

## Nonunion Grievance Procedures and Voice Mechanisms

Dr. Bruce Fortado

MAN 4301

University of North Florida

Open Door Policies = This is the most common nonunion grievance procedure. There are two basic types of open door policies: namely, (1) the employee can go in any manager's door, any time, and (2) a specific chain of appeal must be followed (e.g. the immediate boss, his/her superior, and then the HR manager or the plant manager). In union settings, the final step of appeal is generally arbitration. A neutral third party arbitrator, who is normally paid jointly by both labor and management, acts like a judge in deciding the dispute. A lack of a grievance procedure culminating in arbitration remains as a big difference between union and progressive nonunion employers.

### THE POTENTIAL BENEFITS OF AN APPEAL PROCEDURE

- \* Management's credibility will rise with some reversals of improper decisions. When employees are given the right to appeal superiors' decisions, in the words of IBM, the organization is displaying "respect for the individual."
- \* A grievance procedure can serve as a communication tool to identify problem areas (policy issues, poor supervisors, etc.).
- \* An appeal option should result in more balanced decisions being made by first line supervisors. No manager likes to be questioned, much less reversed. A grievance procedure therefore provides supervisors with an incentive to listen.
- \* A credible internal complaint procedure should result in a reduction in appeals to outside sources (EEO charges, court suits, and calls to union organizers).

### THE NECESSARY NUTS AND BOLTS

- \* There ought to be widespread publicity with regard to both how the procedure operates and the outcomes. If people are not aware of the procedure and how it works, or if they do not believe any reversals ever take place, it is a sham. It has been suggested that 2-20% of the employees should file complaints in a year, and one would like to see 15 to 35% reversals (Ewing, 1989).
- \* The organization should promise to protect people from retribution. One hears things like "You will go in the front door and out the back," and "Don't let the door hit you in the butt on the way out." Employees often fear being labeled as a troublemaker, given all the worst assignments, no more promotions, and no more raises. They may even worry they will ultimately lose their jobs. Simply printing that it is safe to come forward is not very reassuring. Do upper level

managers ever follow up and check on what is transpiring down the line? If a manager is found to be exercising retribution, will that person be disciplined? Since supervisory discipline does not exist in most settings, retribution remains a problem.

\* In order for an open door policy to function properly, the managers must be visible. If they do not walk around the facility, converse with people, and know many of the employees' names, people will not feel comfortable enough to walk in the open door. This visibility obviously does not refer to authoritarian observation (i.e. kicking butt and taking names).

\* When an employee arrives at a manager's office with a complaint, he/she should be given immediate and complete attention. It is very difficult to build up the courage to voice a complaint, so managers must drop everything or the system will not function effectively. Being put off for weeks, or seeing the manager looking at his/her watch, will turn off most employees. A key question is whether upper level managers will accept a manager's report or a project being behind schedule due to an open door session.

\* A manager should summarize the complainant's main points to confirm understanding and prevent repetitive cycling. The manager will have to investigate the matter, and hear the supervisor's side of the story. This means one can only do a limited amount in the first meeting. Having a break between meetings also allows tempers to cool. A grievant, however, should never be left hanging. The manager should schedule a response time. Even if this meeting has to be rescheduled, it is awful to leave people in limbo. "I will look into it" is a line that people may interpret as a means of putting them off.

\* Pin down the parties' positions. Meet with each side separately, and ask him/her what solution he/she would like to see. Once the two positions are in hand, the manager can work on closing the gap. It is amazing how often people will go on and on without specifically stating what they would like or what they would settle for.

Sometimes matters, however, are not so simple. Consider the following case example. An employee named Hank came to Tom Jones office for an open door meeting. They had met at the company picnic and softball game the prior year. Hank went on and on for over an hour about how another employee got the last new chair that was ordered, how he had more seniority, how this is yet another example of his boss playing favorites, and he gave numerous examples going back over ten years. During this conversation, Tom was silently thinking things like, "God this is trivial," and "I will buy you a damn chair, if you will just shut up and go back to work." Would simply buying Hank a chair really resolve the matter? The complaint about the chair is a symbol of the poor underlying relationship. This relational problem has built over many years. The chair is simply the straw that broke the camel's back (there are many other pertinent straws). Obviously, it is easier to deal with monetary matters like a chair than it is to deal with social and psychological factors like self-esteem, status, and face. Yet, ignoring the true nature of a problem is unlikely to be an effective technique if one is thinking in terms of long-term outcomes.

## PRACTICAL CHALLENGES AND PROBLEMS

There are two important practical problems that need to simultaneously be kept in mind.

\* On one hand, managers whose decisions are challenged are quite likely to suffer from denial. The symptoms include feeling one's body temperature rising (hot under the collar), one's face flushing (turning red), one's voice rising, and feeling the urge to lash back and blame the employee for the entire situation (e.g. "The real problem is your poor work," "You never listen to what I tell you," and "You have a real attitude problem."). There is an old saying that "the man who tells the truth better have one foot in the stirrup" (Foulkes, 1980). Supervisors who feel threatened are quite likely to commiserate with other supervisors, especially those who have also faced employee complaints. A few other supervisors may provide helpful hints, but more often than not, they simply reinforce the feeling that the employee in question is rotten, and something needs to be done about him/her. Once shared views like these have been created among the supervisors, transferring the person is unlikely to have any beneficial impact. Hence, appealing to an objective person who is removed from the problem may be an organization's only hope to alleviate errors in supervisory judgment.

\* On the other hand, managers need support in order to maintain their confidence and effectiveness. Frequent reversals can undermine their authority and make them timid or excessively lenient. Some upper level managers feel so strongly about this, they will only make the changes the employee requests (or even some portion of them), if the first line supervisor consents. Since, as described above, supervisory denial is a very real problem, many bad decisions never get reversed under this approach.

#### What can we do to get out of this mess?

-One can train first line supervisors to recognize the symptoms of denial (some of which are listed above). Once they realize they are unable to deal constructively with the matter at that moment, they can summarize the employee's main points, schedule another meeting, and seek out a third party (a superior, an HR manager or an ombudsman) to help guide and monitor the next meeting. Taking a break is virtually always a better idea than telling the employee off and escalating the hostilities.

-Instructing supervisors in training sessions that no one is perfect, the company believes in the appeal procedure, and a reversal will not hurt his/her career or standing may help. The key question remains what actually happens when a decision is reversed. Do superiors still hold the person in high regard? Do the employees lose respect for him/her? Of course, one or two reversals might not hurt, but certainly numerous reversals must be regarded as a sign of a problem.

-Some HR managers will utilize role reversals. For example, in an assembly line situation, a worker was frequently found to be missing from her post. Both her coworkers and supervisor became highly agitated by this. The supervisor responded by "watching the person like a hawk." The person was found to be visiting the women's rest room very frequently. The supervisor began to record the time and the duration of each visit. This infuriated the employee. The HR manager