

Unit - IV

Discipline and Grievance Handling

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Discipline - Causes of Indiscipline - Maintenance of discipline.-
Domestic enquiry - concept and practice - Principles of Natural
Justice - Some important industrial pronouncements - Principles of
Hot stove rule-Grievance handling - Constitution of Grievance
committee - Meaning of Grievance – Sources of grievance,
benefits, redressal machinery-Industrial Establishment (Standing
Orders) Act 1946.



Discipline is the bridge between
Goals & Accomplishment

Discipline

According to Richard D. Calhoun, “Discipline is the force that prompts individuals or groups to observe rules, regulations, standards and procedures deemed necessary for an organization.”

Therefore discipline means securing consistent behaviour in accordance with the accepted norms of behaviour. I am sure you will agree that discipline is essential in every aspect of life. It is equally essential in industrial undertakings.

Simply stated, discipline means **orderliness**. It implies the absence of chaos, irregularity and confusion in the behaviour of workers.

Discipline

- A process of controlling one's behavior and actions, either through self-motivation or through teaching and punishment.

the practice of training people to obey rules or a code of behaviour, using punishment to correct disobedience.

- *In its most general sense, **discipline** refers to systematic instruction given to a disciple. To discipline thus means to instruct a person to follow a particular code of conduct “order.”*

DISCIPLINE

- **DISCIPLINE SERVICE RULES**
- **SELF DISCIPLINE**
- **CONSTRUCTIVE VERSUS DESTRUCTIVE DISCIPLINE**
- **PROBLEM EMPLOYEE,**
- **DISCIPLINARY PROCEEDING ENQUIRY.**

MEANING

The word “discipline” is derived from the Latin word “**disciplina**”, which means teaching, learning and growing.

Meggison offer three distinct meaning of the word discipline:

- ✳ **Self-discipline**
- ✳ **Necessary condition of orderly behavior**
- ✳ **Act of training and punishing.**

DEFINITION

★ **Discipline** is the **orderly conduct** of affairs by the members of an organization who adhere to its necessary regulations because they desire to **cooperate harmoniously** in forwarding the end which the group has in view and willingly recognize that, to do this, their wishes must be brought into a reasonable unison with the requirements on the group in action. -

Ordway Teads

★ **Discipline** is the process of training a worker so that he can develop **self-control** and can become **more effective** in his work.

OBJECTIVES OF DISCIPLINE:

- ✧ To obtain a willing acceptance of the rules, regulations and procedures of an organization so that organizational goals may be attained.
- ✧ To impart an element of certainty despite several differences in informal behaviours pattern and other related changes in an organization.
- ✧ To develop among the employees a spirit of tolerance and a desire to make adjustments.

Cont...

- ✧ To give and seek direction and responsibility
- ✧ To create an atmosphere of respect for the human personality and human relations
- ✧ To increase the working efficiency and morale of the employees so that their productivity is stepped up the cost of production improved.

Nature of Discipline

According to Megginson, discipline involves the following three things.

- Self-discipline implies that a person brings the discipline in himself with a determination to achieve the goals that he has set for himself in life.
- Orderly behaviors refers to discipline as a condition that must exist for an orderly behaviors in the organization.
- Punishment is used to prevent indiscipline. When a worker goes astray in his conduct, he has to be punished for the same and the recurrences of it must be prevented.
- Discipline can either be positive or negative.
 - Positive discipline involves creation of an atmosphere in the organisation whereby employees willingly conform to the established rules and regulations. Positive discipline can be achieved through rewards and effective leadership.
- Negative Discipline
 - Under negative discipline, penalties are used to force the workers to obey rules and regulations. In other words, workers try to adhere to rules and regulations out of fear of warnings, penalties and other forms of punishment. This approach to discipline is called negative or punitive approach.

TYPES OF DISCIPLINE

- 🕒 **1. Self controlled discipline :** In self controlled discipline the employee brings her or his behavior in to agreement with the organizations official behavior code, ie the employee regulate their activities for the common good of the organization. As a result the human beings are induced to work for a peak performance under self controlled discipline.
- 🕒 **2. Enforced Discipline :** Is a managerial action enforces employee compliance with organization's rules and regulations. ie it is a common discipline imposed from the top here the manager exercises his authority to compel the employees to behave in a particular way

INDISCIPLINE:-

Indiscipline means **disorderliness**, insubordination and not following the rules and regulation of an organization.

- ❖ The **symptoms of indiscipline** are change in the normal behaviour, absenteeism, apathy, go-slow at work, increase in number and severity of grievances, persistent and continuous demand for overtime allowance, and lack of concern for performance.

Causes of indiscipline:-

- Non-placement of the right person on the right job
- Undesirable behaviour of senior officials.
- Faulty evaluation of persons and situations by executives leads of favoritism.
- Lack of upward communication.
- Leadership which is weak, flexible, incompetent and distrustful.

- Defective supervision and an absence of good supervisors who know good techniques, who are in a position to appreciate critically the efforts of their subordinates.
- Lack of properly drawn rules and regulations.
- Workers' personal problems, their fears, apprehensions, hopes and aspirations; and their lack of confidence in and their inability to adjust with their superior and equals.
- Worker's reactions to rigidity and multiplicity of rules and their improper interpretation.
- Intolerably bad working conditions.

- Inborn tendencies to flout rules.
- Absence of enlightened, sympathetic and scientific management.
- Errors of judgement on the part of the supervisor or the top management.
- Improper co-ordination, delegation of authority and fixing of responsibility.
- Discrimination based on caste, colour, creed, sex, language, and place in matters of selection, promotion, transfer, placement and discrimination in imposing penalties and handling out rewards.

Symptoms of general indiscipline

Various socio-economic and cultural factors play a role in creating indiscipline in an organisation.

- Change in the normal behaviors
- Absenteeism
- Increased grievances
- Lack of concern for performance
- Go slow
- Disorderly behaviors
- Lack of concern for job
- Late coming etc

Causes of indiscipline

- There are many causes of indiscipline. Here are a few:
- **Favoritism:**
Indiscipline may be caused by teachers who favor some students in their teaching and classroom management. The other students may see this as a sign that everything is allowed in spite of the rules. Other students may also see this favoritism as an offense against them which leads to rebellion.
- **The rules are not enforced**
When a student is not punished for an offense , s/he goes on to commit more offense.
- **Lack of Communication:**
The rules are not clearly communicated
- **Teacher-student relationship**
The teacher and students relationship is essential for any learning process. If there is a breakdown in this relationship, indiscipline emerges.
- **Lack of leadership:**
When the teacher doesn't fulfill his role as a leader, there will certainly be students or students who will be glad to take this role. Thus indiscipline appears.
- **Lack of motivation:**
When students are not motivated, they tend to work in an undisciplined manner.
- **Bad habit:**
Some students may have acquired bad habits from previous teaching experiences. Once a student, for instance , has formed the habit of coming to school late, it will be hard for him or her to change this behavior.

Causes Of Indiscipline

- **Unfair Management Practices:** Management sometimes indulges in unfair practices like:
 - Wage discrimination
 - Non-compliance with promotional policies and transfer policies
 - Discrimination in allotment of work
 - Defective handling of grievances
 - Payment of low wages
 - Delay in payment of wages
 - Creating low quality work life etc.

