

Procedure

PR1012 A4 LU individual grievance procedure

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## **1 Introduction**

- 1.1 London Underground aims to create a positive work environment, in which problems or issues can be resolved informally and locally by the parties involved where possible.
- 1.2 Where an employee has a problem or complaint that they are unable to resolve themselves, and that cannot be progressed through an existing alternative process, they may raise a grievance. The purpose of this Grievance Procedure is to ensure that any such concerns, problems or complaints are dealt with and resolved quickly, fairly and consistently.

## **2 Scope**

- 2.1 This procedure applies to all employees of London Underground and is to be used to resolve individual grievances. Where employees raise a collective grievance this should be dealt with in accordance with the Machinery of Negotiation and Consultation. London Underground Employee Relations must be informed immediately of any such issues, in order to support their resolution.
- 2.2 A collective grievance is an issue that affects two or more employees.

## **3 Responsibilities**

### **All employees:**

- 3.1 Should aim to resolve most grievances informally with their manager or with the individual to whom the grievance relates. This allows for problems to be resolved quickly, locally and between those concerned, which helps to maintain and build harmonious working relationships.
- 3.2 May, if a grievance cannot be settled informally or it is inappropriate to do so, raise a formal grievance using the procedure detailed in Section B.
- 3.3 Should raise any concerns as soon as possible so that the matter does not become more serious. For this reason if the informal approach does not bring resolution or is not appropriate the grievance should be raised in writing as soon as possible, and normally within one month after the matter has arisen or following the end of the informal process.
- 3.4 Should support the company in aiming to resolve their grievance as rapidly as possible, by attending meetings and providing information to support their complaint promptly.
- 3.5 Should maintain their own record of informal actions and outcomes.

### **All managers and supervisors need to:**

- 3.6 Ensure that problems and complaints that are raised informally by employees are recognised, addressed promptly and if possible resolved.
- 3.7 Identify the outcome the employee is seeking in raising the grievance.
- 3.8 Consider seeking the support of an HR Representative to identify options and potential solutions

- 3.9 Maintain a record of informal actions and outcomes.
- 3.10 Seek to acknowledge the cause of the concern and where relevant take appropriate action to prevent the matter arising again.
- 3.11 Ensure that any formal grievance raised is dealt with openly, promptly and fairly, in accordance with this procedure. Arrangements to meet should be made within 7 days of receipt of a formal grievance.
- 3.12 Ensure that when an employee raises a formal grievance an HR Representative is contacted immediately, to support the resolution of the grievance.
- 3.13 Ensure employees are not subjected to victimisation for raising a grievance.

## **4 Procedure**

- 4.1 When a concern or problem cannot be resolved informally and has been raised in writing then the grievance procedure set out below must be followed. This is not to be used for concerns relating to a decision made at one of the following:

- disciplinary hearing
- an attendance at work hearing
- harassment / bullying investigation
- or any other procedure where there is an existing complaints/appeals process already in place

Any concerns around these issues should be raised and dealt with as part of the relevant process or at the appeal stage, where relevant. A grievance can still be raised with regard to a failure to comply with the above processes.

If during the grievance process the parties agree to temporarily suspend the process to facilitate mediation or some other resolution route then this should be recorded and a time frame for completion agreed with the support of the HR Representative.

## **5 Formal procedure – stage 1**

- 5.1 Any employee who wishes to raise a personal grievance should submit the matter in writing to his or her immediate manager.
- 5.2 Employees are encouraged to seek help from a trade union representative or work place colleague if they have any difficulty in formulating their written statement.
- 5.3 If the grievance is against the immediate or employing manager (and remains unresolved after informal approaches to that manager) it should be addressed to the next level manager. Where the grievance relates to the application of HR procedures it may need to be considered by the relevant senior HR manager.
- 5.4 Employees should set out the details of the grievance, attaching any relevant documentation and state what outcome is sought, identifying anything that may help resolve their concern.



- 5.5 The manager must inform the HR Representative of the grievance, for recording purposes and so that where applicable they can provide support, to help resolve the matter.
- 5.6 The manager should write to the employee to arrange to meet them as soon as practically possible, ideally within 7 calendar days of the grievance being received. The purpose of this meeting is to enable the manager to fully understand the grievance and consider how it can be resolved.
- 5.7 As this is a formal meeting the employee is entitled to be accompanied by a trade union representative or a workplace colleague and the letter inviting the employee to the meeting needs to detail this right.
- 5.8 If the employee, trade union representative or work place colleague cannot attend on the proposed date, the employee can suggest another date so long as it is reasonable and is not more than 7 calendar days after the date originally proposed. The HR Representative should be informed and can assist in arranging an alternative date as soon as possible.
- 5.9 If an employee is absent from work due to sickness, it may be appropriate to continue with any arranged meeting in order to facilitate a rapid resolution of any issues. The employee must take all reasonable steps to attend these meetings. In such cases, advice should be sought from the HR Representative.
- 5.10 Where it is not possible for this meeting to occur within a reasonable period due to management availability the meeting will be rearranged.

