

Grievance Policy

Policy Category:
Employee Relations

Policy No:
13

Document Version Control:
Version: Two Effective Date: 1 st March 2010
This version [two], supersedes all previous versions of this policy within the business areas specified below. Previous versions of this policy must not be used and should be destroyed.
This document is uncontrolled if printed.
Revision History:

Policy Application:
<i>The business areas to which this policy applies.</i>

National Express UK Bus & Coach

National Express UK Corporate

Policy Scope:
This policy applies to all employees of the Company's indicated above.

Policy Purpose:
<p>The Company and the Trade Unions recognise and accept the importance and value of joint consultations in the successful operation of the 'procedure for the settlement of grievances and the avoidance of disputes' (The Grievance Procedure) as laid down in this document.</p> <p>Problems and misunderstandings are bound to arise from time to time whenever people work together. Usually, when a problem is discussed openly, it can be dealt with easily, but sometimes it may be left unresolved. Where possible, we should seek to resolve grievances informally. If a grievance cannot be settled informally, it should be raised formally under the Company Grievance Procedure.</p> <p>Good working relationships at all levels are of utmost importance and, therefore, if you have any grievance, complaint or problem relating to your employment, you should use the Company's grievance procedure. If a grievance is raised, it will be dealt with promptly and in line with timescales detailed in the</p>

policy.

Interpretation of The Grievance Procedure shall be made in a spirit of goodwill and with the common objective of good Employee Relations.

It should be noted that this process is applicable whether an employee is currently employed by the business or has left the business.

Legal Framework:

This policy is non-contractual and may be amended by the Company from time to time. It has regard to the requirements of UK employment legislation, including the following:

Employment Rights Act 1996

Employment Relations Act 1999

Employment Act 2002

The Trade Union and Labour Relations (Consolidation) Act 1992

ACAS Code of Practice on Disciplinary and Grievance Procedures

Policy Statement / Procedure:

The Company will not accept the recording (electronic or otherwise) of interviews or meetings either by mobile phone or any other recording equipment. A refusal to comply with any such instruction will constitute Gross Misconduct. As will any steps taken to conceal such equipment in interviews or meetings and such acts will be treated as gross misconduct offences in their own right under the Disciplinary procedure.

How do I raise a Grievance?

If you have an issue that you wish to raise as a Grievance the following process should be used:

An employee who wishes to raise any matter in which they are directly concerned will, in the first instance, discuss it with their immediate Line Manager / Supervisor and seek to resolve the matter(s) informally.

- **Stage One**

If required, an employee may adopt a formal approach within Stage One and be accompanied by their Trade Union Representative or work colleague of their choice.

If you wish to put the matter in writing but your first language is not English, or for other reasons you are experiencing difficulties setting out your Grievance in writing, you should request a meeting so that your grievance can be documented or alternatively request assistance from a Trade Union Representative or a work colleague.

If your Grievance is concerning your Line Manager you will need to raise the issue with the appropriate suitable Manager i.e. the Line Manager's own Manager.

You need to give the full details of the Grievance so that all the facts are known. If it is appropriate a Stage One meeting will be arranged within 14 working days or within a reasonable time frame, to discuss the Grievance and gain more information. If further investigation is required an adjournment can take place. If the employee(s) disagrees with the outcome of Stage One, they may proceed to Stage Two. The employee must detail the reasons for the failure to agree in writing.

If the matter affects a group of employees (resulting in a collective grievance), the representative or representatives may raise the matter with the immediate Line Manager / Supervisor at the outset and if required a delegation of the employees can attend the meeting. If further investigation is required an adjournment can take place.

If the group affected do not all come under the control of the same Line Manager / Supervisor, then another Manager from the same level of delegated authority may be approached direct by the representative(s). If required a delegation of employees can attend such a procedural meeting.

- **Stage Two**

A meeting will then be arranged within 14 working days or a reasonable time frame to discuss the problem with a view to finding a satisfactory solution to all parties. This meeting may need to be adjourned and reconvened more than once depending upon information available/further investigation required.

At this meeting, you may be asked to explain your complaint(s) in more detail and state how you think the matter should be settled.

You, and your Representative if you chose to be accompanied, should make all reasonable steps to attend this meeting. If you are unable to attend, the meeting will be rearranged within 7 working days or a reasonable time frame after the initial meeting date.

If the employee(s) disagrees with the outcome of Stage Two, they may proceed to Stage Three. The employee must detail the reasons for their failure to agree in writing.

- **Stage Three**

If the matter is not settled at Stage Two, a meeting will be convened at which the problem will be considered by a more Senior Manager to the previous level of management, the representative(s) or shop steward and the employee concerned.

Where matters affect more than one department and / or location, a joint procedural meeting may, if required, be arranged by the Managers involved.

The meeting will take place within 14 working days or a reasonable time frame of the conclusion of the second Stage but the meeting may be subsequently adjourned if further investigation is required. The decision given at this stage will be final.

Principal Guidelines

At each stage of the process the matter will be dealt with promptly and therefore you must take all reasonable steps to attend any meeting arranged so that the process is not prolonged.

Notes will be completed for each stage of the Procedure. The notes should give the dates the problem arose, the department, terms of reference, essential details of discussions etc. The contents of the notes should be agreed by the parties concerned prior to the next stage and distributed to the parties involved.

It should be noted that if the grievance is dealt with by a Director of the Company then any appeal will be heard by another Director of the Company.

You are entitled, if you wish, to be accompanied by a Trade Union Representative or a work colleague of your choice at any meetings that are arranged, however you will need to make your own arrangements for the attendance of this person.

At all stages of the process information regarding your grievance hearing dates and the outcome of the meeting will be confirmed in writing to you.

If the matter constitutes an appeal against a disciplinary decision, then it should be taken up in accordance with the Company's disciplinary appeals procedure. Full details are given in the Disciplinary Policy.

Wherever an employee(s) may be financially or in some other way disadvantaged, a 'Status Quo' (no change) should apply pending the conclusion of the Grievance. For the purpose of this document the interpretation of 'Status Quo' is that the employee remains in the situation that existed before the grievance arose.

If following a full investigation it is found that a Grievance has been falsely made or made in malice, disciplinary action will be taken, and in some cases may constitute gross misconduct.

What support will the Company provide if the Grievance is raised against you?

You will be provided with as much support / guidance as reasonably possible if a Grievance is raised against you. Your line manager or the Human Resources Department will advise you that a Grievance has been raised and will endeavour to provide regular updates about the progress of the Grievance.

Key Terms and Definitions:

Roles and Responsibilities:

All those to whom this policy refers are required to familiarise themselves with the terms of this policy.

Managers are responsible for ensuring this policy is applied fairly and consistently within their own area. Any queries on the application or interpretation of this policy must be discussed with your HR Department / representative prior to action being taken.

Appendix:

DISCIPLINE/GRIEVANCE AND SICKNESS ABSENCE APPEAL FORM

Name:

Employee or Pay Roll No:

Location:

Job Role:

Date of interview:

Reason for interview:

Name of Manager present:

Decision reached:

Reason for appeal:

You may be represented by a Trade Union Representative or a work college of your choice:

Signature:

Date:

Employer's Confirmation of Receipt (to be signed, copied and returned to the employee)

I confirm that I received your appeal form on:

Signature:

Date: