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Employment Law / HR / Health & Safety

How to expertly handle workplace grievances

When an employee raises a grievance against a colleague, it's in your best interest to resolve the issue quickly and efficiently.

Understanding how to adeptly navigate the grievance procedure is crucial to maintaining positive working relationships, preventing small issues from escalating into bigger problems, and avoiding Employment Tribunal claims.

A six-step guide to handling workplace grievances

1. Try to resolve the issue informally

Employees should raise complaints with their line manager, who should listen to the employee and attempt to resolve the grievance through informal means first. In many cases, issues can be resolved quickly and efficiently by talking through the problem, without resorting to formal procedures.

NB: If the grievance concerns the line manager's conduct, the employee should make their grievance to another appropriate person, such as another senior manager, who can arrange for somebody who is not directly involved to deal with the grievance.

2. If the issue can't be dealt with informally...

If informal means are inappropriate or ineffective, the employee should submit a written complaint, which will trigger a formal procedure. They should provide as much information as they can about their grievance so that it can be investigated thoroughly.

3. Arrange a grievance hearing

Once a formal complaint has been submitted, arrange to meet with the complainant to discuss the grievance in more detail. This should be done as quickly as possible, without any unreasonable delay, in a private setting where there will be no interruptions.

A grievance hearing is an opportunity to explore the complaint or, in more complex cases, try and narrow down the issues into something more manageable. When preparing the hearing, consider:

- Whether any reasonable adjustments are necessary for employees with disabilities;
- Whether you will need to arrange an interpreter;
- Organising somebody with no involvement in the case to take notes; and
- How similar grievances have been dealt with in the past.

Write to the employee to invite them to the grievance hearing and inform them of their right to be accompanied by a fellow colleague or a trade union representative.

NB: The hearing should be carried out by a manager who has no involvement whatsoever in the case. If the grievance concerns the line manager, consider who else could hear the complaint.

4. Hold the hearing and carry out an investigation

At the hearing, the employee should be given the opportunity to fully explain their grievance and how they wish the matter to be resolved. The manager chairing the hearing will then need to consider whether the matter can be resolved immediately or whether an investigation is necessary to establish all the relevant facts. This may include talking to all parties involved, interviewing witnesses, acquiring documents and gathering evidence. If the investigation is particularly complex or lengthy, you may wish to hold a second hearing with the employee so that they can comment on the evidence.

5. Decide what action to take

The action you decide to take will depend on the nature of the grievance and the outcome of your investigation. If the grievance is upheld, the next step may be to amend the employee's employment terms, move them to another department or team, or take disciplinary action against the perpetrator of the misconduct.

Your decision on the grievance **must** be communicated to the complainant in writing, giving as much detail as is reasonably possible to support your conclusions. The employee then has the right to appeal.

6. Manage the appeal

If the employee appeals, you will need to arrange an appeal hearing. This should be conducted by a member of the senior management team, ideally somebody who has not been previously involved in the case. As with the initial grievance hearing(s), the employee has the right to be accompanied.

The purpose of the appeal hearing is to explore the employee's grounds of appeal and consider each in turn. It may be necessary to investigate some additional points following the appeal if there are elements you cannot confirm or questions you cannot answer based on the evidence already gathered.

The decision of the appeal **must** be confirmed in writing to the employee. The outcome of any appeal will be final.

Experienced and independent support

Employee grievances may or may not be justified, but it's important that they are thoroughly investigated and dealt with in a fair and strategic manner. For professional support with any aspect of the grievance or disciplinary process, contact Ellis Whittam on 0345 226 8393 or email Howard Trafford on howardtrafford@elliswhittam.com.