

WR.22 GRIEVANCE PROCEDURE

Procedure for dealing with grievances

Grievances are concerns, problems or complaints that operatives raise with their employers. Any issue which may give rise to or has given rise to a grievance (including issues related to discipline) affecting the employer's workplace and operatives employed by that employer at that workplace shall be dealt with in accordance with the following procedure.

- 22.1 Operatives should aim to resolve most grievances informally with their line manager. This has advantages for all work places, particularly where there might be a close working relationship between a manager and operative. It also allows for problems to be resolved quickly.
- 22.2 If a grievance cannot be settled informally, or the matter is considered sufficiently serious, the following procedure should be followed:

Step 1

The operative must write to the employer setting out the details of the grievance or complaint.

Step 2

The employer must investigate the allegations detailed in writing by the operative and arrange a meeting with the operative at the earliest practicable opportunity. The employer shall arrange a meeting and advise the operative of the right to be accompanied at the meeting by either a trade union representative or work colleague (WR.22.4).

Where possible, the employer should allow a companion to have a say in the date and time of the hearing. If the companion cannot attend on a proposed date, the operative can suggest an alternative time and date so long as it is reasonable and it is not more than five working days after the original date.

Step 3

Following the meeting the employer shall write to the operative with a decision on their grievance and notify the operative of the right of appeal against that decision if the operative is not satisfied with it.

22.3 Appeals

Step 1

If the operative wishes to appeal against the employer's decision then the operative must write to the employer within five working days of the operative receiving the employers written decision.

Step 2

The employer shall arrange a meeting at a time, date and place convenient to the operative and advise the operative of the right to be accompanied at the meeting by either a trade union representative or work colleague (WR.22.4). As far as is reasonably practicable the appeal should be with the most senior appropriate manager/director who has not previously been involved in the matter.

Step 3

Following the meeting the employer shall write to the operative with a decision on the grievance, which shall be regarded as the final stage of the grievance procedure.

22.4 The Accompanying Person (The Companion)

Accompanying an operative at a grievance hearing is a serious responsibility and the companion is entitled to a reasonable amount of paid time off to fulfil this responsibility. The time off should not only cover the hearing but also allow a reasonable amount of time to become familiar with the case and confer with the operative before the hearing. The operative must inform the employer in advance of the hearing of the identity of the proposed companion.

Companions have an important role to play in supporting the operative and should be allowed to participate as fully as possible in the hearing in order to:

- Put operative's case
- Sum up the operative's case
- Respond on the operative's behalf to any view expressed at the hearing.

The companion may confer privately with the operative, either in the hearing room or outside.

The companion has no right to answer questions on the operative's behalf.

22.5 Raising a Grievance

Setting out a grievance in writing is not easy – especially for those operatives whose first language is not English or have difficulty expressing themselves on paper. In these circumstances the operative should be encouraged to seek help for example from a work colleague or a trade union representative. Under the Disciplinary Discrimination Act 1995 employers are required to make reasonable adjustments which may include assisting operatives to formulate a written grievance if they are unable to do so themselves because of a disability.

22.6 Collective Grievances or Disputes

Any issue which may give rise to or has given rise to a written grievance involving more than one operative or interpretation of the Working Rule Agreement affecting the employer's workplace and operatives employed by the employer at that workplace shall be dealt with in accordance with the following procedure.

There shall be no stoppage of work, either partial or general, including a 'go-slow', strike, lock out or any other kind of disruption or restriction in output or departure from normal working, in relation to any grievance unless the grievance procedure has been fully used and exhausted at all levels.

Every effort should be made by all concerned to resolve any issue at the earliest stage. To assist in the speedy resolution of a collective grievance the matter should be referred to a steward, if appointed, or a full time union representative where no steward is appointed.

A written record shall be kept of meetings held and conclusions reached or decisions taken. The appropriate management or union representative should indicate at each stage of the procedure when an answer to questions arising is likely to be given, which should be as quickly as practicable.

Stage 1

If the matter then remains unresolved, and has not already been referred to a full time union representative, the steward shall report the matter to the appropriate full time union representative who shall, if he considers it appropriate, pursue any outstanding issue with the employer or his nominee after advising him in writing of the issues(s) he wishes to pursue.

Stage 2

Failing resolution of the issue at stage 1, and within 28 days, or such further period as may be agreed between the parties, the full time local union representative shall report the matter up to the appropriate senior full time union representative and to an appropriate representative of the employer. Such senior union representative, if there are good grounds for so doing, shall pursue the issue with the appropriate representative of the employer.

Where a collective grievance reaches this stage it would be appropriate for each party to notify the appropriate CIJC joint secretary of the grievance.

Stage 3

Failing resolution of the issue at stage 2, and within 28 days, or such further period as may be agreed between the parties, the senior union representative concerned shall, if it is decided to pursue the matter further, put the issue in writing to the employer and it is the duty of such representative and/or the employer to submit the matter, as quickly as practicable, to the Construction Industry Joint Council for settlement. The decisions of the Construction Industry Joint Council shall be accepted and implemented by all concerned.