

How to deal with the rise of grievances



Three in ten employers have seen an increase in the number of grievances within the past two years. The most common issue for grievances reported in the survey was bullying/harassment (67%), followed by relationships with managers (54%), colleagues (49%) then pay (37%). There have been numerous complaints in the press about high profile figures and what we are seeing in practice is the increased use of complaints to try to delay internal processes about redundancy and performance management. A positive working culture is important to foster good relationships and retain staff. What we are seeing, perhaps linked to the cost of living crisis, is that complaints can sometimes be deployed tactically to frustrate a decision the organisation is trying to implement.

Worryingly, four in ten respondents said managers were ineffective at resolving issues informally prior to raising the grievance; some respondents said they did not want to be seen as the “bad guy” or felt they were unequipped by a lack of training.

The interaction between grievances and the processes for redundancy or a Performance Improvement Plan (PIP)?

A grievance can be raised at any time, even after the redundancy process has started and in response to being put on a PIP. Common themes that are raised are that the process is unfair or discriminatory, often times because the employee didn’t have any forewarning that the action may be taken. Once the grievance has been lodged, employers need to consider whether the allegations in the grievance need to be investigated before they take the next step in a redundancy process or PIP. The law does not require an employer to delay any process to deal with a grievance.

It would be sensible to pause a process when the employee’s grievance relates to their line manager who is



involved in the redundancy/PIP process. Similarly if the employee claims they are being made redundant or put on a PIP for a discriminatory reason. If the allegations are a separate issue, then running the two processes in parallel is possible.

If you proceed, it is worth having another manager continue the process or, alternatively, investigate the claims raised about the original manager in tandem with the grievance. There is nothing to stop an employer from pausing the redundancy process to investigate and resolve the grievance first and that reinforces that they are taking the grievance seriously. However, this can take time and may impact other staff, like those waiting to see if they will be made redundant.

What should you do?

Only one in five people surveyed rated line managers as effective in dealing with and resolving issues informally with employees prior to raising formal grievances. Part of this is due to the lack of training and support for managers, but there is also a reluctance to deal with conflict and avoid being seen in a negative light.

The lockdown stretched businesses and budgets. The lack of training that resulted contributes to line managers feeling ill-equipped to deal with conflict and we often see grievances being brought by employees as a last resort because of the ineffective management of an issue raised informally. Perhaps this is why relationships with managers was the second most common issue for grievances.

Where managers are well trained and take concerns and grievances seriously, employees feel they are being heard and treated fairly by their employer. The contrary is also true – a failure to deal with concerns, partial treatment, a lengthy delay or a lack of explanation for any decision can damage the relationship of trust and confidence that should exist.

If you are asked to investigate a grievance or decide whether it is well-founded, you should familiarise yourself with your organisation's grievance and other relevant procedures (bullying, anti-discrimination). You need to take the steps set out in your own procedures and follow the legal requirements set out in the ACAS Code of Practice on Grievances, gathering all the mails, documents and individuals' accounts, to enable a fair decision to be made.

It's also wise to approach the issue with an open-mind – the organisation owes a duty to all employees concerned to deal with the issue fairly. If your People team haven't already done so, it is worth reminding the employees of any support that is available, like your Employee Assistance Programme (EAP) or mental health first aiders, as whether they are raising a grievance or the subject of one, they are likely to find the grievance process difficult.

Most organisations strive to create a positive working culture and will have clear guidance to show what behaviour is acceptable. There may be learnings you can take from the grievance which can be incorporated in to your equality, diversity and inclusion (EDI) plan, a need for re-training on your anti-bullying policies or a refresh on how the organisation is dealing with flexible working requests. The key issue is to make your decision, based on the evidence you have and to treat people consistently.

Reflections

There is a growing number of grievances raised at work, with emerging concerns like pay due to the cost of living crisis and inflation exacerbating the complaints organisations receive on a "business as usual" basis. If your organisation is not able to increase staff wages, it is worth reminding staff of other benefits available such as cycle to work schemes.



This means it is as important as ever to ensure line managers and HR are appropriately trained on how to deal with grievances and ensure that you keep employee wellbeing at the heart of any process. There are proactive steps which organisations can do to support managers and ensure grievances are dealt with promptly and impartially. That reduces the negative impact on staff wellbeing, enables them to continue working productively and potentially avoids future grievances. The tribunal system is slow so it is also a good investment for an organisation to resolve the issue early and fairly, so the employee refrains from bringing a claim.

How we can help

For assistance in dealing with grievances, amending your policies and procedures, dealing with grievances that cross over other processes or defending tribunal claims, please get in touch with our [employment team](#) who will be happy to help.

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