

GRIEVANCE MANAGEMENT: A STEP TOWARDS JUSTICE

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Abstract:

Within the human being there exist both satisfaction and dissatisfaction. No one could be fully satisfied with all the issues surrounding an individual. Grievance is the feeling of dissatisfaction of an employee in employment context. Employees file grievance on petty as well as important concerns. So the management is obliged to set up an effective grievance redressal procedure in the organization. This research paper focuses on the grievance management procedure being followed in India to provide justice to the employees.

KEYWORDS:

Grievance Management , employment context , satisfaction and dissatisfaction.

INTRODUCTION

A grievance may be defined as a complaint expressed verbally or in writing where an employee feels injustice has been done to him by the management. Usually, a complaint based on interpretation or application of the provisions of negotiated contract between the union and management constitutes a grievance (Khanka, 2014, p. 266). There may be three types of grievances: 1) Factual: A factual grievance originates because of non-fulfillment of any genuine cause such as poor working conditions, lack of basic safety measures, forced overtime, etc. 2) Imaginary: An imaginary grievance originates because of invalid causes, wrong perception, wrong attitude or misleading information. 3) Disguised: A disguised grievance originates not from employee himself but it originates from immediate surroundings. This type of grievance is result of employee's inability to cope up with certain situation but it also affects job performance significantly and therefore, management must provide employee assistance programs and counseling facilities to its employees (Deb, 2009, pp. 514-515). There may be several reasons for grievances i.e. inadequate wage determination, violation of human rights, discrimination, poor working conditions, poor managerial support, etc.

NEED FOR GRIEVANCE MANAGEMENT SYSTEMS:

Grievance management is an integral component of industrial relations. Industrial relations describe the relationship between workers and the management. It is concerned with the administration of the employment function and involves harmonious relationship with workers, unions and government (Deb, 2009, p. 526). Employees in the workplace respond positively if they are fairly treated. A sense of injustice perturbs their physical and emotional behavior which in turn affects the organizational efficiency adversely. Employee work-related concerns and grievances which are not promptly and effectively resolved can lead to: lower productivity, lower quality work, products and customer services, distraction from corporate goals, loss of confidence and communication between employees, managers and supervisors, low morale and job satisfaction which can lead to industrial problems, increased absenteeism and increased staff turnover, loss of reputation as an employer and service provider, loss of reputation to the employee, lost working time of everyone involved in dealing with a complaint and the potential for legal action and damages (Public Service Commission, 1996) So it is the duty of management to set up an

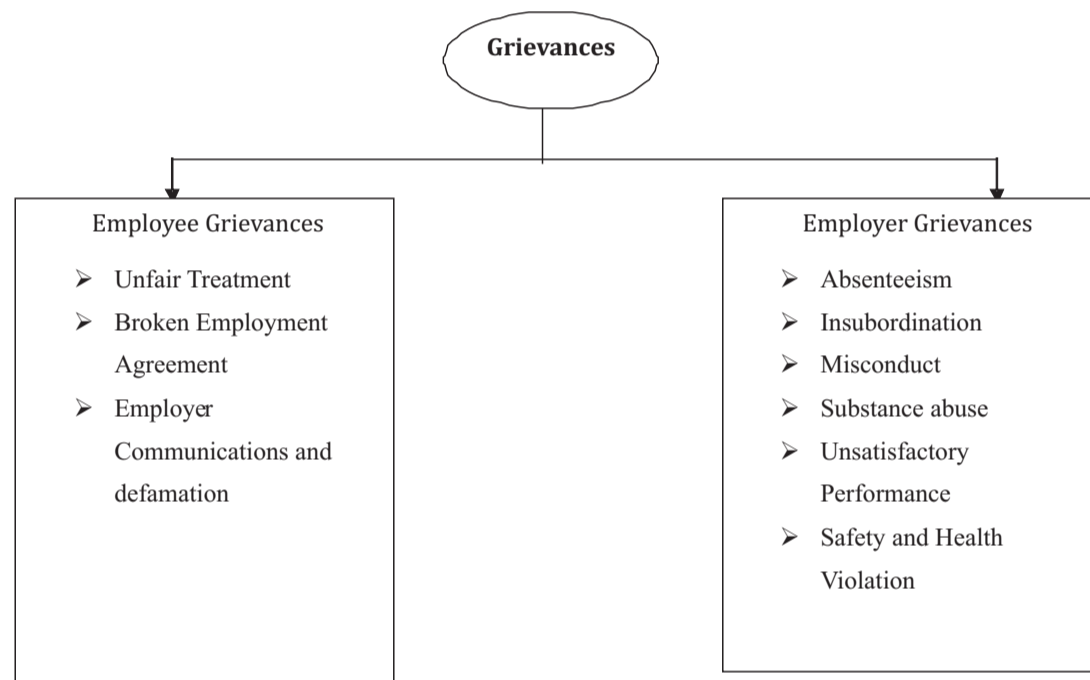
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effective grievance management system for the settlement of their discrepancies. It is not possible that all the complaints of the employees are settled at the first level. Grievance management systems render industrial justice to the victims. The use of grievance procedures institutionalizes conflict by providing an orderly means of settlement of grievances. Students of workplace relations have long recognized the importance to both managers and workers of effective grievance administration (Nurse & Devonish, 2007).

