

STEP BY STEP...

your guide to handling
employee grievances

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1. Introduction

Employee complaints are inevitable, even in the most work-friendly businesses.

Some complaints are dealt with quickly and easily resolved, while others take more time, energy and patience.

Your employees may be unhappy with an aspect of their work life – for example, the way they're expected to work, specific terms within their contract or other staff members.

These types of complaints are referred to as 'grievances' and employees have a right to raise these for consideration by their employer.

Never assume that an employee complaint is groundless.

If an employee took the time to point out a problem, assume that there is a concern that needs addressing.

This is your starting point.

And to get to the finishing line, it is important that you understand your obligations as an employer and that when faced with an employee grievance you follow the correct procedure.

Because **procedure is everything** when it comes to handling a grievance.

You get that wrong and you face a potential claim before the Workplace Relations Commission (WRC).

It is in your best interests to resolve grievances quickly and informally if possible.

However, not all complaints can be resolved informally and may require a more formal process.

Whatever the reason for the complaint, it's important you're clear on what needs to happen next.

In this guide we have set out a practical action plan, including a series of document and letter templates, to help you handle the process correctly.

2. Types of grievances and how to avoid them

There are many types of employee grievances.

However, the most common are:

- Pay and benefits
- Bullying
- Work conditions
- Workload

Let's look at each of these in a bit more detail

Pay and benefits grievances

As an employer, you'll probably have at least one employee come to you to express that they're unhappy with what you are paying them.

Your employee might mention:

- That they want a higher salary
- They think they should be earning as much as somebody who does a similar job in the business
- They might be trying to receive expenses – such as for their commute

One way to deal with grievances of this sort is to have a Pay and Benefits policy in place which allows for pay reviews and even bonus and incentives.

This provides clear guidance to your employees on issues around pay and could help prevent grievances in this area.

Bullying grievances

It's inevitable that employees in your workplace just won't get on.

In fact, a lot of grievances fall within this category.

But that doesn't mean that you should allow bullying or harassment to occur.

You must have a zero-tolerance policy on this.

That's why you should have a bullying and harassment policy in place.

You'll find our [bullying and harassment policy here](#)

Working conditions grievance

Nobody wants to lose a valuable employee because of problems with their workplace conditions.

It's up to you to prevent this.

Think about:

- Cleanliness throughout the office
- Desk etiquette
- Bathroom conditions
- Health and safety hazards
- Temperatures in the workplace

You should conduct workplace risk assessments regularly to identify any possible hazards, such as a leak or a dangerous cable.

Have a cleaning programme in place to ensure that cleanliness in the workplace is maintained.

Simple things like refuse bins around obvious areas, such as a kitchen or canteen and near desks can make a big difference.

And don't forget about toiletries, toilet paper and hand/soap sanitisers

Workload grievances

You can often find a link between grievances around workload and pay.

Typical situations that cause problems with employees are:

- Increasing your employee's workload when another employee leaves, rather than finding a replacement
- Increasing an employee's workload because you have made other staff redundant to cut costs.

If you're going to increase an employee's workload, you should be ready for the question that follows: "What's in it for me?"

And if you're hoping that your employee will just do more work for no extra pay or benefits, and not even get recognition, you're likely to frustrate your employee.

Consider having an informal chat with the employee first and try to come to an agreement that works for both of you.

3. The grievance policy: your starting point for handling a grievance by employees

No matter how small your business, if you have employees, you need a Grievance Policy.

Employment law states that employers must set out a grievance procedure.

This sets out your grievance approach and procedure in full and it's important for you and the employee that you follow this to the letter.

If you don't have a grievance policy, check out our template

Grievance Policy template

This sets out your grievance procedure in full and it's important both for you and the employee that you follow this to the letter.

Make sure that you always keep this policy accessible to your employees and that your employees are aware of your policy.

The guiding principle of any grievance procedure is that:

1. It is fair
2. It is clear
3. The penalties that can be imposed are clear and
4. There is an internal appeals mechanism

Good practice demands that:

1. The issue is brought to the attention of the immediate manager and then processed up the line to more senior management
2. The employee is represented
3. Referral to a third party depending on local arrangements

Follow the Code of Practice

A good rule of thumb with any employee complaint is to follow the WRC **Code of Practice on Grievance and Disciplinary Procedures** as this will be strongly taken into consideration by the Commission if you end up defending your business.

