

MANAGING EMPLOYEES GRIEVANCES BY EMPLOYERS

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Abstract:

As explained in the specialty doctrine, procedures form the set of principles and rules from and with the help of which, employment relations should be conducted, but they also represent operational mechanisms used by the parties in treating various problems that arise every day.

It is common that large organizations have a set of procedures which draw most, if not, all areas of interest for both parties, such as: union recognition, individual representation, negotiation and dispute settling procedures, consulting procedures, settling grievances procedures, dismissal procedures, disciplinary procedures, performance appraisal procedures, promotion and transfer procedures, etc.

In many countries there are laws that require the existence of such procedures, although it is unlikely that the law will apply in all cases mentioned above.

This material addresses only one of these procedures and that is forming and solving employee complaints procedure and a practical review for this procedure applied in some Romanian organizations.

Key words: employer, employees, procedures, grievance,

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INTRODUCTION

One of the many problems most organizations are facing today is that of collective labor conflicts and individual conflicts that arise between individual employees and their managers, the latter being known collectively as labor complaint.

If we consider that in a year one in ten employers is faced with collective conflicts, when talking about complaints the situation is different in the sense that almost no employer is free of such disputes during the 12 months (Cole, 1997).

Formulation and resolution of the complaint procedure, taking into account the existing legislation and agreements developed jointly by management and employees on this form of individual conflict is summarized throughout this material.

1. THE NOTION AND IMPORTANCE OF PROCEDURES IN MANAGING EMPLOYEE RELATIONS

1.1. NOTION

Procedures are defined as "deliberate official statements" that support organizational goals. They are the official way in which companies spread their methods as a motif of acceptable practices (Sisson and Storey 2000).

Some specialist authors (Armstrong, 2001) define the procedures used in human resource management as how executives and managers should act when they apply certain measures affecting the company's employees. They actually make up the methodology as applied in solving specific problems, related to policy and practice on human resources.

Procedures emphasize details regarding the way to enact a policy. For example, having a policy of "rewarding those who get good results", requires a direction in policy implementation by managers, such as criteria for promotion or how much they can reward a person (Marchington and Wilkinson, 2005).

Procedures form the set of principles and rules from which and through which employment relationship should be conducted, but they are also the operational mechanisms used by the parties in treating various problems arising day by day. For example, complaints procedure should inform

and guide the parties regarding the rights and obligations of both the employee and management, should inform employees of the competent person to resolve the complaint, the response time of communication from the employer, a.s.o.

Hawkins (1979) claimed that the procedures in the agreement could be regarded as a voluntary code of conduct that imposes restrictions on the use of power by the parties, although it should be noted that the parties may have already used this power to reach an agreement regarding procedures.

Procedures are often seen as a product of labor relations environment in the 60s and 70s when there was a more explicit struggle for control in the workplace. This had two main effects. First, it produced the need for clear procedures so that all employees knew the rules of work and actions that could be taken against them if these rules were violated. Secondly, it led to greater clarity and consistency of management actions (Marchington and Wilkinson, 2005).

In contrast, the influence of trade unions is currently weak and managers have greater freedom in avoiding the so-called rules of "bureaucracy" that is supposed to constrain their ability to manage. Moreover, as the main activities of most HR practitioners have moved from employee relations to employee development, financing and rewarding the employee, the main directions to management actions are seen as a business need, flexibility and commitment, rather than joining the rules and procedures (Storey 2001). Prior applications for consistency, compromise and regulations have been replaced by a new language of customers' competitiveness and commitment.

It is common that large organizations have a set of procedures that draws the majority, if not even all areas and circumstances described below (Leat, 2007):

- Recognition of the union, individual representation, negotiation and settling conflict procedures;
- Procedures for consultation and joint/collective agreements
- Procedures for settling grievances
- Dismissal procedures
- Disciplinary procedures and/or dismissal procedures
- Performance appraisal procedures
- Implementation and operation of pay systems
- Job evaluation procedures
- Promotion and transfer procedures
- Objectivity in the treatment of employees, access and harassment
- Procedures governing the introduction of new technologies and work practices.

Small firms are less likely to have formal policies and procedures. Owners seldom have specialized knowledge necessary to build these rules or the inspiration/resources to hire professionals for this. The owner will probably work with or in close proximity to the employee in the same manner that he will deal with the management itself and labor relations (Ram 1994). This creates the advantage of obtaining a level of "teamwork" (Goss 1991) but team's analogy is vulnerable when the owner authority must be reinforced. Evidence will show that, instead of the risk to stop "team's" environment, small business owners resist using the official policies or practices, preferring instead a negotiated solution to the problems of employment, which avoids the obvious conflict or disagreement at work (Marlow 2002). This unofficiality is now being tested by European Directives and recent legislation relating to employment which stipulates how the typical small business managers work (Marlow 2002).