TWO SIDES OF A COIN:

Employee and the Employer both are the two sides of a coin. Both of them may have their own unsettled issues which may be categorized under the term 'Grievances'. Most employment disputes have two sides (Westen & Felieu, 1988, p. 42). 1) Employee Grievances: Some of the most common complaints of employees include unfair treatment by the employer, broken employment agreement, and employer communications and defamation. 2) Employer Grievances: The most common employers' complaints can be categorized under the headings of absenteeism, insubordination, misconduct, substance abuse, unsatisfactory performance, and safety and health violations (Hunter & Kleiner, 1988, p. 88).



IDENTIFYING THE GRIEVANCES:

Exit Interviews: With the exception of employees who are dismissed, departing individuals are, as a general rule, more than happy to co-operate, often viewing a request to “download” their experiences as an appreciative valedictory gesture on the part of their employer. While an exit interview appears to be little more than a conversation between two people, its effective utility necessitates it being professionally researched, scripted and edited to ensure its content, clarity, continuity and readability (Kransdorff, 1995).

Gripe Boxes: A gripe box can be kept at a conspicuous place in the organization so that any employee having any grievance, dissatisfaction or complaints can lodge anonymous complaints. Since the complainant need not disclose his identity, an employee can express his dissatisfaction or problem freely and frankly without any apprehension or fear (Deb, 2009, p. 520).

Opinion Surveys: Group meetings, periodicals, interviews with the employees, collective bargaining sessions are some means through which one can get information about employees' dissatisfaction before it turns into a grievance (Tripathy & Kapoor, 2000, p. 161).

Observation: The behavior of the employee may be directly observed by the immediate supervisor. He may get the initial signs of the dissatisfaction of the employee and may solve the problem before it turns to a

grievance.

Writing a Grievance:

It is the responsibility of steward to formally record and present the grievance before the union. In order to write a grievance, the six W's concept is followed. They are: WHO, WHEN, WHERE, WHY, WHAT and WITNESSES.

1. Who: - Is involved in the grievance. It includes employees, supervisors and witnesses involved in the grievance.
2. When: - It describes when did the grievance actually takes place.
3. Where: - It refers to the place where the grievance takes place.
4. Why: - It refers to the reason that why the complaint is regarded as a grievance. It describes statement of grievance that which rule, laws or rights are violated.
5. What: - What would be the corrective actions/ remedy to the problem. It describes the necessary steps to be taken for the redressal of the grievance recorded.
6. Witnesses: - The names and the further details of the witnesses involved are also recorded.

Settlement of Grievances in Indian Industry:

Present enactments which only indirectly deal with the redressal of individual grievances are the Industrial Employment (Standing Orders) Act, 1946; the Factories Act, 1948; and the Industrial Disputes Act, 1947 (Tripathi & Kapoor, 2000, p. 165).