These unfair management practices gradually result in indiscipline.

- (ii) **Absence of Effective Leadership:** Absence of effective leadership results in poor management in the areas of direction, guidance, instructions etc. This in turn, results in indiscipline. I am sure you remember the importance of leadership as studied in the last semester. If you do (which I suppose you do), you can relate the importance of effective leadership with handling indiscipline.

Causes Of Indiscipline

- (iii) **Communication Barriers:** Communication barriers and absence of humane approach on the part of superiors result in frustration and indiscipline among the workers. The management should clearly **formulate** the policies regarding discipline. These policies should be **communicated** and the policies should be **consistently followed** in the organisations. The management should also be empathetic towards the employees.
- (iv) **Inadequate attention to personnel Problems:** Delay in solving personnel problems develops frustration among individual workers. The management should be proactive so that there is no discontent among the workers. It should adopt a parental attitude towards its employees. However it should be noted that no relationship can continue for long if it is one sided. What I am implying here is that the workers should also live up to their commitments. They should be reasonable in their demands.
- (v) **Victimisation:** Victimisation of subordinate also results in indiscipline. The management should not exploit the workers. It is also in the long-term interest of the management to take care of its internal customers (Remember we have discussed this term in class before!)
- (vi) **Absence of Code of Conduct.** This creates confusion and also provides chance for discrimination while taking disciplinary action. We will be discussing Code of Discipline in details etc.

Causes Of Indiscipline

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The reasons could range anything from poor wages to, poor management and the communication gaps between the union and management. The common causes of indiscipline are as follows:

1. Unfair Management Practices: Management sometimes indulges in unfair practices like: Wage discrimination

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4. Varying Disciplinary Measures: Consistent disciplinary actions must be there in the organisation to provide equal justice to all concerned. At different times and for everyone, the same standard of disciplinary measures should be taken otherwise it may give rise to growing indiscipline in the industry in future i.e., the judicious function on the part of management must be free from bias, privilege or favouritism.

5. Defective Supervision: Supervisor is the immediate boss of the workers and many disciplinary problems have their in faulty supervision. The attitude and behavior of the supervisor may create many problems. As the maintenance of the discipline is the core of supervisory responsibilities, indiscipline may spring from the want of the right type of supervision.

Causes Of Indiscipline

- **6. Inadequate attention to personnel Problems:** Delay in solving personnel problems develops frustration among individual workers. The management should be proactive so that there is no discontent among the workers. It should adopt a parental attitude towards its employees. However it should be noted that no relationship can continue for long if it is one sided. What I am implying here is that the workers should also live up to their commitments. They should be reasonable in their demands.
- 7. Victimisation:** Victimisation of subordinate also results in indiscipline. The management should not exploit the workers. It is also in the long-term interest of the management to take care of its internal customers
- 8. Absence of Code of Conduct:** This creates confusion and also provides chance for discrimination while taking disciplinary action. We will be discussing Code of Discipline in details etc. A **code of conduct** is a set of rules outlining the responsibilities of or proper practices for an individual, party or organization. Related concepts include ethical codes and honor codes.

Causes Of Indiscipline

- **8. Divide and Rule Policy:** Many managers in the business obtain secret information about other employees through their trusted assistants. The spying on employees is only productive of a vicious atmosphere and of undesirable in the organization. Henry Fayol has rightly pointed out that dividing enemy forces to weaken them is clever, but dividing one's own team is grave sin against the business. No amount of management skill is necessary for dividing personnel, but integrating personnel into a team is the challenging task of sound management.
- 9. Deferring settlement of Employee Grievances:** The employee grievances cannot be put off by deferring or neglecting their solutions. The grievances should properly be inquired into and settled by the managers in a reasonable period. Neglect of grievances often results in reduced performance, low morale and indiscipline among the employees. Strikes and work stoppages stem in many cases from the utter neglect of employee grievances.
- 10. Mis-judgment in Promotion and Placements:** Mis-judgment in personnel matters like promotion and placements contribute to the growth of indiscipline in an enterprise. Cases of mis-judgment are carefully noted, widely circulated, and hotly debated by the employees. Expecting discipline from misruled people is not possible. Sometimes, undesired persons are placed on the jobs which makes the employees discontented, then giving rise to the problem of indiscipline.

Forms of indiscipline

- Inconsistent behaviour of an employee and deviation from the standard behaviour.
- Unsafe behaviour of the employee.
- Immoral action of the employee.
- When employee is abusive, disturbs the peace and is negligent towards his duties.

DISCIPLINARY PROCEDURE

- **1. Issue of charge sheet:** Once the prima facie case of misconduct is established, the management should proceed to issue a charge sheet to the employee. Charge sheet is merely a notice of the charge and provides the employee an opportunity to explain his conduct. Therefore, charge sheet is generally known as a show cause notice. In the charge sheet, each charge should be clearly specified. There should be a separate charge for each allegation and charge should not relate to any matter, which has already been decided upon. I would suggest each one of you to talk to find out how is a charge sheet prepared. We will discuss that in the next class.
- **2. Consideration of Explanation.** On getting the answer for the charge sheet served, the explanation furnished should be considered and if it is satisfactory, no disciplinary action needs to be taken. On the contrary when the management is not satisfied with the employee's explanation, it can proceed with full-fledged enquiry. (However, if the worker admits the charge, the employer can warn him or award him punishment without further enquiry.)

DISCIPLINARY PROCEDURE

- **3. Suspension pending Enquiry.** In case the charge is grave that is serious, a suspension order may be served on the employee along with the charge sheet. According to the Industrial Employment (Standing Order) Act, 1946, the suspended worker is to be paid a subsistence allowance equal to one-half of his wages for the first ninety days of suspension and three-fourths of wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings is not due to the worker's conduct. What is grave will depend on the discretion of the management. It has to be decided in accordance with the Code Of Discipline.
- **4. Holding of Enquiry.** An enquiry officer should be appointed to hold the enquiry and a notice to this effect should be given to the concerned worker. Principle of natural justice must be followed. The worker should not be denied the chance of explaining himself. The enquiry officer should give sufficient notice to the worker so that he may prepare to represent his case and make submission in his defense. The enquiry officer should proceed in a proper manner and examine witnesses. Fair opportunity should be given to the worker to cross-examine the management witnesses.
- **5. Order of Punishment.** Disciplinary action can be taken when the misconduct of the employee is proved. While deciding the nature of disciplinary action, the employee's previous record, precedents, effects of the action on other employees, etc, have to be considered.

Principles of industrial discipline

- Discipline is intimately linked with relations within the organisation and is affected by such factors as background, social environment and emotional outlook of the workers concerned. Discipline is also closely related with personal feelings or sentiments. The sentiments are non-logical emotional factors that influence the behaviour of average worker. Therefore, the effective application of discipline depends primarily on understanding the behaviour of human beings and of one self.
- (ii) The Code of Discipline must be laid down in consultation with those who are under its jurisdiction and are concerned with its application.
- (iii) Code of Discipline should be evaluated and appraised from time to time so as to remove anomalies. If any.
- (iv) Code of Discipline must be reasonable and simple. It should not contain rules for the sake of rules only.

