

Module 7

Employee Discipline and Grievances

Overview

This module explains the types and causes of grievances and how these grievances are handled formally. The concept and meaning of discipline is introduced. A diagnostic approach to discipline is taken and there is a discussion on difficult employees. This Module also discusses the disciplinary process and the methods deployed.

Upon completing this module, you should be able to:

- *define* the term grievances and describe their effect on organisations.
- *identify* various types and causes of grievances.
- *recount* different ways in which grievances can be handled effectively in organisations.
- *articulate* the concept of discipline in an organisation.
- *describe* the employee behaviour types that are most likely to have interactions with disciplinary systems.
- *compare* and contrast varied disciplinary philosophies as well as varied methods and systems that make the disciplinary process effective in organisations.



Outcomes

Terminology



Terminology

Counselling:	Provide an counsel session to an individual (employee) who need an advice and guidance.
Discharge:	Similar meaning to dismissal of letting go an employee involuntary.
Discipline:	A systematic instruction given to disciples to train employee in a craft or trade, or any other activity which they are supposed to perform, or to follow a particular code of conduct or "order".
Dismissal:	Involuntary termination of an employee's employment.



Grievance: A complaint about a job that creates dissatisfaction or discomfort for the worker.

Grievance handling

It is inevitable that employees will feel dissatisfied from time to time about aspects of their working lives. This may be due to the attitude of managers, a company policy, the behaviour of work colleagues, thwarted ambitions, or a whole lot of other reasons. For instance, an employee may feel that his foreman assigns him to do all the dirty and heavy jobs. A clerk-typist may discover that a new girl (also a clerk-typist) has just been hired at a salary higher than she is getting after a full year on the job. An hourly production worker may feel that his supervisor's decision to deal with him disciplinarily on his refusal to do overtime work on a Sunday was unfair. These are examples of the myriad situations that can give rise to employee anxiety and complaints.

If the culture within the organisation is such that employees feel that there is no means of raising their concerns, then these issues are unlikely to be resolved. There are a variety of likely outcomes, one of which is that employees become increasingly more discontented and may ultimately decide to leave. Therefore, for the sake of justice to the individual and for the smooth functioning of the whole organisation, it is important for the management to get to the root of employee dissatisfaction and to take corrective action wherever possible.

Forms of dissatisfaction

If some problem or condition bothers or annoys an employee, or if he/she thinks someone has unfairly treated him/her, he/she may express his/her discontent to someone else. When he/she expresses his/her dissatisfaction, you can designate such action as a complaint. Usually (but not always), when a person sounds off about something that bothers him/her, he/she hopes that the listener (a fellow employee or his/her supervisor) will do something to correct his/her difficulty. It is much more important for management to know about dissatisfaction. An unexpressed dissatisfaction is as worthy of consideration by the supervisor as a spoken complaint. Just as an untreated wound, festering discontent would also likely lead to dire consequences.

Much dissatisfaction never turns into a complaint if something happens to make it unnecessary. Dissatisfaction may evaporate with a night's sleep, after a cup of coffee with a colleague, or when the cause of the dissatisfaction is in some other way removed. The little dissatisfaction that do produce complaints is also most likely to resolve itself at that stage. However, such a complaint is still not considered as a grievance.

Dissatisfaction, complaint and grievance

To understand what a grievance is, you must clearly be able to distinguish between dissatisfaction, complaint and grievance. Torrington (1987) provides us with a useful categorisation in this regard:

1. **Dissatisfaction:** Anything that disturbs an employee whether or not the unrest is expressed in words.
2. **Complaint:** A spoken or written dissatisfaction brought to the attention of the supervisor or the shop steward.
3. **Grievance:** A complaint that has been formally presented to a management representative or to a union official.

In addition, there are other definitions of a grievance that distinguish it from the other two. Some such definitions are:

- A grievance is a formal dispute between an employee and management on the conditions of employment (Glueck, 1978, p. 680).
- Grievances are complaints that have been formally registered in accordance with the grievance procedure (Jackson, 2000, p. 4).
- A grievance is any dissatisfaction or feeling of injustice in connection with one's employment situation that is brought to the attention of the management (Beach, 1980, p. 538).

So, you will see that a grievance is a formal and a relatively drastic step as compared to dissatisfactions and complaints. However, instances where complaints turn into grievances are not common since few employees will question their superior's judgment. Further, many people do not initiate grievances because they fear negative consequence as a result of their attempt to do so.

Effect of complaints and grievances on organisational effectiveness

There are many reasons why employees keep their problems bottled up inside themselves. Firstly, let us see why they might do so. A person may simply have a high tolerance limit for frustration, feel that the condition may soon change in such a way that the problem will then be corrected, have found from past experience that it does no good to complain to his/her supervisor. Sometimes, a person may even feel that others will criticise or condemn him/her if he/she complains.

Suppressing grievances would not be conducive to the smooth functioning of an organisation. Unheard and unattended grievances generally lead to unhappiness, frustration, discontentment, inefficiency and low productivity. Jackson (2000, p. 12) refers to several potential outcomes when employees feel that their managers have failed to respond to their grievances or have handled them badly.

- Discontent and demotivation
- Poor performance
- Reduced productivity
- Disciplinary issues
- Increased labour turnover



- Withdrawal of goodwill
- Industrial action (in unionised environments)
- Employment tribunal applications
- Damage to the organisation's reputation
- Resistance to change.

According to Heneman et al. (2000, p. 633), from the standpoint of an employer, there is a correlation between grievance filing, higher absenteeism and fewer production hours. High grievance levels are also associated with a conflictual labour relations climate. In this regard, Heneman et al. (2000) refer to a 1976–1977 study by Gandz and Whitehead (1981) involving 118 bargaining units followed up with a study of 18 units in 1979–1980 in which it was found that high grievance rates were associated with conflictual rather than cooperative labour relations. Further, a well-publicised employment tribunal case can have a detrimental impact on the reputation of an employing organisation notwithstanding the merits of the case and its outcome. Further, as Jackson (2000, p. 12) opines, employers nowadays should be even more concerned about the effect on their public image as technology (particularly the Internet) allows employees and ex-employees to disseminate information (regardless of its validity) about organisations speedily and very publicly. Furthermore, employees are more likely to be resistant to proposed changes if they feel that they have been poorly treated.

Types and causes of grievances

Types of grievances

Grievances arise from various issues. Different authors take different approaches in describing the types of grievances. Heneman et al. (2000, p. 632) suggests the following categories to flag the most prevalent issues.

Customs and practice

Many practices are not explicitly spelled out in the contract but have grown over time. For example, it may be customary to allow wash-up time at the end of shifts. If management changes procedures, a grievance may result. Practice (even though not spelled out) may take on the form of a contract clause – particularly if management has cited it as a reason not to grant other concessions during negotiations. The whole issue of past practice is extremely complex and occupies a great deal of attention from arbitrators.

Rule violations

Work rules are often spelled out in contracts and supplementary materials. When an employee violates one, he/she is subject to discipline. There may be a dispute regarding whether the violation occurred and (if so) whether the discipline is excessive for the violation.

Insubordination

Violations of orders and refusals to perform assigned work can lead to insubordination charges. Generally, employees are expected to perform the required work and then grieve their assignment rather than refuse to do it. There may be instances (such as safety situations) where employees may rightfully refuse to perform the work under the contract.

Absenteeism

Excessive absenteeism is frequently a cause for discipline. Grievances generally occur where employees are not treated consistently or where the discipline is seen as being excessive for the level of absences.

Dishonesty

Cases of theft usually result in discharge. Most grievances here relate to searches, seizures and other alleged violations of evidentiary procedures.

Substance abuse

Employees may be disciplined and/or discharged for drug use on company premises and/or where their performance is negatively influenced by prior acute or chronic use of intoxicants. Substance abuse frequently corresponds with absence behaviour.

Other classifications of grievances

Torrington (1987, p. 531) referred to a classification under the basis of content.

