

Requirement to use the Internal Grievance Procedures in a Constructive Dismissal case*

This issue was addressed in case ADJ-00018507. The Adjudication Officer in this case quoted the case of Terminal Four Solutions Limited –v- Rahman UD898/2011 where the EAT stated:

“Furthermore, it is incumbent on any employee to utilise all internal remedies made available to her unless she can show that the said remedies are unfair”.

This places a very high burden on an employee who does not use the internal grievance procedures.

We are finding, in a lot of constructive dismissal cases the employees have not used the full internal grievance procedures.

***Before acting or refraining from acting on anything in this guide, legal advice should be sought from a solicitor.**

***In contentious cases a solicitor may not charge fees or expenses as a proportion or percentage of any award or settlement.**