



HR-RELATED SKILL DEVELOPMENT

Handling grievances

The grievance process is an integral part of administering the collective agreement, a grievance being a formal dispute between an employee (or the union) and management involving the interpretation, application or alleged violation of the collective agreement.

The union files most grievances, and once they have been filed, management should seek to resolve them fairly and quickly.

Handling a grievance is a key skill for managers in a unionized (and non-unionized, if there is a grievance process in place) workplace, but many lack the basic knowledge and skills to conduct a formal grievance investigation and interview.

To help you to develop formal grievance investigation and interviewing skills and to give you experience of the grievance process, we have devised a grievance case with supporting information.

Handling Grievances Exercise

Objectives

This learning activity will show you how to conduct a grievance interview more effectively and so help to avoid costly grievance arbitration procedures.

Procedure Note

The class is divided into groups.

Each group has

- (1) a manager (conducting the grievance interview)
- (2) two shop stewards
- (3) team leader (the complainant)
- (4) two observers of the interview.

The last role is important for the analysis and feedback aspects of the role-playing session.

There are three steps to the exercise:

Step 1: shop steward interviews complainant, the team leader, to gather all the evidence.

Step 2: conduct grievance interview.

Step 3: analyse and give feedback on 'manager's' grievance interviewing skills.

Both the manager and the shop stewards have copies of Articles 25 [Exhibit 1, below]; 26 [Exhibit 2, below]; and 27 [Exhibit 4, below] from the company's collective agreement. The two observers have a copy of an evaluation sheet [Exhibit 3, below].

Analysis and feedback following disciplinary interview:

1. Observers complete interview observation sheet, Exhibit 3, and give feedback.
2. Tutor then opens discussion either:
 - (a) with a question to manager 'How far do you think you achieved your objectives?'
 - or
 - (b) with one or two (no more) points the observers believed to be important.

If (a) adopted, then follow with (b) and finally allow the union representative to make his/her comments.

GRIEVANCE INTERVIEWING EXERCISE MANAGER'S BRIEF

Last week you held a disciplinary meeting with one of your team leaders, Robert McKenna,¹ which resulted in a written warning for sleeping on the job. The security officer's letter that led to the disciplinary interview is attached.

When you arrived for work this morning the shop steward representing Robert McKenna's department had requested an urgent meeting with you, pursuant to Article 27: Procedure for settling disputes. Meet the Shop steward and decide what action to take.

Dear Ms/Mr Friedman,

I was doing my rounds last night as usual when I noticed a light in your office above the machine shop. It was 3:40 am and the machine shop night shift was working normally. I entered by the stores side door and went first to the team leader's office at the end of the machine shop.

The office was unattended and the light was on. I asked the operator who was working on the machine nearest to the office (Jeff Miles) where the team leader was. He said he thought he was trying to find the duty electrician, as there was some trouble with the wiring on that machine. I went upstairs to your office and through the window in the door I saw your new team leader asleep sitting at your desk with his head resting on his arms. I knocked on the door but he failed to wake up. I aroused him and he apologized and left almost immediately.

I remained behind to write this report for you. The reason for letting you know about this is because I found him asleep earlier this week, in his own office on that occasion. As he is a new employee, I didn't want to report him that time, but I think he has deserved it on this occasion.

Signed: Lorne Barnsley,
Security Officer

Note: Lorne Barnsley is a fair man and has been with the company for over ten years. When you spoke to him last week he confirmed everything he said in the written note and said that he had also recorded the information in the incident book, which he was obliged to complete at the end of every shift.

¹ All names in the case are fictitious

GRIEVANCE INTERVIEWING EXERCISE

TEAM LEADER'S BRIEF

You are Robert McKenna and have recently been appointed to team leader. You are still on probation as regards this position, but expect that in six weeks' time your appointment will be confirmed permanently. This appointment has come at the right time for you, what with your partner recently giving birth to twins and buying a house, you need all the money you can earn.

To date, you have found the team leader's job both interesting and a challenge and believe that you are fulfilling your duties competently. However, it does involve shift work and you find it difficult to adjust to this. In particular, the night shift is a problem since you find it difficult to sleep during the day, your new family keeps you awake in the afternoons and your house is adjacent to a busy road.

Last week you were found asleep on duty on two occasions and as a result were given a written warning from your manager, Ms/Mr Friedman. Given your personal circumstances and your previous good behaviour, you believe that a written warning is too harsh. You are extremely annoyed with the manager and you complain to your shop steward.

GRIEVANCE INTERVIEWING EXERCISE
SHOP STEWARD'S BRIEF

You are the shop steward in the machine shop. Interview one of your members, Robert McKenna, who has a complaint against the manager. After consulting the grievance and disciplinary procedures, prepare a grievance case to present to the manager. Your objective is to ensure that your member's rights are safeguarded.

