Online Legal Advise

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Dear Sir or Madam

**Free Legal Letters and Documents: Templates and Examples**

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.

If we can be of any further help, please do get in touch by ‘phone or via our website.

Yours faithfully

Online Legal Advise

**ONLINE LEGAL ADVISE**

**ONLINE LEGAL ADVISE- Grievance letter:**

**Off sick with depression and not given a pay rise**

[Manager]

[Company address]

[11th November 2016]

Dear Sirs

**Formal grievance**

I write to set out a formal grievance, and I look forward to receiving a response as soon as possible. Please note that the information below has also been incorporated into a Disability Discrimination Questionnaire and will form part of my written submissions in relation to the capability proceedings currently in place against me.

Background

1. In 2015, along with my entire team at the time, I wrote a grievance about our [Manager 1]. That grievance was upheld in that she was moved to a different section. During the grievance meeting, on around 7th February 2016**,** [Manager 2] told me that although she was moving sections, she would be putting me on a PIP. Luckily [Manager 2] did not see fit to carry through with her threat.
2. In around April 2016, [Manager 1] was transferred back into my section as my manager again. This was a reversal of the previous decision to uphold the grievance.
3. As a result of the stress and anxiety caused by bullying from [Manager 1] since her reinstatement as my manager, my health deteriorated. I was signed off by my doctor with depression – an illness which is widely accepted to be protected by the Equality Act 2010 as a disability.
4. As a result of the above, management decided to try to manage me out of the role. I was refused a pay rise in my annual review in August. This is despite [Company] policy guidance that I should have received a pay rise of up to 5%.
5. In around 7th September 2016 I was sent an email telling me that my holidays had been reduced from 32.5 days to 27.5 days. But my 32.5 days holidays were specifically stated in my employment contract and [Company] had no right to change them unilaterally.
6. I was then openly offered a compromise agreement which contained very unfavourable terms. I was offered 6 months’ pay in lieu of notice and only 7 days’ holiday pay. But my contract of employment provides a 6-month notice period and 32.5 days holiday p.a. So I was being offered less than I was contractually entitled to.
7. I was told that my employment could be terminated by letter on the 7th October 2016. This was the first time I had heard about this possibility. I have not attended an assessment previously or had any warning that this could happen. I was not given a chance to improve. That letter was just sent out of the blue. Overall I feel that I have been badly mistreated, firstly as a result of the initial grievance, and secondly, as a result of my disability.
8. I have prepared a number of questions which I believe serve to illustrate the points made above and which will help to fairly investigate my grievance. As such I would like these questions to form part of my formal grievance: -

**Grievance questions**

Re: grievance concerning [Manager 1], my previous manager, of 2015–

1. Please state (i) all steps taken by [Company] to investigate my grievance of around 2015, with names of people involved and dates, (ii) the reasons for the decision, (iii) anyone consulted, when and their views.
2. Do you accept that in the grievance meeting of around 7th February 2016, [Manager 1] told me that although she was moving teams, she would be putting me on a PIP. Do you accept that this decision of hers was reversed by [Manager 2].
3. In relation to the decision to ignore my grievance and reinstate [Name] in around April 2016, please state (i) who made the decision, when and for what reasons; (ii) who was consulted, when and what were their views.

Re: general

1. Does [Company] accept that I might have a disability under the Equality Act 2010? If not, please state precisely why not.
2. Please state how many employees with disabilities are employed (i) in the [Location] office and (ii) throughout [Company]. In each case state their job title and nature of the disability.

Re: reasonable adjustments

1. What adjustments did [Company] anticipate I might need to be made for my potential disability? Please give full details.
2. Please list all steps taken by [Company] to make any necessary adjustments.
3. Please state when [Manager 1] was first told, by whom and in what terms of (i) my potential disability (ii) the need for adjustments.
4. Please state all discussions or communications (with dates, persons involved and content) between [Company], management, HR, [Manager 1], or anyone else regarding (i) my potential disability (ii) the necessity for adjustments.
5. Has a stress risk assessment been carried out in relation to me and if so, when? If so, please send me a copy. Please also send me a copy of my entire HR file.
6. Has a phased return to work plan been implemented or considered and if so when and by whom? If so, please send me a copy.

Re: threatened termination of employment

1. Do you accept that on the 7th October 2016 I was sent a letter stating: *“If having considered all the evidence, it is decided to terminate your employment on grounds of capability due to ill-health you will be advised in writing and that letter will confirm your last day of employment”*
2. With regard to the decision to send that letter announcing that my employment could be terminated due to capability, please state who took the decision, on what date and for what reasons who was consulted, on what date and what were their views.
3. Please explain why I received a letter saying that my employment could be terminated after without any warning, chance to improve, or assessment for reasonable adjustments.
4. What affect do you think this letter would have on my health, considering that I am suffering from stress and anxiety already? Please detail any assessment which was carried out in this regard prior to sending that letter.
5. Please explain why my contract of employment allows for sick pay of 6 months’ full pay and 6 months’ half pay if it is standard practice to consider terminating an employee’s employment after only 6 months of being off sick.

Please state the dates of absence through sickness of each other member of staff from 1st January 2016, giving

a.     start and finish date with the Company
b.     job title and location
c.     the dates and nature of any disciplinary warnings received related to their attendance
d.     whether they had a disability

Re: pay rise

With regard to the decision not to give [Employee] a pay rise for 2016, please state

a.   who made the decision, on what date and for what reasons
b.   who else was consulted, on what date and what were their views
c.   what are the criteria for deciding whether a pay-rise should be granted
d.   who set these criteria and when
e.   whether they are in writing

Please state all staff employed in the [Location] office as at November 2016, stating in each case

a.            job title and location
b.            start date with the company
c.            if so, by how much
b.            if not, why not
c.            whether they have a disability or ill-health (with details)

Re: reduction of holiday entitlement

1. Do you accept that on 7th October 2016 I received an email from [Manager 1] purporting to lower my holiday entitlement from 32.5 days to 27.5 days.
2. Why was this email sent.
3. Who was consulted prior to this email being sent.
4. Do you accept that my contractual holiday entitlement is 32.5 days per annum.
5. Do you accept that if [Company] wishes to terminate my employment, [Company] is required to give me 6 months’ notice.

In addition to the above, I would also like to request a copy of my entire HR file, and any other data which [Company] hold in relation to me.

Yours faithfully

[Employee]