



An Overview of Grievance Management in Indian Small-Scale Organizations

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Abstract:

In their working lives, employees occasionally have cause to be uncomfortable, disappointed or aggrieved either about certain managerial decisions, practices or service conditions. The question then is whether this particular symptom or feeling is given any attention or is ignored altogether. What are the pros or cons of each of the approaches? To a large extent, the approach will be governed by several variables such as the style of management, size of the enterprise, level of education of workforce, technology of the plant and extent of unionization of workforce.

Keywords: Employees, grievance, labour, management, workforce

INTRODUCTIUON

Organisations are a part of society and employee has certain expectations which must be fulfilled by the organisation where he is working. Due to different social background and various psychological factors employees occasionally have to be uncomfortable or aggrieved about certain managerial decisions, practices or service conditions.

In some cases, the employees have complaints against their employers, while in others it is the employers who have a grievance against their employees. For smooth selling of the organisation, it is necessary to pay immediate attention on these grievances and complaints. A grievance can be defined as an employee's dissatisfaction or feeling of personal injustice relating to his or her employment relationship. This feeling does not have to be expressed to become a grievance or neither does it have to be true or correct. A feeling that arises from imaginary conditions or from incorrect reasoning is still a grievance if it causes a feeling of injustice.

Since 1956–1958, when the standing committee of the Indian Labour Conference submitted a draught on the various aspects of a grievance procedure, the government of India has been pleading for the establishment of grievance machinery at the plant level. A national labour commission. A model grievance procedure and the form of grievances were also outlined by the tripartite body that the government established in 1969. This is still only a suggestion at this point and not yet a law. In reality, the government apparatus can only suggest the grievance procedure; the formal adoption or rejection of the method rests with the respective managements of each firm. It must be noted, though, that there are very many instances in India today where the corporate management and union, through the collective

bargaining process, have adopted the grievance procedure.

One of the more crucial channels for employees to voice their unhappiness is the grievance process. Additionally, it gives management a way to monitor key diagnostic information on the state of the organization's health. There are other ways to achieve this as well, including a decrease in output (other things being equal), a change in a person's work habits, and a different approach to the job itself. Statistical indices like absenteeism rates, accident data, transfer requests, the number of disciplinary cases, and separations and quits, when combined and examined for patterns, may also be instructive. Besides, there are some employees who by nature are not forthcoming and hence may not like to avail the grievance machinery; in such cases these indexes have an added justification. Nevertheless, rather than wait only for the grievance mechanism to indicate the state of the organization's health. The management could use the above indexes in conjunction with the grievance procedure to anticipate problem areas and take corrective action, or introduce new policies, as the situation may demand.

Whether this channel of upward communication will, in the first instance, be implemented will depend on the management's approach, the extent of unionization, and the union's strength in each particular plant.

The following are the proactive methods of addressing grievances:

1. Exit Interview

Information collected from the exiting employee on various aspects of working conditions forcing him to quit is supposed to be more credible than those expressed by the existing workers.

2. Gripe Box System:

Employees may be encouraged to drop anonymous complaints as they may fear that their identity may invite victimisation especially when they complain against the management. This method is more appropriate when there is lack of trust and understanding between employees and their supervisors.

3. Opinion Survey:

Various surveys line morale survey, attitude survey, job satisfaction survey, grievance survey or comprehensive survey comprising all the above aspects, reveal vital inputs about the negative aspects of functioning of the organization. Since the survey is conducted by persons other than the supervisor and the respondent's identify is not insisted upon, information collected is likely to be reliable.

4. Meetings:

Group meeting, periodical interviews, collective bargaining sessions, informal get-togethers may be used to collect information about grievances.

5. Open-Door Policy:

Under this policy any employee can lodge complaint or file his grievance with the manager designated for this purpose. The very objective of this policy is to encourage upward communication.

Nature and Causes of Grievances In Industry:

Grievance Resulting from Working Conditions: Improper matching of the worker with the job. Changes in the schedules and procedures.

