

# Problems at work?

**What you need to know.  
Dealing with problems at work.**



**acas**

**BIS** | Department for Business  
Innovation & Skills



**TUC** 

**This leaflet provides information for employees whose workplace is in Great Britain. Different provisions apply to some agency workers and most self-employed people. If you are unsure about whether this leaflet applies to you, please contact one of the organisations listed on page 3. This leaflet does not provide legal advice.**

This leaflet has been produced by Citizens Advice and the TUC (Trades Union Congress), with the support of the Department for Business, Innovation and Skills and Acas (Advisory, Conciliation and Arbitration Service).

**What should I say to my employer if I have a problem at work?**



**Can someone accompany me to a meeting to discuss my problem?**



# Web references and phone numbers

I've got a problem at work – who can help me?

To find detailed information on what to do, go to [www.direct.gov.uk/resolvingdisputes](http://www.direct.gov.uk/resolvingdisputes)

To read the Acas Code of Practice and associated guidance, go to [www.acas.org.uk/dgcode2009](http://www.acas.org.uk/dgcode2009)

To speak to an Acas adviser about employment issues, phone the Acas helpline on **08457 47 47 47** from 0800 to 2000 on weekdays or from 0900 to 1300 on Saturdays or visit [www.acas.org.uk](http://www.acas.org.uk)

If you are a union member, contact your union representative or see [www.worksmart.org.uk](http://www.worksmart.org.uk) for advice and support on employment issues.

For information and to find your local Citizens Advice Bureau, see [www.adviceguide.org.uk](http://www.adviceguide.org.uk) or look in your local telephone directory if you do not have internet access.

For information on the minimum wage, working hours, or employment rights that apply if you are paid by an employment agency or gangmaster, call the Pay and Work Rights Helpline on **0800 917 2368** or visit [www.direct.gov.uk/payandworkrights](http://www.direct.gov.uk/payandworkrights)

# Arrangements for dealing with problems at work.

Problems with your employer will come under one of the following categories:

**Grievances:** these are concerns, problems or **complaints that you raise with your employer**. They cover, for example, concerns you have about your job, your terms and conditions, your contractual or statutory rights, or the way you are being treated at work. If your problem is a grievance, go to page 6.

**Disciplinary issues:** where your employer has concerns about your conduct, your absence from work or the way in which you are doing your job, they are likely to start a disciplinary procedure which could lead to disciplinary action (including potentially dismissal in more serious cases). If you are facing a disciplinary issue at work, go to page 8.

**There are a number of organisations that can help** you deal with disciplinary and grievance issues and you can find their contact details on page 3. You can get advice from them at any point whilst you sort out your problem with your employer.

You should always **try to resolve grievance and disciplinary issues in the workplace** if at all possible. It can also sometimes help to use an independent third party to help you resolve the problem.

If you cannot resolve your problem in the workplace, **you may have a right to make an employment tribunal claim**. You should get advice from one of the organisations listed on page 3 before doing so. Remember that in most cases you must make a claim to an employment tribunal within three months of the date when the matter you are complaining about happened. If your claim is received after this time limit, the tribunal will not usually accept it. If you are worried about how the time limits apply to you, take advice from one of the organisations listed on page 3.

# Raising a grievance – what you need to do\*

**Remember:** when dealing with your grievance – it is always a good idea to keep a note of exactly what happens and when.

## 1 Talk

Often the best way to raise a grievance with your employer is to have an informal meeting with your immediate manager to explain your concerns. You may find it helpful to suggest to your employer what you would like them to do to resolve the problem. If you don't feel you can talk to your immediate manager, you could speak to someone else in the organisation with a position of authority.

If you cannot resolve your grievance by talking directly to your manager, the next thing to do is to consider using your employer's formal procedures for grievances. You should be able to find these in your Company Handbook, HR or Personnel manual, on your HR intranet site, or in your contract of employment. These procedures are likely to include steps 2-5:

## 2 Write

You should write to your employer with details of your grievance. Your letter should be dated and you should keep a copy. If you have not done so already, you may find it helpful to tell your employer how you would like them to resolve the problem.

\*The information for dealing with a grievance set out in this leaflet is based on the guidance in the Acas Code of Practice. It is important that you are aware that employment tribunals will consider whether a failure to follow the Acas Code was unreasonable and will be able to adjust awards by up to 25 percent if they feel that either you or your employer has unreasonably failed to follow the Acas Code of Practice. You can access the Acas Code using the link on page 3.

### 3 Meet

Your employer should arrange an initial meeting at a reasonable time and place to discuss your grievance. You have a statutory right to ask someone to accompany you to the meeting – either a colleague from work or a trade union representative. Your employer should give you the opportunity to explain your grievance and any suggestions you may have for resolving it. After the meeting, your employer should write to you to tell you what they have decided.