The WRC code is an Irish code of practice for employers to follow when handling issues and employee complaints in the workplace.

Employers are not legally obliged to follow the code, but not following it (or not running a process that is consistent with it), is likely to negatively influence the WRC's attitude towards you as an employer.

The basis test at all stages of the procedure is “what would a reasonable employer do in the circumstances” and this will depend on the nature of the grievance.

As an employer, it is strongly advisable that you review your grievance procedures regularly as the legislation can be updated regularly, case law may necessitate change and the circumstances in the workplace can necessitate it.

Why do you need a grievance policy and procedure?

The aim of a grievance procedure is to encourage consistency, transparency and fairness in the handling of workplace problems or complaints.

It also achieves the following:

- Provides employees with a course of action if they have a complaint
- Provides a point of contact and timescales to resolve issues of concern.
- Resolves employee problems quickly and informally
- Shows an employer acting fairly
- Shows consistency in decision-making
- Prevents a build-up of issues
- Promotes good working relationships
- Promotes resolution of matters

What should your grievance policy include?

At the very least your policy should include the core principles contained in the WRC Code of Practice.

These are:

- That employee grievances are fairly examined and processed
- That details of any allegations or complaints are put to the employee concerned
- That the employee concerned is given the opportunity to respond fully to any allegations or complaints
- That the employee concerned is provided the opportunity to be represented during the procedure
- That the procedure is fair and impartial

But having your policy is only the first step.

What really matter is how you implement it.

4. So, if an employee complains what steps should you take?

Step 1: Early stage, informal discussions

Your employees should follow the process that you've set out in your grievance policy.

You'll see from our Grievance Policy template that this encourages employees to consider raising their concern in an informal discussion with a named individual (or an alternative named individual) as soon as the concern arises.

This is designed to give you the chance to resolve any concerns that can be quickly and responsibly handled, to avoid prolonged anxiety, discomfort or injury to the employee.

It may also prevent some complaints from escalating into something disproportionately big and time-consuming, where this can be sensitively and sensibly prevented.

Discussions are not a success?

If the employee does not wish to take this approach, or the verbal discussion does not resolve their concerns, the policy directs them to set out their complaint(s) in writing.

Step 2 below examines this further...

Step 2: You receive the employee's formal complaint

Your policy documentation should direct the format of this complaint letter.

The employee should understand what details they need to include in their grievance letter.

Under our template policy, you'll see that these steps include:

- What has happened

- The **names** of any individuals involved
- The **history and any relevant dates** (at least approximate ones) relating to all of the facts described
- Any **materials** (correspondence, screenshots of communications, etc.) that help to support what the employee describes
- What **steps they may have already taken** to resolve their concern(s)
(including whether they've already spoken with the named contact person in the policy and the outcome of those steps).
- **What action they want you to take in response**, and
- **What outcome they would like**
- A **statement** that they intend for this matter to be handled under your formal grievance procedure.

Acknowledge the employee's grievance

Within a timeframe specified in your policy, (our template specifies 3 days), you should write to let the employee know you've received their grievance.

Your reply should also tell them how you intend to deal with it - which will very much depend on what their grievance is actually about.

Properly consider what you've been told

Make sure you carefully look at all the relevant facts and materials available to you.

It's perfectly fine to ask the employee for more information, or to provide a formal statement about the complaint, to help you gather what you need ahead of scheduling a formal grievance meeting (sometimes called a grievance 'hearing').

Notify the subject of the complaint

You may need to notify another employee that a grievance has been raised against them and to formally interview them as part of your fact-finding exercise.

You can use our template [letter informing employee of a grievance raised against them](#) for this.

Be clear on your fact-finding timeframes

If you do need time to gather information, make sure you tell the employee the timeframe that you're aiming to work to - this will help manage their anxiety and expectations and give them confidence that you are running a fair and thorough process.

Generally speaking, this fact-finding should not exceed 7 days and depending on the nature of the concern, may need to be a much faster process to avoid evidence deteriorating or damage escalating.

You will need to apply common sense and reasonableness here.

