
STATUTORY INSTRUMENTS

2004 No. 752

The Employment Act 2002 (Dispute Resolution) Regulations 2004

Circumstances in which parties are treated as complying with the grievance procedures

9.—(1) Where either of the grievance procedures is the applicable statutory procedure, the parties shall be treated as having complied with the requirements of the procedure if a person who is an appropriate representative of the employee having the grievance has—

- (a) written to the employer setting out the grievance; and
- (b) specified in writing to the employer (whether in setting out the grievance or otherwise) the names of at least two employees, of whom one is the employee having the grievance, as being the employees on behalf of whom he is raising the grievance.

(2) For the purposes of paragraph (1), a person is an appropriate representative if, at the time he writes to the employer setting out the grievance, he is—

- (a) an official of an independent trade union recognised by the employer for the purposes of collective bargaining in respect of a description of employees that includes the employee having the grievance, or
- (b) an employee of the employer who is an employee representative elected or appointed by employees consisting of or including employees of the same description as the employee having the grievance and who, having regard to the purposes for which and method by which he was elected or appointed, has the authority to represent employees of that description under an established procedure for resolving grievances agreed between employee representatives and the employer.

(3) For the purposes of paragraph (2)(a) the terms “official”, “recognised” and “collective bargaining” have the meanings given to them by, respectively, sections 119, 178(3) and 178(1) of the 1992 Act.