Also, many countries have laws which require the existence of these procedures, although it is unlikely that the law should apply in all cases mentioned above. In some cases, the law clearly states which procedures should be minimal. EU member states, for example, are challenged by law at European level to ensure that organizations that are hiring have clear procedures regarding:

- Establishing health and safety committees and procedural and consulting rights of labor protection representative;
- Consultation of employee representative in the case of collective redundancies and/or transfer of tasks;

- Information and consultation of employee representatives at European and national level to treat a wide range of organizational issues and specific circumstances;
- Preventing discrimination on various factors including gender, nationality, race or ethnicity, religion, sexual orientation and age.

In all these cases, parties are encouraged to reach their own procedural agreements and to introduce and implement procedures to comply with their own conditions and preferences, as long as the minimal conditions imposed by legal provisions are respected.

1.2. IMPORTANCE AND JUSTIFICATION OF PROCEDURES

Marchington and Wilkinson (1996) identified a number of reasons employers implement procedures in relations with employees:

1. They help to clarify relations between the parties within the organization.
2. Procedures focus conflict within predetermined mechanisms and thus help in solving them, creating a framework for good relations between employees. Notice that there are similarities here with the pluralistic approach in regard to the question "what is good industrial relations or between employees"
3. They provide mechanisms for settling conflicts by identifying the position or the person having the responsibility to solve the problem at first instance and also clarify the order of steps to be taken further: who is responsible for challenging the decisions of first instance? How many steps are there?
4. Procedures act as a safety valve, earning time when a part of a situation's tension can dissipate.
5. They ensure that employees are treated properly throughout the organization, no matter who is their direct boss or the department they work.
6. Procedures tend to lead to a more accurate record of events, because of their formality and because parties know that their performance will be assessed regarding the requirements of this procedure and thus there is a greater concern for the accuracy of those records.
7. Procedures that are discussed and agreed with the agreement of the parties can bring benefit in terms of workplace relations between sides in a negotiation; this also can be seen from the fact that this process may take the form of a collective settlement of the problem and has a cooperative nature, impartiality and fairness in the treatment of employees and it is interesting that Marchington and Wilkinson (1996) do not include impartiality as a specific "reason" in the list provided above. Consistency may be more important for management and it can be said that fairness/impartiality is achieved through the consistent treatment of problems.

Some managers criticized the procedures because they drag on the decision-making process, which is not desirable, but sometimes decisions must be taken and must be taken quickly if survival and prosperity of the organization are desired. The existence of employees' rights to appeal or to lodge complaints against direct supervisor is perceived as a direct threat to the autonomy of the latter and is often seen as a weakening of the support from top management level. The department of human relationships often involved in tracing and establishing procedures are often subject to criticism from management, especially for their role in the development and nature of these rules (Leat, 2007).

2. GRIEVANCE PROCEDURE (INDIVIDUAL COMPLAINTS)

2.1. THE CONCEPT OF „LABOUR COMPLAINT” AND DISTINGUISHING FEATURES

Labour complaint is an individual conflict arose between an employee and his employer (Cole, 1997).

A complaint is an expression of dissatisfaction or a grievance of an employee and who usually deal with the application, interpretation, implementation or changing a statutory right or a procedure, law, custom, working practice or existing agreement (Leat, 2007).

We can define the term petition as being the individual requests or complaints addressed by an employee to company's management, under the law and internal regulations.

In terms of characteristics of individual employment complaint we can include:

- generally it is an individual action, but it is possible to belong to a group, but this is a less common situation, not meeting the elements of a dispute which is a collective labor conflict;
- is often against a member of management, most often against direct supervisor with an official character;
- is often a discontent of the employee regarding the failure or improper fulfillment of contractual obligations by the employer;
- to resolve it, it involves going through certain stages.

2.2. JUSTIFICATION FOR INDIVIDUAL COMPLAINTS

In general, employees argue that managers treat them unfairly, that they are not sufficiently remunerated or that they have been victims of discrimination of any sort or another, often making a comparison with how superiors treated someone else. Complaint process does not renegotiate the contract terms (Lewis and others, 2003).

The purpose of individual complaints is to clarify what these terms really mean in the context of addressing grievances regarding issues such as free time, disciplinary action and payment.

The potential of grievances is always present at work. Employees will use any issue including wages, hours or conditions of employment as a basis for their discontent. Cases of discipline and seniority issues (including promotions, transfers) would probably be in the top of the list. Others would consider as sources of dissatisfaction the evaluations of their work, workload, overtime, vacation and holidays, awards and other incentives.

Whatever the source of discontent may be, many companies today (and unionized ones) provide (or should provide) employees with ways to establish their grievances. Complaint procedures are invariably part of a labor agreement. But even in unionized companies such procedures can help ensuring that peaceful labor management prevails.

Complaints must be analyzed by management in a fair, fast and constructive manner. Management can easily become defensive in terms of complaints since they are often the expression of employee's dissatisfaction about something management said, did or did not.

2.3. THE OBJECTIVES OF PROCEDURES FOR SETTLING GRIEVANCES

G.A.Cole believes that since there are procedures in writing for collective problems, they should exist also for resolving complaints. The same author believes that "individual disputes neglected and left to bake can easily be transformed into collective disputes".

