

# 'One union, one voice'

RECLAIMING OUR INDUSTRY

Fighting for you, Fighting for our industry

## What is a grievance?

The purpose of grievances is to give employees a way to raise with management internally their concerns about their working environment or work relationships such as changes in terms and conditions, excessive workloads, being refused holidays, unfair or discriminatory treatment by managers, and harassment from colleagues. That is what a grievance is, now let us look at the benefits or 'not so beneficial' of submitting a grievance as the first reaction to an issue.

Several years ago, we read an interesting article, which advises a tentative and reasoned approach to submitting a grievance. What was interesting about the article is the warning. Dependent on the situation and circumstances, the greatest benefit of resolving the issue is the threat of submitting the grievance, not the grievance submission itself. So why is this?

It is argued that it is the threat of submitting a grievance where a grievance is at its most powerful. It is the threat of a grievance that motivates others to correct the issue at hand simply because the person/s who are the receivership of the grievance want to avoid it for several reasons. As Camilla Palmer QC (Hon) said, 'Litigation is usually the worst outcome – uncertain, costly, time consuming, career-limiting and stressful for all concerned'. Some genuinely believe that grievances will solve workplace problems. How, says Camilla Palmer? 'The employee raises a complaint; the employer denies allegations that may lead to a tribunal claim. The scene is then set for battle, not resolution'.

It is for this reason why we state that, before submitting a grievance, it is important to contact your representative or call Head Office. ATCU would always advise a less formal meeting which the union would

facilitate. Acas too recommends an initial chat to try to resolve any concerns and we agree, as most of the time, this would resolve the issue.

Emma Webster and Deborah Licorish from Yess Law, experts in employment law and resolving workplace disputes supports the Acas approach. 'Acas recommends an initial chat to try to resolve any concerns and we agree. Frequently though, both parties recommend this potentially crucial first step is missed. Employees incorrectly think that a grievance is the only way to raise concerns. Conversely some employers wrongly refuse to consider an employee's concerns unless they raise a written formal grievance'.

The purpose of a grievance process is meant to be to resolve concerns, problems or complaints raised by employees. In practice, Emma Webster and Deborah Licorish says they find this is often not the case. Unfortunately, a grievance by its nature is usually a criticism of your employer. It is therefore often seen by the employer, rightly or wrongly, as 'disloyal' or an 'attack' on individuals or the business.

In summary, grievances focus on what has gone wrong and contain allegations and legal threats and when this takes place an employer's most common reaction is to defend itself. A response may include counter allegations such as poor performance. The scene is now set for battle and the consequences of such causes difficulty for both sides to backtrack unless they engage in mediation. Both sides put their energies into defending their position rather than finding a solution. Both sides dwell on what has gone wrong – they rarely consider what can be done to rectify the problem.

Further information and the legality of submitting a grievance and can be found on the website [www.atcu.org.uk](http://www.atcu.org.uk).

## **We cannot warn you enough! Social networking sites can be harmful to your job.**

### **Impact on Employment**

We give no apologies for repeating this again. One of the most popular social networking sites is Facebook, which gives people a false sense of security and because of this we see members being brought before disciplinary hearings.

You only have to look at President Trump's past Twitter postings to understand what a powerful – and thorny – tool social media and employment can be. By its nature, it can be accessed by anyone with an internet connection. For employers, this can be worrying as disgruntled employees sometimes take to sites such as Twitter, Facebook and LinkedIn to vent their frustrations.

In the workplace, employees are getting into trouble with companies for incriminating and inappropriate information or pictures on their social networking profiles that are violations of company policy or the code of conduct. (Note: Companies will say

they are not monitoring social networking sites; really?!). If information or pictures on an employee's account violate company policy are brought to their attention or are reported to them, they will then follow up and investigate further.

Employees are being turned down by employers for jobs, interviews and promotions because of the information employers are finding out about people on their social networking accounts. Compromising and inappropriate pictures, statements or other information on a person's social networking account can hurt their chances to gain (or even be considered for) employment and advancement.

Employers take the images and information that employees are portraying on social networking sites very seriously as a reflection of personal character and the company's image.

### **How to Stay Safe**

Evaluate your social networking account and postings—how do you feel about your employers seeing what you have posted? What may seem

mild banter can easily become an action for discipline.

Do not post anything that might be embarrassing to you at work or employment situation. People have been disciplined because of information found on social networking sites. It is therefore best not to discuss any issue concerning work or colleagues.

Utilise the "Privacy" settings on your Facebook account—you can adjust your privacy settings so as to control who has access to your personal information.

Be prepared to answer questions about your social networking page or other social account in job interviews or disciplines. It has become common for interviewers to ask applicants, "Are you on a social networking site?" and "What is on your profile?" Be prepared to either decline the question or answer honestly because employers will most likely look at your social networking account themselves... **if they haven't already.**

---

## **Social Media Case Study**

### **Creighton v Together Housing Association Ltd**

The Creighton v Together Housing Association Ltd case highlights the potential permanency of comments made on social media. Mr Creighton was a line manager who had a grievance raised against him by an employee he managed. Part of the complaint was that Mr Creighton had made derogatory comments towards other employees on his open Twitter account. The investigation found tweets posted two or three years previously and Mr Creighton, who had almost 30 years' service, was dismissed as a result. The tribunal rejected his claim that he had been unfairly dismissed.

### **Game Retail Ltd v Laws**

In Game Retail Ltd v Laws, the employee had created a private Twitter account and followed 100 Game retail stores; 65 of the stores had followed him in return. He had set his privacy setting to public so that his posts could be viewed by anyone. He subsequently made a number of tweets relating to Newcastle supporters, A&E workers, dentists and "t\*\*\*\* in caravans" which his employer regarded as obscene and threatening. He was dismissed for gross misconduct.

---

### **Game Retail Ltd v Laws Cont...**

A claim for unfair dismissal was not upheld by the [Employment Appeal Tribunal \(EAT\)](#). The ruling noted that the fact the employee had used his private Twitter account to follow other Game stores, and allowed them to follow him in return, compromised the argument that his tweets were entirely private and did not impact on his employer.

---

### **ATCU Head Office**

Tel: + 44 (0) 1226 716417  
E-mail: [hq@atcu.org.uk](mailto:hq@atcu.org.uk)  
Website: [www.atcu.org.uk](http://www.atcu.org.uk)  
Tel: 07360087009

---

### **Statement to members for period ended 2020**

**as required by section 32a of trade union and labour relations (consolidation) act 1992**

#### **Income and Expenditure**

The total income of the union for the period was £25858 . This amount included payments of £25858 in respect of membership income of the union. The union's total expenditure for the period was £21238 .

#### **Political Fund**

The union does not have a political fund.

#### **General Secretary Salary and Other benefits**

The General Secretary was not paid any amount in respect of salary or benefits.

#### **Irregularity statement**

A member who is concerned that some irregularity may be occurring, or have occurred, in the conduct of the financial affairs of the union may take steps with a view to investigating further, obtaining clarification and, if necessary, securing regularisation of that conduct.

The member may raise any such concern with such one or more of the following as it seems appropriate to raise it with: the officials of the union, the trustees of the property of the union, the auditor or auditors of the union, the Certification Officer (who is an independent officer appointed by the Secretary of State) and the police.

Where a member believes that the financial affairs of the union have been or are being conducted in breach of the law or in breach of the rules of the union and contemplates bringing civil proceedings against the union or responsible officials or trustees, he should consider obtaining independent legal advice.

**Auditor's report** Hardwicks. Chartered Accountants. Rotherham S66 1EH