

ERR

7 - Grievance Procedure

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Session Seven: Grievance Procedures

Introduction to the Session

This session focuses on grievance procedures.

Even in well-run businesses, it may sometimes be necessary to deal with employee grievances; therefore it is crucial that you have written grievance procedures. If problems do arise, these procedures should help you and your employee resolve them within the workplace. They should also ensure that you deal with employee grievances fairly.

Your rules and procedures should be set out in writing and follow the good-practice principles set out in the Acas code of practice on disciplinary and grievance procedures. Failure to meet either of these requirements may result in extra compensation for the employee if they succeed in a tribunal claim.

Learning Outcomes

To complete this section you must show that you know and understand:

Part 1 Grievance Procedures

Your knowledge will be gained by completing this Employment Rights and Responsibilities module.

We estimate that the module may be completed in around **45 minutes to 1 hour**.

To start the first session, click on [Start Session](#)

At the end of this session remember to:



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Session Seven: Grievance Procedures

Introduction

Employers must provide each of their employees with a written grievance procedure which should – at the very least – follow the good practice principles set out in the Acas code of practice on disciplinary and grievance procedures.

The Advisory Conciliation and Arbitration Service – Acas, produces publications which cover all aspects of employment law. Hard copies of Acas publications may be ordered online, or by telephone on 08702 42 90 90, by fax on 01375 484 556, or by email at acas@ecgroup.co.uk

Much of the material in this session is taken from the Acas website, this can be accessed at: www.acas.org.uk

This section covers:

- Who to approach with concerns about work or learning
- The Contract of Employment and grievance procedures
- The steps involved in a grievance procedure
- The right to be heard without malice
- The importance of confidentiality
- The right to representation at grievance hearings
- Appeals against grievance decisions



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Who to Approach with Concerns

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Part 1 - Grievance Procedures

Who to Approach with Concerns About Work or Learning

Each salon is able to set its own procedures and arrangements for dealing with problems at work. If you are unsure of your own salon's arrangements, speak to the salon owner or manager. By law, an employer must inform each employee of the name of the person to whom they should apply to seek redress for a grievance and how they should make this application.

This information can be included in the employee's written statement of employment or the written statement may refer the employee to a document where they may find it, e.g. in a staff handbook. If an employer fails to provide this information to an employee, and the employee succeeds in another employment tribunal claim against the employer, e.g. unlawful discrimination, the employee could be awarded two or four weeks' pay.



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The Contract of Employment and Grievance Procedures

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The Contract of Employment and Grievance Procedures

A grievance procedure does not need to form part of an employment contract and if this is the case, an employee may not be able to claim breach of contract if an employer fails to follow the procedure.

However, if the employer chooses to make the grievance procedure part of the Contract of Employment and the employer then fails to follow the procedure when dealing with a grievance, the employee could bring a breach of contract claim against the employer.

The Steps Involved in a Grievance Procedure

If an employee has concerns or complaints about their work, employment terms, working conditions or relationships with colleagues, they may want to discuss them or bring them to the employer's attention. Normally, a formal grievance procedure has four separate steps or 'stages', these are:

1. In the first instance, an employee should raise the grievance verbally with their employer who will try to resolve the problem without the requirement for a grievance hearing.
2. If the employer cannot resolve the problem to the employee's satisfaction, the next step is to put the grievance in writing to the employer - who will arrange a meeting referred to as a 'grievance hearing' at which the problem can be fully discussed.
3. Following the grievance hearing, the employer will undertake such investigations that they feel are needed. A follow-up meeting will then be arranged to advise the employee of whether the grievance is being upheld and to inform them of any action to be taken.
4. If the employee is still not satisfied with the outcome they should write to the employer explaining why they remain dissatisfied. This must be done within five working days of being notified of the outcome of the grievance hearing. An appeal hearing will then be arranged to reconsider the outcome. The decision reached at this stage will be final.

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The Right to be Heard Without Malice

The Acas Code of Practice on disciplinary and grievance procedures is an established approach to ensure fairness in both disciplinary and grievance procedures.

An employer is not forced to follow the Code, however if the case eventually goes to an Employment Tribunal, not following the Code will be taken into consideration. An Employment Tribunal will not automatically find you or your employer legally at fault if the Acas Code is not followed. However any unreasonable failure to follow the Code by either you or your employer could lead to an adjustment of the amount of any award made by the Tribunal.



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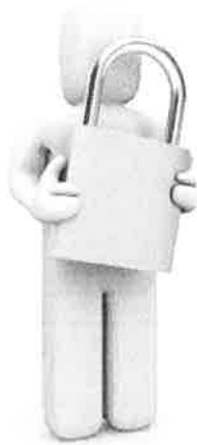
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The Importance of Confidentiality



It's crucial that grievances are dealt with sensitively and in the strictest confidence, particularly where they concern other employees. Employers need to develop specific procedures for very sensitive claims involving unfair treatment, e.g. discrimination, bullying or harassment. It is also important to ensure that any grievance hearing is held in private and will not be interrupted.



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The Right to Representation at Grievance Hearings and Appeals

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The Right to Representation at Grievance Hearings

All employees, including part-time and casual workers have the right to be accompanied either by a companion at a grievance meeting, this can be a workplace colleague or an accredited trade union representative.

The companion may make an opening address on behalf of the employee at the beginning of the hearing. After that they cannot address the hearing again unless the employer agrees. However the employee and companion may confer at any time, and the companion can take detailed notes of the hearing which will be very useful if the case ever goes to appeal or ends up in an Employment Tribunal. The companion can also make an address at the end of the hearing.

If a companion is not free at the time when the meeting is organised, the employee can ask for a postponement of up to five working days and ask for a different time within those five days when the companion is free. The alternative time must be a reasonable one.

Appeals Against Grievance Decisions

An employee has the right to appeal against your decision following the grievance hearing.

You must notify them of this right when you write to give them your decision. Give them a deadline to notify you of their intention to appeal, eg within ten working days.

If the employee chooses to appeal, you must try to hold the appeal hearing without unnecessary delay.



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Puzzle Task:

Have a look at this interactive drop and drag activity and see how much you have remembered about disciplinary and grievance procedures.



Well done you have completed this session.

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