1. The first kind referred to **tangible objects** in terms of what could be defined by any competent worker and could be easily tested. Instances can include times when the machine was out of order or when the tool was too dull. It could also be when the stock was not up to standard. Perhaps, the cement was too thin and would not make the rubber stick.
2. The second type was those based partly on **sensory experience** and primarily on the accompanying subjective reactions. Examples are as follows: work was too messy, it was too hot, the job was too difficult, etc. These statements include terms where the meaning is biologically or socially determined and therefore cannot be understood unless the background of the grievance is known. Seldom can their accuracy be objectively determined. A temperature of 108°F may be too hot for one person but manageable for another.
3. The third type was those involving the **hopes and fears** of employees. Perhaps, the supervisor showed favouritism. The pay rates could have been too low. Maybe, seniority did not count as much as it should. These proved the most revealing to the investigators as they showed the importance of determining not only what employees felt but also why they felt as they did –not only verifying the facts (manifest content) but also determining the feelings behind the facts (latent content).



4. The writers concluded that (for instance) one employee who complained of his supervisor being a bully was actually saying something rather different (especially when the reason given was the fact that the supervisor did not say “Good morning”). Later, it was revealed that the root of that employee’s dissatisfaction was in his **attitude** to any authority figure and not simply the supervisor about whom he had complained.

Thus, you will note that grievances arise for a variety of issues. However, the range of issues and types included within the scope of grievance procedures varies from one workplace to another. Whatever the basis of categorisation, each of the types of dissatisfaction manifested in the above analyses are important for management to effectively and speedily uncover and act upon.

Analysis of the causes of grievances

Nair and Nair (1999) refer to a U.S. study and two Indian studies identifying typical grievances and common causes for the same. Despite differences in culture, industrial climate and per capita income levels between U.S. and India, the authors found that the findings were almost equally applicable to both countries.

As quoted by the authors, the following table is a broad classification of grievances and their causes identified in a study undertaken by the U.S. Department of Labour.

Classification	Causes
1. Wage grievances	<ul style="list-style-type: none"> • Demands for individual wage adjustments • Complaints about job classification • Complaints about incentive systems • Miscellaneous
2. Supervision	<ul style="list-style-type: none"> • Complaints against discipline and/or administration • Complaints against behaviour of supervisors • Objections to the methods of supervision
3. Working conditions	<ul style="list-style-type: none"> • Safety and health • Violations of rules and regulations • Miscellaneous
4. Seniority, promotions and transfers	<ul style="list-style-type: none"> • Loss of seniority • Calculations/Interpretations of seniority • Denials or delays of promotion • Transfers or changes of shifts
5. Discipline	<ul style="list-style-type: none"> • Discharges/dismissals/lay-offs • Alcoholism, absenteeism and accidents • Harshness of punishment and penalties

Classification	Causes
6. Collective bargaining	<ul style="list-style-type: none"> • Violations of contracts/awards/agreements • Interpretation of contracts/awards/agreements • Settlements of grievances
7. Union management relations	<ul style="list-style-type: none"> • Recognition of unions • Harassment of union bearers • Soldiering/Go-slow tactics

Table 7.1 Broad classification of grievances

Nair and Nair (1999, p. 258), while stressing the need to identify the root causes, also suggest that such causes be identified under three dimensions:

1. **Organisational aspects:** Organisational structure, policy plans and procedure.
2. **Informational aspects:** Ignorance about company rules, regulations, promotion policies, career prospects, transferability, etc.
3. **Human aspects:** A variety of reasons – the major ones being poor mental health and alienation.

Jackson (2000, 5) traces the causes of grievances as arising from the following issues:

- Working environment – light, space, heat.
- Use of equipment – tools that have not been properly maintained.
- Supervisory practices – workload allocation.
- Personality clashes and other inter-employee disputes (work-related or otherwise).
- Behaviours exhibited by managers and/or other employees – allocation of “perks” such as for overtime work on Sundays; harassment, victimisation and bullying incidents.
- Refused requests – annual leave, shift changes.
- Problems with pay – late bonus payments, adjustments to overtime pay.
- Perceived inequalities in treatment – claims for equal pay, appeals against performance-related pay awards.
- Organisational change – the implementation of revised company policies, new working practices.

The authors stress that all these causes should be investigated to achieve the following twin objectives:

1. Redress the grievances of the complainants



2. Initiate remedial steps to prevent recurrence of similar grievances in the future

Handling grievances formally

Need for a formal grievance handling procedure

You will have realised by now that handling complaints and grievances in a fair and efficient manner in the workplace can significantly contribute to good employee-employer relations. Admittedly, this can be achieved by good management practices alone. Nonetheless, it is generally preferable to adopt a formal written policy and procedure to ensure consistency and a coordinated approach. Managers who believe that it introduces unnecessary rigidity into working relationships however often resent the formality of the grievance handling procedure. They may feel that “I see my people all the time. We work side by side and they can raise with me any issue they want, at any time they want”. The problem is that many people will not raise issues that could be regarded as contentious with their immediate supervisor in just the same way that managers tend to frequently shirk the rebuke as a form of disciplinary penalty. The formality in procedures provides a framework within which individuals can reasonably air their grievances and avoid the likelihood of managers dodging the issue when it is difficult. It avoids the risk of inconsistent ad hoc decisions and employees know at the outset that the matter will be heard and where it will be heard.

Some employers (especially in non-union companies) take the view that there is really no need for a formalised grievance handling procedure. Their view is that all their first-line supervisors have been trained to listen to employee complaints and to take prompt action to settle them. They also state that the company is managed well, it has an enlightened human relations programme in operation, and employees are generally well satisfied. Very little evidence of dissatisfaction or complaints ever reaches the ears of top management. However, the danger of such an approach is that any suppressed feelings could suddenly flare up and may prove to be disastrous to the organisation. Ultimately, complainants may decide to leave. Exit interviews may reveal the real reasons for their departure even though it is not always the case. Even where employees do tell all at their exit interview, it is usually too late to do anything about their complaints or grievances and ask them to reverse their decision to leave the organisation.

Beach (1980, p. 539) also refers to several reasons why there should be a formal procedure to handle grievances:

- All employee complaints and grievances are in actual practice not settled satisfactorily by the first-level supervisor due to lack of necessary human relations skills or authority to act.
- It serves as a medium of upward communication whereby the management becomes aware of employee frustrations, problems and expectations.

- It operates like a safety valve on a steam boiler by providing employees with an outlet to express their frustrations, discontent and gripes.
- It also reduces the likelihood of arbitrary action by supervision since the supervisors know that the employees are able to protest such behaviour and make their protests heard by higher management.
- The very fact that employees have a right to be heard and be actually heard helps to improve morale.

The benefits of a grievance handling procedure

According to Jackson (2000, p. 10), further benefits that will accrue to both the employer and the employees are:

- It encourages employees to raise concerns without fear of reprisal.
- It provides a fair and speedy means of dealing with complaints.
- It prevents minor disagreements developing into more serious disputes.
- It saves employers time and money as solutions are found for workplace problems.
- It helps to build an organisational climate based on openness and trust.

The grievance handling procedure – the process

Grievance handling procedures involve a systematic set of steps for handling an employee complaint/grievance. Most union contracts provide the channels and mechanisms for the processing of such grievances.

Objectives of a grievance handling procedure

A grievance filer should not subsequently be disadvantaged in any way. Jackson (2000, p. 11) lays down the objectives of a grievance handling procedure as follows:

- To enable the employee to air his/her grievance.
- To clarify the nature of the grievance.
- To investigate the reasons for dissatisfaction.
- To obtain (where possible) a speedy resolution to the problem.
- To take appropriate actions and ensure that promises are kept.
- To inform the employee of his/her right in the event of an unsuccessful resolution to take the grievance to the next stage of the procedure in the event of an unsuccessful resolution.



Key features of a good grievance handling procedure

Torrington and Hall (1987, p. 539) refer to four key features of a grievance handling procedure.