- Non-availability of proper tools, machines and equipment for doing the job. Tight production standards.
- Bad physical conditions of workplace.
- Failure to maintain discipline (excessive discipline or lack of it, both are equally harmful). Poor relationship with the supervisor.

Grievance Resulting from Management Policy :

- Wages, payment and job rates, Leave,
- Overtime, Seniority, Transfer,
- Promotion, Demotion and discharges,
- Lack of career planning and employment development plan, Hostility towards a labour union.

Grievance Resulting From Alleged Violation of: The collective bargaining agreement Central or state Laws

- Past Practices Company rules Management's responsibility

Grievance Resulting from personal maladjustment:

- Over-ambition Excessive self-esteem Impractical attitude to life etc

Personnel Manager and Grievances Handling:

A grievance handling machinery is the method by which a grievance is filed and carried through different steps to an ultimate decision. Therefore, every organisation needs a permanent procedure for handling grievances. There are many common features in the procedures through which disputes involving aggrieved employees may be resolved.

However, variations may result from such factor as differences in an organisational policies or decision making structures or the size of the organisation. Larger organisation tends to have more formal procedure involving a succession of steps.

The most common grievance procedure is in four steps which is explained below:

Ist Step:

The first step involves a presentation of the employee's grievance to the immediate supervisor because he is the first step of the ladder. If the organisation is unionized, a representation of the union may also join him. This step offers the greatest potential for improved labour relations. The large number of grievances are settled at this stage but grievance, which are related to the issue of policies of the organisation are beyond the limit of supervisor, then the aggrieved moves to next step.

IInd Step:

If the employee is not satisfied with decision of 1st step or fails to receive an answer within the stipulated period, he shall, either in person or accompanied by his departmental representative if required, present his grievance to the head of department designated by the management for the purpose of handling grievance. (A fixed time shall be specified during which of any working day, aggrieved employee could meet the departmental head for presentation of grievances).

The departmental head shall give his answer within three days of presentation of his grievance. If the action cannot be taken within that period, the reason for the delay should be recorded.

IIIrd Step:

If the decision of the departmental head is unsatisfactory the aggrieved employee may request for forwarding of his grievance to the Grievance Committee which shall make its recommendations to the manager within seven days of the employee's request. If the recommendations cannot be made within the time limit, the reason for such delay should be recorded. The unanimous recommendations of the grievance

committee, the views of the members and the relevant papers shall be placed before the manager for final decision.

In either case, the final decision of the management shall be communicated to the concerned employee by the personnel officer within three days from the receipt of the Grievance Committee recommendations.

IVth Step:

If the decision of the management is not communicated to the employee within stipulated period or if it is unsatisfactory for him, he shall have right to appeal to the management for revision., if he so desires, he shall have the right to take a union official along with him to facilitate discussion with management. Management shall communicate its decision to him within a week of the presentation of the employee's revised petition.

Vth Step:

If no agreement is possible, the union and the management may refer the grievance to voluntary arbitration within a week from the date of the receipt by the employee of the management's decision.

The formal conciliation machinery shall not intervene till all the steps in the model grievance procedure have been exhausted. A grievance shall be presumed to assume the form of a dispute only when the final decision of the top management in this respect is not acceptable to the employee.

Further, in case of any grievance arising out of discharge or dismissal of an employee, the above mentioned procedure shall not apply. Discharge or Dismissed employee shall have the right to appeal either to dismissing authority or to a superior authority who shall be specified by the management within a week from the date of dismissal discharge.

At present, Indian industries are using either the Model Grievance Procedure or procedures formulated by themselves with certain modifications in the Model Grievance Procedure as per their requirements. In general the grievance procedures are voluntary in nature constitution of the Grievance Committee.

