

Time to talk?

Bullying in the workplace is a legal issue. **Sarah Buxton** considers best options

If you are unhappy in the workplace, this can really affect your happiness, motivation and, in some cases, even your health. You can be unhappy for numerous reasons, whether it is lack of training, being overworked or, in some cases, being bullied by your manager or a colleague or more.

Most issues can be resolved by talking. It is important that, if you feel bullied, no matter how small the issues may be, if it is upsetting you then it is important enough to raise these issues with an appropriate member of the team.

These concerns can be raised informally and can be resolved by a meeting or an apology. Quite often it may be that the person you feel is bullying you, doesn't know how upset you are by their actions and any issues can be brought to an end quite swiftly.

Grievance policy

If you feel your complaint is not being dealt with adequately or seriously then your employer should have a grievance policy to enable you to raise a grievance. Grievances are concerns, problems or complaints that employees raise with their employers.

Managing a grievance in the workplace can be fraught with difficulties and cause significant stress (for both employer and employee). This is why the using the grievance policy can make proper management of the process much more straightforward for all involved. You shouldn't



Sarah Buxton works at FTA Law that specialises in acting for the dental sector. The team at FTA Law advise on all of the legal aspects of buying, selling and running dental practices. Please contact 0113 834 3740 for further information or email sarah.buxton@fta-law.com



be afraid to ask for a copy of the grievance policy from your employer. In any event, a copy should be kept in the staff handbook.

The process of dealing with a grievance must meet certain requirements from both a procedural and substantive standpoint, in order to be considered 'fair and reasonable'. The grievance must have been dealt with appropriately both in how it was dealt (the procedure) and what the final decision was (the substantive outcome).

To raise a grievance, you should raise the grievance in writing. Once the issue is put in writing to an employer, it is important that the grievance procedure is followed. It is not uncommon for employers to lose at the Tribunal due to inadequate procedure in how they handled the Grievance.

The employer should respond to you in writing and acknowledging receipt of your grievance and inviting you to a grievance meeting.

At the meeting, it is important you are given plenty of opportunity to discuss your grievance, as well as how you would ideally like to see it resolved. If there are any investigations that need to be conducted, it will likely be necessary to adjourn the meeting to do so, prior to providing a response to you.

Action

Following the meeting and after careful consideration, the employer must decide on what action, if any, to take. Decisions should be communicated to you, in writing, without unreasonable delay and should set out what action the employer intends to take to resolve the grievance. You should be informed that they can appeal if they are not content with the action taken.

If the decision the employer comes to does not resolve the grievance, you have a legal right to appeal the decision. They should let their employer know the grounds for their appeal without unreasonable delay and in writing. Any appeal should be dealt with promptly and, where possible, dealt with impartially and by someone who has not previously been involved in the Grievance. The outcome of the appeal should be communicated to you in writing without unreasonable delay.

Hopefully, a successful outcome will be achieved. However, if there are issues with the grievance procedure not being followed correctly or you do not feel as though a successful outcome is achieved, you may be able to make a claim in the Employment Tribunal. Although it is advisable to take advice from a legal advisor at this stage so that the merits of your claim can be assessed.