1. **Fairness.** Fairness is needed not only for decisions to be just but also to keep the procedure viable. If employees develop the belief that the procedure is only a sham, then its value will be lost and other means may be sought to deal with the grievances. This also involves following the principles of natural justice as in the case of disciplinary procedures.
2. **Facilities for representation.** Representation (for example, by a shop steward) can be of help to the individual employee who lacks the confidence or experience to take on the management singlehandedly. However, there is also the risk that the presence of the representative produces a defensive management attitude that may possibly be affected by a number of other issues on which the manager and shop steward may be at loggerheads.
3. **Procedural steps.** Steps should be limited to three. There is no value in having more than three steps in such a procedure just because there are more levels in the management hierarchy. It will only lengthen the time taken to deal with matters and may soon bring the procedure into disrepute.
4. **Promptness.** Promptness is needed to avoid the bitterness and frustration that can come from delay. When an employee “goes into procedure,” it is like pulling the communication cord in the train. The action is not taken lightly and it is in anticipation of a swift resolution. Furthermore, the manager whose decision is being questioned will have a difficult time until the matter is settled.

Jackson (2000, p. 30) states that good practice dictates that procedures should be:

- Set down in writing.
- Aimed at settling matters as closely as possible to the point of origin.
- Equitable in the way in which all workers are treated.
- Simple to understand.
- Rapid in their operation to ensure that grievances are processed in a timely manner.

Further, they should ensure that workers have the right to have their grievances heard at further levels the right of appeal should be built into each stage) if a grievance is not settled at the informal or first formal stage. It is also important for the procedure to have credibility. All parties need to be satisfied that it is both fair in conception and application. It should certainly not be seen as a device for simply going through the motions. Neither should managers fear that it provides a stick to a disgruntled employee to beat them with. Jackson (2000, p. 4) observed

that if a grievance is raised, then it is crucial that all parties have a desire to ensure that there is a fair hearing of the complaint and that justice is ultimately done.

The steps in the grievance handling procedure

The method by which formal grievances are processed varies with the labour contract. Glueck (1978, p. 681) refers to three steps that apply to many (if not smaller) enterprises.

1. Initiation of formal grievance
2. Department head or unit manager
3. Arbitration.

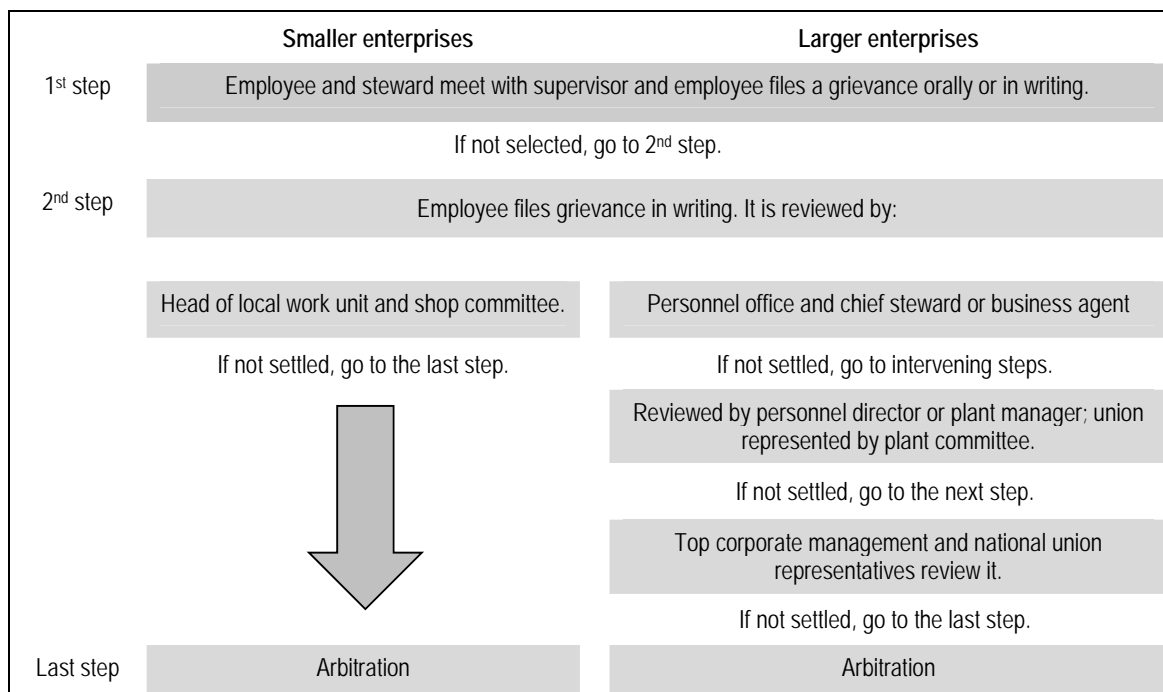


Figure 7.1 The steps in the grievance handling procedure

Source: (Glueck, 1978, p. 682)

Figure 6.4 outlines the steps in the grievance handling procedure, which is explained below:

1. **Initiation of formal grievance:** This step refers to the filing of the grievance. An aggrieved employee can file his/her grievance with the supervisor in the first instance, preferably in writing or at least initially verbally and formulated (if he/she wishes) with the help and support of his/her union steward. Most grievances are usually settled at this level between the steward, the employee and the supervisor.



2. At the second step, the supervisor should make sure that **the grievance is attended to and the problem solved** as soon as possible without trying to assess the blame or find excuses. Joint attempt by him/her along with the union steward and the employee would be the most useful way of solving at this stage. Several organisations train their supervisory level staff to handle and solve grievances at this level by using effective counselling techniques.
3. **Department head or unit manager:** If the grievance cannot be solved at the level of the supervisor, it goes to the other level in the hierarchy. At this point, the grievance must be presented in writing and both sides must document their cases. What this level consists of depends on the size of the organisation. Most grievances that go beyond the first stage are settled at this level.
4. **Arbitration:** If the grievance cannot be solved at this intervening step or steps, an independent arbitrator may be called in to settle the issue. In larger organisations, one or possibly two steps can be inserted between the second and last steps as shown in the diagram. Depending on the way the contract is written, the parties may use a permanent umpire or appoint an ad hoc arbitrator. Most agreements using a permanent umpire are with larger organisations having mature bargaining relationships. The arbitrator is generally experienced in labour management relations and it is often a labour lawyer, a university professor of industrial relations or a former labour or management official now arbitrating full-time. Arbitration provides a method for settling contractual disputes without having to resort to work stoppages.

Glueck (1978, p. 682) states that most studies of grievances show that more than 75 per cent are settled at the first step and another 20 per cent at the next level. The rest (primarily in larger enterprises) are taken care of in the intervening steps. Relatively few studies have been done on grievances.

Some guidelines: Do's and don'ts

Dessler (2001, p. 576) presents a set of guidelines to managers in handling grievances. He says, "As a manager, your behaviour in handling grievances is crucial. You are on the firing line and must, therefore, steer a course between treating employees fairly and maintaining management's rights and prerogatives." He quotes Walter Baer (1970) who has developed a list of do's and don'ts as a useful guide in handling grievances. Some of the most critical ones are presented here.

Do's

- ✓ Investigate and handle each and every case as though it may eventually result in an arbitration hearing.
- ✓ Talk with the employee about his/her grievance. Give the person a good and full hearing.

- ✓ Require the union to identify specific contractual provisions that have been allegedly violated.
- ✓ Comply with the contractual time limits of the company for handling the grievance.
- ✓ Visit the work area of the grievance.
- ✓ Determine whether there were any witnesses.
- ✓ Examine the grievant's personnel record.
- ✓ Fully examine prior grievance records.
- ✓ Treat the union representative as your equal.
- ✓ Hold your grievance discussions privately.
- ✓ Fully inform your own supervisor of grievance matters.

Don'ts

- ✗ Discuss the case with the union representative alone. The grievant should definitely be there.
- ✗ Make arrangements (that are inconsistent with the labour agreement) with individual employees.
- ✗ Hold back the remedy if the company is wrong.
- ✗ Admit to the binding effect of a past practice.
- ✗ Relinquish to the union your rights as a manager.
- ✗ Settle grievances on the basis of what is "fair". Instead, stick to the labour agreement which should be your only standard.
- ✗ Bargain over items that are not covered by the contract.
- ✗ Treat as subject to arbitration claims demanding the discipline or discharge of managers.
- ✗ Give long written grievance answers.
- ✗ Trade a grievance settlement for a grievance withdrawal (or try to make up for a bad decision in one grievance by bending over backward in another).
- ✗ Deny grievances on the premise that your "hands have been tied by management".
- ✗ Agree to informal amendments in the contract.