Involving others to help with the fact-finding

If you want to enlist someone else's help with fact-finding, make sure they are as impartial and disconnected from the matters complained about as possible.

If you decide this is needed, let the employee know that you are planning to investigate further, who will be doing the investigating and that the person investigating may also want to talk to them as part of this investigation exercise.

All fact-finding should be carried out as quickly and efficiently as possible and on a strictly confidential basis.

Before carrying out any workplace investigation you should read our [step by step guide to carrying out workplace investigations](#)

You may also find our [Investigations checklist](#) useful.

Step 3: Organise a formal meeting to discuss the grievance

You can use our [template invitation letter](#) to invite the employee to this formal grievance meeting.

You'll see that the template includes the following key information for your employee:

- a **summary** of the grievance and process history so far
- **affirmation that you're taking the situation seriously**
- the **date, time and location** of the meeting

Typically, the meeting should take place within 5-7 days of the grievance being raised.

- **who will be attending and why**

For example, you may invite someone to take notes so that the person chairing the meeting can give their full time and attention to the employee;

You might want to call colleagues or customers as witnesses.

Attendees might not be witnesses at all. Legal advisers or other experts are often invited where the facts of the grievance make this appropriate.

- **request to the employee** to confirm if they'd like to invite anyone as a witness or as a companion (they're entitled to be accompanied)
- **whether you've undertaken an investigation** in advance of the meeting

You do not have to produce or include an investigation report. For smaller businesses, this can be overly burdensome, and it is not essential.

Where you might produce a report (and might want to share it at this stage), is where there are significant disputes of fact requiring statements from witnesses or perhaps evidential documents.

However, even here, you are not obliged to do so, and you may well prefer to share it at a later stage, having had this meeting and then considered its outcome.

- **whether you're enclosing relevant documents** in advance of the meeting;

You're obliged to carry out a reasonable investigation of all the facts before you reach a decision.

Part of this 'reasonableness' obligation includes making reasonable efforts to obtain documents that the employee wants to be considered and which are within your control.

You don't have to go to all lengths imaginable to obtain these documents, if they are not within your control and you have attempted to get hold of them in good faith.

What happens if the employee takes stress-related leave?

It sometimes happens that employees take sick leave due to the stress of the facts causing the grievance. If this is the case, you may not be able to hold the meeting as soon as you'd normally organise it.

It will be important to keep in touch with the employee at appropriate intervals during this period.

We strongly recommend that you take legal advice where an employee has taken stress-related sick leave.

What happens if the employee can't attend the meeting for other reasons?

You should reschedule the meeting. If the employee declines the invitation several times, you may need to consider whether this is a legitimate/genuine grievance situation, and/or investigate whether there are other, serious reasons for their sudden disengagement.

Again, you may want to get a view from an expert about how best to handle this situation.

Step 4: Hold the grievance meeting

In this meeting, you'll need to:

- recap in detail the concerns that the employee has raised with you
- encourage the employee to explain their grievance in further detail, including how they feel it could be resolved
- explain, and discuss with the employee, the results of your investigations

- enable the employee to present their views and ask questions about what you share with them
- ensure any witnesses have a chance to talk and to answer any questions that you or the employee want to ask them
- explain the next steps of the process in the context of the possible outcomes that could follow.

Who should chair this meeting?

You might want this meeting to be with another more senior member of management - or you could save that person for any next and final warning communication.

Fair opportunity to explain

Again, during the meeting you must give the employee the best opportunity to explain their position.

The employee's right to be accompanied

The employee's permitted to bring a fellow colleague (or trade union member, if relevant) with them as support.

The accompanying person is not there to speak on behalf of the employee or otherwise to represent them. They are there purely to support the employee practically and emotionally and to hear what is said by both of you.

Your right to ask others to attend the meeting

While you should endeavour for these meetings to never feel confrontational or like a courtroom, you may want to invite other 'witnesses' to come to this meeting as well. These should be people who are connected with the misconduct in question and who may be able to augment the fact-finding.

The employee should be able to hear what they say and to ask questions or clarifications too.

The employee might also want to ask if others can attend to speak on their behalf, or to request that relevant documents or other records can be considered at the meeting.

Can you or the employee record the meeting?