Principles of Industrial Discipline

- (v) The discipline policy should lay greater emphasis on the prevention of the breach of discipline than on the administration of penalties. The approach to discipline should be positive and constructive.
- (vi) Judicious machinery preferably internal to the organisation should be provided for appeals against, and review of, all disciplinary actions.
- (vii) The management should ensure that its own conduct and policies do not encourage breach of discipline. This will promote self-discipline among the workers.
- (viii) The managers should try to remove the cause responsible for indiscipline.
- (ix) A disciplinary committee consisting of the representatives of the workers and the management should be set up to look into the cases of indiscipline and suggest remedial measures.

Maintenance of discipline

- **Discipline** means systematically conducting the business by the organizational members who strictly adhere to the essential rules and regulations. These employees/organizational members work together as a team so as to achieve organizational mission as well as vision and they truly understand that the individual and group aims and desires must be matched so as to ensure organizational success.
- A disciplined employee will be organized and an organized employee will be disciplined always. Employee behaviour is the base of discipline in an organization. Discipline implies confirming with the code of conduct established by the organization. Discipline in an organization ensures productivity and efficiency. It encourages harmony and co-operation among employees as well as acts as a morale booster for the employees. In absence of discipline, there will be chaos, confusion, corruption and disobedience in an organization.
- In short, discipline implies obedience, orderliness and maintenance of proper subordination among employees. Work recognition, fair and equitable treatment of employees, appropriate salary structure, effective grievance handling and job-security all contribute to organizational discipline.
- Discipline is viewed from two angles/dimensions:
- **Positive Discipline:** Positive Discipline implies discipline without punishment. The main aim is to ensure and encourage self-discipline among the employees. The employees in this case identify the group objectives as their own objectives and strive hard to achieve them. The employees follow and adhere to the rules and regulations not due to the fear of punishment but due to the inherent desire to harmonize in achieving organizational goals. Employees exercise self-control to meet these goals.
- **Negative Discipline:** Employees adhere to rules and regulations in fear of punishment which may be in form of fines, penalties, demotions or transfers. In this case, the employees do not perceive organizational goals as their own goals. The action taken by the management to ensure desired standard of behaviour/code of conduct from the employees in an organization is called negative discipline. The fear of punishment prevents the employees from going off-track.
- **Characteristics of a Sound Disciplinary System (Red Hot Stove Rule)**
- Discipline should be imposed without generating resentment. Mc Gregor propounded the “red hot stove rule” which says that a sound and effective disciplinary system in an organization should have the following characteristics-
- **Immediate-** Just as when you touch a red hot stove, the burn is immediate, similarly the penalty for violation should be immediate/ immediate disciplinary action must be taken for violation of rules.
- **Consistent-** Just as a red hot stove burns everyone in same manner; likewise, there should be high consistency in a sound disciplinary system.
- **Impersonal-** Just as a person is burned because he touches the red hot stove and not because of any personal feelings, likewise, impersonality should be maintained by refraining from personal or subjective feelings.
- **Prior warning and notice-** Just as an individual has a warning when he moves closer to the stove that he would be burned on touching it, likewise, a sound disciplinary system should give advance warning to the employees as to the implications of not conforming to the standards of behaviour/code of conduct in an organization.
- **In short, a sound disciplinary system presupposes-**
- **Acquaintance/Knowledge of rules-** The employees should be well aware of the desired code of conduct/ standards of behaviour in the organization. This code of discipline should be published in employee handbook.
- **Timely action-** Timely enquiry should be conducted for breaking the code of conduct in an organization. The more later the enquiry is made, the more forgetful one becomes and the more he feels that punishment is not deserved.
- **Fair and just action-** There should be same punishment for same offence/ misconduct. There should be no favouritism. Discipline should be uniformly enforced always.
- **Positive approach-** The disciplinary system should be preventive and not punitive. Concentrate on preventing misconduct and not on imposing penalties. The employees should not only be explained the reason for actions taken against them but also how such fines and penalties can be avoided in future.
- **Types of Penalties for Misconduct/Indiscipline**
- For not following the standards of behaviour/code of conduct in an organization, there are two kinds of penalties categorized as-
- **Major penalties-** This includes demotion, dismissal, transfer, discharge, withholding increments, etc.
- **Minor penalties-** This includes oral warning, written warning, fines, loss of privileges, etc.

APPROACHES TO DISCIPLINE:-

The different approaches to discipline include;

- **Human relation approach:** In human relation approach the employee is helped to correct his deviations
- **Human resources approach:** Under the human resources approach, the employee is treated as resource and the act of indiscipline are dealt by considering the failure in the area of development, maintenance and utilization of human resources.

- **Group discipline approach:** The group as a whole sets the standards of discipline, and punishments for the deviations. The individual employees are awarded punishments for their violation under the group discipline approach.
- **Leadership approach:** In this approach, every supervisor administers the rules of discipline and guides, trains and controls the subordinates regarding disciplinary rules.

- **Judicial approach:** In judicial approach, indisciplinary cases are dealt on the basis of legislation and court decisions.

The Industrial Employment Act, 1946, to a certain extent, prescribed the correct procedure that should be followed before awarding punishment to an employee in India.

PRINCIPLES FOR MAINTENANCE OF DISCIPLINE:-

The most important principles to be observed in the maintenance of discipline have been outlined by **Yoder, Heneman, Turnbull and Harold Stone**. They are:

- ❖ All the rules should be framed in co-operation and collaboration with the representatives of employees.
- ❖ All the rules should be appraised at frequent and regular interval to ensure that they are, and continue to be, appropriate, sensible and useful.

Cont..

- ❖ Rules should vary with changes in the working conditions of employees.
- ❖ Rules should be uniformly enforced if they are to be effective.
- ❖ Penalties for any violation of any rules should be clearly stated in advance.
- ❖ A disciplinary policy should have as its objectives the prevention of any infringement rather than the simple administration of penalties; however it should be preventive rather than punitive.

- ❖ Extreme caution should be exercised to ensure that infringements are not encouraged.
- ❖ If violations of a particular rule are fairly frequent, the circumstances surrounding them should be carefully investigated and studied in order to discover the cause or causes of such violations.
- ❖ Recidivism must be expected. Some offenders would almost certainly violate rules more often than others. These cases should be carefully considered so that their causes may be discovered.
- ❖ Definite and precise provisions for appeal and review of all disciplinary actions should be expressly mentioned in the employees' handbook or collective agreements.