Redressing of grievances (ROG)

Nair and Nair (1999, p. 259) state that certain guidelines in the context of India were evolved in formulating grievance handling procedures in different types of organisations – small and large, unionised and non-unionised.

According to Nair and Nair (1999), grievance handling procedures can be broadly classified as three-step, four-step or five-step. The details are tabulated in the following table. One of the prominent features of the



procedure suggested by Nair and Nair (1999) is the intervention of grievance committees in the five-step procedure which works in India. This committee consists of:

1. A unionised context where two nominees each from the management and the union (one union representative should be from the same department as the aggrieved employee).
2. A non-unionised set-up where two representatives from the management and a representative of the “Works Committee” who belong to the same department as that of the aggrieved employee and the secretary/vice-president of the “Works Committee.”

Steps	3-step procedure	4-step procedure	5-step procedure
Step No. 1	Worker with shop rep. of union vs. shop supervisor	Worker with shop rep. of union vs. shop supervisor	Worker with shop rep. of union vs. shop supervisor
Step No. 2	Union rep. of plant vs. G.M. or owner	Work committee vs. manager	Union rep. of plant vs. Manager (I.R.)
Step No. 3	Arbitration by an independent authority	Local union leaders vs. Chief Executive	Grievances Committee vs. Director (P&A)
Step No. 4		Arbitration	Regional rep. of union vs. Chief Executive
Step No. 5			Arbitration

Table 7.2 Comparison of ROG Procedure

Source: (Nair & Nair, 1999, p. 260)

Grievance in the public sector

Glueck (1978, p. 683) refers to the U.S. context and opines that conciliation and mediation are tried if the first two steps are similar to what happens in the private sector (as earlier referred to). If no solution is tried, the grievance goes to the Federal Service Impasses Panel and finally to arbitration. In the public sector of different countries, the first two steps remain the same but there are intervening steps between the second and third steps.

Grievance in the non-unionised enterprise

Employee relations procedures in non-unionised organisations are developed to ensure opportunities for due process for employees who believe that management has acted unfairly. Employers frequently establish procedures that allow employees access to superiors. However, in many instances, the ultimate authority in deciding the merit of the complaint is a high-level management official. This procedure will have little credibility if management controls it excessively.

Several methods to reduce the possibility of employee cynicism about management's commitment to neutral grievance handling procedures have been devised in non-unionised organisations.

Heneman et al. (2000, p. 637) gives an example of IBM which has operated a system that allows employees direct anonymous access to high level management on complaints. It is also reported that investigations are carried out, remedial action is taken and communicated to the aggrieved employee, when complaints are received. Follow-up is also said to be monitored by high level management.

Beach (1980, p. 548) refers to various approaches that have been or can be instituted in non-unionised organisations.

- **Open door policy** – Any aggrieved employee has a right to go to the office of the CEO and discuss his/her complaint or grievance.
- **The Inspector General method** – A high level official is appointed to visit each unit at least once a year or more often as necessary to investigate and remedy injustices.
- **Ombudsman** – Such a person would be an independent and neutral officer who directly reports to the company president or the CEO. Xerox experiences indicate that only someone outside the corporate chain of command could ensure fair treatment for employees.
- **Multi-step procedure** – Under this procedure, the last avenue of appeal is generally the CEO.
- **Grievance committee** – This is a committee consisting of management and non-management members to hear employee grievances on appeal from lower levels. Nair also referred to such committees in the context of India.

For a grievance system to work successfully in a non-unionised set-up, employees should be assured that there would be no retaliation against them for submitting and pushing their case up. Employees naturally tend to have deep-seated fears of retaliation by their superiors or other members of the management because of the imbalance of power between management and workers. This is one prime reason why the grievance-handling procedure is seldom used. This may in turn give a false sense of confidence to the top management that the employees are happy and contented.

Reducing grievances and improving the process

It is impossible to remove grievances altogether from organisations. However, in view of the adverse effects grievances have on organisational effectiveness, measures should be taken by adopting various approaches to reduce them. Glueck (1978, p. 683) refers to the following in this regard.

1. Reduce the causes of grievances such as bad working conditions or adopt a less employer-oriented supervisory style.



2. Educate managers on contract provisions and effective human-relations-oriented grievance processing.
3. Quickly and efficiently process all grievances.
4. Encourage supervisors to consult personnel and other supervisors before processing grievances to get the best advice and improve effectiveness in the grievance process.

The concept and meaning of discipline

Introduction

Discipline is the regulation of human activity to produce a controlled performance. The real purpose of discipline is quite simple. It is to encourage employees to meet established standards of job performance and to behave sensibly and safely at work. Discipline is essential to all organised group actions.

Definition

Webster's Dictionary gives three basic meanings to the word "discipline". The first is that of training that corrects, moulds, strengthens, or perfects. The second meaning is control gained by enforcing obedience. The third is that of punishment or chastisement. By combining the first and second definitions, you can say that discipline involves the conditioning or moulding of behaviour by applying rewards or penalties. The third meaning is narrower in that it pertains only to the act of punishing wrongdoers.

Besides these broad definitions, there are others referring to organisational life in particular such as:

Discipline is a procedure that corrects or punishes a subordinate because a rule or procedure has been violated. (Dessler, 2001)

Discipline should be viewed as a condition within an organisation whereby employees know what is expected of them in terms of the organisation's rules, standards and policies and what the consequences are of infractions. (Rue & Byars, 1996)

From the above definitions, you can find the following elements:

- The objective is orderly behaviour.
- Orderly behaviour is a group desire.
- Orderly behaviour assists the attainment of organisational goals.
- When members behave appropriately in accordance with rules, there is no need for disciplinary action. This is self-discipline.
- When some members violate the rules and regulations, punitive actions are needed to correct them.
- Punishment serves two purposes: first, to directly punish an individual for an offence; and secondly, to set an example for others not to violate the rules and regulations.

Employees who observe the rules and standards are rewarded by praise, by security and often by advancement. Those who cannot stay in line or measure up to performance standards are penalised in such a way that they can clearly learn what acceptable performance and behaviour are. Most employees recognise this system as a legitimate way to preserve order and safety as well as to keep everyone working towards the same organisational goals and standards. For most employees, self-discipline is the best discipline. As often as not, the need to impose penalties is a fault of the management as well as that of the individual worker. For that reason alone, a supervisor should resort to disciplinary action only after all else fails. Discipline should never be used as a show of authority or power on the supervisor's part.

A formal discipline procedure usually begins with a verbal warning and progresses through a series of activities that are to be examined later in this course. As Rue and Byars (1996, p. 424) point out, preventive discipline from progressing beyond the verbal warning stage is obviously advantageous to both the employee and management. Discipline should be aimed at correction rather than punishment.

Purpose and objectives of disciplinary action

According to Dessler (2001), the purpose of discipline is to encourage employees to behave sensibly at work where being sensible is defined as adhering to rules and regulations. In an organisation, rules and regulations serve about the same purpose that laws do in society. Bittel and Newstrom (1990) noted that discipline is called for when one of these rules or regulations is violated. The following are some of the purposes and objectives of disciplinary action.

- To enforce rules and regulations.
- To punish offenders.
- To serve as an example to others to strictly follow rules.
- To ensure the smooth running of the organisation.
- To increase working efficiency.
- To maintain industrial peace.
- To improve working relations and tolerance.
- To develop a working culture which improves performance.

Dessler (2001) opines that a fair and just discipline process is based on three foundations: (1) rules and regulations (2) a system of progressive penalties, and (3) an appeals process.

Let us probe this further. Dessler (2001) states that **a set of clear rules and regulations** is the first foundation. These rules address things such as theft, destruction of company property, drinking on the job and insubordination. The purpose of these rules is to inform employees ahead of time as to what is and is not acceptable behaviour. This is usually done during the orientation of employees.



