

## Statutory Dispute Resolution Procedures

The implementation of new Statutory Dispute Resolution regime has given new rights and responsibilities to both employers and employees. The procedures only apply to "employees" or "someone who works (or worked) for an employer under a contract of employment".

The procedures are designed to encourage both employees and employers to resolve their disputes through internal grievance procedures to avoid the unnecessary cost of litigation.

Prior to lodging a complaint the employee must follow the dispute resolution procedures and wait 28 days to allow the employer to respond

If the procedures are not followed because of a failure on the part of the employee the Industrial Tribunal may decide not to accept a claim by the employee or alternatively may reduce the award given to an employee.

### Standard Dismissal and Disciplinary Procedures

Prior to dismissal or disciplinary action the employer must follow a 3-step procedure.

1. Issue a written statement setting out the reasons for the dismissal or disciplinary action.
2. Hold a meeting, inform the employee of its outcome and indicate the right to an appeal.
3. Hold an appeal in the form of a further meeting to notify the employee of the final outcome

### Modified Dismissal and Disciplinary Procedure

Where an employee is dismissed on the spot due to gross misconduct the employer must:

1. Issue a letter to the employee indicating the reasons for action and the right to an appeal;
2. If an appeal is requested hold a meeting with the employee to consider the issue

### Standard Grievance Procedures

If the employee is not happy he is under an obligation to go through the internal grievance procedure. The procedures require the employee to:

1. Issue a written statement setting out the employee's grievance

The employer must:

1. Hold a meeting with the employer to discuss the grievance, inform the employee of its decision and indicating the right to an appeal
2. Hold an appeal if the employee is unhappy with the decision informing them of the final decision



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### Modified Grievance Procedures

The modified procedures apply if the employee is no longer in employment, is contemplating taking action, the employer was unaware of the grievance before the

employment ceased, and the parties have agreed in writing that the modified procedure should apply. The procedure requires the employee to:

- Issue a written statement of the grievance to the employer

The employer must:

- provide a written response to the employees problems

### **The Grievance Letter**

Your grievance letter should be a brief unemotional statement. You should number paragraphs. Keep these paragraphs short (one new point per paragraph) and if possible type your statement.

In your grievance letter you should state:

- the date the letter has been drafted
- that you are making a grievance in line with the statutory dispute resolution procedures
- details of the grievance including dates and times if required in chronological order, with the most recent event last
- If you have several grievances put each one under a separate heading and set them out so your complaint on each one is clear
- Include the names and job titles of the people involved
- State clearly that what you think has happened to you is for example disability discrimination
- How you would like the matter to be resolved. Be positive and suggest options if you think there are different ways of solving the problem that you are happy with.
  - Remember to keep a copy of your grievance letter and ask for proof that it has been received by asking for an acknowledgement.

### **Time limits**

In a case where the grievance procedure applies, the time limit is initially extended by 1 month, in recognition of the 28 day delay on lodging proceedings placed on an employee. It is then extended by 3 months from the day after the expiry of the original time limit, i.e. where the first step of the grievance procedure has been followed within the three month period. There are 3 separate circumstances in which the normal time limit for making a claim will be extended by 3 months:

1. If you have to put your grievance in writing to your employer before presenting your claim to the tribunal, and have done so within the normal time limit for making a claim.
2. If you tried to present a claim to the tribunal within the normal time limit for doing so but; it could not be accepted because you had to put your grievance in writing to your employer and you had not done so or had not allowed at least 28 days after doing so.
3. If your claim is about a dismissal (not including a constructive dismissal), or about disciplinary action (not including a warning or paid suspension) that your employer says was because of your conduct or capability; and at the time when the normal time limit ran out, you had reasonable grounds for believing that a dismissal and disciplinary procedure was still under way in relation to that matter.

In the second of the above circumstances, you must have eventually put your complaint in writing to your employer by no later than one month after the expiry of the normal time limit. If you do not do this, your claim will not be accepted under any circumstances.