## **6 At the grievance meeting**

- 6.1 The employee will be asked to explain their grievance, how they think it should be resolved and what outcome is sought.
- 6.2 The manager may ask questions to clarify matters.
- 6.3 The trade union representative or workplace colleague can address the meeting to put and sum up the employees case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The trade union representative or work place colleague cannot answer questions on the employee's behalf.
- 6.4 Once the manager chairing the meeting has given the grievance careful consideration, which will normally require an adjournment, they will then advise the employee of their decision, and where necessary set out how they propose to address the employee's concern. This must be confirmed in writing.
- 6.5 Any further delays will also be fully explained and confirmed in writing.
- 6.6 If during the meeting it becomes evident that the nature of the grievance involves harassment or bullying the matter will then be referred to the harassment and bullying procedure.

## **7 Further investigation**

- 7.1 If the manager believes there is a need for further investigation they will outline what other steps (including necessary time frames) need to be taken before reaching a conclusion. This will be confirmed in writing to the employee, with a copy sent to the HR Representative within 7 calendar days of the meeting. Delays are to be avoided, but where matters cannot proceed within the proposed timescales, the reasons for this will be confirmed in writing.
- 7.2 Should the manager need to meet with and interview other employees as part of this process then this should be done as quickly as possible.
- 7.3 Employees are not entitled to be accompanied at these meetings. Notes summarising the content of the meeting will be taken and shared with the employee interviewed.

## **8 Outcome – stage 1**

- 8.1 Although there is not a requirement for the outcome to be given in person LU expects managers to deliver prompt responses without undue delay. Therefore the manager should always advise the employee at the end of the grievance meeting of the outcome or next steps (including timescales) that will enable them to give an outcome.
- 8.2 The manager, having taken advice from the HR Representative, may decide to invite the employee to a further meeting to confirm their conclusions, outlining any steps that they will be taking in relation to the matter.
- 8.3 The manager's findings, conclusions and recommendations must always be confirmed in writing to the employee and the employee must be given a right of appeal.

## **9 Formal procedure – stage 2 (appeal)**

- 9.1 If the employee feels that the grievance remains unresolved, or is not satisfied with the outcome, they may appeal.
- 9.2 An appeal must be submitted in writing to the next level manager within 7 calendar days of the employee receiving the written decision from the manager who chaired the grievance meeting. This must clearly state why the employee is not satisfied with the outcome at stage one.
- 9.3 An appeal meeting will normally be chaired by the manager's manager, however the HR Representative may be the same, as the decision is made entirely by the manager chairing the meeting.
- 9.4 The stage two appeal meeting should normally be arranged within a maximum of 7 calendar days of receiving the appeal. The same arrangements, as at stage one, apply to the right for the employee to be accompanied and the ability to suggest a reasonable alternative date.
- 9.5 At the appeal meeting the employee will be asked to explain the reason why they have appealed and the outcome they are seeking.

- 9.6 The manager chairing the appeal, will review the information already available and make further enquiries as appropriate. If new information comes to light during the meeting, further investigation may be necessary.

## **10 Outcome – stage 2**

- 10.1 The manager's findings, conclusions and recommendations must always be confirmed in writing to the employee and they should be informed that the grievance process is now at an end. This is the end of the process.

## **11 Special arrangements**

- 11.1 In exceptional circumstances special arrangements may need to be considered where the application of this procedure is clearly impractical or will create excessive confrontation between LU employees. In such instances special arrangements will be confirmed in writing.

## **12 Multiple grievances**

- 12.1 Where an employee raises a number of related grievances the manager may decide to investigate them together.

## **13 Vexatious grievances**

- 13.1 No grievance will be considered to have been made in bad faith simply because it was judged to be unfounded, however all employees must be aware of their wider obligations to treat fellow employees with dignity and respect at all times and act in accordance with the LU code of conduct.

## **14 Privacy and data protection**

- 14.1 TfL will comply with privacy and data protection legislation relating to the processing of your personal data.
- 14.2 TfL will process your data primarily to enable us to perform our contract with you (including to perform this policy), and to enable TfL to comply with our legal obligations.

### **Disclosure of records**

- 14.3 Any reports and interview notes will be disclosed as outlined within the policy above. To protect the legal rights of all individuals involved in the investigation and fulfil TfL's duty of care as an employer, and comply with data protection and privacy legislation, TfL may need to remove information that may lead to the identification of employees and/or members of the public.

### **Retention periods**

- 14.4 Any letters, reports and interview notes will be retained for seven years from the date the matter was formally closed. When deciding upon any appropriate sanction, only warnings that are live will be disclosed or considered.
- 14.5 For further details, please refer to the [TfL website](#).



## 15 Support and advice

- 15.1 Support and advice on the application of this policy and procedure can be obtained through speaking to your line manager, by contacting your HR Representative or trade union representative.

