



Trinity House, Bath Street, St. Helier, Jersey, JE2 4ST
Telephone (01534) 730503
Facsimile (01534)733942 Email jacs@jacs.org.je

This model policy is intended to provide an example to employers and employees of good practice. It is not intended to represent a statement of the law. Any reference to male persons in the policy should be read as including, or being, female persons where this is appropriate.

JACS recognises that it is often difficult for small employers (i.e. those with a single manager/owner and a very small number of employees) to conform to all the recommendations below. In particular, such employers may find it impossible to hold a grievance appeal using a different person to chair the appeal than the person who took investigated the grievance in the first place. Similarly, the size of an organisation may make it inevitable that the same person chairs a grievance hearing having previously acted as the investigator in the matter. In the Employment Law the Tribunal is able to consider the size and administration resources of the organisation in determining whether the employer acted reasonably. Providing employers in small organisations make every effort to ensure fairness, despite the limitations of their resources, the Tribunal should take that into account.

A MODEL GRIEVANCE POLICY AND PROCEDURE

(While this policy forms part of the terms of employment it is not contractually binding).

1. Purpose of the Policy - We recognise that from time to time you may wish to seek redress for grievances relating to your employment. In this respect, our policy is to encourage free communication between you and your manager to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned. At all times during this procedure confidentiality should be maintained by all involved. Therefore following procedure should be adopted where you have a grievance arising from your employment, except where the matter constitutes an appeal against a disciplinary decision which should be taken up in accordance with the company's separate disciplinary appeals procedure.

2. Statutory Entitlement - Right to representation - Employees have the statutory right to be represented at any formal part of a grievance investigation. This representative can be either a work colleague, union shop steward from within the organisation (if applicable) or a full-time union officer even if the company does not recognise that Union. The representative has the right to speak on behalf of the employee, state their case, and summarise the points made. However, the representative cannot answer questions on behalf of the employee.

3. Procedure -

- Where you have a grievance arising from your employment you should initially raise the matter in writing with your immediate line manager. Alternatively, should your grievance concern your immediate superior the grievance should be raised in writing/orally directly with x (e.g. Human Resources) or your manager's manager.
- He or she should invite you to attend a formal hearing to discuss the grievance.
- After due consideration, your manager will give a decision in writing, if possible within 5 working days of the matter being raised.
- If the matter is not resolved, you may raise the matter with a more senior manager, who will obtain your manager's record of the grievance, will record

any additional information and will hear the grievance within 5 working days of your request, in writing

- A decision will be given in writing, if possible within 5 working days of the date of referral.
- If the matter is still not resolved, and you still remain dissatisfied, you may raise the grievance in writing with the chief executive or an authorised deputy (and where appropriate should be allowed to be accompanied), who will obtain the record and will give further consideration to the problem. A decision will be given in writing, if possible within 10 days of the matter being referred to this stage of the procedure. This decision will be final.

NB: Where complaints are considered too personal to discuss initially with your immediate superior, after receiving the permission of x the matter may be referred to y.

Outcome of a Grievance – Whilst any employee who has raised a grievance will be told whether or not the allegations have been upheld or otherwise, they will not be advised of any disciplinary action taken against another employee. Any matters of discipline relating to the findings being upheld following a grievance investigation will be dealt with as a separate issue and again confidentiality will be maintained.