ASPECTS OF DISCIPLINE:-



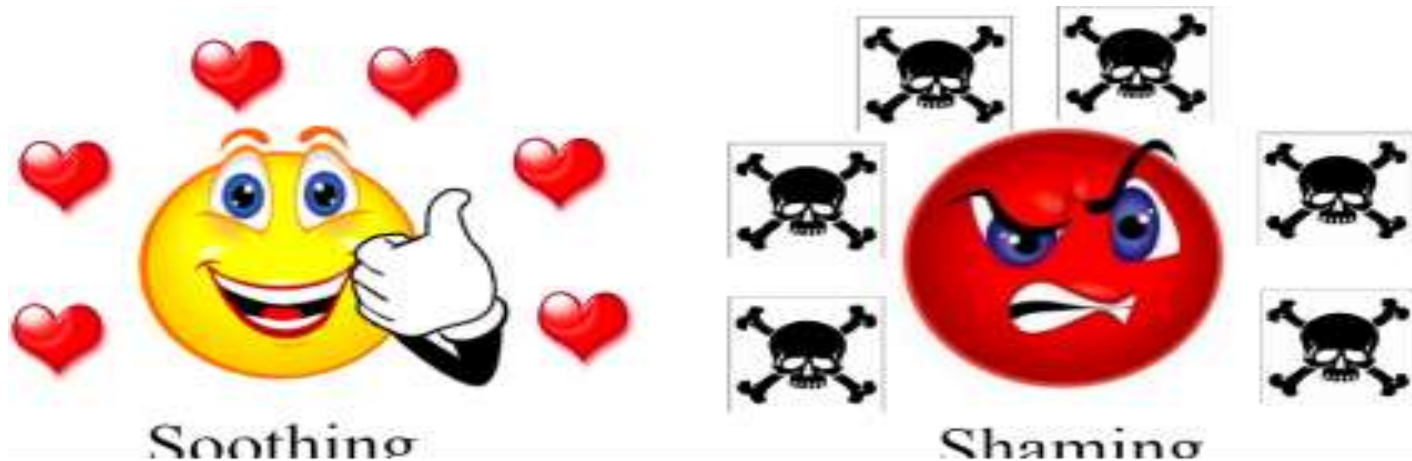
- **Positive aspect:** Employees believe in and support discipline and adhere to the rules, regulations and desired standards of behaviour. Discipline takes the form of **positive support and reinforcement** for approved actions and its aim is to help the individual in moulding his behaviour and developing him in a **corrective and supportive manner**. This type of approach is called positive approach or constructive discipline or self-discipline.



Positive discipline takes place whenever the organizational climate is marked by aspect such as **payment of adequate remuneration and incentives, appreciation of performance and reinforcement of approved personnel behaviour or actions etc.**

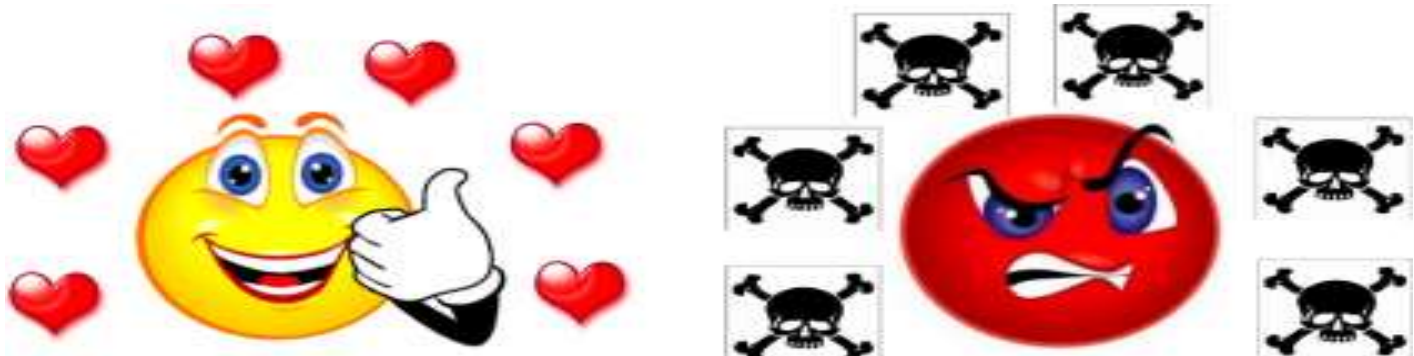
which will **motivate** employees to adhere to certain rules and regulations or exercise self-control and work to the maximum possible extent.

■ **Negative aspect:** Employees sometimes do not believe in and support discipline. As such, they do not adhere to rules, regulations and desired standards of behaviour. As such, disciplinary programme **forces and constraints the employees to obey orders** and function in accordance with set rules and regulations through **warnings, penalties and other forms of punishment**. This approach to discipline is called **negative approach or corrective approach or punitive approach**.



- This approach is also called **autocratic approach** as the subordinates are given no role in formulating the rules and they are not told why they are punished.

Punishment, penalties, demotions and transfers provide or establish a climate which **demotivate and delead** the employees.



SERVICE RULES

- Service law is an important field of law. It is essential that those concerned with the administration of service matters know the correct procedure to deal with them according to law.
- The expression '**condition of service**' means all those conditions which regulate the holding of a post by the person right from the time of his/her **appointment till** his/her **retirement**, and even beyond it in matters like pension.

EFFECTIVE RULES OF DISCIPLINE:-

McGregor (1967) developed a set of rules for enforcing discipline so as to make it as fair and growth producing as possible. These rules were called “**hot stove rules**” because they can be compared to someone touching a hot stove..





The following rules explain his theory:

- All individuals must be forewarned that if they touch the hot stove (i.e., break a rule), they will be burned (punished or disciplined). They must know the rule beforehand and be aware of the punishment
- If the individual touches the stoves (i.e., breaks a rule), there will be immediate consequences (getting burned). All discipline should be administered immediately after rules are broken.



- If the individual touches the stove again, they will again be burned. Therefore, there is **consistency**. Each time, the rule is broken; there are immediate and **consistent consequences**.
- If any other individual touches the hot stove, they will also get burned. Discipline must be **impartial** and **everyone must be treated in the same manner** if the rule breaking is the same.



Self Discipline

Thinking about your words and actions then making choices that are right for you and others.

The highest level and most effective form of discipline is self-discipline.

Ideally, all employees should have adequate **self-control** and should be **self-directed** in their pursuit of organizational goals.

Definition:

Self discipline is best defined as the **ability to regulate ones conduct** by principle and sound judgment, rather than by impulse, desire, or social custom.

Self discipline can be considered a type of selective training, creating new habits of thought, action, and speech toward **improving yourself** and reaching goals.



The Five Pillars of self discipline

@ Acceptance

@ Willpower

@ Hard work

@ Industry

@ Persistence.

If you take the first letters of each word you get the acronym “**A WHIP**”- since many people associate self discipline with whipping themselves into shape.

To be self disciplined:

- Get yourself organized
- Don't constantly seek to be entertained
- Be on time
- Keep your word
- Do the most difficult tasks first
- Finish what you start
- Accept correction
- Practice self denial
- Welcome responsibility

Health Care Education Associates (1987) identified **four factors** that must be present to foster a climate of self-discipline.

- *Employee awareness and understanding of rules and regulations that govern behaviour-* The rules and regulation must be clearly written and communicated. Young and Hayne (1988) stated that the most common reason for unsatisfactory work performance is that the employee thinks they are performing satisfactorily. In other words the employee does not know there is a problem.

