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Dear Sir or Madam

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Yours faithfully

Online Legal Advise

**ONLINE LEGAL ADVISE**

**ONLINE LEGAL ADVISE- Grievance letter: Bullying and harassment**

[Company Name]

[Address]

Sent by email only to [Manager 1] and [Manager 2]

Dear Sirs,

RE: GRIEVANCE

We write on behalf of our above-named client to confirm in writing a formal grievance in accordance with the company’s grievance policy.

As you will be aware, our client commenced full time employment with the company in [March 2012] in the role of Sales Executive.

Although it is acknowledged that the company is currently undergoing an investigation following various meetings with our client, our client lodges this formal grievance to reserve his position.

Background

In [September 2017], our client instructs that there was a new pay plan issued by head office to be effective from [1 October 2018]. Our client has never been given a copy (either paper or electric), or told about it verbally by any member of the management team including his Line Manager.

On [21 September 2017], during the morning meeting, our client made what he describes as a ‘meaningless comment’ referring to the new pay plan, directed only towards [Sales Executive]. Despite the fact that our client’s Line Manager was not present during this meeting, [Line Manager] must have been told by someone else from the office what was said as when our client walked out of the dealership building, [Line Manager] walked straight over to our client shouting and swearing in an angry and violent manner. Our client had never seen [Line Manager] so angry, and he shouted at him,

“if you didn’t like the new pay plan and you didn’t like working here you should write your letter of resignation right now, put it in my hand right now and I'll accept it right now!"

Our client was understandably shocked to be approached in this way, especially given that the comment made had been taken out of context by [Line Manager], who was not even present when our client made it, and then be asked to resign his position. Our client attempted reasoning with [Line Manager], but he walked off.

Immediately after this incident, our client was distressed and in disbelief with regards to how [Line Manager] has acted towards him and went to speak with his fellow colleagues [Employee 2], [Employee 3], [Employee 4] and [Employee 5] who will all be able to corroborate this account.

Once our client had composed himself after this incident, he returned to the office and was ignored by [Line Manager], but very soon after received an email from him inviting him, [Employee 2], [Employee 3], [Employee 4] and [Employee 5] to a meeting titled “EXPERIENCED TEAM MEMBER MEETING”.

It was from this point our client began to suffer from serious stress and anxiety. Our client couldn’t concentrate for the remainder of the day and his stress was intense, resulting in physical symptoms which would continue to increase beyond control.

On [22 September 2017], our client attended a meeting with other members of the team [Employee 2], [Employee 3], [Employee 4] and [Employee 5], where [Line Manager] said that if they didn't like working there, they should resign. [Line Manager] also said that if they didn’t like the new pay plan, they should just quit and,

“do me a massive favour.”

[Line Manager] went on to say that he would have to get rid of some people from the Sales Team anyway and that if we would just quit it would be a huge favour to him. This was a direct threat to our client and the security of his employment. [Line Manager] also said that he had been told someone in the room had another job and was leaving and demanded for that person to tell him, and there was no response from anyone in the meeting.

The stress of the situation continued to build and our client become more anxious about being targeted by [Line Manager]. Our client found it difficult to control his fear that his employment was at risk and [Line Manager] was going to continue in his campaign to force his termination and make his position untenable.

Our client’s fear for his position at the company was exacerbated by the way [Line Manager] dealt with another member of the team, [Employee 6]. [Line Manager] used performance management to remove this particular employee and then used the term ‘performance management’ to threaten termination of employment. [Line Manager] openly, with regards to [Employee 6], commented that he wouldn’t,

“stop until [Employee 6] was gone.”

[Line Manager] used this as an open threat, going further by saying that he “should never have hired [Employee 6]” and he wished he “could get rid of him straight away.” The fact that [Line Manager] talked so openly about [Employee 6] (and other members of the team), continued to add to the stress our client felt and how [Line Manager] would be talking about him in the same way.

Subsequently, [Line Manager] ignored our client and the work environment was impossible as our client felt convinced [Line Manager] was going to find a way to terminate his employment. The stress levels continued to grow and were affecting his ability to perform in his role.