## 16 Attendance and pay

- 16.1 Employees will suffer no loss of pay for attendance at the grievance and/or appeal meetings including where a shift has been changed to facilitate such attendance.
- 16.2 Employees will normally be required to attend work prior to and/or after the meeting.

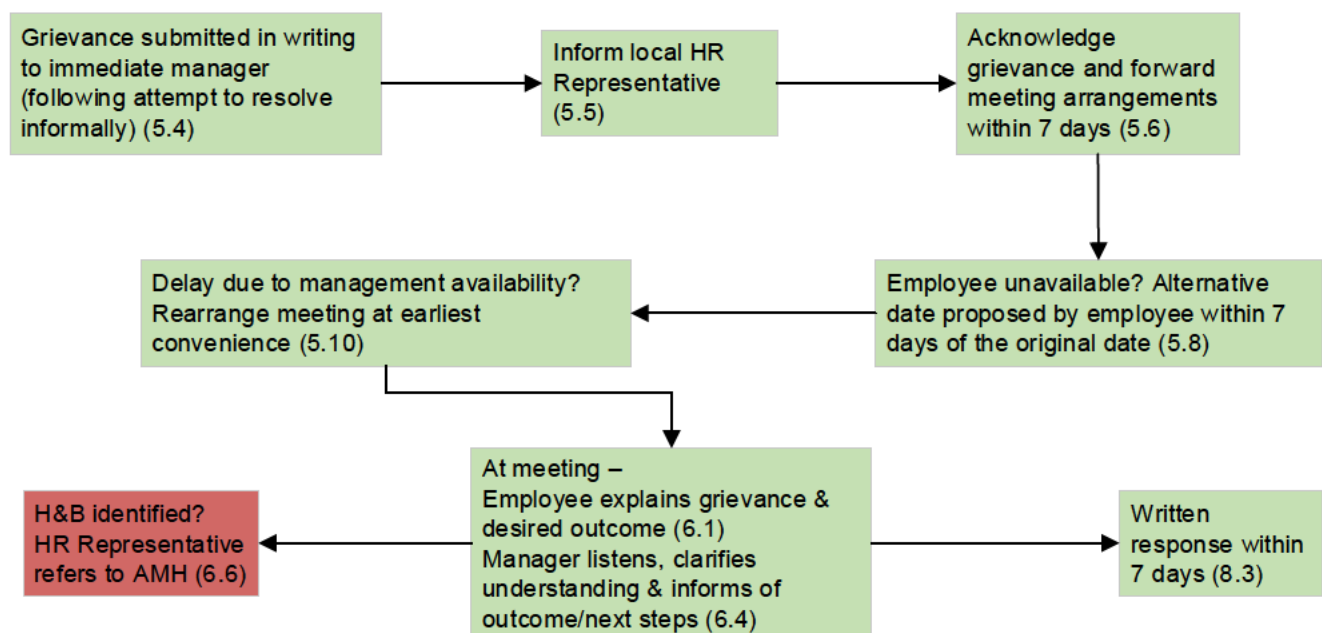
## 17 Grievance procedure flow diagram

All employees should aim to resolve most grievances informally with their manager or with the individual to whom the grievance relates (3.1).

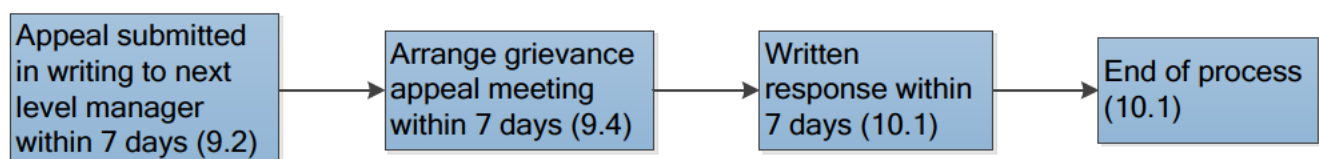
All employees must be aware of their wider obligations to treat fellow employees with dignity and respect at all times and act in accordance with the LU code of conduct (13.1). If the informal approach does not bring resolution or is not appropriate the grievance should be raised in writing as soon as possible, and normally within one month after the matter has arisen or following the end of the informal process (3.3).

### 17.1 Formal grievance procedure-stage 1

If a grievance remains unresolved after informal approaches, the grievance can be raised formally in writing with the immediate manager.



### 17.2 Formal grievance procedure-stage 2



**18 Person accountable for this document**

Name	Job title
Martin Boots	Head of Employee Relations

**19 Document history**

Issue no.	Date	Changes	Author
A2	November 2016	Procedure migrated into TMS.	ER
A3	May 2018	Updated for GDPR requirements as per CR-10320.	Jo Page
A4	February 2020	Roles updated – PMA replaced with HR Representative; document re-templated; no other content reviewed or updated. CR-12316.	Rob Woolf