**GUIDANCE FOR RESPONDING TO A GRIEVANCE IN RESPECT OF MANDATORY VACCINATION**

There are a couple of grievance templates doing the rounds that have been written by Unions, whilst they are written in legalese and appear quite intimidating they can be dealt with quite easily. The important thing is to deal with them, don’t ignore them or hope that they will go away as failure to follow your grievance procedure is more likely to succeed at Tribunal than an unfair dismissal claim.

1. Acknowledge the grievance in writing and invite the employee to attend a meeting with the right to be accompanied by a colleague or Trade Union Representative. Offer two dates within one week of each other, this negates any “my union rep isn’t available” delays.
2. Actively listen to their grievances, demonstrate as much empathy and understanding as you can even if you disagree with their viewpoint. Try and see things from their point of view.
3. If you agree with some of their points they are making, from freedom of choice to the Government decision to impose this legislation, then there is no harm in agreeing with them whilst acknowledging that your hands are tied by this new legislation.
4. Confirm your decision in writing and give them the right to appeal. If they choose to appeal, find a senior manager or other independent person and follow the same steps as above. Their decision is final.

**Why are they doing this?**

Many people disagree with the new legislation, those who decline to be vaccinated and ultimately end up dismissed are likely to want to make an unfair dismissal claim. In order to do so they must demonstrate that they have the ACAS Code prior to making a Tribunal claim, including both the grievance procedure and appeal following dismissal. Awards to employees made by the Tribunal can be reduced by up to 25% if the employee has not followed the ACAS Code in the same way that awards payable by employers can be increased by up to 25% if the employer has not followed the ACAS Code.

**What are the risks?**

As long as a fair process is followed prior to any eventual dismissal for declining the vaccination, it is likely to be a fair dismissal; however we are likely to see many legal challenges from many angles. In these very uncertain times employers are advised to ensure that they conduct a fair and thorough process to mitigate the risks as much as possible.