GRIEVANCE INTERVIEWING EXERCISE OBSERVER'S BRIEF

Observer's Role

The observers need to listen for specific instances that have a positive or negative effect on the interview - including the appropriate/inappropriate use of questions/statements, for example open, closed, probing questions. You are helping to evaluate the HR-related skills of the student role-playing the 'manager'. Check for appropriateness of style adopted and his/her effect upon rapport. Observe the degree of *flexibility* in his/her approach to the interview - does he/she set out with rigid objectives, does he/she seek to listen and collect information? Finally, be alert to participants who hear what they want or expect to hear rather than what is actually said.

Analysis and feedback following disciplinary interview:

Observers complete interview observation sheet, **Exhibit 3**, and give feedback.

GRIEVANCE INTERVIEWING EXERCISE

EXHIBIT 1: ARTICLE 25 – COMPANY'S DISCIPLINARY PROCEDURE

25.1 Introduction

The following procedure is designed to give fair treatment to an employee who has either committed an offence or misconduct himself/herself on a specific occasion or has continually failed to meet the company's required standards of attendance, timekeeping, conduct or performance. This procedure does not affect the right of the company to summarily dismiss an employee in the case of gross misconduct.

25.2 Disciplinary procedure

(a) First warning

An employee who fails to meet required standards will, in the first instance, receive a warning from his/her supervisor.

(b) Second warning

If an employee for the second time fails to meet required standards s/he will receive a written warning from his/her supervisor in the presence of the shop steward.

(c) Third warning

If the employee continues to give cause for dissatisfaction, a second written warning will be given by the production manager in the presence of the supervisor and the shop steward and will be considered as a final warning.

25.3 Disciplinary action

If the employee's performance or behaviour continues to be unsatisfactory, s/he may be suspended for up to three days or dismissed. Such action will be notified to the employee in the presence of his/her shop steward. In cases of dismissal the length of notice will be in accordance with the Employment Act.

25.4 Appeal

An appeal against either suspension or dismissal may be made to the chief executive officer, whose decision shall be final.

GRIEVANCE INTERVIEWING EXERCISE

EXHIBIT 2: ARTICLE 26 – CAUSES FOR DISCIPLINARY ACTION

(a) Neglect of duty

It is recognized by both management and the union that a mutual problem exists on the question of neglect of duty and the union undertakes to do everything possible to see that its members live up to the spirit and intent of the agreement.

(b) Definition of gambling and work premises

- (1) Definition of gambling will be in accordance with local factory rules.
- (2) Work premises are defined as the actual factory area and are not to include the town site.

(c) Fighting at work premises

(d) Notification of union standing committee by employer

Wherever practical, management will notify the union committee of its intention to discipline or discharge an employee. Under certain well-recognized circumstances where no premeditation is involved, it is permissible for the company to discharge an employee immediately without recourse to the standing committee. The employee still has the right to present his/her case to the standing committee for consideration and, if deemed proper, the standing committee may follow the usual grievance procedure.

GRIEVANCE INTERVIEWING EXERCISE

EXHIBIT 3: INTERVIEW OBSERVATION SHEET

Make notes on this sheet of the *strong points* and the *weak points* you observed with regard to the way the manager handled the interview with the team leader. These notes will help you give constructive feedback and suggestions on how the disciplinary interview might have been improved.

	STRONG POINTS	WEAK POINTS
PREPARATION Prepared and cognizant of case and grievance procedure		
INTERVIEW SKILLS Questioning skills Listening skills Summarizing and recording		
PERSONAL MANNER Put the parties at ease Allow emotion to vent itself Avoid passing judgement		
ASSESSING THE FACTS Obtain all relevant information Check accuracy of information Consult relevant documents Consult relevant others		
PLAN OF ACTION Establish cause(s) of problem Identify short- and long-term objectives Cognizant of costs/benefits of options Identify common ground Introduce and pursue key commitments Decide 'best solution' Explain best solution		

GRIEVANCE INTERVIEWING EXERCISE

EXHIBIT 4: ARTICLE 27 – PROCEDURE FOR SETTLING DISPUTES

- 27.01 The parties agree that it is desirable that any complaints or grievances should be adjusted as quickly as possible. Employees are therefore urged to try to settle their complaints with their supervisor as soon after they originate as possible.
- 27.02 The company is willing to meet any of its employees, or their representatives, for the purpose of discussing grievances or complaints with the object of reaching a satisfactory solution.
- 27.03 Should a dispute arise between the Company and any employee regarding the application, operation, interpretation or alleged violation of this Agreement, an earnest effort shall be made to settle the dispute in the following manner:

Step One

- 27.04 Within ten (10) days after the alleged grievance has arisen, or within ten (10) days from the time the employee should reasonably have known of the occurrence of the event, the employee and his/her steward may present the grievance in writing to his/her manager. Failing settlement to the employee's satisfaction within three (3) days, the employee may process the grievance to Step 2.

Step Two

- 27.05 Within five (5) days from the time settlement could have been made in the previous step, the employee, accompanied by his/her steward, and a member of the grievance committee, may present the grievance in writing to his/her department manager. The department manager shall reply in writing within five (5) days of the presentation of this grievance under Step 2. Failing a satisfactory settlement or reply at this stage, the employee may process the grievance to Step 3.