimising any risk to its employees.

HSE: Health and Safety at Work etc Act 1974

Employers should always try and mitigate any risk to their business by ensuring that their employees are educated in equality and diversity law and promote the Company core values at all times in the way that they conduct themselves in the workplace. The Equality and Human Rights Commission has produced guidance for businesses:

Equality and Human Rights Commission: Business

Where an employee has raised a grievance against their line manager, that employee should be informed they can approach another manager or HR department for support.

Employers should always consider using an interpreter at meetings if required, to ensure clarity of understanding, and, to bear in mind any other reasonable adjustments to enable an employee, their companion and any witnesses to attend any formal meetings.



Employers should gather and retain any evidence relating to the grievance which is uncovered as part of an investigation. Depending on what is uncovered following a formal investigation process, if the employee who has raised the grievance is found to be the perpetrator, an employer has the right to invoke disciplinary action against them.

Where grievance matters cannot be resolved both employer and employee can ask for ACAS Early Conciliation assistance, an employee must make an application to an Employment Tribunal within 3 months less 1 day, otherwise, their complaint might not be considered.

Early Conciliation is offered by ACAS as a free way to try and resolve any disputes prior to Employment Tribunal action. ACAS appoint an independent conciliator that will discuss the matters with each side separately.

Problems at work can be stressful to deal with for everyone involved. This can greatly impact on an individual's health and wellbeing both at work and also in personal lives. Speaking confidentially to a GP, or contacting a (NHS or Workplace) counsellor or another appropriate agency can help.

Some employers may offer employee benefits which include Employee Counselling packages

Business with less than 250 employees can encourage employees to make self-referrals to Working Health Services Scotland (WHSS) who offer free independent & confidential help with fast tracking certain medical treatments, including counselling and physiotherapy appointments:

NHS: Health and Wellbeing Services



Employers can also signpost employees to the organisations below:

[British Association of Counselling and Psychotherapy](#) – 01455 883 300 - Information and details of accredited practitioners.

[Samaritans](#) - 116 123.

[The Mix](#) - For Under 25 Year Olds.

Citizens Advice provides further information on Grievances at Work which is aimed at employees, which is also useful for employers to view.

Information on Grievances at Work and What to Expect can be found on:

Citizens Advice: Dealing with grievances at work



South of Scotland Employment Rights Advice Service

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