1. The Industrial Employment (Standing Orders) Act, 1946 provides that in every establishment with 100 or more workers, all complaints arising out of employment shall be submitted to the officer designated on this behalf, with the right of appeal to the employer (Khanka, 2014, p. 271)
2. The Factories Act, 1948 provides for the appointment of welfare officers in every factory wherein 500 or more workers are ordinarily employed (Tripathy & Kapoor, 2000, p. 165)
3. The Industrial Disputes Act, 1947 provides following provisions in order in regard to grievance settlement:
 - a) A Grievance Settlement Authority will be set up in every industrial establishment wherein 50 or more workers are ordinarily employed.
 - b) As and when an industrial dispute arises in such establishments, the worker may refer his or her dispute to the Grievance Settlement Authority for its settlement.
 - c) The Grievance Settlement Authority will process the matter within specified period prescribed for this purpose.
 - d) A grievance may be referred to Boards, Courts or Tribunals only after it is already referred to the Grievance Settlement Authority or the decision taken by the authority is not acceptable to the either of the parties (Khanka, 2014, p. 273)

Grievance Procedure Styles:

Grievance procedure is a formal communication between an employee and the management designed for the settlement of a grievance. A grievance management procedure is a graduated series of steps arranged in hierarchy of increasing complexity and involvement (Suri & Chhabra, 2009, p. 445). Earlier the most disciplinary procedures had a four stage pattern of oral (verbal) warning, first written warning, final written warning, and dismissal (with the option of unpaid suspension for defined numbers of days in some cases) (Goodman, Earnshaw, Marchington & Harrison, 1998). Grievance procedure is a problem solving, dispute setting machinery which has been set up following an agreement between labour and management (Sharma, 1997). Mainly two types of procedures are followed by the companies to handle the grievances:

1. Open Door Policy: Under this policy the concerned employee is always free to step into the room of the manager/top executives to get his complaint redressed. It is an informal way to solve the grievance of the employees and make them comfortable and satisfied. Such a policy is usually followed in the small organizations. In large organization the top executives don't have the time to devote on employees' grievances, while they have to focus over the other critical issues.

2. Step-Ladder Policy: Under this policy an employee has to follow a step by step procedure to get his

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grievance redressed. In case of any grievance an employee has to present it in front of his immediate supervisor. In case he is not satisfied then a lengthy procedure is followed for the redressal of his grievance until his satisfaction is achieved. A formal structure is designed by the organization to handle the grievances and provide justice to the parties involved. The number of steps in grievance procedure varies with the nature structure and size of organization (Suri & Chhabra, 2009, p. 445).

Grievance Handling Procedure:

A system and a procedure evolved to settle grievances of employees in an organization are known as grievance handling procedure (Deb, 2009, p. 516). The dispute should be resolved in the earliest possible stages of dispute resolution. The controversial and adversarial nature of the dispute between the contracting parties increase, as well as the consumption of cost or resources and time, once a higher stage of dispute resolution is applied (Chong & Zin, 2012).

Step-1:

The aggrieved worker in the first instance will approach the foreman and tell him of his grievances orally. He has to redress his grievance and if the worker is not satisfied with this redressal, he can approach the supervisor. The Supervisor has to provide an answer within 48 hours. In the event of the supervisor not giving an answer or the answer not being acceptable to the worker, the worker goes to the next step (Mukta, 2011).

Step-2:

If the departmental representative fails to satisfy the employee, the aggrieved employee can take his grievance to head of the department, who has to give his decision within 3 days.

Step-3:

If the aggrieved employee is still not satisfied with the decision of departmental head, he can take the grievance to Grievance Committee. The Grievance Committee makes its recommendations to the manager within 7 days in the form of a report. The employee would be informed about the recommendation within three days (Tiwari, 2011).

Step-4:

If the Grievance Committee fails to take a decision within the stipulated period or the employee is not satisfied with the decision, he can make an appeal for revision to management. The management must communicate its decision to the worker within 7 days.

Step-5:

If the grievance is not settled or the employee is not satisfied with the solution given at fourth level of management, then the grievance is referred to voluntary arbitration (Deb, 2009, p. 517)
Arbitrators are usually selected through some type of formal process in which the disputing parties exercise some degree of choice in determining who the third-party neutral will be (Houghton, Elkin, & Stevenson, 2013).

