



Grievances

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A grievance is the first formal stage in resolving workplace issues. This section will explain more about what they are, the different options you have and how the process works.

Click on the headings below to find out information

What is a grievance?

A grievance is the first formal stage in resolving workplace issues. It is important to consider whether putting in a formal grievance is the appropriate step to take; in certain circumstances an informal approach may have a better prospect of resolving an issue. Where there is a genuine problem which cannot be informally resolved however, a grievance is a vital part of taking the matter forward.

You must check your own contract and/or your employers handbook to see which is the process you should use.

The object of a grievance is to give employees a clear and formal way to raise and hopefully resolve workplace issues.

There is no set rule as to what a grievance procedure should consist of but as a minimum there should be a formal first hearing and an appeal stage. (See the ACAS Code of Practice on Disciplinary and Grievance Procedures).

In some workplaces there may be separate procedures for certain types of complaint, for example if the grievance relates to bullying or harassment. Whatever the procedure is, it is important to follow it.

An effective grievance letter should explain exactly what the complaint or problem is with the minimal background necessary to understand it, the letter should make the employer aware of any supporting evidence and make clear what steps are being requested to resolve the matter.

What is the Grievance Process?

The Employment Rights Act 1996 states that employers must give employees a written statement of the particulars of their employment no later than two months after they started work and that this statement must include details of the grievance procedure- how to start a grievance and who to send the grievance to. Some employers will have specific grievance forms, others will be less formal.

The ACAS Code of Practice on Disciplinary and Grievance Procedures also recommends that a grievance procedure is started before any Employment Tribunal proceedings indeed you should note that a failure to comply with the ACAS Code on discipline and grievance procedures means that any award of compensation in a successful case can be adjusted downwards by 25%.

So if you fail to follow the grievance process before you lodge a claim then your compensation could be reduced; similarly if the employer fails to follow the process then your compensation could be increased.

Further information can be found on the ACAS website at:

Key principles for handling grievances laid out in the ACAS Code are that employers and employees should raise and deal with issues promptly, should not unreasonably delay meetings, decisions or confirmation of those decisions or delay appeal hearings.

Further that the Employer should carry out any necessary investigations, to establish the facts of the case.

Employers should allow employees to be accompanied at any formal grievance meeting. The employee representative has the right to ask questions, put points forward and make suggestions but not to answer questions on the member's behalf.

If your employer denies you the right to be accompanied or you are treated badly as a result of raising a grievance you should seek advice immediately as you may have a potential claim; you have a legal right to be accompanied to a grievance hearing by an accredited TU



representative.

Employers should provide an outcome in writing and allow an employee to appeal against any formal decision made. The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case.

There are three possible developments at this stage. The employer may agree to resolve matters to everyone's satisfaction. Alternatively they may simply turn down the grievance. Lastly they may simply 'sit on' the grievance.

There is no law, as such, which prevents an employer from doing the latter but it may be grounds for a constructive unfair dismissal claim in certain circumstances. If an employer fails to deal with a grievance the employee representative should seek further advice from your GMB Region. If you require specific advice please contact your GMB representative.

What happens next?

If the employer turns down the grievance the employee must consider what is best to do next. There is a right to appeal and the employee should be advised of this, however an employee should also be considering at this stage whether legal action in the Employment Tribunal is necessary.

If you believe that you have been dismissed or demoted or have been discriminated against on the grounds of a protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation), whistleblowing, trade union membership or activity then it is vitally important that the grievance letter which you submit and/or your appeal letter makes it clear to the employer that this is your complaint, or part of it.

An employer can justifiably argue that it cannot be expected to rectify issues it had no knowledge of and Employment Tribunals are often skeptical of claims which only start to base themselves on particular legal grounds after the internal process has been exhausted.

Time limits and ACAS Early Conciliation

To bring a claim in the Employment Tribunal there are strict time limits, these are usually three months minus one day from the date of the unlawful act complained of, plus any time added by the ACAS Early Conciliation process to lodge a claim. Please see the [Limitation in Employment cases](#) and the [ACAS Early Conciliation pages](#) for further information.

It is important to remember that going through the employer's grievance and appeal processes does not add to the time limits available in any way and the Employment Tribunal will not accept a late claim on the grounds that the employee was waiting for the results of the grievance or appeal process.

The purpose of this advice page is to give an overview of some of the rights that are available to you, however this page is no substitute for specific advice which you can



obtain from your GMB Trade Union Representative.