Reasons for Adopting a Grievance handling procedure:

Most complaints cause the employees great distress. Their productivity, morale, and willingness to work with the company may all be impacted by this. In the event that a volatile scenario arises, existing grievance management procedures will allow for fast intervention.

First-line supervisors may not have the required training for the job and may lack the authority, thus it is unlikely that they will be able to resolve all of the employee issues. Additionally, personality issues and other factors could be to blame.

Because managers are aware that workers are likely to ensure that their protest does reach higher management, it acts as a check on their arbitrary behaviour.

It provides a vent for complaints, unhappiness, and irritation among employees. It functions much like a steam boiler's pressure valve. The grievance redressal system, which also serves as a channel of upward communication, affords employees the protection of the legislative, executive, and judicial branches of government.

Subject, of course, to its legal and moral obligations and the agreements it has made with its employees or their representative trade union, management is free to run the company however it sees fit. However, if the trade union or the employees are unhappy with the management's methods, they can file a complaint using the process established for that reason.

Basic Elements of Grievance Handling Procedure:

The existence of a sound channel through which a grievance may pass for redressal if the previous stage or channel has been found to be inadequate, unsatisfactory or unacceptable. This stage may comprise three, four or five sub stages.

The procedure should be simple, definite and prompt, for any complexity or vagueness or delay may lead to an aggrieved of the dissatisfaction of the aggrieved employee.

The steps in handling the grievance should be clearly defined. These should comprise:

- Receiving and defining the nature of the grievance;
- Getting at the relevant facts about the grievance;
- Analyzing the facts, after taking into consideration the economic, social, psychological and legal issues involved in them;
- Taking an appropriate decision about the aggrieved employee;
- Communicating the decision to the aggrieved employee.
- Whatever the decision, it should be followed up in order that the reaction to the decision may be known and in order to determine whether the issue has been closed or not.

Grievance Management – Grievance Procedure (Features and Benefits of Grievance Procedure)

i. Conformity with Existing Legislation:

The procedure should be designed to supplement the existing statutory provisions. Where practicable the procedure can make use of such machinery as the law might have already provided for.

ii. Acceptability:

Everybody must accept the grievance procedure. In order to be generally acceptable it must ensure (a) a sense of fair-play and justice to the worker, (b) Reasonable exercise of authority to manager, (c) Adequate participation of the union.

iii. Simplicity:

The procedure should be simple enough to be understood by every employee. The steps should be as few as possible. Channels for handling grievances should be carefully developed. Employees must know the authorities to be contacted at various levels. Information about procedure can be thoroughly disseminated among all employees through pictures.

iv. Promptness:

The grievance should be speedily settled. Justice delayed is justice denied. The procedure should aim at a rapid disposal of the grievance.

The executives can achieve this by incorporating the following features in procedure:

- (a) The grievances should be settled at the lowest possible level.
- (b) No matter should ordinarily be taken up at more than two levels.

(c) Different types of grievances may be referred to appropriate authorities. It may be useful to classify grievances as those arising from personnel relationship and others arising out of conditions of employment. In the former case, a grievance should be taken up in first instance, with the authority in the line management immediately above the officer against whom the complaint is made.

Thereafter, the matter may go to the grievance committee comprising representatives of management and worker. Other grievances should be taken up in the first instance with the authority designated by the management. Thereafter, a reference may be made to the grievance committee and finally to the top management.

(d) Time limit should be fixed at each step and it should be rigidly followed at each level.

v. Training:

In order to ensure effective working of the grievance procedure it is necessary that supervisors and the union representatives be given training in grievance handling.

vi. Follow-up:

The working of the procedure should be reviewed periodically by the personnel department and necessary structural changes introduced to make it more effective.