- ***There must exist an atmosphere of mutual trust-***
Manager must believe that employees are capable of and actively seeking self-discipline. Likewise employees must perceive the manager as honest and trustworthy. Employees lack the security for self-discipline if they do not trust their manager's motives.
- ***Formal authority must be used judiciously-***
Approximately one-half of grievance cases appealed before an arbitrator by labour unions involved disciplinary action. In about one-half of those cases, management either reversed or modified its decision when the individual's appeal was upheld.
- ***Employees should identify with the goals of the organization-*** When the employees accept the goals and objectives of an organization, they are more likely to accept the standards of conduct deemed acceptable by the organization.

CONSTRUCTIVE VERSUS DESTRUCTIVE DISCIPLINE:-

- **Destructive discipline:** Scientific management viewed discipline as a necessary means for controlling an “unmotivated and self-centered work force.”
Cautionary written warnings of termination were rampant and the employee was always alert to an impending penalty or termination. This “big stick” approach to management focused on eliminating all behavior that could be considered in conflict with organizational goals, without regard for employee growth.

This method may succeed on a short-term basis; it is **demotivating and reduces productivity** over the long term. This occurs because individuals will achieve only at the level they feel is necessary to avoid punishment. This approach is also **destructive and demoralizing** as discipline is often administered arbitrarily, and is unfair either in the application of rules or in the resulting punishment.

- **Constructive discipline:** Constructive discipline is used as a means of **helping the employee grow, and not as punitive measure**. The primary emphasis in constructive discipline is in assisting employees to behave in a manner that **allows them to be self-directed** in meeting organizational goals. Employees can focus energy on meeting organizational goals; they must feel secure in the workplace. This security develops only when staff knows and understand organizational rules and penalties and **when rules are applied in a fair and consistent manner**. In an environment that promotes constructive discipline, employees are generally **self-disciplined** to conform to established rules and regulations and the primary role of the manager becomes that of coordinator and helper, rather than enforcer.

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PROBLEM EMPLOYEE:-

- Problem employees are **those employees who create problems** within the organization. Substance abusers, angry or withdrawn workers, personnel with excessive absenteeism, and the terminating employees provide challenges to nurse managers. In each case the nurse manager must be alert to the symptoms of problems, help the employee solve the problem, and evaluate the results.

Problems of the employee includes following:-

Minor problems : example;

- late attendance or absence from duty without permission or leave.
- leaving work place without permission
- smoking or eating in prohibited areas and patient areas.
- laziness inefficiency or careless work

Penalty: Warning, Fine, Suspension without pay and allowance up to 4 days

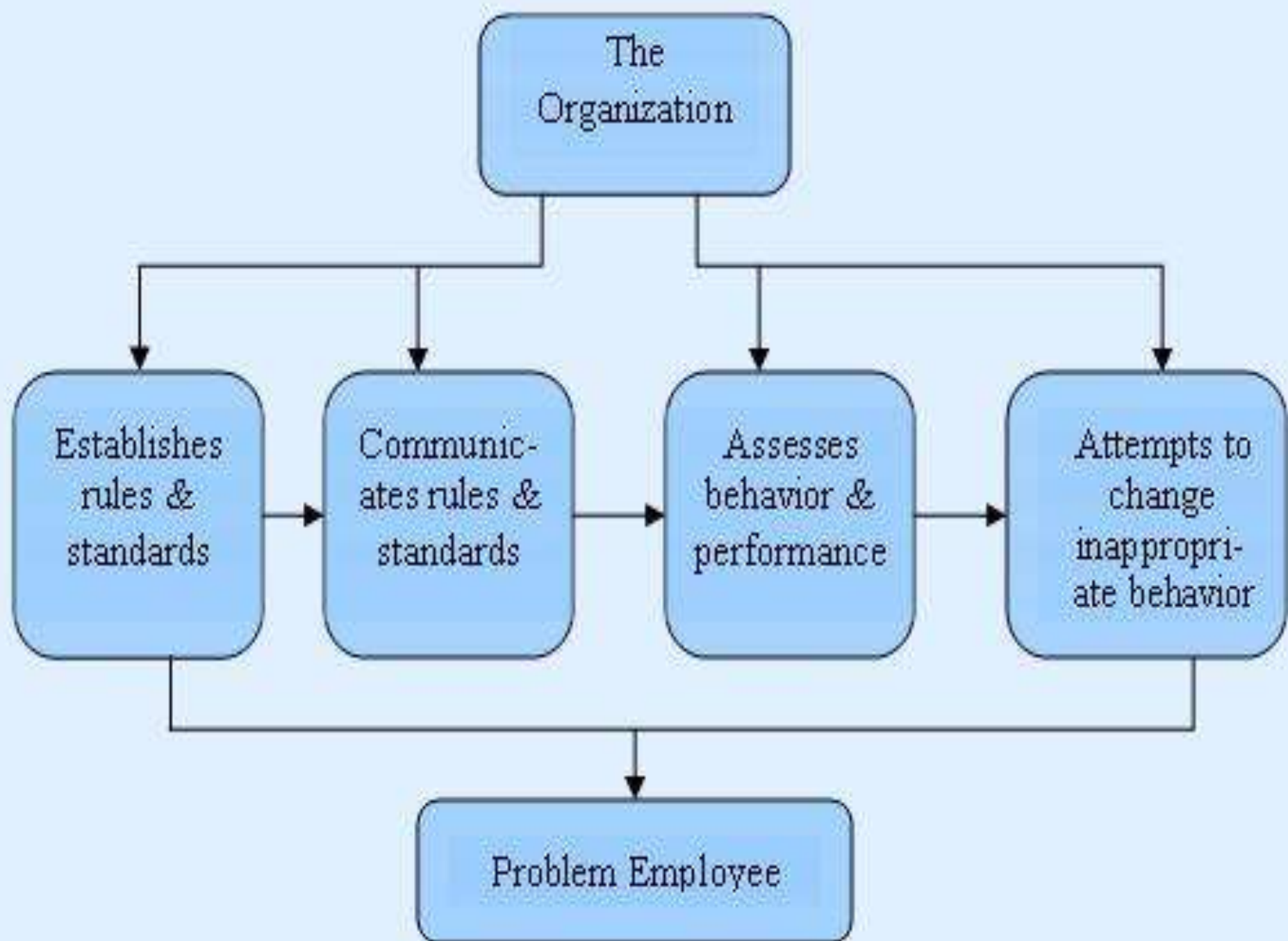
Major problems: example;

- Using hospital facilities unauthorized for personal gain
- Refusal to accept or obey an order, using indecent languages
- Gross negligence or neglect of work

Penalty: Suspension without pay and allowances for a period up to 30 days, Stoppage of one or more increments, Demotion to lower post, Dismissal.

Types of problem employee:-

- Substance abusers
- Angry or withdrawn employees
- Decreased productivity
- Absenteeism
- Terminating employees



DICIPLINARY PROCEDURE:-

The following steps should be taken into consideration:

- **Accurate statement of the problem-** The first step is to ascertain the problem by seeking answer to the following questions:
 - Does this case call for a disciplinary action?
 - What exactly is the nature of the violation or offence?
 - Under what condition did it occur?
 - Which individual or individuals were involved in it?
 - When or how often, did the violation occur?
- **Collecting facts bearing on the case-** Before any action is taken in a case, it is essential to gather all the facts about it. A thorough examination of the case should be made within the stipulated time limit.