### 4 Appeal

If you do not agree with your employer's decision, you should write to your employer to say that you are appealing against the employer's decision and explaining why you do not agree with it. Your employer should arrange a further meeting to discuss your appeal and where it is possible, a different and more senior manager should deal with this appeal. You have a statutory right to ask someone to accompany you to the meeting – either a colleague from work or a trade union representative. After this appeal meeting the employer should write to you to tell you their final decision.

### 5 Explore other options

If you are still not happy with your employer's decision, you may want to consider other ways of resolving your grievance. Details of some of the options available to you are on page 10.

# Dealing with disciplinary and dismissal issues – what you need to do\*

## 1 Talk

The first time you may be aware of a problem with your employer is when he/she asks to talk to you about a concern they have. It is often best to keep this conversation informal at first because sometimes this may be the result of a misunderstanding, and you may be able to provide evidence (e.g. doctors' notes) to clarify the issue. You should, however, keep a note of the conversation and what was agreed.

Your employer may, however, decide to go directly to formal disciplinary and dismissal procedures. These procedures are likely to include steps 2-5:



## 2 Receive letter

If your employer is considering disciplinary action or dismissal, their first step should be to write to you setting out the complaint made against you. This should include sufficient information about the alleged misconduct or poor performance so that you have the opportunity to prepare a response or an explanation before the meeting.



\*The information for dealing with disciplinary and dismissal issues set out in this leaflet is based on the guidance in the Acas Code of Practice. It is important that you are aware that employment tribunals will consider whether a failure to follow the Acas Code was unreasonable and will be able to adjust awards by up to 25 percent if they feel that either you or your employer has unreasonably failed to follow the Acas Code of Practice. You can access the Acas Code using the link on page 3.

**Remember:** when dealing with a disciplinary action or dismissal – it is always a good idea to keep a note of exactly what happens and when.

### 3 Meet

Once your employer has contacted you in writing, they should also arrange a meeting at a reasonable time and place to discuss the issue. Your employer should not take any disciplinary action before this meeting. You have a statutory right to ask someone to accompany you to the meeting – either a colleague from work or a trade union representative. Your employer should give you the opportunity to set out your case at the meeting. After the meeting, your employer should tell you what they have decided and should do so in writing.

### 4 Appeal

If you do not agree with your employer's decision, you need to write to your employer and tell them that you are appealing their decision explaining why you do not agree with it. Your employer should arrange a further meeting to discuss your appeal. You have a statutory right to have someone to accompany you to the meeting – either a colleague from work or a trade union representative. You should make sure you take notes at the appeal meeting. After the meeting the employer should write to you to tell you their final decision.

### 5 Explore other options

If you are still not happy with your employer's decision, you may want to consider other ways of resolving this issue. Details of some of the options available to you are on page 10 and you can contact Acas for further advice and information.

# Options for resolving grievance and disciplinary issues

## A Mediation\*

You or your employer may want to consider mediation as a way to help resolve the problem. Mediation is completely voluntary and confidential. **It involves an independent, impartial person** helping you and your employer reach a solution that is acceptable to everyone. Sometimes the mediator may come from within your organisation, or you and your employer may want to consider bringing in an external mediator. If mediation is unsuccessful, all the other options are still open to you so you have nothing to lose by trying it.

## B Early conciliation

If you feel there is no alternative left to you but to make a claim to an employment tribunal, Acas' early conciliation service may be able to help you and your employer **find a way of settling the matter and avoid the need for an employment tribunal claim**. This is a free service available to all employers and employees for issues that are likely to give rise to an employment tribunal claim. You should call the Acas helpline to find out whether this service may be suitable for you.

\*Note that external mediation services are not free. Should you and your employer agree to use mediation, you will need to agree who covers the cost. This will usually be the employer.

**You can call Acas to find out more information about any of these options on 08457 47 47 47.**

**Remember** that problems at work do not need to become employment tribunal cases and that resolving your problem at work in other ways, when you can, can save you stress and help maintain good working relations.

## **C Making an employment tribunal claim**

If you have exhausted other options for sorting out your problem at work and you still do not feel your concerns have been addressed, **you may want to consider making an employment tribunal claim.**

Remember that in most cases you must make a claim to an employment tribunal within three months of the date when the matter you are complaining about happened. If your claim is received after this time limit, the tribunal will not usually accept it.

You have a right to make a claim to an employment tribunal regardless of whether you or your employer have followed any or all of the information set out in the preceding pages of this leaflet which is based on the guidance in the Acas Code of Practice. It is important to be aware, however, that employment tribunals will consider whether a failure to follow the Acas Code was unreasonable and will be able to adjust awards by up to 25 percent if they feel that either you or your employer has unreasonably failed to follow the Acas Code of Practice, on which this information is based. You can access the Acas Code using the link on page 3.

Most people find submitting a claim a challenging process and it is important to understand the key aspects of the law and procedures that will apply in your tribunal case. You will probably want to take advice at this stage if you have not done so already. Even after you submit your claim, Acas will still be available to help you and your employer find ways to settle the case before it gets to tribunal.



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