According to Dessler (2001), a **system of progressive penalties** is the second foundation of effective disciplining. Penalties may range from verbal warnings to written warnings to suspension from the job to discharge. The severity of the penalty is usually a function of the type of offence and the number of times the offence has been committed.

Dessler (2001) opines finally that there should be an **appeals process** as part of the disciplinary process. This helps to ensure that discipline is meted out fairly and equitably.

Grievance versus discipline

In the discussion of grievances, you have read that an employee may initiate what is called a grievance handling procedure for redress when he/she is dissatisfied with management. Similarly when the management is dissatisfied with an employee, disciplinary action is initiated to correct the situation. Thus, you see that discipline and grievances are two sides of the same coin. Whether a management or workforce member is dissatisfied, either situation requires the cooperation of the union and management for its solution. The HR department plays the leading role in both these cases because it profoundly influences motivation, morale, industrial peace and productivity in the organisation.

A diagnostic approach to discipline

Glueck (1978, p. 701) states that the kind of discipline system used is normally related to the enterprise. It will be more formal in larger enterprises and this is so especially in those that are unionised. It is quite informal in smaller enterprises. How strict discipline is depends in part on the nature of the prevailing labour market. In times of high employment, it can be quite strict. It is also related to the supportiveness of the work group (if the work group covers for the employee and feels the issue is unimportant, the management's ability to discipline will be limited) and to the nature of the leader or supervisor. The government and the legal system – being neutral systems that act on the basis of evidence related to the specific cases – may provide support for employer or employee.

According to Glueck, the diagnostic approach to discipline starts when the effective operating or personnel manager attempts to diagnose factors (as mentioned in the foregoing paragraph) in a disciplinary situation. For instance, the supervisor may try to diagnose the difficult employee's motivation with a view towards improving performance. This is not always easy to do. It may be virtually impossible to do so if the manager does not know the employee well (because there are many employees) or faces other conditions that work against him/her. Discipline is one of the most challenging areas in the personnel function. The diagnostic approach (rather than the "give him/her a fair trial before you hang him/her" approach) is especially helpful in dealing with the difficult employee. It is good management to first undertake a diagnosis of the difficulty within the workplace before referring the case to a tribunal of any kind.

Categories of difficult employees

Literature by Glueck (1978) and Ivancevich (1998) refers to four categories of employees whose behaviour can be described as difficult.

Category 1: Those whose quality or quantity of work is unsatisfactory as a result of the lack of abilities, training or job motivation. They are the ineffective employees.

Category 2: Those whose personal problems off the job begin to affect their productivity on the job. These problems can include alcoholism, drugs and/or family relationships. Examples are alcoholics, drug addicts and substance-abusing employees.

Category 3: Those who violate laws while on the job by such behaviour as stealing from the organisation or fellow employees, or physical abuse of employees or property. They are participants in theft, crime and other illegal acts.

Category 4: Those who consistently break company rules and do not respond to supervisory reactions. They are not involved in criminal or illegal acts but are violators of organisational rules and are called rule violators.

Glueck has offered some illustrations of these four categories that provide a departure point for looking at various other commentaries on these types.

Category 1: The ineffective employee

Illustration: Al is the salesman who had the largest sales increases of any of the sales force just after he was hired. Later, his sales dropped. When his supervisor checked, Al was found to be making just enough sales calls to reach his quota.

How does an organisation handle a person like Al? Employees like Al may be performing ineffectively because of factors that are directly related to the work situation and are theoretically the easiest to work with and to adjust. Ivancevich (1998, p. 523) suggests that in coping with ineffective poorly-performing employees, managers need to ask three questions to analyse the problem:

1. What is the performance discrepancy?
 - Why do I think there is a training problem?
 - What is the difference between what is being done and what is supposed to be done?
 - What is the event that causes me to say that things are not right?
 - Why am I dissatisfied?



2. Is it important?
 - Why is the discrepancy important?
 - What would happen if I left the discrepancy alone?
 - Could doing something to resolve the discrepancy have any worthwhile results?
3. Is it a deficiency in skills?
 - Could the employee do it if he/she really had to do it or if it were a matter of life and death?
 - Are the employee's present skills adequate for the desired performance?

Ivancevich (1998) proposes that if there is a deficiency in skills, it must be corrected. However, if the problem does not have to do with skills, then the employee may need help which a supervisor can provide by removing obstacles, thereby creating a more positive motivational climate, or by bringing about some type of job change. To summarise: ineffective performance may be the result of various factors related to skills, the job or the motivational climate.

Category 2: The alcoholic and addicted employee

Illustration: Susan is often a good worker. Then, there are days when all the forms she types at the state employment bureau have serious errors on them. You learn that it happens on days when Susan has been drinking alcohol or taking drugs.

Alcoholic consumption, which affects an employee's job performance, is an international problem. Glueck (1978, p. 707) refers to U.S. statistics that point out that about 10 per cent of the U.S. labour force are alcoholics and another 10 per cent are borderline alcoholics. Further, the direct cost to industry alone is estimated at USD 8 billion a year in lost productivity and allied expenses.

Enterprises have therefore taken this problem very seriously in view of the adverse effects it has on organisational effectiveness. Many unions are now cooperating with management in various programmes designed to deal with alcoholism. In larger enterprises, a special unit, such as the health department, helps alcoholics. In medium or small-sized companies, the personnel department refers the employee to consultants or specialists for treatment.

Employers are also finding more employees addicted to drugs such as cocaine and heroin. They are becoming more acutely aware of this problem area. Drug addiction manifests itself in ways similar to alcoholism. Several studies have shown the problem of drugs and its ill effects on organisational effectiveness to be acute in most Western nations. Companies now believe that drug addiction is a principal cause of absenteeism, turnover, accidents, thievery (often to support expensive drug habits) and lower productivity.

In industry, companies can try to rehabilitate alcoholics and drug users. However, the ultimate decision is often discipline and/or discharge although this may lead to arbitration. Glueck (1978) expresses the view that a perusal of arbitration and labour court proceedings in this respect reveals that the courts (in view of legal implications and difficulties faced by such employees in finding future jobs) have demanded full and complete proof of alcoholism or drug use. Therefore, employers must prepare their documentation to support their decision to terminate with a rigour that would measure up to the demands of the courts. If the company policy is to discipline and/or discharge employees who are alcoholics or on drugs, company rules and employment controls should be explicit about this prohibition. Further, there must be evidence that these prohibitions have been communicated clearly to all employees.

Category 3: Participants in theft, crime and illegal acts

Illustration: Joyce seems to do good work. She is courteous to customers. She puts the stock up quickly and marks the prices accurately. However, Joyce takes more than her pay cheque home from the supermarket she works for every week.

Employers have to deal with cases such as Joyce who engages in various illegal acts. Such employees may steal, misuse company property or facilities, disclose company secrets, or engage in embezzlement. In extreme cases in certain countries, they may even have terrorist affiliations and are prepared to kidnap executives for extortion.

Studies have shown that this problem of employee involvement in criminal activity is also acute. Enterprises try to deal with employee theft and similar problems in a number of ways. One is try to screen out likely thieves. Other enterprises try to prevent thefts through training and other preventive measures. Many of the preventive steps taken suggest that enterprises can deal with these problems by setting up a security department. Often, this responsibility is assigned to the personnel department. The protection programme is typically called industrial security and includes security education, employment screening, physical security, theft and fraud control, and fire prevention.

Category 4: The rule violators

Illustration: Tom is a pretty good employee but he drives John (his supervisor) up the wall. Tom just cannot seem to follow the company rules. When John tries to talk to him about this, Tom gives him a hard time and even seems to threaten him if he tries to do anything about the problem.

People such as Tom belong to the category of difficult employees who consistently violate company rules. One may get caught sleeping on the job, having weapons at work, fighting at work, coming late to work, or abusing the supervisor. An especially difficult issue is verbal and physical abuse of supervisors. In general, it is seen that arbitrators and judges take the position that the decisions of supervisors deserve respect. However, they also frequently reduce disciplinary penalties by taking into account



mitigating circumstances like prior excellent work records, how fairly the management has treated the employee prior to and at the time of the incident, and how uniformly and consistently management has disciplined other employees in similar situations.

