

SOLVING STAFF COMPLAINTS WITHIN LOCAL AUTHORITIES AND PUBLIC INSTITUTIONS

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Abstract:

Procedures are a set of principles and rules by which the employment relationship should be conducted. They also represents mechanisms used by the parties in the settlement of the problems occurred in these relationships.

Not only private organizations can have a set of procedures governing areas of interest to both parties, but also public authorities and institutions. This material deals with one of the various procedures and routines of forms and settlement of individual grievances of the employees as well as a practical analysis of how to use it within the establishments of local public administration.

The topic discussed is one of the concerns of the doctrine, jurisprudence and legislation in the field of employment relationships, as determined by positive changes in the relations between employers and employees. Although the analysis of legislation and specialized literature emerges the need for specific procedures on the wording of and resolution of complaints, we believe that it is also necessary an upgrade of the work relations, creating an employment relationship in which dissatisfactions may not arise.

Key words: employer, employees, procedures, grievance, local public administration

JEL classification: H7, J3, J5, J 7, K4

INTRODUCTION

A public administration which is intended to be modern and efficient needs well prepared human resources to meet the interests of the citizens of the respective community. However, most establishments, be it from the public or private sector, are currently facing complaints from their employees.

For those working in the local authorities, public institutions and other units, in order to perform well, they should allow the wording and resolution of any complaints regarding acts involving a violation of law, of professional deontology and the principles of good administration, efficiency, effectiveness and transparency of the unit.

We will ascertain below that within one year about a quarter of the units may experience formal complaints made by employees. Throughout this document we presented synthetically the result of a study conducted by the authors on the issue of individual complaints procedure of the local government units.

We believe that the system of public administration in Romania is in a period of change, modernization, and what is required in a modern administration is the reform of human resources, legal framework, management processes in order to provide efficient public services to its citizens.

STAFF CATEGORIES WITHIN AUTHORITIES AND PUBLIC INSTITUTIONS

Public administration can be seen as an assembly of authorities and institutions which cooperate with each other and function as a coherent system which, through its entire activity, seeks to satisfy the public interest, continuously and in accordance with social expectations (Zaharia, 2011).

The current Constitution assigns some provisions to the central and local administration, and the specified attributions are not attended by institutions, but by individuals invested with the status of public servants, meaning that they are the ones who must apply the constitutional provisions, to contribute along with other institutions to respect citizenship rights and liberties (Morariu, 2007).

More staff categories operate within the local authorities and public institutions.

There is specialized staff in the structures of authorities and public institutions consisting of, on the one hand, public officials, and, on the other hand, ordinary employees, their regime being regulated by the labor legislation.

Therefore, first of all we talk about public officials which are the people appointed under this law in a public office. In the current doctrine (Lilac, 2002), the public official is defined as "a natural person legally vested by the unilateral act of will of a public authority or citizens to fulfill the task in a limited or unlimited time of a function public, to achieve body competence in the structure of which the function belongs". Public official means any person holding, by appointment, in accordance with the law, a public function in the public service, developing a continuing activity, in return for an appropriate remuneration for the work done.

Secondly, it is necessary to distinguish between a public official and an employee, although both are paid for their work. Specific to public official is that it meets the prerogatives of public authority, while the employee does not have this quality. (1) Thus, according to the Statute of public officials, the staff employed with a contract within local authorities and public institutions, engaged in secretarial, administrative, protocol, management, maintenance and service activities, security, as well as other staff who does not carry public powers, has an individual employment contract.

We draw attention to the fact that only those who are invested with the exercise of their public powers are public officials, and not all those people working in the budgetary sector. There are other categories of people who, while engaged in the public sector, are invested with the exercise of public functions (2). These are:

- Staff employed based on personal trust, of dignitary's office;
- The body of magistrates;
- Teachers;
- Persons appointed or elected to public offices.

We mention that while the staff employed based on personal trust of the dignitary's office has an individual employment contract, the last three categories of staff (magistrates, teachers and those appointed to public offices) have their own state governed by special legislation.

We note that the Statute of public officials distinguishes between the public function and public dignity, but if the first benefits of a statutory definition, the second is not defined by the Statute. Public dignity function was defined in legislation as the public function obtained with mandate directly through organized elections, or indirectly, by appointment, according to the law.

When refer to the people who occupy positions of public dignity, namely public dignitaries, the latter exercise dignities either in the central public administration authorities or at the local level. Therefore, they are public officials: the President of the Republic, the Prime Minister, ministers, presidents and vice presidents of county councils, mayors, mayor of Bucharest and others.

