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Dear Sir or Madam

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Many thanks for visiting Online Legal Advise’ website. We attach copy of the document that you asked for and hope you will find it useful.

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Yours faithfully

Online Legal Advise

**ONLINE LEGAL ADVISE**

**Maternity leave, mishandled return, indirect sex discrimination**

[Employee address]

[HR Manager]

[Company address]

[13th January 2017]

Dear [HR Manager]

Further to your letter of [10th January 2017] regarding the outcome of my grievance “the Grievance Outcome”, I am writing to provide you with notice of my forthcoming appeal against your decision. I am naturally disappointed with the grievance outcome and consider that in the circumstances I must appeal, although I am nonetheless grateful for your time in considering this matter.

I would be grateful if you could appoint an independent individual who has sufficient standing in the Company and can overturn your decision.  If necessary, I would be grateful if you could appoint a decision-maker who is independent of the Company to hear these matters at appeal stage.

I set out my grounds of appeal below.

**Return from maternity leave**

It is clear that the Grievance Outcome has failed to consider the account that I gave regarding the arrangements made on my return to work. The Grievance Outcome failed to take account of the relevant information presented and/or failed to make findings of fact that were reasonable based upon the evidence presented.

I set out the relevant facts below which were largely ignored in the Grievance Outcome.

In the latter course of [2016] and early [2017] I discussed my return to work with [Line Manager].  I have reviewed various emails and meetings that took place during this period.

On [20th June 2016], I had a meeting with [Line Manager] at [Office] where we discussed my return to work. We discussed the possibility of me working with [Employee 2] as a job share.  It was agreed that I would work over three days a week and I was to confirm which days I could work, which I did in an email dated [3rd August 2016].

On [16th September 2016], [Line Manager] emailed me and said she was busy and would get back to me by midday the next day ‘with some ideas’. By [20th September 2016], I had heard nothing and chased [Line Manager] again with no response. On the same day I emailed [Line Manager] and told her that I would be coming in on the following Monday [24th September 2016] and she would need to make time for me.

It was in this meeting that I said to [Line Manager] that I would likely be returning to work full time at the end of [2017]. I also told her that although I could work on evenings and weekends provided I had childcare in place, I would be unable to work past 5pm on days that I had to pick my daughter up from childcare. It was agreed that I would be able to use my annual leave to work a reduced working week and on the basis of the days accrued during my maternity leave I was able to use this annual leave in the first instance.  Thereafter, I would continue to use my annual leave and [Employee 2] would work on the other days.

During the meeting, [Line Manager] had said to me that [Employee 2] had done a job share in previous employment and she was aware of how a job share could be managed effectively. I remember asking whether [Employee 2] would be happy to work just two days a week while I did three and our specific job roles. I was told that I didn’t need to concern myself with what [Employee 2] would be doing.

It is notable that during the course of the grievance hearing, I presented evidence that demonstrated the following:

1. [Line Manager] had mishandled my return to work;
2. Failed to communicate with me and left me in a state of limbo with regards to my return to work;
3. Despite asking for parameters of quasi job-share arrangements to be put in place I was not told what decisions had been made. Whereas, in contrast, Employee 2, my maternity replacement, was kept informed and seemed to know more about my return to work than I did.

It is notable that no finding of fact has been made in this respect. I consider that this highlights the shallow manner in which the grievance was investigated as there has been insufficient interrogation of the factual circumstances and/or the Grievance Outcome reaches perverse conclusions.

**Indirect sex discrimination**

In my grievance letter, I noted that my requirement to work full-time hours of 48 hours per week was having a detrimental impact on me as a woman who has primary child care responsibilities. I believe that there is a policy, criteria or procedure in place that discriminates against women. This part of my grievance was not fully considered. The only options presented would result in me suffering a substantial financial disadvantage because the Company has a discriminatory policy in place to work excessive hours.

**Conclusion**

I have been subject to a lengthy period where I have not had the assistance of my line management to enable me to return to my role in a meaningful way.  There has been no handover of my responsibilities from [Employee 2], who has retained ownership of duties that should have been given to me following a handover which could have taken a matter of days.

I feel that I have not been given appropriate options to enable me to work in a way which balances my competing responsibilities as a parent and to the Company. As such, I am left with no other option but to appeal the Grievance Outcome.

I look forward to hearing from you soon regarding the arrangements for my appeal hearing.

Yours sincerely

[Employee name and signature]