Grievance Procedure adopted by (TISCO):

Established in 1907 as Asia's first integrated private sector steel company, Tata Steel Group is among the top-ten global steel companies with an annual crude steel capacity of over 29 million tonnes per annum. It is now the world's second-most geographically-diversified steel producer, with operations in 26 countries and a commercial presence in over 50 countries. The Tata Steel Group, with a turnover of US\$ 24.82 billion in FY 13, has over 80,000 employees across five continents and is a Fortune 500 company. In 2008, Tata Steel India became the first integrated steel plant in the world, outside Japan, to be awarded the Deming Application Prize 2008 for excellence in Total Quality Management. In 2012, Tata Steel became the first integrated steel company in the world, outside Japan, to win the Deming Grand Prize 2012 instituted by the Japanese Union of Scientists and Engineers (Tata Steel, 2014).

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TISCO adopts a three stage Grievance Management Procedure mentioned in Corporate Sustainability Report (2003-04); Annexure-IV, as follows:

Stage-1:

1) If an employee has a grievance, he should meet his shift-in-charge or equivalent and talk it over with him. In cases of appeal against punishments excluding suspension, discharge or dismissal, the employee should meet his General Foreman or equivalent. If necessary he should obtain a copy of Grievance Form-I. This should be filled in and submitted within one week of the date on which he knew the facts, on the basis of which the grievance has arisen, except that in the case of promotions a time limit of six weeks from the date of the promotion in question will be allowed.

2) The grievance form should be handed over to the shift-in-charge, General Foreman or equivalent, as the case may be, who will arrange to issue an acknowledgement receipt. He will make the necessary enquiries and return the form to the employee concerned with his remarks in the space provided for this purpose or, with the remarks of the head of the department (where the matter is beyond the jurisdiction of the General Foreman or the shift-in-charge or equivalent), within the next two working days from the receipt of the form. If so desired, the employee can take the help of the Union representative in presenting or discussing the case at this and/or the next stage.

Stage-2:

1) If the employee is not satisfied with the reply at stage one, he may obtain from the General Foreman or the shift-in-charge or equivalent, as the case may be, a copy of Grievance Form-II, enter therein the reasons for reconsideration of the case, and submit this form to the head of his department within three working days of the receipt of the reply at stage one and obtain an acknowledgement receipt thereof.

2) Appeals against suspension should be addressed to the head of the department on Grievance Form-II or on ordinary paper, within seven days of the receipt of orders or after the last date of suspension, whichever is later, and these will be considered at stage two, in the first instance

3) The head of the department will discuss the issue with the employee and the supervisor concerned and return this Form with his remarks within three working days of receipt of the Form.

Stage-3:

1) If the employee is still not satisfied with the reply, he may appeal to the Chairman of the Zonal Works Committee concerned, on Grievance Form-III, within seven working days of the receipt of the reply at stage two.

2) The decision reached by the management after due consideration of the recommendations of the Zonal Works Committee will be communicated to the employee on Grievance Form-III through proper channels. The Zonal Works Committee's unanimous recommendations, to which the Management or the Union raises no objection within 10 days of the receipt of such recommendations, shall be final.

3) Where such recommendations are not unanimous or have not been accepted by the management or the Union, the Zonal Works Committee will refer the case to the Central Works Committee or the Special Central Works Committee for consideration. If this committee also does not reach to a unanimous decision, the matter is referred to the chairman of the company. His or her decision is final and binding on both the parties (Khanka, 2014, p. 270)

CONCLUSION:

The grievance redressal mechanism is an integral part of any organization. Due to increased awareness and legitimate support by the government, the employees have become more sensitive towards the redressal of their grievances. In small organizations grievances may be resolved informally but in large organizations a well defined Grievance Redressal mechanism is established to ensure healthy and satisfied atmosphere. The grievance handling procedure should be simple, transparent and prompt enough so that every employee can be benefited. The working of grievance procedure must be regularly monitored so that necessary changes can be made to make it more effective.

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