NOTION OF 'WORKPLACE COMPLAINT' AND THE IMPORTANCE OF HAVING A WRITTEN PROCEDURE WITHIN UNITS

A workplace complaint is known as a petition an employee addresses to the company's management, under the law and internal regulations (Bălăneasa, Manolescu, 2003). It represents an individual conflict occurred between an employee and his employer (Cole, 1997).

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

The procedure for individual complaints can be considered the way executive managers have to act while applying certain measures affecting the company's employees. This fact constitutes a formal methodology applicable in solving issues that bother on employees and keep policy and practice related to each unit.

As stated by some authors (Marchington and Wilkinson, 1996) the procedure regarding dissatisfactions formulation helps to clarify the relations between the parties at work, provides mechanisms for conflict resolution, hence acting as a safety valve.

CASE STUDY ON EMPLOYEES COMPLAINTS PROCEDURE WITHIN UNITS OF PUBLIC ADMINISTRATION

In between April-August 2011 the authors of this article conducted a study on the management of employment relations in 25 units of public administration in Suceava County based on questionnaires distributed at random. In 13% of units the human resources manager has responded.

60% of the managers of the 25 units responded that there is a written procedure on grievances of employees of these establishments, 24% of the units experienced in the past 12 months complaints from employees (Fig.1). Of these complaints, most were made on issues of work tasks (16.4%) and on payment and working conditions (13.4%). While in 2010 there were collective redundancies in the public sector, in only 1.5% of these units the complaints were related to collective redundancies. (Fig.2)

Has any employee raised any official matter through individual complaints procedure in the last 12 months?



Fig.1. Using the complaint procedure by employees in the past 12 months

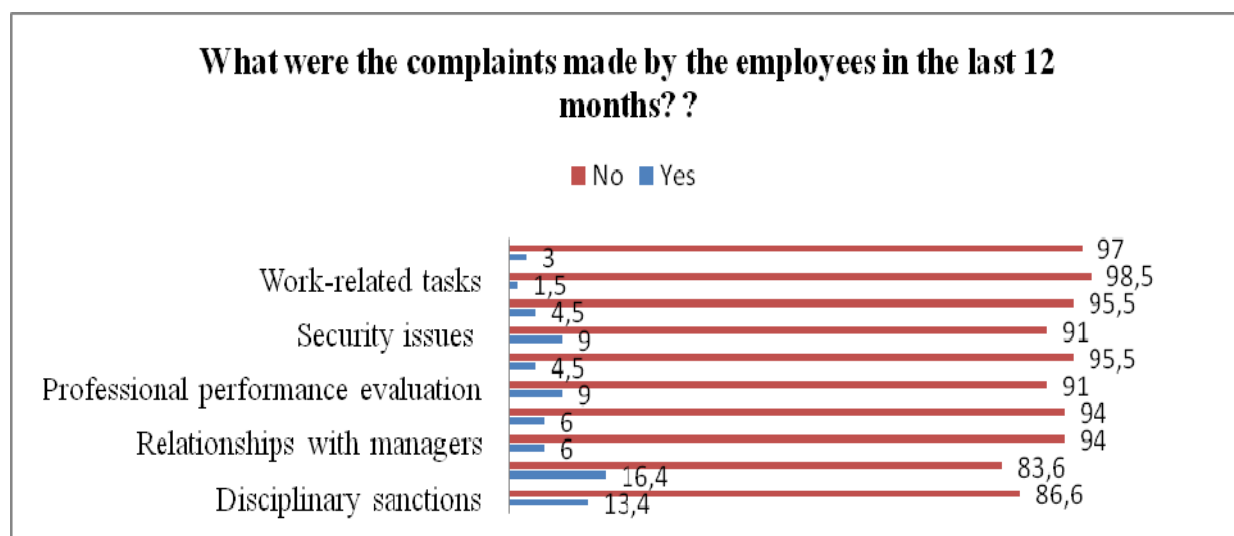


Fig.2 The main reasons for employees' dissatisfaction

Although it is thought that one of the main complaints of the employees would be linked to the wages they receive, we see that the reason is ranked second. On the first place are situated grievances about work tasks, a possible reason being that the number of employees is reduced due to the current economic crisis so that the amount of work required is higher than normal (and wage growth is not in direct line with the work performed). This dissatisfaction is closely related to the proportion of work time and free time, large number of tasks that the employees have in the public sector resulting in a reduction of their free time.