It is not uncommon for an employee to try and covertly record a meeting using a mobile phone or other device.

Although the WRC frown on this practice, they sometimes might allow a transcription of the recording in evidence.

So, our template includes several options for wording in relation to your consent on recordings.

Our advice is that the first option presented is preferable for most employers (not recording the meeting without consent and not giving consent to the employee to record it).

Step 5: Carry out an investigation

When you have completed the initial grievance meeting with the employee you may find it necessary to internally investigate the circumstances in order to deal with the allegations and to make a decision.

An investigation is a fact-finding mission; it is no more complicated than that.

The purpose is to find out, on the balance of probabilities, whether there is a case to answer; it is not to make a judgment call about an employee's guilt.

The investigating officer's role is simply to determine whether there is a case to be explored formally through the disciplinary process.

The **WRC Code of Practice** relating to grievance procedures states that employers must carry out necessary investigations into potential disciplinary matters without unreasonable delay in order to establish the facts.

Where a complaint is made, or a concern is felt, you must investigate it immediately.

The investigation officer must not be connected in any way to the facts presented in the grievance, nor should they be involved in chairing any of the grievance meetings.

A degree of independence needs to be built in to the process.

If you feel that an investigation is justified, please read our [step by step guide to carrying out workplace investigations](#)

Step 6: Decision following the grievance hearing

Your decision about the grievance outcome should be carefully considered, accounting for the facts found during the meeting (and any investigation, if applicable).

You may need to investigate further, ahead of reaching a firm decision about what to do.

When you've decided how you'll resolve the matter, you should inform the employee, in writing, as soon as you can (ideally within 5 working days of the meeting).

You can use our [template letter confirming decision in a grievance process](#) for this.

This letter:

- contains two drafting options up front, which you'll choose based on whether you've decided the employee's grievance is justified or not
- prompts you to provide explanations for your decision
- addresses next steps and outlines the employee's right to appeal (regardless of whether you decide to take action based on the complaint or to close the matter)

The letter must include instructions to the employee about how to initiate the appeal process and the time frame they have to do so.

You'll want to set a deadline for the employee to start the appeal process.

You'll see that our [grievance policy template](#) recommends one week from the employee receiving your decision on their grievance.

Next steps

Your next steps will depend on the decision that you've reached.

- **If you don't intend to uphold the grievance** or take matters any further, the paragraph informing the employee about their right to appeal will be what the employee most wants to know.

Much of what happens next will depend on what they decide to do in response to your decision to close your file.

- **If you do intend to uphold the grievance**, then you should carefully explain what you intend to do to address the concerns raised and if possible, to prevent them arising again.

Your explanation will hopefully appease your employee (and any other employees who may be aware of the complaint and who may be watching carefully to learn it's outcome).

Step 7: Appeal

Employees have the right to appeal against your decision, if they don't agree with all or part of it.

Our grievance policy template:

- requires the employee to notify you in writing if they intend to appeal, and
- recommends that you organise the appeal hearing within two weeks of the employee requesting the appeal.

If your employee appeals, you'll need to confirm the arrangements for the hearing in writing. You can use this template [letter inviting employee to an appeal hearing](#) to do this.

This letter:

- **confirms receipt** of the employee's written appeal request
- **sets out the logistical arrangements** for the appeal hearing
- **explains who will chair the meeting and who else may be attending**, and why
- **confirms if it will be a full rehearing** or only a partial rehearing of the grievance (see further below)

- reminds the employee of their right to bring a companion
- **may attach documents** on which you intend to rely or that you want to discuss during the appeal, and invites the employee to submit any further documentation also

Who should chair the meeting?

If possible, the appeal meeting should be led by someone other than the person who led and made the decision in the earlier process.

This should be someone impartial, and ideally, someone more senior to the person who chaired the original grievance meeting.

Some employers prefer one of their advisers to chair appeal meetings.

Should it be a full or only partial appeal hearing?

In some cases, a simple review of the original decision will be sufficient. For more complex cases, a full rehearing may be necessary.

And if new evidence is available, both parties must be invited to comment on it.

If the employee has objected to the overall decision in its entirety, then a full hearing will be appropriate.

However, if the employee's appeal centres on one or a few points only, then the appeal can be limited to purely focusing on the elements raised.

