

WORKPLACE DISPUTES ON THE INCREASE

September 2008



Introduction

Workplace disputes and issues are on the increase and occur in most businesses, large and small. They will fall into one of two categories – disciplinary issues for the employer and grievance issues for the employee.

A disciplinary and a grievance procedure are essential in helping to resolve such disputes and issues as well as being a way of promoting fairness and consistency in the treatment of individual employees.

All businesses are required by law to have both a disciplinary and a grievance procedure in place and to ensure that everyone in the business is aware of them. Although they should be followed in a fair and consistent manner, we always recommend that they do not form part of an employee's contractual terms.

Grievance Procedure

In the first instance, employees should be encouraged to discuss ordinary, day-to-day issues informally with their Line Manager. This enables concerns to be heard and responded to as soon as possible.

Where this is unsuccessful or in circumstances make this route inappropriate for the individual, then matters should be raised formally through the grievance procedure. Employees must be aware of who they can turn to in the event of a grievance, and the support that is available to them. They should also be aware of the formal route open to them, including:

- The three stages of the statutory procedure (required by law) and any further elements of your procedures
- The timescales within which the organisation will seek to deal with the complaint
- Details of the stages of the grievance procedure e.g. how a complaint may be raised with the next level of management if a satisfactory resolution is not reached.

All employees have the right to be accompanied to a grievance hearing by a colleague or trade union representative, irrespective of whether a trade union is recognised by your organisation.

Disciplinary Procedure

The disciplinary procedure should outline the different outcomes based on the seriousness of the offence (verbal warning, written warning and final written warning) and specifically state that it can be entered into at any level that is appropriate to the specific issue.

Investigation, prior to a disciplinary meeting, is probably the most important part of the disciplinary process and should be carried out thoroughly and vigorously.

The letter inviting the employee to a disciplinary meeting should confirm all the issues that will be discussed. This is important as it provides the employee with the opportunity to prepare and present a defence. Again, employees have the right to be accompanied by either a colleague or a trade union representative.

The procedure needs to be followed in full, and without short cuts! Failure to follow a fair procedure will render a subsequent dismissal automatically unfair and could lead to a tribunal claim. Employees with less than 1 year's service may still claim unfair dismissal if it is associated with health and safety, trade union membership, pregnancy, asserting a statutory right or indeed discrimination.

In Summary

By law, all employers must have both a formal disciplinary and a grievance procedure and must communicate this to their employees. Effective disciplinary management will ensure that the required standards or work and behaviour are maintained.

Ensuring everyone is fully aware of the standards required and the consequences of them not being maintained will improve the morale of employees and their view of management. It is the responsibility of both the employer and the employee to utilise the procedures to their fullest as appropriate to each issue.

Can We Help?

If you need help on any issue associated with disciplinary or grievance handling, or with any other issue, please call us on **01708 758958**. Alternatively visit us at www.hrinsight.co.uk.