

## **“UNDERSTANDING THE ROLE OF EMPLOYEE GRIEVANCE HANDLING PROCEDURE, RELATED LABOUR LEGISLATIONS TO TACKLE IT AND EMERGING AREA OF EMPLOYEE GRIEVANCE - A THEORETICAL APPROACH.”**

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***Abstract:** This article highlights on roles played by employee grievance handling procedure in an organization and identification of Indian labour legislations which provide guide lines, monitor as well as facilitated grievance mechanism. Grievance means real or imagined cause for complaint, especially unfair treatment. It is a feeling of resentment over something believed to be wrong or unfair especially in the work place and in employment conditions as context to grievance of employee. Employee's grievance can be over the wage and salary, working hours, condition of work premises, employment conditions etc. Earlier causes of grievance among employees were common in nature but as competition is growing and firms are operating globally it leads to war of talent in the labour market so grievance causes are also being different in nature. Therefore in this article effort has been made to identify emerging area of grievance theoretically in knowledge economy. Formal grievance handling mechanism work as a forum for communication of information. Many researcher had established strong relationship between employee grievance and employee performance along with employee turnover intentions, job satisfaction etc. If grievance is not manage properly it may impact on productivity and efficiency of the organization directly or indirectly. Therefore it need to be solve or prevent properly by the organization to survive and to do excel in the market.*

**Key Words:** Grievance, Grievance Handling Procedure, Labour Laws.

### **INTRODUCTION**

In the era of knowledge economy, knowledge worker must be handle with care bye organization to survive in the growing competition, so in that case employee grievance is one the issue management have to take care. Grievance is a feeling of resentment or discontent over something believed to be wrong or unfair especially in the work place as context to grievance of employee. Earlier causes of grievance among employees were common in nature but as competition is growing and firms are operating globally it leads to war of talent in the labour market so grievance causes are also being different in nature. Many researcher had established strong

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relationship between employee grievance and employee performance along with employee turnover intentions, job satisfaction etc. If grievance is not managed properly it may impact on productivity and efficiency of the organization directly or indirectly. Therefore it needs to be resolved or prevented properly by the organization to survive and to excel in the market.

### **PURPOSE OF THE STUDY**

This theoretical based study has focused on roles of grievance handling procedure in an organization, identification of relevant labour legislation in Indian context to tackle or facilitate it and to identify emerging areas of employee grievance in the workplace.

### **REVIEW OF LITERATURE**

To get into in-depth about employee grievance relevant literature has been studied. Following are the briefings of literature;

**Thomson (1974)** has noted that the grievance procedure can help indirectly to improve the relationship between the parties involved in collective agreements. Formal grievance procedures can act as a platform to resolve various issues of employment and also can improve communication in organizations. **Lewin (1983)** has stated that grievance procedures facilitated individual workers or unions to challenge management decisions over a wide range of wages and working conditions and to work as a forum for communication of information. Corrective and prompt action against employees' grievances can lead to increased worker productivity and commitment to the employer. **Freeman and Medoff (1984)**, their study has revealed that the intention to quit rates is less in unionized organizations than in non-union workplaces.

**Brian S. Klass (1989)** has found some impact of grievance such as absenteeism, lower productivity, turnover, distributive behaviour etc. **Bemmels and Reshef (1991)** has mentioned that behavior and personal attitudes of supervisors may impact on their styles in handling grievances. **Bean (1994)** stated that causes of grievances are generally related with dissatisfaction among employees such as working procedures, working facilities etc.

**Sean C Doyle (1999)** has advocated that the grievance procedure is benefited for and management and it is an important part of collective bargaining. Third party and binding arbitration are most weaknesses of grievance procedures. **Kaufman and Taras (1999)**, his study has shown that workers of non-unionized organizations have less capacity to bring issues of grievances and are not able to articulate it so they are getting less benefits. **Benson (2000)** study has proved relevant of Kaufman and Taras (1999) findings.

**Himanshu Rai (2008)** stated that despite the presence of several industrial acts the grievance procedures do not receive much attention due to complexities arising out of inarticulate treatment and lack of understanding of issues in bargaining, joint consultation, and grievance redressal by all the actors in the industrial relations system. **Richard et.al. (2008)**, they found that the procedure and nature of handling grievance and discipline depends on the size as well as context of the organizations along with legal obligation and organizations are emphasis on the importance of informal processes in resolving disciplinary and grievance issues wherever it is possible.

**Joshua C. Polster (2011)** mentioned that over the last fifty years, nonunion employers have increasingly adopted formal grievance procedures, which allow employees to challenge a company decision or policy and appeal manager adjudications of the challenge. **Zulkiflee Bin Daud et.al. (2011)** found that extraversion is the significant predictor for the integrating grievance handling style. **Bernard Walker and Robert T. Hamilton (2011)**, they stated that an employee confronted by a perceived wrongdoing by their employer has options ranging from formal action, to informal action, or no action. **M.R. Vidhya (2012)**, in her study of grievance procedure in IT companies has found that overtime, Sunday work, pay, other incentives, work procedure, shift allocation, leave policies are the major causes of grievances. **Zulkiflee Daud et, al. (2013)**, their study has revealed that after attending training in grievance handling, managers will not utilizing integrating style due to this particular style demands a longer period to perform. **Nilash Thakre (2013)** identified that dissatisfied workers cannot perform at full capacity, which leads to loss of production.