Enterprises usually conduct a disciplinary inquiry to afford the accused employee an opportunity to put across his/her point of view. If a disciplinary inquiry finds an employee guilty, punishment (depending on the severity of the case) is meted out. The most severe cases may result in termination of employment while lesser cases may mean a written reprimand.

Possible causes of difficult job behaviour

Glueck (1978, p. 702) emphasises the difficulty of determining the causes of any human behaviour pattern (especially in undesired behaviour). On the other hand, Miner (1975) has devised a scheme for analysing deficient behaviour that provides a checklist of possible causes. Miner's model provides a useful approach for analysing deficient behaviour. He provides a checklist of possible causes:

- Problems of intelligence and job knowledge
- Emotional problems
- Motivational problems
- Physical problems
- Family-related problems
- Problems caused in the work group
- Problems originating in the company policies and higher-level decisions
- Problems stemming from society and values
- Problems growing out of the work context and the work itself.

Many of these causes can influence deficient behaviour which can be evident in the behaviour of the employee alone, the behaviour of the employer alone, or in the interaction of the employer and the employee. Take for example Al's behaviour (Category 1). It is directly related to the work situation and could be caused by emotional, motivational and/or organisational problems. In the case of Susan, the primary cause of her behaviour is outside the control of her employer if she is drinking because of family problems.

Disciplinary process

Disciplinary actions are increasingly subject to legal scrutiny for implications of prejudice or discrimination. For such action to measure up to the test of just cause, two criteria must be met:

1. Prior notification of what constitutes unacceptable behaviour
2. Prior notification of what the penalties for this behaviour will be.

Accordingly, take care to be sure that there has been a clear-cut breach of a known rule or standard and that there has been adequate warning in response to the employee's behaviour. Make sure you have positive evidence (preferably supported by written evidence) and that you are acting without prejudice. Any penalty must be in line with the infraction and its severity. Always, employees are entitled to, and should expect, due process. It is therefore essential that meticulous care be taken to follow a systematic procedure.

Elements in a disciplinary system

The elements of a disciplinary process can easily be grasped from a simple illustration as follows:

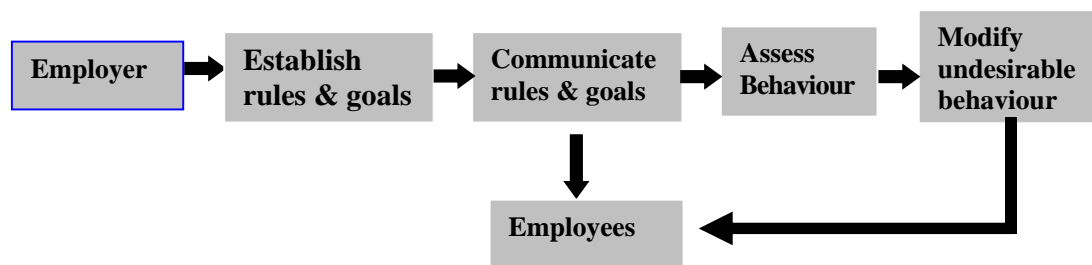


Figure 7.2 Elements in a disciplinary process

Source: (Glueck, 1978, p. 715)

It is clear from this illustration that the process starts by the employer initially establishing the rules and goals and then communicating them to employees. Employee behaviour is then assessed and efforts are directed at modifying behaviour if it is found to be undesirable. This process is an attempt to prevent difficulties and is positive. It is designed to help employees succeed.

Glueck (1978, pp. 714-716) expands on the elements of his model as follows:

Establishment of work and behaviour rules

Through whatever method is used, a set of minimally acceptable work goals is established. Behaviour rules cover many facets of on-the-job behaviour. They can be categorised as concerning behaviour that is directly or indirectly related to work productivity. Some examples are:

Rules directly related to productivity

- Time rules
- Prohibited behaviour rules
- Insubordination rules
- Rules emphasising laws
- Safety rules.

Rules indirectly related to productivity

- Prevention of moonlighting.



- Prohibition of gambling.
- Prohibition of selling or soliciting at work.
- Clothing and uniform regulations.
- Rules about fraternisation with other employees at work or off the job.

Communication of the rules to all employees

This is an important aspect of a disciplinary process. Employees must be convinced that the rules are fair and related to job effectiveness. Further, there needs to be a willingness to accept the rules and their enforceability. This can be promoted if the communication process is both clear and effective. Furthermore, if the employees or their representatives are also encouraged to participate in the formulation and revision of the rules, their cooperation with regard to both compliance and enforcement will most likely be assured.

Assessment mechanism

The third element of the disciplinary process is an assessment mechanism. In most organisations, performance evaluation is the mechanism for assessing work behaviour deficiency. Rule-breaking behaviour usually comes to the attention of management when it is observed or when difficulties arise and investigation reveals certain behaviour as the cause.

Modifying undesirable behaviour

This element consists of a system of administering punishment or attempting to motivate change. This ranges from supervisory administration of discipline to formal systems like courts and grievance handling procedures.

Philosophies of or approaches to discipline

Properly administered, discipline corrects as well as punishes and it helps to develop self-control among employees. For the majority of employees most of the time, the enterprise establishing and communicating clear rules and goals is enough to induce employees to be productive. However, as noted earlier, there are deviant employees as well – Category 1, 2, 3 and 4 employees as discussed previously. How can the enterprise deal with such deviant employees? Different authors emphasise various approaches.

Positive approach versus negative approach

Beach (1980, p. 522) distinguishes between negative and positive approaches. He states that those in charge may rule with an iron hand, punish rule violators severely and in general force the members to obey and conform. This mode of leadership has been variously called negative discipline, punitive discipline, autocratic discipline or rule through fear. The other approach is to develop in people a willingness to obey and abide by the rules and regulations. They do so because they want to and not because they are afraid of the consequences of disobedience. This form of discipline is called positive or constructive discipline.

Glueck (1978, p. 716) quotes Lawrence Steinmetz who suggested four ways to handle the marginal or unsatisfactory performer. In order of precedence, they are listed here.

The preventive approach

This approach emphasises prior analysis of employees, their work situations and probable relationships with supervisors to make sure that the match between job and employee is right. This is specifically done through strict screening at the recruitment and selection level.

The therapeutic technique

When the preventive approach does not apply, counselling employees to let them know they are ineffective and to suggest how they might improve is in order. Many employees respond to this approach.

The self-improvement programme

A variation of the therapeutic technique is for the supervisor to first document the employee's ineffectiveness and then encourage him/her to design a self-improvement programme. This puts the emphasis where it belongs: on the employee towards improving his/her performance with the supervisor's counsel and help.

The punitive approach

When none of these methods works, corrective discipline is the last resort. Methods vary from warnings and verbal reprimands to discharge or termination. Another author, George Odiorne, as quoted by Glueck (1978, p. 716), contrasts the punitive approach which he calls "discipline by tradition" to "discipline by objectives". The traditional discipline process is to list the crimes, attach punishments to each, promulgate the list, and apply punishment to each act. According to Odiorne (1971), discipline by tradition (punitive, punishment-oriented behaviour) has certain characteristics. Discipline is what superiors apply to subordinates. It is never the reverse. The past is the arbiter of present and future actions. Discipline is punishment for forbidden actions, and punishment should be directly proportional to the severity of the offence.

Odiorne (1971) contrasts this philosophy with discipline by objectives – a more modern approach, he feels. He proposes the following characteristics of an effective disciplinary programme. Discipline at work is for the most part voluntarily accepted (by the employees) and is not legitimate if it is not voluntarily accepted. Discipline is not a punishment system but a behaviour modifier. The past provides useful experience in defining and changing behaviour but is not an infallible guide to right and wrong. Contribution to objectives is a reasonable guide as to when to depart from rules and regulations. By this, Odiorne (1971) means that all may need at times to break an unimportant rule to achieve organisational objectives. Rules and regulations should be reviewed periodically against organisational objectives to see if they are still productive. Individual discipline by objectives makes each individual responsible for his/her



own output and individual differences are explainable in individual results.