Our client walked into the office and heard [Line Manager] talking to [Senior Business Manager] and heard his name mentioned. As [Line Manager] said our client’s name, he looked up and as our client was looking straight at him, he just stopped and made an uneasy look back at [Senior Business Manager]. This confirmed our client’s fears that [Line Manager] was talking about him with the rest of the Management Team.

A family member of our client’s passed away, and he booked annual leave on [18 October 2017] in order to attend the funeral. After the funeral, our client returned home and began to feel really unwell. On the following day, our client continued to feel too unwell to attend work and notified [Line Manager] by text, as he felt unable to talk directly to him, informing him that he wouldn’t be going into work, and there was no reply.

Our client returned to work the following day and was appalled and extremely upset to discover that [Line Manager] had been telling everyone in the office that he was hungover. Our client was told [Employee 2] that [Line Manager] was seen making drinking/drunk gestures to the management team.

When our client saw [Line Manager] that day, he pushed an A4 form at him saying,

“Here, fill this return to work sheet in and being hungover is not an acceptable answer”.

[Line Manager] said this loud and clear and in the middle of the office to ensure everyone could hear this. Once again, our client was completely shocked at this continued effort to single him out and make a concerted effort to discredit him. In fact, our client was completing a ‘dry January’ and hadn’t been drinking alcohol. Our client was too stressed to say anything in response and filled out the form and walked away. Our client later found out that [Line Manager] reduced his salary by 1 day, this was never communicated, it was noted only on his payslip.

On [24 October 2017], our client asked [Line Manager] if it would be ok to be a little late for 4 days in February as he required some medical treatment on his back. Our client had never had time off for his back problem previously, but had been receiving physiotherapy and chiropractic help on his days off. Our client had been advised by the chiropractor that it was so bad he needed a 4-week program to start twice a week and then once a week from there. Our client only had one mid-week day off every week so he simply asked [Line Manager] by email, as he wasn’t on site and must have been at a meeting. [Line Manager] responded immediately to this, saying he could have these adapted hours, only if his performance improved. This was an entirely inappropriate way to respond to an employee who was seeking assistance with obtaining medical assistance. Our client required medical treatment, but was told he would have to improve his performance in order to receive this.

Our client felt even more victimised given that his colleague [Employee 7] was also seeing a chiropractor and had not been given the same ultimatum to receive treatment.

On [27 October 2017], our client took annual leave with his family. This was much needed for our client and he felt he needed time away from the treatment he was having to deal with from [Line Manager]. Unfortunately, the stress and anxiety of returning to work was overwhelming throughout the holiday and he was unable to enjoy his time with his family.

On [7 November 2017], our client had to really fight to get back to work. [Line Manager] welcomed our client abruptly by telling him, without an initial welcome,

“You really need to get some cars sold.”

Our client confirms that on that first day back, he did sell a car but not without having to suffer the stress directed at him from [Line Manager]. A customer had walked in to the showroom, and [Line Manager] shouted,

“Customer in the showroom”

Our client jumped straight up and headed out. Throughout the conversation with the customer, [Line Manager] stared at our client, making him uncomfortable and hard to focus on his job. Regardless, our client sold the car but did not feel the success he usually would, as he knew [Line Manager] was targeting him and would be looking for something to criticise him and make him uncomfortable.

Our client continued to face performance comments from [Line Manager]. These comments were never constructive and were always said with malice. For example, our client was sat in the showroom one day going through his leads when, for no reason, [Line Manager] walked straight up to him and said**,**

“what are you doing, you better not bank in March”

It was far from constructive and said in a deliberately angry and unfriendly way. Our client was responsible, as part of his role, to look after the prices on the cars outside and normally does this first thing in the morning but on this particular day, [Line Manager] decided that this wasn’t the case. As our client got up after the meeting and headed to the door of the office, [Line Manager] shouted in front of the other managers and sales staff,

"Don't be messing around out there, you need to sell some cars or we are going to be having some very uncomfortable conversations if you don’t”

Our client again didn’t know how to respond and simply put his head down and walked out.

On [15 November 2017], our client tried to continue in his role, but the stress was overwhelming and manifesting itself with physical symptoms. Our client was constantly hoping to stay away from [Line Manager] constant glare and moved just to avoid this.