- **Selection of tentative penalties-** The kind of penalty to be imposed for an offence should be determined beforehand.
- **Choice of Penalty-** When a decision has been taken to impose a penalty, the punishment to be awarded should be such as would prevent a recurrence of the offence.
- **Application of the Penalty-** The application of the penalty involves a positive and assured attitude on the part of the management. If the disciplinary action is a simple reprimand, the executive should calmly and quickly dispose of the matter.
- **Follow-up on disciplinary action-** The ultimate purpose of disciplinary action is to maintain discipline, to ensure productivity, and avoid a repetition of the offence. A disciplinary action should, therefore, be evaluated in terms of its effectiveness after it has been taken.

BASIC INGREDIENT FOR A DISCIPLINARY ACTION:-

The principle ingredients of a sound disciplinary system are:

- **Location of responsibility**
- **Proper formulation and communication of rules**
- **Rules and regulations should be reasonable**
- **Equal treatment**
- **Disciplinary action should be taken in Private**
- **Importance of promptness in taking Disciplinary action**

- **Innocence is presumed**
- **Get the facts**
- **Action should be taken in cool atmosphere:**
- **Natural justice**
- **After a disciplinary action has been taken the Supervisor should treat his subordinate in a normal manner**
- **Don't back down when you are right**
- **Negative Motivation should be handled in a positive manner**

TYPES OF PUNISHMENT:-

When the delinquent employee is going to be punished, the type of punishment should be commensurate with the severity of the omission or misconduct.

Different types of punishment resulting from various types of omission or misconduct are as follows:

- *Oral warnings*
- *Written warnings*
- *Loss of privileges and fines*
- *Punitive suspension*
- *Withholding of increments*
- *Demotion*
- *Termination*



ROLE OF PERSONNEL MANAGER/ SUPERVISOR:-

A personnel manager has got a crucial role to play when it comes to maintenance of effective employee discipline is concerned. He has got numerous responsibilities such as;

- Advising and assisting top and line management in determining and developing an appropriate disciplinary procedure.
- Assisting in communication the same to all the employees of the organization.
- Seeing the disciplinary policy conforms to the legal provisions of the State.

- Looking after the procedures laid down, looking after the disciplinary action as fair, and conforms with appropriate principles of personnel management
- Training the supervisors and executives in dealing with disciplinary cases and problems.
- Involving the trade union and the employees in determining and implementing disciplinary procedures.
- Development of self-discipline and self-control on the part of the employees and winning over the confidence of employees in disciplinary policies and procedures.

Domestic enquiry - concept and practice

- A **domestic inquiry**, in the context of human resource management, is a search for truth, facts, or circumstances concerning charges alleged by the employer against its employee. It is an **inquiry** held by the management against its own employee against whom certain acts of misconduct are alleged.

DE

- Domestic enquiry is similar to a trial in a court of law, but while a trial in a court is for crimes done against society, domestic enquiry is conducted for offences committed against the establishment for misconduct, punishable under the standing orders/rules and regulations of the organization.

NEED FOR DOMESTIC ENQUIRY

- For the smooth functioning of an industry, the defined codes of discipline, contracts of service by awards, agreements and standing orders must be adhered to. In the event of an employee not complying with these codes of conduct, he is liable to face disciplinary actions initiated by the Management according to the Standing Order. This procedure is called Domestic Enquiry and it is conducted in accordance with the standing order/agreements.

PRINCIPLES OF DOMESTIC ENQUIRY

- 1. Rule of Natural Justice must be observed. 2. The delinquent is entitled to a just hearing. 3. He can call for his own evidence. 4. Cross-examine any witness called by the prosecution. 5. Where rules are laid down, the procedure of such rules must be followed. 6. Disclose to the employee concerned, the documents of records and offer him an opportunity to deal with it. 7. Do not examine any witness in the absence of the employee. 8. The enquiry officer is at liberty to disallow any evidence after recording the reasons in writing.

Procedure for DE

- **(1) Charge-sheet:**
- If a prima facie case has been established and the offence is quite serious, a charge-sheet may be prepared on the basis of the allegations made. It should be in writing, detailing the allegations of misconduct. It should also indicate the time within which the workmen charge-sheeted should submit his explanation.
- **Image Courtesy :**
upload.wikimedia.org/wikipedia/commons/3/3d/Han_Dynasty_ceramic_lady.jpg
- **(2) Suspension**
- Where, in the interest of discipline, the shutting out of the charge-sheeted workman is necessary, the employee should be suspended. He is to get wages for the period of suspension if so provided in the standing orders.
- **(3) Service of charge-sheet**
- If the workman is present, charge- sheet should be handed over to him in the presence of witness after explaining the contents of it in a language known to him.
- If the delinquent workman is absent or refuses to accept the charge-sheet, it should be sent to his last address under registered post with acknowledgement due. If he refuses to accept it or if it comes back undelivered otherwise, the charge- sheet has to be published in a local newspaper with wide circulation.
- **(4) Explanation**
- The explanation given by the worker within the given time has to be considered.

Procedure for DE

- **(5) Notice of enquiry**
- If the explanation is found unsatisfactory, a notice giving the time, place and date of the enquiry together with the name of the enquiry officer has to be served on the worker.
- The enquiry officer must not be the one who has issued the charge-sheet because it is a principle of natural justice that a person is disqualified to act as a judge if he is a party to the dispute.
- **(6) Enquiry**
- At the appointed time, on the appointed date and place the enquiry will commence by the enquiry officer in the presence of charge-sheeted workman.
- At the commencement of the enquiry the enquiry officer should explain the charge-sheet to the worker. If the charge-sheeted workman pleads innocence, the enquiry should be preceded. If he pleads guilty in writing, the enquiry need not be preceded.
- **(7) Fact-findings**
- On completion of the enquiry, the enquiry officer is required to submit his findings to the authority authorized to take disciplinary action. He should state in his report the charges as well as the explanations given to them. The enquiry officer should not recommend any punishment in his findings.
- **(8) Decision**
- The higher management, such as works manager or director, for taking disciplinary action shall consider the findings and if he accepts the findings of guilt, he should inflict appropriate punishment in accordance with the standing orders.
- **(9) Service of the order**
- Any order of punishment should be served on the charge-sheeted workman and this completes the procedure for domestic enquiry

Principles of Natural Justice

- The **principles of natural justice** concern procedural fairness and ensure a fair decision is reached by an objective decision maker. Maintaining procedural fairness protects the rights of individuals and enhances public confidence in the process.

industrial pronouncements

- A formal expression of opinion; a judgment.
- An authoritative statement.
- a formal or authoritative statement.
- an opinion or decision.