It is interesting to note that although corruption, political influence, bid rigging are all considered major problems of the society, they do not appear listed among the grievances raised by employees of the analyzed units.

Another major reason for employees' dissatisfaction is related to discrimination. It is necessary to specify, however, that discrimination is not ethnical, racial, religious, but it refers mostly to discrimination practiced against women as sexual minority. Other grounds of discrimination referred to the vocational training and career related promotion.

On the detailed arrangements through which public employees within these units are made known about the existence of this procedure, 78.3% of managers have indicated the Regulation of internal order, in 35.7% of the units the information is on the notice board and only in 31.3% of the units the information comes from the chief supervisor.

Speaking of the way in which managers understand and apply the principle of transparency within local authorities or public institutions they are responsible for, we consider that it is very important to solve the existing grievances. There must be, in an accessible manner, whether for public or private sector, a permanent free access directly to information.

The percentages highlighted by the graph below reveals the encouragement of the employees by the management of these units of public administration to inform their subordinates about the possibilities of expressing their discontent. (Fig.3)

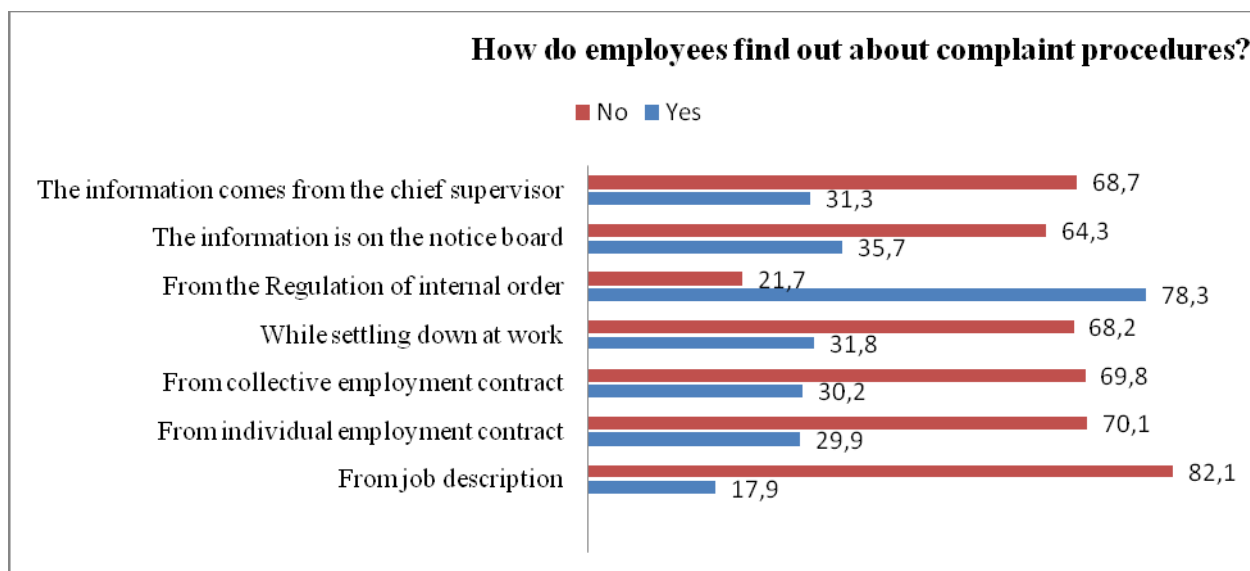


Fig.3 Ways to inform the employees of the existence of complaints procedure

On the question about how managers resolve individual grievances raised by employees, in 36% of units the complaints are settled following discussions with the manager, 24% through discussions with human resources specialists and 12% through discussions with union leaders or employee representatives. (Fig.4)