(An employee's raising of an appeal can often highlight deficiencies in the original grievance decision or investigation. If this is the case, a complete re-hearing of the grievance can give the employer an opportunity to rectify those deficiencies and avoid or mitigate any adverse findings by an employment tribunal later down the line.)

Logistics for the appeal

In advance of the appeal hearing, you should:

- **prepare a note** (preferably agreed by the employee) of the process to date, summarising in particular dates and discussions at the previous grievance meeting(s) and the outcome of any investigation that you conducted.

It may be that the grievance decision letter, together with any enclosures, suffices for this purpose.

- **appoint a chairperson**
- **make arrangements for:**
 - the named witnesses to attend the appeal hearing and
 - disclosure of any relevant documentation that has not already been disclosed

Step 8: Your decision on the appeal

Once you've reached your final decision, you'll need to tell the employee as soon as possible in writing.

Do make sure you're following your grievance policy and procedure carefully and that you take legal advice where needed.

Our grievance policy recommends that you inform the employee of your decision within two weeks of the appeal hearing.

You can use our [template grievance appeal decision letter](#) to do this.

This letter confirms:

- **whether you're upholding your original decision** on the grievance or
- **whether you're changing your decision**

The WRC Code recommends that an employer should inform the employee of the outcome of the appeal in writing as soon as possible after the hearing.

- **why you've reached your conclusions** and on what you have relied

It's highly advisable to explain the reasons for your decision in a reasonable level of detail.

The decision taken at the appeal stage is as open to legal scrutiny as the original decision. It should never be viewed as a rubber-stamping exercise.

Take care to ensure that you have addressed each ground of appeal that the employee has raised.

- **no further appeals** can be made under your grievance policy

If the employee disagrees with the way you've handled their grievance, their next course of action could well be to make a claim against you before the Workplace Relations Commission (WRC).

The Commission's role is to pass judgment on whether you have acted fairly or not.

Can the employee bring a claim against you for stress or reputational damage?

This is a question that may well arise if you decide not to uphold your original decision.

Provided that you have properly followed a robust and fair grievance process, (your grievance policy should have helped you to do so), then in the vast majority of cases, an employee would not be able to bring an action against you, including for any stress, reputational damage or stigma caused by the process and your decision.

But this is a very fact-specific situation. Take advice on how you should best handle things if your employee makes a complaint about stress, stigma and/or reputational damage.

What if the grievance was raised in bad faith?

If it turns out that the employee raised the grievance frivolously or maliciously, and your conclusion is that the grievance was in fact made by the employee in bad faith, (including where this is an attempt to avoid or to deflect disciplinary action), you may want to treat the employee's conduct as misconduct.

If you treat it as misconduct, you can take disciplinary action against the employee.

See our guide on [how to handle misconduct](#) if this situation arises.

5. The alleged perpetrator

It is important not to forget that within any grievance process there is generally more than one employee involved – the employee making the complaint (the complainant) and the employee against whom the complaint has been made (the alleged perpetrator).

Both employees are entitled to fair procedure in any grievance process.

If your grievance procedure finds in favour of the complainant then you need to give consideration to what action, if any, is necessary against the perpetrator.

It may be that the actions of the perpetrator are such that disciplinary action is required.

In such a scenario your disciplinary procedure should then kick into action.

This procedure is separate and distinct to your grievance procedure, and it is important if and when disciplinary action is considered necessary that due process and fair procedure is followed when disciplining your employee.

Our [step by step guide to handling disciplinary issues with employees](#) guides you through the disciplinary process and provides you with relevant templates and policies.

6. Conclusion

Grievances can be emotionally challenging and require sensitive handling. Employees often feel indignant, stressed and vulnerable, and they may be particularly concerned about being ostracised or penalised in some way, for voicing their concerns.

It is vitally important that you reassure the employee, throughout your process, that provided they raise their concerns in good faith, then even if they are mistaken or for example, the complaint turns out to be a misunderstanding, they will never face any sanction by you.

Things can require even more careful handling when the grievance process triggers a need to initiate a disciplinary action against another employee.

Give yourself the best prospects of a smoother and justifiable outcome by running a robust and well-organised process – as recommended in this guide.