Other authors (Hawkins, 1979) reminds of the preventive nature of the grievance procedure. The objectives for grievances procedures should be the following (Leat, 2007):

- to provide to employees a mechanism for forming and solving a injustice
- to ensure that this will be made in a prompt and constructive way
- to ensure that employees are treated fairly and dignified
- to reduce the possibility of an unforeseen event and degeneration of a complaint into a dispute
- to maintain a quiet work environment without internal friction.

2.4. STAGES OF INDIVIDUAL COMPLAINTS PROCEDURES

Prompt, fair and constructive solving of complaints is in the benefit of management and employees, and these procedures are often established and jointly discussed. Management has also the advantage of involving employees and/or their representatives in this process, since the procedures will have a legitimacy in the organization, which would not happen in another situation.

A typical procedure for resolving complaints must include the following stages (Cole, 1997):

1. the employee notifies his immediately seniority chief about his dissatisfaction. This step depends on the degree of authority granted by management.

2. if the problem is still not resolved at this level, the complaint is forwarded to the next higher management level, the employee may be accompanied by a colleague or representative of employees. The role of accompaniment is that others to see that justice was done and help respecting the spirit of fair play.

3. if the complaint is still not resolved, it is sent to the senior management level and the employee may also be accompanied here. At this stage the complaint is highly official.

4. If it is still not satisfied, he can appeal to the Executive Director.

The above steps can be structured in a simplified manner as follows:

Step 1: Declare the complaint. The employee must express his dissatisfaction with the employer in writing

Step 2: Meeting. The employer must invite the employee to at least one meeting to discuss their discontent. The employee must take all reasonable steps to attend the meeting.

After the meeting, the employer must inform the employee about the answer to his discontent and advise him on whether he can appeal against the decision.

Step 3: Appeal. If the employee wishes to appeal, he must announce it to the employer.

If the employee informs his employer about his desire to appeal, the employer must invite him to a subsequent meeting. The employee must take all reasonable steps to attend the meeting

After the appeal meeting, the employer must inform the employee about its final decision, of justified accept or reject of the application.

2.5. THE PROCEDURE FOR RESOLVING INDIVIDUAL COMPLAINTS OF EMPLOYEES COVERED BY THE INTERNAL RULES OF A PRIVATE COMPANY IN ROMANIA.

In Romania individual complaints procedures are mentioned in the internal rules of the employer under Article 258 letter d) from the Labour Code (Law no. 53/2004) which provides that the Internal Rules should include at least eight provisions including the one referred to letter. d) "a procedure for resolving individual employee requests or complaints".

We give below an extract from the internal regulations of a midsized private company from Suceava County, with its registered office in Campulung Moldovenesc. Company's name will not be mentioned due to lack of agreement from management. The unit has as its object of activity retreading and recycling waste tires.

According to article 32 paragraph 1 of the Rules "employees have the right to address management in writing, individual complaints, but only in relation to issues arising from their work and activity". Paragraph 3 provides that "anonymous complaints won't be taken into account, they are to be discarded".

Requests or individual complaints should be addressed to the manager and will be registered at the Secretariat (art. 33. Para. 1).

The manager of the company is required to communicate to the employee its response within 30 days after receiving the request or complaint, whether a favorable or unfavorable solution. (Art. 33. Paragraph 2).

Where issues received in the petition require a more thorough analysis, the employer can extend the term with another 15 days. (Art. 33. Paragraph 3).

Article 34. (1) Employees cannot bring two petitions regarding the same issue. (Art. 34. Paragraph 1). In the event that an employee addresses in the same period of time several petitions with the same object, they will interlock, the employee will receive one response. (Art. 34. paragraph 2). If, after sending the response, it is received a new petition with the same content or the same problem, it closes the original number, making the statement that was answered.

2.6. CASE STUDY REGARDING GRIEVANCES PROCEDURES

During the period April to June 2009 the authors of this article conducted a study on

employee relations management in 67 units from the public and private system in Suceava based on questionnaires distributed randomly.

Managers of the 67 units responded at a rate of 52.2% that there is a formal procedure about the grievances in the unit, 20.90% of units encountered in the past 12 months individual complaints, of which 13.4% were made on issues of pay and working conditions.

CONCLUSIONS

It is generally best but not always possible, to develop a working environment in which complaints will not appear the first time. Acting like this depends on the ability to recognize, diagnose and correct the possible causes of employee dissatisfaction before they become formal complaints.

However, in practice, dissatisfaction can be reduced, but never erased.

Procedures are an essential part of good employment relations and human resource practices as it provides a clear framework within which problems can be solved. In the absence of procedures, any new issue should be tackled from first principles with managers and with employee's representatives who will lose much time trying to establish rules of common points before something might be solved. The most important aspect when talking about procedures is that the employee satisfaction will increase when they will see that the issues of complaints were handled correctly and thereby retention will also increase. Without procedures, there would be no incentive for managers or employees to try and resolve disputes in an orderly manner. The final result would be that both sides would seek to use their best negotiator power to impose their favorite solutions over the other.

Nor should we forget that procedures help create a positive psychological contract by emphasizing the importance of fairness.

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