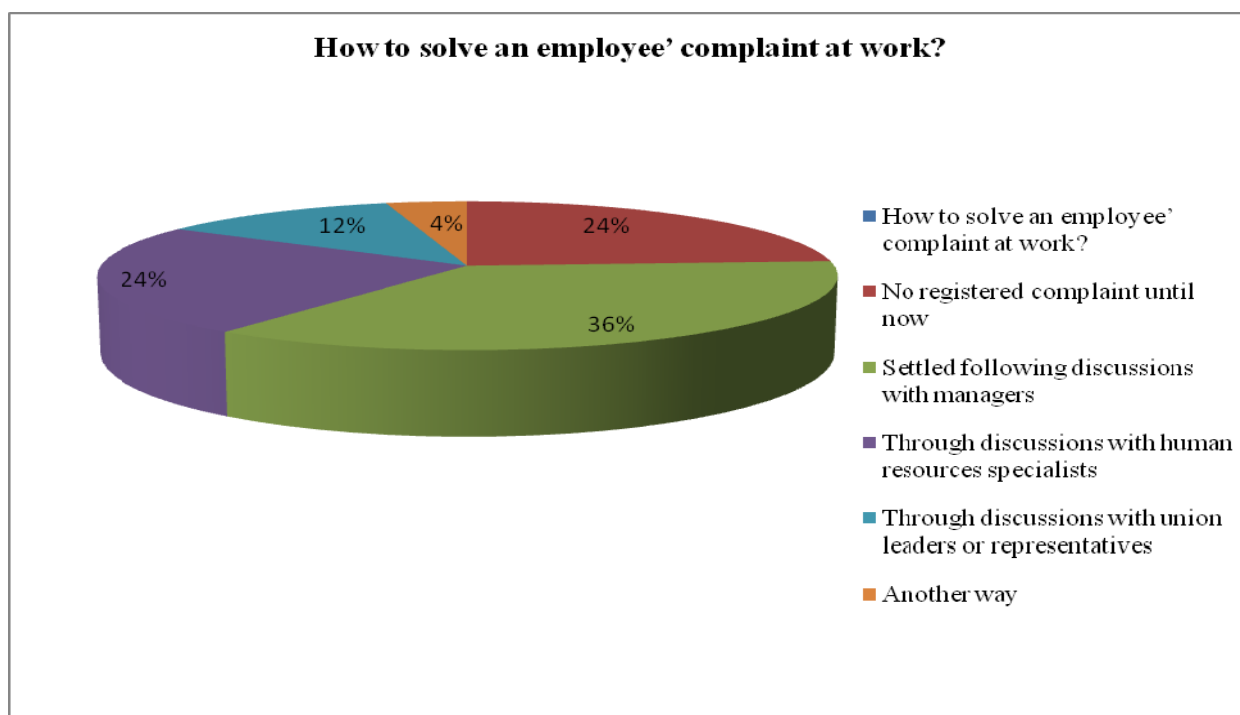


Fig.4 Ways of resolving individual complaints raised by the employees

We notice that, in resolving the complaints made by the employees, a major role has the communication with managers of those units in the first place, followed by discussions with human resources specialists and union leaders.

CONCLUSIONS

It would be ideal that managers who lead units of public administration create employment relationships in which grievances should not arise. This is impossible, because even if there are, as we discussed above, specific procedures, they come just to correct the possible causes of employee dissatisfaction before turning into collective discontent.

Following the analysis of the situation within units of public administration, we found that there are procedures for wording and solving individual complaints, most complaints were related to work tasks, payment and working conditions. If the tasks problem and working conditions can be resolved by senior manager, we believe that both the intervention of the government and the legislator can support wage complaints of the employees in public administration.

In the public authorities and institutions the relationship of the employer and employee is one of subordination. To make up for this, there must be flexibility in employment relations, in which grievances should be resolved correctly and quickly. Is the employees' right to address public authorities or institutions management in writing about any issue that displeases them. It is an obligation of public authorities or institutions management to respond to employee's notification no later than 30 calendar days from the date of its registration. We believe that these issues should be included in any individual employment contract.

However we observe from the graphs analyzed that the focus is primarily on resolving dissatisfactions through communication, by consensus rather than by finding solutions to avoid or prevent conflict. In the management of employees' complaints first of all a SWOT analysis of existing practices is necessary for the prevention and settlement of disputes and then introducing strategies to improve the resolution of dissatisfaction at work.

Unfortunately, we believe that reducing the number of job in the public sector will lead to a decrease in the number of complaints, which will be reflected in the quality of work.

The conclusion of our analysis is that in every public authority or institution is necessary a conflict management system, able to solve existing grievances whenever possible to prevent their occurrence.

ENDNOTES

- (1) *We mention that in a report of administrative law, public official remuneration is not subject of any negotiation, it is determined exclusively by the law, unlike the labor law report, which recognized the possibility of its negotiation;*
- (2) *Article 6 al. b) – e) of the Law no. 188/1999, republished.*

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