

Grievance Advice Sheet for Members



If you have a problem or complaint that you would like to raise with management you should raise a grievance.

This advice sheet is designed to help you understand the process and to give you tips on how to get the best out of it.

Please read in conjunction with your employer's grievance procedure.

First, try to resolve the matter informally with your manager. If your manager is not appropriate, because, for example, your complaint is about them, raise the matter with their immediate manager.

If the matter can't be resolved informally, or if informal resolution is not appropriate due to the seriousness of your complaint, you will need to raise a formal grievance.

Writing your grievance

- Write your grievance out as clearly and succinctly as possible in date order. Would someone with no prior knowledge of the situation fully understand your grievance after reading it?
- Think carefully through your issues. Focus on the most important ones. If you include too many minor issues your grievance will be too long and your main point may get lost.
- State that you are raising a formal grievance under the company's grievance procedure.
- Explain what happened – giving dates and any witnesses to each event.
- Explain why you are aggrieved about it: what was the impact and how did it make you feel?
- Conclude your grievance by stating what you want as a resolution. Your employer might not be able to give the resolution you want, but you won't know unless you ask.
- Print your name on it and sign and date it.

Keep a copy of your grievance. Make a note of who you submitted it to and the date and time it was submitted. If sent by email request a "read receipt" so you know it has been received.

What Happens Next?

Once the grievance is submitted you're entitled to a formal meeting to discuss your complaint. You have the right to be accompanied at this meeting by a Trade Union Representative or a colleague.

You might be asked to attend an investigation meeting prior to the formal hearing for more details to be gathered. You are not legally entitled to representation at this meeting. If asked to attend such a meeting get clarification that it is an investigation meeting and not the formal hearing. If it is an investigation still prepare as if it's a formal hearing so you have all the information with you.

Grievance hearing

After receiving your grievance your employer should write to you acknowledging it and advising you of a date, time & venue for a formal meeting to be held to consider your grievance. They should also advise you who will hold the meeting. The meeting should be scheduled within your normal working hours (and not on your day off / during pre-planned annual leave). The meeting should be held in private where you can talk confidentially – a public space such as a staff room/ coffee lounge is not appropriate.

If your TU rep is not available on the date given your employer has a statutory duty to rearrange it within 5 working days. Advise the person holding the meeting immediately if the date is not suitable.

If you believe the person allocated to hold the meeting is inappropriate as the complaint involves them you should raise this immediately so that an alternative manager can be allocated.

During the hearing

- This is your opportunity to clearly lay out what your grievances are. You might feel upset. Whilst completely natural as you will be talking about yourself and what has aggrieved you, be prepared for it as you will need to be as clear as possible to get your point across.
- Be ready to expand on what you have written in your letter. Remember, the grievance hearing manager will want to make sure they have all the details in order to make a decision.
- Make a timeline of events so you have a clear picture of what happened and events you want to refer to.

- List all the points you want to make so that you can tick them off as each is covered. If you don't raise a particular matter during the hearing your employer will not have to consider it.
- You might find it helpful to prepare a written statement to read out at the start of the meeting. The hearing manager should also have a copy of your grievance letter so you can also refer to this.
- Consider whether you would like to call any witnesses to support your grievance. However, be aware that witnesses can be unreliable which is not helpful. You also don't need multiple witnesses if they are all going to say the same thing – one witness will be sufficient.
- Stick to the issues you have raised in your letter. If further relevant events happen since you first raised your grievance you should write to the hearing manager prior to the meeting outlining the new issues and informing them that you will include them in the meeting.

Who will represent you?

Investigation meetings are not part of the legally defined "formal hearings" and you do not have a legal right to representation at them, but your internal policy may provide for this. Unite Regional Officers do not usually attend investigation meetings.

In organised workplaces where you have an elected Unite workplace rep they will normally represent you in a grievance hearing. Your local agreements will say when/if a full time Regional Officer becomes involved.

If there is no union recognition at your workplace you will be entitled to take a colleague into your grievance hearing. A Unite Regional Official or Accredited Companion may be able to represent you in more serious cases or at the final appeal hearing if available. Please contact your local office to check.

Outcome

You might be given the outcome after a brief adjournment or your employer might write to you at a later date with the outcome. At the end of the meeting ask which of these will happen. If they are going to write to you ask for an approximate timeframe. You will be told whether your grievance has been upheld, upheld in part, or not upheld; and any appropriate action your employer is going to take. Please note, if the outcome is going to result in a disciplinary hearing for another employee you do not have a right to be told this as it would breach that other employee's confidentiality.

If you are not happy with the outcome you can appeal. Your internal grievance procedure will give the process. Carefully note the timeframe within which you need to submit your appeal - if you miss it your employer will not have to hear your appeal. Be clear on what grounds you are appealing.

Legal Claims

If you feel that your employer hasn't done enough to resolve your complaint then you might have a potential legal claim depending on the specific circumstances. Your Regional Officer will be able to advise. Please remember:

- Discrimination is only against a protected characteristic (Age, Disability, Gender Reassignment, Marriage & Civil Partnership, Pregnancy & Maternity, Race, Religion, Sex, Sexual Orientation).
- You have 3 months less one day from the date of the act complained of to make a claim.

Draft Grievance Letter

Your Name
Your Address
Town
County
Post Code

Company Contact
Company Name
Company Address
Town
County
Post Code

Date

Dear

Ref: Grievance

In accordance with the company's Grievance procedure and the provisions of the ACAS Code of Practice on Grievance and Disciplinary Procedures issued under Section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992, I am writing to advise you that I would like to raise a formal grievance, my Grievance is as follows.

(Insert contents of your grievance. See Advice Sheet.)

I look forward to hearing from you at your earliest convenience on the content of my grievance; and request that you acknowledge receipt by return.

Yours Sincerely,

Your Signature

Print your name

PLEASE ENSURE THAT YOU KEEP A COPY OF THIS LETTER FOR YOUR RECORDS.

ALSO, TAKE NOTE OF WHEN IT WAS SENT AND THE METHOD YOU USED TO SEND IT.