



Employment Guide: Raising and Handling Grievances

Note: This Employment Guide is intended to provide general guidance only. It does not constitute legal advice and should not be relied upon as doing so.

Overview

Grievances are concerns, problems or complaints that employees raise with their employer. A grievance can be defined as a real or imagined wrong, causing resentment and/or a feeling of resentment or injustice at having been unfairly treated, sufficient to give grounds for complaint. There is no law in Guernsey which covers how employees and employers should raise and handle grievances at work. This guide provides advice on general principles and procedures that should be considered when grievances are raised.

Dealing with grievances informally

An employee may have problems or concerns at work which he/she may wish to raise with management. The employee will be looking for their grievance to be addressed and, if possible, resolved. Problems that employees might wish to raise could include terms and conditions of employment, health and safety issues, pay and working conditions, discrimination, harassment or bullying (see Employment Guide 'Bullying and Harassment at Work'), inequality of treatment amongst staff and disagreements with fellow employees. Grievances are best dealt with at an early stage on an informal basis and, where possible, an employee should initially talk their concerns through with their line manager.

Formal grievance procedures

If the grievance cannot be resolved satisfactorily on an informal basis it should be raised in writing by the employee as soon as possible. If the employer has a grievance procedure this should be followed. Whilst there is no statutory requirement, it is important for employers to have formal procedures to ensure that grievances are dealt with fairly and consistently. Failure to deal with grievances fairly may have negative repercussions, ranging from poor performance and low morale, to the loss of experienced staff. It could also undermine the trust and confidence inherent in every contract of employment entitling an employee to resign and claim constructive dismissal. Conversely, dealing with grievances in a fair and consistent manner would form an employer's defence against such a complaint. To ensure a consistency of approach managers should be given training on how to handle grievances.

The grievance procedure will depend on the size of the organisation concerned but should be easy to follow and state how and with whom to raise the grievance. (See below for an outline of a grievance procedure.) If possible an alternative person should be identified if the usual person is the actual subject of the grievance. The procedure should also cover time scales, particularly for lodging an appeal. Staff should be encouraged to use the procedures and reassured that their grievances will be taken seriously.

Under the formal procedure the employee should write a letter of grievance providing factual details of the grievance and, if possible, the employee's view on how he/she would like to see this resolved. It would be advisable for the employee to keep a copy of the letter. If there is no grievance policy the letter of grievance should be addressed to a manager or the employee's immediate line manager. The grievance should then be promptly and fully investigated.

Grievance meeting

A meeting should be arranged, at a reasonable time and place, to discuss the grievance. The employee and employer would be advised to prepare for the meeting by writing down the points they wish to raise. The meeting should be held in private and, if the grievance concerns the line manager, consideration should be given as to whether there is anyone else who could hear the complaint. In small firms where there is only one owner/manager the grievance should be dealt with fairly, objectively and impartially. Consideration should be given to allowing the employee to be accompanied at the meeting by a colleague of their choice to provide moral support. If possible an independent note taker should also be present to record notes of the meeting.

The employee's concerns should be discussed and he/she should be given the opportunity to comment. An open discussion of the grievance should ensue to establish the facts and to find a way to resolve the issues. It may be necessary to adjourn the meeting if further investigation is deemed to be appropriate.

Once the grievance has been investigated it will either be upheld or dismissed (in full or in part). If it is upheld, the employer should advise what action they intend to take to resolve the grievance. If it is dismissed, the employee may appeal.

Appealing the decision

The employer should specify a timescale and procedure for appeal, either in a letter detailing why the grievance was dismissed and/or by reference to the grievance procedures. If, however, no guidance is given an employee should appeal in writing and without unreasonable delay. The appeal should explain the reasons why the employee does not agree with the decision. The employer should then arrange a further meeting to discuss the appeal. Where possible a different and more senior manager should deal with the appeal. Where this is not possible, for instance in a small firm, it is important that the employer considers any appeal with an open mind. Finally the outcome of the appeal should be formally conveyed to the employee in writing within a reasonable timescale.

It is important that grievances are resolved, either by upholding the grievance (in full or in part) and implementing appropriate action, or by formally dismissing the grievance with a clear justification for doing so.

Content of the grievance procedure

The grievance procedure will depend on the size of the organisation but consideration should be given to the following:

- explain informal and formal procedures
- be easy to follow
- state how and with whom the grievance should be raised
- aim to deal with grievances promptly, fairly and consistently
- identify an alternative person to raise the grievance with if the usual person is the actual subject of the grievance
- detail the appeals procedure
- state that, if possible, a manager who has not been previously involved with the matter will hear the appeal
- give time limits, including those for the appeal process
- give consideration to allowing the employee to be accompanied by a colleague at any grievance meeting

Contact Information

For further advice

- Check www.gov.gg/employmentrelations
- Email employmentrelations@gov.gg
- Contact the **Employment Relations Service**, Edward T Wheadon House, Le Truchot, St Peter Port, GY1 3WH
- Telephone number: **01481 220026**