

A summary of the law on:
**Disciplinary and
Grievance Hearings
The Right to be
Accompanied**



THOMPSONS NI

If you are required by your employer to attend a disciplinary hearing or if you are attending a hearing about a grievance you have raised with your employer, you are entitled to be accompanied by a trade union representative or a work colleague.

Your employer has asked you to attend a disciplinary hearing where you could be given a formal warning or be dismissed; or you have lodged a grievance/complaint about any work matter and there is to be a hearing. What are your rights?

1. You can ask to bring a trade union official or work colleague with you. It does not matter whether or not the trade union is formally 'recognised' by the employer.
2. If your representative isn't available on the date set for the hearing, the employer has to postpone it to a date suitable to you and your representative as long as the proposed new date is within five days.
3. At the meeting your representative can't answer questions for you but can: put your case forward; talk to you during the hearing; ask you questions; ask your employer questions; and sum up your case.
4. Work colleagues are entitled to be paid for the time they take off work to attend the hearing, but not to prepare for it.
5. Trade union officials who are employed by someone else don't have an automatic right to time off.
6. The Labour Relations Agency (LRA) has produced detailed guidance - Code of Practice on Disciplinary and Grievance Procedures - which employers should follow in relation to the operation of disciplinary and grievances procedures. It could be very useful to you and your representative and is available from the LRA – www.lra.org.uk.
7. If your employer refuses to let you to bring someone with you, you can complain to an Employment Tribunal.
8. Any complaint to the Tribunal must be lodged within three months from the date your employer refused to let you bring a representative to the hearing.
9. If you win your case at the Tribunal, you could receive up to two weeks' pay (limited to a current maximum of £430 per week).
10. If you or any work colleague who represents you are dismissed for exercising your right to be accompanied, any such dismissal will be considered to be 'automatically unfair' by a Tribunal if you bring a Unfair Dismissal claim within three months of your dismissal.

This information sheet provides a summary of the rights of employees to be accompanied. This information should not be taken as a comprehensive statement of the law in this area. You are advised to take advice from your union representative before taking any action based on this information.

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