



BluSkyHR

EMPLOYERS GUIDE TO RESOLVING GRIEVANCES



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INTRODUCTION

Since the pandemic began in March 2020, it's safe to say that tensions have run high at times. We were thrown into a state of confusion and uncertainty, with little or no notice, and that has had a huge impact on our lives.

One of the big changes many of us experienced was the sudden move to working from home. After the initial excitement of working in our pyjamas wore off, we hit a wall of frustration, stress and, for many of us, isolation. No matter how many Zoom meetings we attended, it was no substitute for our usual office environment.

And while many of us flourished when given the opportunity to demonstrate our self-motivation, others struggled. And the result of that has been that more work issues have been reported. Since the beginning of the pandemic, 48% of employees reported a work issue to their HR representative. A huge 44% of employees also received disciplinary action as a result of their working from home behaviour.

Tension has been at an all-time high. And, while we're slowly getting back to the office environment or new hybrid-working policies have started, it seems like we've brought the stress along for the ride.

The most common complaints employers are seeing lately regard employee disputes, employee benefits, safety at work, denial of time off and issues with equipment when working from home.

The good news is that many of these issues can be resolved quickly and easily, if the right steps are taken. It can be as simple as an informal chat with a manager.

However, it's vital that the correct procedure is followed when any dispute or complaint is raised. If it isn't, you're putting your business at risk. If not handled correctly, complaints could eventually end up in a tribunal claim, costing you lots of time and money, not to mention the stress it can bring to everyone involved.

To make sure you're protecting both your employees and your business, make sure everyone knows your policy on complaints and disputes and follow them should an issue arise.

MAKING A COMPLAINT

Your employees should be encouraged to raise any concerns they have with either their line manager or your company's HR Manager. This doesn't have to be in writing in the first instance; a quick chat will suffice to raise an issue informally.

Once an issue has been raised, it's really important that you take it seriously. This can protect you from a potential tribunal claim, but it also helps to maintain good employment relationships, which is vital for any successful business.

Right to be Accompanied

Set up a chat with the employee who has raised an issue. Remember, they are entitled to bring someone along to any formal grievance hearings but you may want to extend that to informal meetings too. This person is there to act as a witness for your employee and they could be a colleague or a recognised trade union representative. If the employee requests that a friend or family member attends, you are within your rights to refuse. They can also bring along someone for support if they require reasonable adjustments to be made, like an interpreter or carer.

At this meeting, ask them to clearly explain their issue to you and have them suggest how they would like the issue to be resolved. For example, if they are having a problem with a colleague, they may like to sit and have a conversation with a manager present to act as a mediator. Or, if they are struggling with the volume of work, discuss strategies to ease the workload, whether it is exploring automating of tasks or getting them to look at their own personal time management. The important thing is to explore options to come up with the best solution.

Two Way Process

This meeting should be a two-way process, so while it's important that you listen closely to their issue and proposed solution, they should also be prepared to listen to any input you have on the situation, too. You may be able to suggest alternative solutions; then it's up to you both to work together to decide on an agreed plan of action.

You must keep a record of your meeting, even if it's informal. Include details of the problem, the action you took when the problem was raised (a meeting, for example), what was discussed, the next steps agreed, and the reasons for the agreed steps.

Agree on a follow-up meeting for when the agreed action has been taken. At this meeting, you can check that any steps have been actioned as agreed and look to see if they have resolved the issue. Hopefully, at this point, you will be in a position to close the case, so to speak. However, in some cases, the agreed actions don't resolve the problem and it is necessary to take further action.

HERE COMES A GRIEVANCE

At this stage, you may want to discuss other actions which could help to resolve the issue, or you may plan more discussions to work through the problem. It's important. You must remind your employee that they are able to raise a grievance if they feel the informal approach isn't working.

If the issue at hand is of a more serious nature (sexual harassment or whistleblowing for example), it may be appropriate to skip the informal steps and move straight to the formal process, whether that be your Grievance, Whistleblowing or Bullying and Harassment Procedure.

If a grievance is raised, it's important that it's done as soon as possible and in writing. Your Company Policy should contain all of the information your employees need to help them raise a grievance, including who it should be raised with.

Investigate the Allegations

Once a grievance has been raised, you, as the employer, should ensure a thorough investigation is carried out to obtain evidence and establish the facts of the case.

The person carrying out the investigation should have had no personal involvement in the matter at hand. Using an external HR Company, who is independent and impartial can be useful to free up internal HR employees to support the Grievance Chair with the next stage of the process.

It's also crucial that every step of the grievance is handled with confidentiality; this includes informing any witnesses that they are not to discuss the matter with any colleagues. And again, you should keep a full record of anything discussed or discovered during your investigation.

Grievance Hearing

After a full investigation, you will need to hold a hearing. Ideally, this should be within 5 days. This should give your employee the opportunity to explain their side in detail and, again, set out the outcome they would like to see. Just like in an informal meeting, your employees are also entitled to be accompanied to a grievance hearing by a colleague, union representative, or someone else relevant, as well as an interpreter or carer, where necessary.

After your hearing, you may be required to carry out further investigation, or you may be able to come to a conclusion. Any decision you do make following a hearing must be communicated to your employee, in writing, as soon as possible. They should also be informed of their right to appeal your decision.

APPEALS

If your employee isn't satisfied with the outcome of their grievance, they have the right to appeal. If they do, you must hear their appeal without unreasonable delay and in accordance with your Company Grievance Procedure.

This works in a similar way to the initial grievance. You should arrange a meeting, and your employee has the right to be accompanied again.

However, this meeting should be held by someone who wasn't involved in the initial grievance. Ideally, this meeting should be held by someone in a more senior position; however, in small businesses, this isn't always possible. In these cases, it's sometimes appropriate for someone to be brought in from outside the business to conduct the meeting. For example, an external HR Company.

Your employee should be given the opportunity to explain why they disagree with your decision and what they think the outcome should be. It will then be up to the person hearing the appeal to decide whether it was handled correctly in the first instance, and where necessary, to decide on a new outcome.

If it's not possible to resolve an issue or dispute, it may be that you consider involving a third party to help. This could be in the form of a mediator, for example.

THERE'S A LOT TO CONSIDER

That may seem like a lot to think about when an employee raises a complaint in your business but, I assure you, this is a very brief overview. There can be a lot more to consider when a grievance is raised, depending on the nature of the complaint.

What is vital is that you follow protocol to the letter to avoid any unnecessary escalation. Take any complaint seriously and ensure you don't miss any steps, even if you think they are unimportant.

Fortunately, the majority of issues raised can be dealt with quickly and with little stress, providing you and your managers really listen to your employees. It is also possible to avoid issues occurring in the first place, by tackling any problems you see immediately and looking out for signs of conflict or dissatisfaction.

One of the most important takeaways is that you shouldn't try to handle the grievance process on your own, if you don't have a qualified HR expert on hand. If handled incorrectly you could end up making a problem a lot worse, which could eventually land your business in a tribunal unnecessarily.



NEED SOME EXPERT HR ADVICE?

If you're dealing with more employee issues or complaints lately, we'd love to help you resolve them before they reach a grievance. BluSkyHR offer:

- **A cost-effective solution-based service – saving you money compared to employing a qualified HR Manager.**
- **Sounding board/peace of mind with our retainer packages – including unlimited calls and emails.**
- **Independent, impartial Grievance Investigating Officer – external to your organisation.**
- **Providing you with options to make informed decisions - Providing a commercial view as well as risk-averse.**



For your free no-obligation chat - Give us a call today!

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