

GUIDE TO MANAGING A MANAGING A GRIEVANCE HEARING

Grievances are concerns, problems or complaints that employees raise with their employers. Grievances may be raised and could concern things the employee is being asked to do as part of his/her job, the terms and conditions of employment, the way he/she is being treated at work or if he/she feels he/she is being discriminated against.

It may be possible to sort out the complaint by simply talking to the employee informally. However, it's not always possible and a formal grievance may be raised. This guide is designed to help employers deal with formal grievance situations in the workplace. Additionally, particular care may be needed in dealing with issues involving bullying, harassment or whistleblowing.

UPON RECEIVING A FORMAL GRIEVANCE

- Any complaint may be a grievance – no need for it to be in writing
- Prepare to investigate the complaint and inform the employee how you will proceed
- Consider how you will conduct the first meeting?
- Do you need to interview or talk to witnesses?
- Is there a need for written representations where face-to-face meeting will be difficult?
- Consider conciliation
- Consider appointing an external facilitator
- First meeting should ideally be within 5 working days
- Ensure the employee has details of the time and place of meeting
- Ensure the employee is aware of his/her right to be accompanied
- Ensure the employee has copies of relevant papers including witness statements if appropriate

MANAGING THE GRIEVANCE HEARING

- Give the employees the opportunity to explain their grievance and how they think it should be resolved.
- Consider adjourning the meeting for any investigation that may be necessary.
- Have you dealt with every issue raised by the employee?
- Has the employee received an explanation for each one?
- Is this explanation fair and reasonable after a detailed consideration of all facts?
- Ensure that you explain the right of appeal and the appeal process

- Explain that the decision will be confirmed in writing

THE ROLE OF THE COMPANION

- At the formal grievance hearing an employee generally has the right to a companion (sometimes called a representative), this can be either a fellow employee or a trade union representative.

A companion:

- Can address the hearing
- Can ask questions to increase knowledge and understanding of the case
- Provides support to the worker
- Can confer with worker in private

After the Grievance Hearing/s

- Confirm decision and right to appeal in writing
- Provide the employee with copies of minutes of the meeting
- Keep all paperwork on file
- Maintain confidentiality of the outcome
- Monitor and review actions to be taken

Return to normal working relationships ASAP.

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