Disciplinary methods

As much as approaches are important, specific methodologies are also vital for the well-being of the organisation. One of the key features of a good disciplinary system is the hot stove rule which is described in detail later in this section. It emphasises that discipline should be directed against the act rather than the person. Other key features of the hot stove rule are immediacy, advance warning, consistency and impersonality.

Guidelines in administering discipline

Nair and Nair (1999, p. 250) refers to four principles that serve as guidelines in administering discipline:

1. **Corrective and not punitive:** The primary objective of disciplinary action is to correct the behaviour. Disciplinary proceedings and punishment must be seen as the means to an end and not the end itself. In other words, it must not be thought of as punitive action. Only when corrective interventions prove ineffective should punitive measures be considered.
2. **Progressive action and punishments:** When punitive measures are required, first offences are dealt relatively minor punishments and are followed by increasingly severe penalties should offences be repeated. A first offence may receive simply a verbal warning. Repeat offences often lead to increasingly harsh penalties and may even lead to a discharge or termination. The order suggested by Bittel (1990, 367) is as follows:
 - Warning and verbal reprimand
 - First written reprimand
 - Second written reprimand
 - Suspension
 - Discharge.
3. **Natural justice:** Principles of natural justice must be applied. Any disciplinary scheme must adhere to the concept of natural justice. This means that:
 - Individuals must know the standards of performance they are expected to achieve and the rules to which they are expected to conform.
 - They should be given a clear indication of where they are at fault or what rules they have broken.
 - They should be given a chance to explain or explain themselves.
 - No person should be a judge over his/her own case.
 - Proceedings should not only be fair but also appear to be fair to all concerned.

4. **Hot stove rules:** As explained earlier in this section, the application of discipline should be analogous to the burn received when touching a hot stove. The following are the hot stove rules in disciplinary action. In other words, characteristics should be similar to the experience of being around a hot stove:
- **Immediacy:** Immediate response upon infraction. Touching the stove burns immediately. Disciplinary policies should be administered quickly.
 - **Advance warning:** The persons are forewarned. One knows the stove is there. As much as the stove gives a warning, so should discipline.
 - **Consistency:** Consistent response. The stove burns everyone who touches it. Discipline should be consistent.
 - **Impersonality:** Equality before the law. The stove burns all in the same manner regardless of who they are. Discipline must be impartial. People are disciplined for what they have done and not because of who they are.

Techniques

So, how do managers put these guidelines into action? Glueck (1978, 718) refers to a series of sanctions to improve future performance or behaviour. They vary from the brief fatherly or motherly chat to locking up the violator as the military does on occasion. Suggested techniques are listed here.

Counselling

This is the most frequent method of disciplinary action. The supervisor determines if a violation has taken place, explains to the employee why the violation significantly affects productivity and harmony in the workplace, and suggests that it should not happen again. For most violations, this is all that is required. Glueck (1978) suggests that counselling will probably be more effective if the supervisor applies what he calls the “behaviour modelling-interaction management” technique. This technique begins by identifying 19 interpersonal problems (such as gaining acceptance as a new supervisor, handling discrimination complaints, delegating responsibility, improving attendance, effecting discipline, overcoming resistance to change, setting performance goals, motivating above average performance, handling emotional situations, reducing tardiness, and taking corrective actions) that managers face. He describes four steps in the process:

1. Modelling effective behaviour – often by use of films.
2. Role playing (discussed in detail in previous section).
3. Social reinforcement – trainers and trainees praise effective role plays.
4. Transfer of training to the job.

A repetition of the infraction may be dealt with by more counselling and needs to be accompanied by a notation in the employee’s file that this



step has been taken. If the violation has been sufficiently serious, the employee may also be given a verbal or written warning of the consequences of a future recurrence.

Disciplinary lay-off

If the aforesaid measures do not help, the next step is normally a disciplinary lay-off for usually a short period such as a few days up to a week. If damage results from the deviant behaviour, deductions may be made from the employee's pay over a period of time to pay for the damage, provided the laws in force allow such deductions.

De-hiring

The next level of punishment is what is called de-hiring. This is getting the employee to quit. It has many advantages over termination for both employer and employee. Both save face. The employee can find another job and then quit, telling the peer group how much better the new job is. The employer benefits from being rid of an ineffective employee without having to fire him/her.

Discharge

The ultimate punishment is discharge. To some inexperienced managers, discharge is the solution to any problem with a difficult employee. Discharge does require that a case is made in support of it, both from the perspective of fairness and due process. Often, discharge is not possible because of seniority rules, union rules, too few replacements in the labour market, or a number of other reasons. In Europe, laws and union regulations are such that terminations are almost prohibited. Discharge has many costs (both direct and indirect). Directly, a discharge leads to loss of all personnel investments that have been made in recruiting, selection, evaluation and training. Many organisations also provide severance pay. In addition to such direct costs, there are indirect costs such as the effect on other employees. For instance, the facts leading to the discharge are often not clear or require confidentiality, leading other employees to feel the employer has acted arbitrarily.

Thus, discharge is the last alternative to be tried, when all else fails, or only in very serious cases such as the discovery of fraud or massive theft. The following guidelines were synthesised from a long list Steinmetz provided in one of his studies cited by Glueck (1978, p. 720):

- A discharge should always take place only after the facts have been verified and with the advice and counsel of other supervisors and managers involved.
- Discharge should be shortly after the crisis or last straw action has taken place. Dismissals should not be made when the supervisor is emotionally charged or angry.
- Discharge should be made at the end of a day or week when other employees have left the office to avoid embarrassment to both the supervisor and the employee.

- The employee should be told straightforwardly about the discharge and the discharge date. The severance arrangements (such as pay) should also be stated.
- Reasons to support the decision should be prepared and the supervisor should not get into an argument, much less a physical encounter, with the employee.
- A memo for the employee's personal file of what took place at the termination conference should be prepared.
- In a lot of North American practice today, the employer takes steps such as ensuring all properties of the company are secure and accounted for, and then escorting the discharged individual from the premises.

Administration of discipline

In unionised organisations, the employee has a formalised procedure that provides adequate protection. In non-unionised situations, the hierarchical system is the most prevalent. In other words, when an employer hires employees to work for an indefinite period of time and the employees do not have a contract limiting the circumstances under which they can be discharged, the employer can terminate the employees at any time for any reason or for no reason at all. These are employees at will. Let us take a closer look at these two situations.

Formalised disciplinary procedures

In unionised enterprises, formalised disciplinary procedures are in place as a result of bipartite agreements or tripartite agreements such as collective agreements. Disciplinary action is a quasi-judicial process. The procedure followed is greatly influenced by the socio-legal systems prevailing in each country. They thus differ from country to country, industry to industry, and company to company.

In unionised organisations, collective agreements generally require the following in the administration of discipline:

- Preliminary investigation
- Framing of charges
- Issue of charge sheet and intimation
- Consideration of explanation
- Issue of show cause notice
- Notice of holding of inquiry
- Inquiry proceedings
- Award punishment
- Follow-up.

Nair and Nair (1999, p. 255) states that the Indian Labour Conference formulated a code of discipline for Indian industries with the objective of



maintaining discipline in industries in the public and private sectors after thorough discussions in India. Clauses in this code are classified under the following headings:

1. Mutual agreement between management and union
2. Agreement on the part of management
3. Agreement on the part of trade unions.

In many jurisdictions, leading companies have adopted their own codes of discipline to ensure that they are committed to the principles of natural justice.

Informal disciplinary procedures

Hierarchical disciplinary systems

In non-unionised situations, informal discipline systems are the most prevalent. Discipline is administered to most non-unionised employees by the supervisor who also evaluates the employee. When the employee is found to be ineffective, the supervisor decides what needs to be done. In this hierarchical system, the conditions allow a supervisor who might be arbitrary, wrong and ineffective himself/herself to be police, judge and jury over the employee. In such a situation, the penalty for an infraction of work rules may be the employee's job and salary. What can the employee do if his/her supervisor treats him/her unfairly? He/She can appeal to the supervisor of his/her supervisor. This is however often of no help at all as the whole value system of the hierarchy is based on supervisors supporting each other to build a good management team.

