

Employment E-Brief No 93

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CLARIFICATION AND EXTENSION OF THE ROLE OF COMPANIONS IN DISCIPLINARY AND GRIEVANCE HEARINGS

Most people are aware that on 1st October 2004 the new disciplinary and grievance rules came into effect. Another provision also came into force which is worth noting.

Section 37 of the Employment Rights Act 2004 is now operative, which clarifies and extends the role of the companion in disciplinary and grievance hearings.

The companion can now address the hearing (unless the worker indicates that he does not wish the companion to do so) to present the worker's case, sum up that case at the end and respond on the worker's behalf to any view expressed at the hearing.

However, they are still not permitted (unless allowed by the employer) to answer questions on behalf of the worker.

To the extent that your policies outline what the companion can and cannot do, it ought to be updated to take account of this or at least be operated in such a way as to comply.

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