

## Understanding Grievances in the UK Workplace: A Legal Overview

At HKKLAW, we are dedicated to assisting both employees and employers with workplace grievances.

Grievances are concerns, problems or complaints that employees raise with their employers, relating to their work, working conditions or relationships with colleagues. The proper handling of these issues is crucial for maintaining a positive and productive work environment.

We offer clear, practical legal advice to support employees in raising and resolving their concerns, ensuring their rights are respected and upheld throughout the process.

For employers, we offer expert counsel on establishing and implementing effective grievance procedures, advising on best practices to handle complaints and mitigate the risk of escalation. Our approach is designed to maintain compliance with employment law, fostering a positive and respectful working environment.

HKKLAW is committed to promoting fair treatment within the workplace. Whether you are an employee seeking to address a workplace issue or an employer aiming to manage grievances appropriately, we are here to offer our expertise and support, guiding you through every step of the grievance process.

### Legal Framework and Best Practices

The ACAS Code of Practice on Disciplinary and Grievance Procedures, outlines the principles and procedures for handling grievances. Employers are required to establish a formal grievance procedure, typically documented in the employee handbook or HR policies, which should be easily accessible to all staff members.

### Key Steps in the Grievance Process:

- 1. Raising a Grievance:** Employees are encouraged to address grievances informally with their manager or HR department as a first step. If the issue cannot be resolved informally, or if it is of a serious nature, employees should follow their employer's formal grievance procedure. A written complaint should clearly outline the nature of the grievance and the desired outcome. This initiates the formal grievance process.
- 2. The Grievance Meeting:** Upon receiving a formal grievance, employers must arrange a meeting (sometimes referred to as a hearing), to discuss the matter with the employee, allowing them to explain their complaint and how they think it should be resolved. This should be done without unreasonable delay, providing the employee a chance to explain their concerns fully. Employees have the right to be accompanied by a colleague or a trade union representative at this meeting.
- 3. Investigation:** If necessary, an investigation into the grievance may be conducted to gather all relevant facts and perspectives. The depth and nature of the investigation depend on the complexity of the grievance.
- 4. Decision:** After the meeting and any subsequent investigation, the employer should provide a decision to the employee in writing without unreasonable delay. This

decision should be communicated promptly, detailing the conclusions reached and any actions to be taken to resolve the grievance.

5. **Right to Appeal:** Employees have the right to appeal the decision if they are not satisfied with the outcome. The appeal process should be outlined in the employer's grievance procedure, offering a clear path for the employee to challenge the decision and seek a review. The Appeal should be made in writing, specifying the grounds of the appeal. A further meeting will usually be held to consider the appeal, and a final decision will be communicated to the employee.

### **Importance of Fairness and Transparency**

It is essential for employers to handle grievances with fairness and transparency, adhering to their own procedures and the ACAS Code of Practice. Failure to follow a fair grievance process can lead to increased conflict, lower employee morale and potential legal challenges, including claims for constructive dismissal in cases where the employee feels forced to leave their employment due to the employer's failure to address their grievance adequately.

Further, failing to follow a fair grievance procedure can lead to disputes escalating to employment tribunals, where employers may be found liable for not addressing grievances properly. An unreasonable failure to comply with the ACAS Code will give an Employment Tribunal a power to impose an uplift (where the employer has not complied) or reduction (where the employer has not complied) to any award it makes. The maximum uplift or reduction is 25%. Conversely, employees are expected to act reasonably and use the grievance process to seek resolutions before considering legal action.

### **Conclusion**

Grievances are a natural part of the workplace dynamics, and when handled correctly, they provide an opportunity for employers to address concerns promptly and maintain a positive working environment. Employers and employees alike should be familiar with the legal requirements and best practices surrounding grievance procedures to ensure that workplace issues are resolved efficiently and fairly.