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Hot Stove Rule and Employee Discipline



- “NO...NO...HOT!” I said, as my toddler reached for the stove. “HOT!”
- Fair and effective employee discipline has the same characteristics as a “Red Hot Stove:” **forewarning, immediate, consistent and impartial**. According to leadership expert Douglas McGregor, all four should be applied to employee discipline.
- **Forewarning:** The closer you get to the red coils, the hotter it gets. You are forewarned if you touch it, you will get burned.
- **The Hot Stove at Work:** Providing detailed warning of expectations in advance is essential. A clear link is made between performance standards, prior warnings, and consequences for unmet expectations. Standards don’t seem conjured up out of thin air. Best of all, the stove [supervisor] feels no “guilt” about later imposing discipline because the employee, despite being warned, chose their behavior.
- **Immediate:** Touch a hot stove and, you know instantly, you have done something wrong.
- **The Hot Stove at Work:** Discipline must occur immediately ensuring the individual will see a clear link between their behavior and the outcome. The more time between the employee’s poor performance and the supervisor’s reaction, the less effective the discipline. And, when time is allowed to pass, people tend to convince themselves they are not at fault. So, don’t wait for the “mandatory evaluation, a more “convenient” time, or (and I’ve actually seen this happen) wait and hope the employee transfers or retires.
- **Consistent:** When you touch a hot stove, it always burns.

Hot Stove Rule and Employee Discipline

- **The Hot Stove at Work:** Discipline does not differ, for the same offense, from one person to the next. Most egregious of offense is when a supervisor “touches the stove” yet, reprimands employees for the same behavior. Nothing fuels resentment like inconsistent discipline.
- **Impersonal:** Whoever touches the stove will be burnt. It doesn’t burn some people and not others.
- **The Hot Stove at Work:** Discipline should reflect the offense ... not the person who committed it. Focus on the act, not the individual. It doesn’t matter who the employee is; the boss’s best friend, uncle, someone who is experiencing personal crisis ...
The supervisor doesn’t dread disciplining; nor should the employee feel resentment because the discipline is a response to the behavior.
The stove only burns the one who touched it and no one else. Think of how many rules, regulations and penalties are imposed on the many because of the few who actually needed discipline.
- When disciplining an employee, your conversations about their performance can include a review all four “hot stove” conditions:
- **•Forewarning**– “You knew what would happen, and still you chose to [touch the stove.]”
- **• Immediate** – “Just now, you [touched the stove.] As a result ...”
- **• Consistent** – “Anyone who [touches the stove] gets burned.”
- **• Impersonal** – “You are getting burned because you chose to [touch the stove.] ”
- The word “discipline” has its roots in the Latin word *discere*, which means “to learn.” Use the Red Hot Stove Rule to apply discipline fairly and effectively. Discipline, done well, can give your employees an opportunity to grow and learn.

- **Grievance** may be any genuine or imaginary feeling of dissatisfaction or injustice which an employee experiences about his job and its nature, about the management policies and procedures. It must be expressed by the employee and brought to the notice of the management and the organization.
- Grievances take the form of collective disputes when they are not resolved. Also they will then lower the morale and efficiency of the employees. Unattended grievances result in frustration, dissatisfaction, low productivity, lack of interest in work, absenteeism, etc. In short, grievance arises when employees' expectations are not fulfilled from the organization as a result of which a feeling of discontentment and dissatisfaction arises. This dissatisfaction must crop up from employment issues and not from personal issues.

A grievance.....”

“ can be any discontent or dissatisfaction, whether expressed or not, whether valid or not, and arising out of anything connected with the company that an employee thinks, believes, or even feels as unfair, unjust, or inequitable.”

Grievance vs Discipline

- **GRIEVANCE**

- Provides the employer with a process for resolving a complaint they are unable to resolve through regular communications with their superior/manager

- **DISCIPLINE**

- Gives employer a process for handling an employee who is not meeting the expected standards of performance or behaviour.

Purpose of the Grievance Procedure

- Allow employees and management to resolve problems
- Allow employees to voice concerns workplace and environment
- Keep lines of communication open

How to Prevent a Grievance

- Identify potential causes
- Correct problems promptly
- Encourage corrective suggestions
- Establish and reaffirm policies and work rules
- Communicate and give advance notice of changes
- Keep employees informed of their progress
- Be objective
- Learn to listen
- Be consistent

Grievance may result from the following factors-

- Improper working conditions such as strict production standards, unsafe workplace, bad relation with managers, etc.
- Irrational management policies such as overtime, transfers, demotions, inappropriate salary structure, etc.
- Violation of organizational rules and practices

Grievance Handling

- The manager should immediately identify all grievances and must take appropriate steps to eliminate the causes of such grievances so that the employees remain loyal and committed to their work. Effective grievance management is an essential part of personnel management. The managers should adopt the following approach to **manage grievance effectively**-
- **Quick action**- As soon as the grievance arises, it should be identified and resolved. Training must be given to the managers to effectively and timely manage a grievance. This will lower the detrimental effects of grievance on the employees and their performance.
- **Acknowledging grievance**- The manager must acknowledge the grievance put forward by the employee as manifestation of true and real feelings of the employees. Acknowledgement by the manager implies that the manager is eager to look into the complaint impartially and without any bias. This will create a conducive work environment with instances of grievance reduced.

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Grievance Handling

- **Gathering facts-** The managers should gather appropriate and sufficient facts explaining the grievance's nature. A record of such facts must be maintained so that these can be used in later stage of grievance redressal.
- **Examining the causes of grievance-** The actual cause of grievance should be identified. Accordingly remedial actions should be taken to prevent repetition of the grievance.
- **Decisioning-** After identifying the causes of grievance, alternative course of actions should be thought of to manage the grievance. The effect of each course of action on the existing and future management policies and procedure should be analyzed and accordingly decision should be taken by the manager.
- **Execution and review-** The manager should execute the decision quickly, ignoring the fact, that it may or may not hurt the employees concerned. After implementing the decision, a follow-up must be there to ensure that the grievance has been resolved completely and adequately.
- An effective grievance procedure ensures an amiable work environment because it redresses the grievance to mutual satisfaction of both the employees and the managers. It also helps the management to frame policies and procedures acceptable to the employees. It becomes an effective medium for the employees to express t feelings, discontent and dissatisfaction openly and formally.

- **GRIEVANCES AND GRIEVANCE HANDLING**

1. Grievances Or Conflicting Thoughts Are Part Of Industrial Life.
2. It Is Essential To Bring This Conflict To The Surface.
3. All Conflicts Cannot Be Eliminated But Their Exposure Will Contribute Towards Their Reduction.
4. Such Exposures Lead To Adjustments And Further Improved Organizational Effectiveness.

METHODS OF BRINGING CONFLICT TO SURFACE

1. Grievance Procedure
2. Direct Observation
3. Suggestion Boxes
4. Personal Counselor
5. Exit Interviews
6. Miscellaneous Channels

GREIVANCE

- (A) Dissatisfaction Is Any State Or Feeling Of Discontent
- (B) Dissatisfaction Orally Made Known By One Employee To Another Is A Complaint.
- (C) A Complaint Becomes A Grievance When Brought To The Notice Of The Management.

According To Fillipo, "The Term Would Include Any Discontent And Dissatisfaction That Affects Organizational Performance. It Can Either Stated Or Unvoiced, Written Or Oral, Legitimate Or Ridiculous.

