

# KEEPING THE PEACE

What's the secret to managing personality clashes in the UK workplace? Jane Cotton explains



Unfortunately, personality clashes between co-workers are an inevitable feature of working life. The reasons behind squabbles among colleagues can often appear petty, but they can cause serious problems for the employer. These problems include friction between team members (who may feel pressured to take sides), which could then lead to absences for sickness and stress; having to deal with grievances by other workers against the perceived troublemaker; and loss of management time spent dealing with the issue.

It is estimated that, on average, over 15% of management time is spent dealing with personality clashes between

employees. The morale of a whole team or a department can be affected and employers may lose good employees if the issue is not quickly resolved. The conflict could also affect the employer's business or reputation if it affects productivity, professionalism or service levels.

The quicker the employer recognises that there is a problem, the more likely it can be resolved without escalating. Often, a personality clash will be obvious, or the employer will learn about it through other employees by way of informal complaints or formal grievances, but there will be cases where it is not apparent to the employer. So

employers should ensure that they have a written grievance procedure that encourages employees to raise issues about their working environment informally to their manager or to HR. If clear procedures are in place, this can help to bring issues to the employer's attention before things get out of hand.

Furthermore, regular one-to-ones between managers and their team members will create a climate where employees are encouraged to be open and to talk about any problems they have at work. Employers should train managers on how to spot signs of conflict at an early stage (for example, dips in productivity, one employee

## HANDLING A DISMISSAL IN THE UK

If the employer has explored all avenues to try to resolve the conflict, there may be no alternative but to dismiss an employee. In personality-clash situations where there is no actual misconduct, the dismissal can be justified on the grounds of 'some other substantial reason', which is a potentially fair reason under section 98 of the Employment Rights Act 1996. To be fair, however, the conflict has to be causing substantial disruption to the employer's business. In one reported case, an employee's frank discussions about her sex life offended some female employees and had led to an unbearably tense atmosphere in the workplace. The Employment Appeal Tribunal held the employee's dismissal to be fair, since it found that this atmosphere was seriously affecting the employer's business. The respondent's business was small and it had no real alternative but to dismiss her in the circumstances. The outcome would have been different if there was no evidence of any disruption and the employer's size and resources meant that the employee could be moved elsewhere.

A tribunal will expect to see that the employer has taken all reasonable steps to resolve the conflict without resorting to dismissal and that the employee in question has been told about the effect of their behaviour and



the potential consequences if it does not change, before ruling a dismissal fair.

A tribunal will also consider the position that the dismissed employee held when deciding whether the dismissal was fair

in all the circumstances. Therefore, different types of reason could justify the dismissal of the office junior, for example, from those that could justify the dismissal of a senior manager. In a Court of Appeal case, the claimant had worked for his employer for more than 16 years as an FD, and his competence was not in dispute. It was his management style – described as “aloof, stubborn and at times intimidating” – that was the problem. During the disciplinary proceedings, he launched a verbal attack on the CEO. Although his employer did not follow a perfect process in dismissing him, the court acknowledged that this was an employee who “was in a senior position and could not work harmoniously with colleagues and outsiders with whom a good working relationship was essential”.

It may well be more difficult to dismiss for personality clashes where the friction is due to employees' conflicting views (as opposed to one employee's conduct or attitude), particularly where the views are based on a belief that is protected under discrimination law.

withdrawing from colleagues or taking unusual amounts of sick leave) and on how to handle difficult conversations. If employees feel able to talk openly to their manager, problems with colleagues can often be nipped in the bud before a formal grievance is raised.

The first step for an employer when faced with a clash of personalities in the workplace is to take steps to resolve the problem informally. In an ideal world, the employer will be able to sit down with the individuals involved and talk through the issues to try to understand both sides. It may be that just talking through the difficulties will resolve the problem, especially if one party has not realised how their behaviour or actions have affected colleagues. Managers can act as mediators to encourage those involved in a personality clash to discuss what positive steps can be taken by each of them to sort out the problems.

If a formal grievance has been raised, this should be dealt with promptly and an appropriate investigation carried out. If it appears that an employee's behaviour could amount to bullying or

harassment, the employer may consider taking disciplinary action. As with any potential disciplinary hearing, it is essential that employers carry out a full investigation to get the full picture before deciding whether any further action needs to be taken against the employee or employees. Dismissal for misconduct would only be appropriate in the most serious of cases – in other situations, an informal or formal warning could be justified, with a clear message that the behaviour is not acceptable and should not be repeated.

In many cases, there will not be any 'misconduct' as such; it is simply that employees have different views or different personalities and this has led to conflict and a breakdown in relations. If this is the case, and the problem cannot be resolved informally, it may be necessary to put in place a more formal procedure to manage the issue. Managers should hold individual meetings with all parties involved to explain how the issue is affecting the business and other employees and to explain that it

cannot be allowed to continue. If attempts to mediate have failed, the employer should look at whether certain employees can be redeployed to different teams or a different role or whether their working patterns could change so that they do not work the same shifts. If redeployment or a change in hours is possible, this will need to be handled carefully to avoid constructive dismissal claims from the employees (see box, above).

The key to managing employee clashes effectively is to try to prevent problems escalating, by encouraging early communication and to then take positive and prompt action when issues do arise. ♡



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