



The Importance of Having Conversations Early Before Matters Escalate



THSP



Introduction

Employee relations is a critical aspect of any organisation, affecting everything from productivity to workplace morale. Having early, open, and honest conversations can prevent small issues from becoming larger, more complex legal problems down the line. Addressing concerns early can also foster a positive workplace environment and demonstrate a commitment to fair treatment and transparency.

Here, we'll explore why these early conversations are essential, both from a legal standpoint and for the overall health of an organisation.

Preventing Escalation of Issues

One of the most important reasons to address performance, attendance, minor misconduct and interpersonal dynamics matters early is to prevent issues from escalating. Many workplace disputes can often be resolved with a simple conversation. When issues are left unaddressed, they may fester, leading to more serious concerns such as harassment claims, discrimination claims, or even unfair dismissal.

From a legal perspective, timely and proactive engagement shows that the employer took reasonable steps to address and resolve any complaints or issues before they became problematic. For instance, addressing an employee's performance concerns early allows the employer to provide constructive feedback, helping the employee understand expectations.

Reducing the Risk of Legal Claims

Many legal claims arise because employees feel unheard or unsupported. By initiating early conversations, employers can often identify and address issues before they become legal problems. Whether an employee feels they are being discriminated against, harassed, or unfairly treated, a prompt, open conversation can provide clarity and address misunderstandings before they escalate into formal legal complaints.





For example, a conversation with an employee who feels overlooked for a promotion could clarify whether the issue stems from performance concerns, a miscommunication, or an objective oversight.

Legal Compliance and Documentation

Legal compliance and documentation ensures that the employer is meeting legal requirements for fair treatment. For example, employers are legally required to follow certain procedures in the case of disciplinary actions, or handling complaints of discrimination or harassment. By having these conversations early, employers are better equipped to document the issue properly, demonstrating they followed correct procedures in case a matter progresses to litigation.

Detailed and accurate documentation is crucial. Early conversations provide an opportunity to record the nature of the concern, the employer's response, and any steps taken to resolve the matter. This documentation can be a key defence if the issue eventually becomes a legal dispute.

Building a Culture of Transparency and Fairness

From a legal standpoint, fairness and consistency in how employee issues are handled are key. Employees who perceive their employer as fair and transparent are less likely to file complaints or take legal action, as they will believe that concerns are addressed fairly and swiftly. Early dialogue helps ensure that policies and procedures are applied consistently and equitably, reducing the risk of claims of discrimination, bias, or unequal treatment.

Demonstrating Good Faith Efforts in Dispute Resolution

Employers who engage in early conversations show that they are taking proactive steps to resolve disputes in good faith. This can be crucial in the event that the situation does escalate to formal legal proceedings. Courts and regulatory bodies often look favourably upon employers who can demonstrate they made genuine efforts to resolve matters informally before resorting to more formal actions, such as disciplinary measures or termination.





Promoting Better Communication and Trust

Proactive communication reduces misunderstandings. Employers who listen to their employees' concerns can clarify expectations, provide additional training or support, and take corrective actions where necessary. This transparency not only reduces the likelihood of future conflicts but also enhances employee morale and productivity.

Conclusion

By engaging employees in open dialogue, addressing concerns as soon as they arise, following the relevant policies and procedures and documenting all communications, employers can ensure a fair, transparent, and legally compliant workplace.

Employers should prioritise creating systems and training programs that empower managers to have these early conversations, thus strengthening employee relations and minimising the risk of legal complications down the road. In doing so, they demonstrate a commitment to a healthy, supportive, and legally sound work environment for all.

A suggestion from THSP

An **Improvement Plan (IP)** is informal and can assist with performance, attendance and minor acts of misconduct. This can be viewed as the first part of the process before matters needs addressing formally and shows the employer has taken proactive steps to “nip it in the bud”.

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