**Stephen Wood et.al. (2014)**, one of the major finding of their study has shown that there is no evidence that the presence of procedures and also the use of mediation are accompanied by lower rates of individual employment disputes. In fact, workplaces with written procedures and those that used mediation tended to experience more grievances, disciplinary issues and employment litigation. **Geetika et.al (2014)**, their study proved that there is significant relationship between grievance procedure and employee satisfactions. **Anju Thomas (2015)** has found the main reasons for sexual harassment incidents in educational institutions is the result of lack of courage, fear of disgrace and social isolation experienced by the victimized person on filing of a complaint against the abuser.

## DISCUSSION

**Role of Systematic Employee Grievance Handling Procedure:** If organization implement and follow proper grievance Redressal System then it gives various benefits both for organization as well as employees. Past research on employee grievance has shown in-depth role played by proper and systematic grievance procedure and there is a strong impact of grievance procedure on various employee

relations aspect as well as productivity of the organizations. The role of formal employee grievance procedure identified as follows:

- Proper system bring grievances into the open so that management can notice and learn about it and try take corrective measures.
- It helps in preventing grievances from assuming big proportions. The management can identified and solves a grievance before it becomes a major source of dispute.
- 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 or her a sense of emotional security.
- It helps in establishing and maintaining a work culture or way of life. As problems are interpreted in the grievance procedure, the group learns how it is expected to respond to the policies that have been set up.
- It acts as a check upon arbitrary and capricious management action men a manager knows that his actions are subject to challenge and review in a grievance system he becomes more careful in taking his decisions.
- It shows commitment level of employer to resolve internal matters in an open, transparency and thorough manner.
- It helps to promote harmonious relationship among all the actors of employment.
- Formal and strict grievance procedure helps to maintain discipline in the organization.
- It helps to build an organizational climate based on openness and trust.
- It helps various levels in the organization to know of the kinds of issues and facts that concern workers and managers.

**Labour Laws to Deal with Grievances in Indian Context:** Indian Government ratified Article 1 of the Convention 122 of the International Labour Organization in 1998. According to Article 1 of the Convention it can thus be concluded confers upon workers the right to have redressal mechanisms to their grievances and thus the Indian Government has ratified the Article 1 of the Convention 122 obligated to look into such interests if the workers . Government of India had initiated few laws which partially focus on mechanism or aspect of employee grievance. Such act as follows;

**A) The Industrial Employment (Standing Orders) Act, 1946:** According to this act that every industrial establishment wherein one hundred or more workers are employed or were employed on any day of the preceding 12 months should frame standing orders, which should contain provision for the redressal of grievances of

workers against unfair treatment and wrongful actions by the employer or the supervisor at that establishment. Model Grievance Procedure was adopted by the Indian Labour Conference in 1958 and presently the Indian industries are adopting either the Model Grievance Procedure or procedures formulated by themselves within the guidelines of the act.

**B) *The Industrial Disputes Act, 1947:*** The act was amended in 1965 which provides for the redressal of individual disputes relating to discharge, dismissal or retrenchment. Amendment Act 1982 has made provision for the install of grievance settlement committee. Any employer of any industrial undertaking employing 50 or more workers is required to provide for a grievance settlement authority for settlement of industrial dispute connected with an individual worker. Two most important aspect of act is Section 2A and 11A. This act has provide various dispute settlement machineries such as Works committee, Conciliation officer, Board of conciliation officer, Courts of Inquiry, Labour Courts, Tribunals and National Tribunals.

**C) *The Factories Act, 1948:*** Work place condition is a major source of employee grievance. Therefor Government of India made provision of welfare officer as well as safety officer under factories act. This act mandates the appointment of a Welfare Officer in every factory ordinarily employing five hundred or more workers.

**D) *The Sexual Harassment at The Workplace (Prevention, Prohibition and Redressal) Act 2013:*** Sexual harassment of women at work place is another source of grievance among female employees. Therefor Government of India initiated this act. It stated that any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.

**Emerging Area of Employee Grievance:** Grievance can be because of wage and salary, working hours, condition of work premises, employment conditions etc. Following are some emerging factor of grievance as a whole;

- **Weakness and failure of Trade Union-** Because of easiness to form trade union, multiples unions exist in one industry and among unions difference use to start relating to various issues and not able solve their grievance. Politicization of trade union is also one of the reason for become weakness and failure to function properly on behalf of employee’s grievance redressal.
- **Sexual Harassments in the Work Place-** Though Government of India has passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 but still implementation and effectiveness of this act is a big question. Day by day incidents of sexual

harassment cases are rising in the work place. If it is continue like this Indian industry will face gradually decline of women work force.

- **Unorganized Employment Sector-** In unorganized sector no concern about healthy working condition, job security, career growth, leaves and paid holidays. The workers have lower protection against unfair or illegal practices and in every means maximum labour exploitations are there. Govt. of India enacted act on Unorganized Workers' Social Security Act 2008 for providing social security and welfare of the unorganized workers. But in practically speaking, worker of unorganized are being exploited continuously so if grievance of employees in this sector is not redress it may bring industrial unrest in future.
- **Contract labour issues-** In globalized and knowledge economy dependence on contract labours is increasing drastically. There are not that many amendments in Contract Labour (Regulation and Abolition) act 1970, which could really cover all the dynamism of Contract Labour issues. Recently in India more protest and labour unrest took place due contract labour issues. In maximum cases contract labours are getting exploit by employer. So there should be proper mechanism and guidelines which must be followed and implemented in ground reality to redress and manage employee grievance of contract labour.

## CONCLUSION

Handling of grievance is one of the major challenging job for the organizations but prevention is always better than cure. Productivity and efficiency of an organization depends on its soft resource quality that is human resource. Employee will give their best effort when every genuine problem will be addressed by the employer. Grievance Redressal system develops the trust of employees in the organization so there should proper mechanism to prevent or resolve the issues of individual or group of employees.

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