Benefits of a Grievance Procedure:

- i. A grievance procedure brings grievances into the open so that management can know about them and try corrective action.
- ii. It helps in preventing grievances from becoming serious. The management finds an opportunity to catch and solves a grievance before it becomes a dispute.
- iii. It provides employees a formalized means of emotional release for their dissatisfactions. Even if a worker does not use the grievance system for his own emotional release in a particular situation, he feels better because he knows the system is there to use if he wants to do so. It builds within him sense of emotional security.
- iv. It assists in establishing and maintaining a work culture of the organization. As problems are interpreted in the grievance procedure, the group learns how it is expected to respond to the established policies.
- v. Arbitrary and capricious management actions get checked upon. When a manager knows that his actions are subject to challenge and review in a grievance system he becomes more careful in taking his decisions.

Legislations Dealing With Grievance in India:

In Indian industry, adequate attention has not been paid to the settlement of grievance. Legislative framework deals only indirectly with the redressal of individual grievance. At present, there are three legislation dealing with grievance of employee working in industries. They are:

1. The Industrial Employment (standing orders) Act 1946.
2. The Factories Act 1948.
3. The Industrial Disputes Act 1947.

The Industrial Employment (standing orders) Act 1946

Requires that every establishment employing 100 or more workers should frame standing orders. These should contain, among other things, a provision for redressal of grievance of workers against unfair treatment and wrongful exactions by employer or his agents.

The Factories Act 1948

The Factories Act 1948 provides for the appointment of a welfare officer in every factory ordinarily employing 500 or more workers. These welfare officers also look after complaints and grievance of workers. However, these provisions are not useful due to the dual role which these officers are called upon to play.

The Industrial Disputes Act 1947

Every industrial enterprise with fifty or more employees must have a grievance resolution authority provided by the employer. A worker or any worker trade union of which that worker is a member may refer an industrial dispute involving that specific worker in the establishment in question to the grievance settlement body for resolution.

The grievance settlement authority must adhere to the defined process and finish its actions within the allotted time. Any disagreement mentioned in this section must first be referred to the grievance mediation process before being mentioned to boards, courts, or tribunals.

Any of the disputing parties find the authority in question and its ruling unacceptable. The term "industrial dispute" refers to all disagreements between an industrial workman and his employer connected with organising out of his discharge, dismissal, retrenchment, or termination under section 2 — A of the Industrial Dispute Act, which was added to the act by a 1965 amendment. This is true even if no other worker, no union, or any other worker is a party to the dispute. This clause has the result that future worker industrial grievances of the kind mentioned above will be able to go via the resolution mechanisms made available by the act.

Conclusion

Due to a lack of statutory support, the grievance procedure machinery adopted by the Indian Labour Conference in 1957 did not function efficiently. The Industrial Disputes Act was amended by the government in 1982 to include a statutory grievance procedure in workplaces with 50 or more employees. However, the government has not yet announced this change because a tripartite meeting determined that the legal provision was cumbersome and ineffective. The employers now want the grievance process to be rendered ineffective by notifying them of this alteration.

Today, the courts have the authority to excuse a union's justified delay in submitting a lawsuit. The employers now want that limit of three years should be fixed beyond which no claim should be entertained by the courts. The employers also want to keep only one year limit for filing claim of recovery of dues though the delay is due to the dilatory tactics by the employers.

The Industrial Disputes Act's Section 11-A allows the Industrial Tribunal or the Labour Courts to request a change in the sentence. This section is offered as a result of the management's arbitrary punishments, which included holding false domestic investigations. The management also wants to do rid of this portion. In the event that the employers choose to appeal the judgement in higher courts, Section 17-B of the Act provides for the automatic payment of the last drawn wages of the employees. The employers now want to void the worker's protections and stop paying salaries. Worker protests include "work to rule" and "mass casual leave," which are used when management uses dilatory tactics to address workers' valid complaints but acts against the workers when they arbitrarily alter work procedures under the guise of "go-slow." Employers now want to outlaw these kind of actions, and to

support their arguments, they even cite a Supreme Court decision. They even turn to non-payment of the electricity bill and shut down the operation of the unit in an effort to protect their right to arbitrarily proclaim layoffs, lockouts, or closures.

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