Our client did his best to continue with his work with [Line Manager], keeping up the unwanted and unnecessary treatment. Our client had a customer who was ready to buy a car and found a car from another dealership and instead of it only having the usual £1000 margin it had £1750. Our client emailed the management team in the office to do some internal checks and went into the office. [Line Manager] was the only person available to value the car for our client, which he did and then he dealt with [Customer 1]. This deal went back and forth with [Customer 1] and finally the customer got to the deal point.

Our client walked in, [Customer 1], [Sales Controller] and [Line Manager] were at the desk. [Customer 1] said the deal was to proceed, however [Line Manager] decided he wasn’t happy and that it couldn’t be done. [Line Manager] was stopping our client selling cars, which was his job and how he got paid.

Eventually, this deal was completed despite [Line Manager] intervention, but instead of being happy, our client was distraught as [Line Manager] was contradicting everything and appearing to deliberately obstruct him in performing his role.

On [16 November 2017], our client arrived a little late as he had been to the Chiropractor for treatment. The morning meeting was just coming to a close and the room was full of management and Sales Executives. [Line Manager], who was talking at the time, finished the meeting and then approached our client and said,  “you have no appointments on the weekend appointment board, this is totally unacceptable you need to get this sorted now”.

Our client stood there and said,

“but I’m not working this weekend”.

[Line Manager] looked at our client horrified and disgusted and stormed off. Our client was again singled out and was made an example of in front of the entire office without reason.

On this day, as a reward for great performance, that afternoon was a trip to [Adventure Company]. Our client was busy and had sold a few cars and was attempting to get them and the paper work ready. As our client was leaving for the afternoon activity, he noticed that [Line Manager] was looking at him with disgust. Our client had only been in the car for a few minutes when he was called by [Line Manager] about a work issue regarding a customer. Our client had a missed call from this customer and had tried to call him back not knowing what it was about. [Line Manager] then said,

“I’m so surprised you’ve gone today, your performance is rubbish and that isn’t good enough for me. You need to decide what you are doing?”

Again, our client was being forced to consider the security of his job and the pressure that his job was at risk. Our client was so traumatised by the call he could barely drive and had to slow down. He called [Manager 3], attending the [Adventure Company] event, and told her he didn't feel well because of the phone call he had with [Line Manager]. He said that he would need to go home straight away. [Manager 3] told our client that he had to go without any sympathy. It was a work outing all paid for and he had to attend. [Manager 3] also said it would not look good if he didn’t go. Our client felt compelled to go and put on a brave face. Everyone stayed out afterwards but our client left when he could.

On [20 November 2017], after a terrible weekend of anxiety and stress, our client had to go to his GP. Our client broke down, and was signed off work for 2 weeks.

Our client emailed [Manager 2] and [Line Manager] to explain why he was off. Our client has exchanged emails with [Manager 2] and continues to be signed off until [23 February 2018]. Our client’s sick notes confirm work-related stress. Our client’s condition is potentially long-term, degenerative, and caused by the treatment experienced at the workplace.

With reference to the Company’s handbook, the following sections are seen as relevant and worth referring to as part of this grievance process:-

“Bullying is defined as any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual concerned.”

“Harassment and bullying can range from extremes such as violence, to less obvious forms like ignoring someone.”

“Harassment at work is unlawful and both the Company and the harasser may be held liable for such unlawful actions and may be required to pay damages.”

Our client has kept the company informed at all times and yet feels that the investigation has been unnecessarily prolonged, causing additional impact on his health due to ongoing uncertainty. This is why he has now chosen to formalise his grievances as he has serious concerns as to how the company will deal with the issues raised.

After over 6 years of reliable and loyal employment, our client feels he has been treated very badly. The company has made no real attempt to accommodate him since his health has deteriorated as a direct result. This is a clear breach of the company’s responsibilities and the Company’s anti-bullying policy and potentially our client’s rights with reference to the Equality Act 2010.

In conclusion, our client believes that this grievance sets out very serious issues for the company to investigate fully (acknowledging that this process is underway but is given no option but to formalise this to protect his rights) and consider this as part of a fair and reasonable grievance process. Our client wants this to be dealt with comprehensively and the delays so far have increased the suffering to his physical and mental health (through no fault of his own) and he must therefore raise this grievance.

In accordance with the company’s grievance procedure, please acknowledge receipt and confirm the next steps in the process.

Yours faithfully

**[Lawyer name and signature]**