For the hierarchical disciplinary system to work, it should be considered fair by employees. Employees will support discipline only if they feel that the disciplined employee was treated fairly and consistently as compared with other past offenders and that mitigating circumstances had been considered before disciplinary procedures were taken. Unfortunately, this is more easily said than done. Studies quoted by Glueck (1978) show that punishments meted out for similar infractions vary widely from company to company and even within a company. Furthermore, prejudices were found to be compounding factors in supervisors' responses. This can lead to a feeling of helplessness and lack of due process on the part of employees and can become a powerful force leading to the unionisation of enterprises.

Other disciplinary systems

Although the hierarchical discipline system is by far the most common in industry, employing organisations in other sectors have more often used other models. The alternatives to the hierarchical model are described here.

Peer disciplinary systems

The peer disciplinary system relies on independent or related peers to assess deviance and recommend behaviour modification. It has been used in some business organisations and professional organisations. Such

systems can be implemented in several ways. A jury of peers to adjudicate is the method used in professional discipline situations such as the disbarment of a lawyer or the removal of a physician's licence.

Quasi-judicial systems

Quasi-judicial systems involve independent outside persons to adjudicate cases. One example is the corporate ombudsman who is a person who is independent of the organisation, is somewhat familiar with the law, can provide a fact-finding mechanism and exercise independent judgement on the rights covered in disputes. His/Her role is similar to that of an arbitrator in unionised situations.

Modified hierarchical system

Regular appeal channels inside the organisation and including someone other than the supervisor's superior are used in the modified hierarchical discipline system. One mechanism is to have all disputed dismissals or behaviour modification plans submitted to specified personnel specialists for conciliation and assessment. Another is to have a top management executive or executives far removed from the scene hear the facts and judge whether proper action was taken.

There are mechanisms that are a cross between a modified hierarchical system and a peer system. Examples include a formal shop committee (such as a group selected by employees to adjudicate grievances), a floating committee (a committee made up of members from the personnel department and the hierarchy at least two levels above the incident, and employees selected by each department on a rotating basis) and a company grievance committee (department members, management members selected by the management, and a management member selected by the grievant).

All these mechanisms must be used in good faith by the management. The system can be corrupted if the management influences employee members on the boards. It must be noted that there is little or no empirical evidence that providing non-hierarchical systems necessarily provides fairer treatment of employees.

Recommendations for organisations

The difficult or ineffective employee is among the most complex of human and personnel problems to assess and deal with. Glueck (1978, pp. 725-726) provides a useful set of guidelines that should be of assistance:

1. Problems of most deviant or difficult employees probably have multiple causes. Employers should concentrate on trying to modify the effects and advise rehabilitation and counselling for employees afflicted by problems such as alcoholism and drug addiction.
2. Rules are more likely to be obeyed if employees participate in their formulation, regular reformulation and updating.



3. The best methods of discipline are those that are relatively positive and less punitive. Only when all else fails should measures such as termination be used.
4. The larger the organisation, the more likely it is to need to supplement the hierarchical justice system with other methods.

Module Summary



Summary

Grievances are inevitable in organisations. If the culture of an organisation does not permit employees to raise their concerns, they become increasingly more discontented and may ultimately decide to leave the organisation. Discontentment per se does not necessarily mean that a grievance occurs. Rather, this takes the form of mere dissatisfaction which may in turn give rise to a complaint. A grievance is a formal and relatively drastic step when compared to both dissatisfaction and a complaint. Studies have proved that the lack of a system to enable employees to air their grievances has had several adverse effects on organisational effectiveness. They include low productivity, absenteeism and demotivation.

Most unionised organisations have a formal grievance handling procedure. This is a step-wise approach in handling grievances at different levels. This primarily improves upward communication and gives people an outlet to express their discontentment with regard to various aspects of organisational life. In non-unionised enterprises, there are also alternative mechanisms for this purpose although it has been found that people do not seek to make use of them due to fear that such action may be viewed unfavourably. Thus, modern organisations have generally realised the gravity of allowing all forms of employee dissatisfaction to go unattended. Measures are therefore being taken to provide a mechanism to identify them systematically and reduce the possibility of such grievances from emerging.

Discipline is essential to all organised group actions. If the membership of any organisation will not abide by some code of rules or laws, then that organisation faces imminent collapse. Anarchy and chaos ensue. In a work organisation, the purpose of discipline is to encourage employees to meet established standards of job performance and to behave sensibly and safely at work. When an employee is dissatisfied with the management, he/she will initiate a grievance handling procedure for redress. Similarly, disciplinary action is initiated to correct the situation when the management is dissatisfied with an employee.

Glueck (1978) puts forward the diagnostic approach to discipline. He refers to four categories of difficult employees: (1) ineffective employees (2) alcoholic and addicted employees (3) participants in illegal acts, and (4) rule violators. Organisations need to deal with each of these categories differently. The approach to be taken and the extent of punishment to be meted out depend on the category the concerned employee belongs to. It is difficult to determine the causes of any human behaviour pattern (especially to assess the causes of undesired behaviour). The real reason for behaviour on the job that warrants disciplinary action may not be attributable to the work situation alone. There may also be personal and personality-related issues. Thus, it is necessary to be thorough in seeking the reason the employee acts that way and in seeing what can be done to



remove that reason.

Disciplinary actions are increasingly subject to legal scrutiny for implications of prejudice or discrimination. It is therefore essential that meticulous care be taken to follow a systematic procedure. Glueck (1978) refers to a five-step disciplinary process. Different authors adopt different approaches to discipline and distinguish between a positive approach with emphasis on developing in people a willingness to obey and abide by the rules and regulations and a negative approach which in general forces members to obey and conform. There are various series of sanctions prescribed and adopted in organisations to improve future performance or behaviour. They vary from a counselling approach, disciplinary lay-offs, de-hiring and ultimately the discharge or termination. In the administration of discipline, unionised enterprises adopt formalised disciplinary procedures that are mostly prescribed in bipartite agreements or in tripartite agreements such as collective agreements. They follow a formalised procedure from a preliminary investigation to the awarding of a punishment. However, in non-unionised enterprises, informal disciplinary systems such as hierarchical disciplinary systems are the most prevalent. In these types of system, the efficacy depends on the good faith displayed by the management and the trust of the people with regard to the fairness of the system.

Nair and Nair (1999) refer to a code of discipline that is prevalent in India. Likewise, other countries adopt different systems to instil discipline in their workforce. In the Sri Lankan context, there are codes and procedures applicable to the private sector as well as the public sector. Ultimately, discipline is an area in which help is needed from many sources. The supervisor is the primary actor while the personnel department can advise the supervisor and serve as a type of ombudsman. In addition, the work group can help productivity. It reinforces the norms of playing by the rules. So can the union. When differences appear, the help of arbitrators can be sought. Top management should determine the philosophy behind the disciplinary process and set up systems that are credible and fair. The ultimate test of an effective disciplinary system is how willingly people accept it and to what extent it can contribute towards developing a regulated and productive workforce.

Assignment



Assignment

1. Collect information on how organisations in your country deal with absenteeism and insubordination. Write a summary of the procedures.
2. How do (a) public sector institutions (b) private sector institutions, and (c) non-profit organisations in Malaysia attempt to reduce grievances at work? What is the efficacy of each such procedure?
3. With reference to your workplace, examine the disciplinary practices in terms of the suggestions made above.
4. Can you think of situations in your own experience where this diagnosis would have been helpful? How was it actually handled that was different from this approach? Would this approach have made a difference?

Assessment



Assessment

1. Reflect upon your current workplace or your former place(s) of work and write a brief summary of grievance-handling procedures prevailing therein.
2. Reflecting on the situation at your workplace, what types of grievances (if any) exist there? What grievances have you had in your work settings? Are these grievances related to interpersonal relationships, work environment and/or organisational procedures and policy? Explain.
3. Based on your workplace experience, which approach to discipline is more common?
4. Describe the key elements in the discipline process adopted by your organisation. Is it different from the model presented here? If so, explain what the differences are.

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