- (A) A Complaint Is A Discontent That Has Not Assumed Importance.
- (B) A Complaint Becomes Grievance When The Employee Feels That Injustice Has Been Committed.

- **CHARACTERISTICS OF GRIEVANCES**

- (I) It May Be Unvoiced Or Expressly Stated.
- (Ii) It May Be Written Or Oral
- (Iii) It May Be Valid, Legitimate Or Untrue Or False.
- (Iv) It May Relate To The Organizational Work.
- (V) An Employee May Feel An Injustice Has Been Done.
- (Vi) It May Affect The Performance Or Work.

Grievances Generally Give Rise To Unhappiness, Frustration, Indifference, Discontent, Poor Morale, And Poor Efficiency **THAT IS CHANGE IN ATTITUDE, PERCEPTION AND BEHAVIOR.**

TYPES OF GREIVANCE

- (A) Visible Grievances
- (B) Hidden Grievances

An Employee May Feel That There Has Been An Infringement Of His Rights.

Grievances Exist In The Minds Of Individuals.

Grievances May Be Concerning Employment, Working Conditions, Change Of Service Conditions, Biased Approach, Non-Application Of Principle Of Natural Justice, Work Loads And Work Norms.

- **NEED FOR GRIEVANCE PROCEDURE**

- (I) Identification And Analysis Of Grievances, Nature And Causes.
- (II) Helps At Formulating And Implementing The Policies And Programmes.
- (III) It Is Problem Solving, Dispute-Settling Mechanism.
- (IV) Strengthen Good Industrial Relationship.
- (V) It Detects The Flaws In Working Conditions And Helps To Take Corrective Measures.
- (VI) Build Good Morale, Maintains Code Of Discipline.
- (VII) Brings Uniformity In Handling Grievances.
- (VIII) It Develops Faith Of Employees.
- (IX) Reduces Personality Conflicts.
- (X) It Acts As A Pressure Valve.
- (XI) Provides Judicial Protection To The Employees.
- (XII) Provides Avenues To Present The Problems.

GRIEVANCE REDRESSAL SYSTEM

Enables The Parties To Resolve Differences In Peaceful, Orderly And Expeditious Manner.

Enables The Parties To Investigate And Discuss The Problem

- (I) Open-Door Policy**
- (II) Step Ladder Type**
- (III) Grievance Handling Committee**

- **BASIC ELEMENT OF GRIEVANCE PROCEDURE**

1. Existence Of Sound Channel.
2. The Procedure Should Be Simple, Definite And Prompt.
3. It Should Be Clearly Defined.
4. Helpful Attitude Of Management.
5. Fact-Oriented System.
6. Respect For Decisions.
7. Adequate Publicity.
8. Periodic Review.

STEPS IN HANDLING GRIEVANCES

1. Receive And Define The Nature Of Dissatisfaction.
 - (A) Manner And Attitude When Complaint Is Received
 - (B) Assessment Must Be Made That The Complaint Is Presented Fairly.
 - (C) Statement And Issues Must Not Be Pre-Judged.
 - (D) Proper Time And Attention Is Given.
2. Get The Facts
 - (A) Facts Be Separated From Impressions And Opinions.
 - (B) Consult The Policies.
 - (C) Consult The Records.
3. Analyze And Decide.
4. Apply The Answer.
5. Follow-Up

- **DO'S IN HANDLING GRIEVANCES**

- 1. Investigate And Handle Each Case Carefully**
- 2. Talk To The Employee.**
- 3. Enforce The Time Limit.**
- 4. Visit The Work Area Or Place Of Grievance.**
- 5. Determine Witnesses.**
- 6. Examine Records.**
- 7. Examine Witnesses.**
- 8. Evaluate Grievance.**
- 9. Permit Full Hearing.**
- 10. Identify The Relief An Employee Is Expecting.**
- 11. Command The Respect Of All.**
- 12. All Discussions Privately.**
- 13. Keep Superiors Informed.**
- 14. Ensure Proper Productivity.**
- 15. Stick To Labor Agreements.**

If you Receive an Employee Grievance

First and foremost...



- Don't panic!
- Hold your temper!
- Take charge!
- Consider the possibility of early settlement...

Grievance Timelines



Also note:

Any grievance not ***answered*** within the time limits specified shall be submitted to the next step (*Employee*).

Any grievance not ***appealed*** to the next succeeding step in writing within the time limits specified will be considered withdrawn and not eligible for further appeal (*Management*).

Benefits of Early Settlement

At any point during the grievance process, the parties can agree to an early settlement. The benefits include:

- Quick resolution
- Employee frustration avoided
- Supervisor/Superior credibility
- Company credibility
- Respect of employees gained
- Prolonged conflict avoided
- “Local” control maintained

Steps in the Grievance Process

The *number* of steps in the grievance process differ according to the union involved, but each contain the following:

- Oral Grievance
- Written Grievance
- Grievance Advanced to Employee/Industrial Relations
- Arbitration

Steps in the Grievance Process

ORAL GRIEVANCE:

- Employee presents oral grievance to immediate supervisor within timeframe specified by Company policies.
- Immediate Superior provides written response to the oral grievance within timeframe .

Steps in the Grievance Process

WRITTEN GRIEVANCE:

If the oral grievance is not satisfactorily adjusted:

- The aggrieved can submit the grievance in writing to the department head on a standard grievance form signed by the employee.
- The grievance must be submitted in writing within the timeframe specified in Company Policy.
- The department will arrange a grievance meeting between the department head and the grievant.
- The Department shall submit a written response to the grievance within timeframe specified in Company Policy.

Steps in the Grievance Process

GRIEVANCE ADVANCED TO EMPLOYEE/LABOR RELATIONS:

If the matter is not satisfactorily adjusted in the previous (written) step, or an answer is not given within the time specified:

- The written grievance previously submitted shall be forwarded to the Human Resource Department within the timeframe.

If the matter is not satisfactorily adjusted in the previous (written) step, or an answer is not given within the time specified:

- The written grievance previously submitted shall be forwarded to the Managing Director within the timeframe.
- On policy matters only.

Preparing for a Grievance

- Investigate the complaint and organize the case before the meeting by determining the following:
 - Who is involved?
 - Where did the situation occur?
 - When did the incident occur?
 - Why did the situation occur?
 - What are the circumstances?
 - What was the impact to the operation/business as a result of the situation/incident?
 - What remedy is the grievant seeking?

HANDLING GRIEVANCES

THE "WHO, WHAT, WHEN, WHERE, AND WHY" OF GRIEVANCES:

- One of a superior's most important jobs is to handle, and settle grievances.
- Often, however, supervisors fail to document a grievance properly with the result the Company may lose factual information.
- When this happens, the employee may not get the relief he is entitled to, or, the Company may be faced with unnecessary costs.
- If every supervisor knew and understood the basics of grievance investigation, they would be more effective supervisors.
- Always check for the following:

HANDLING GRIEVANCES

THE "WHO, WHAT, WHEN, WHERE, AND WHY" OF GRIEVANCES:

WHO : is involved in the grievance, name or names, check or department number, and seniority date? Don't forget the steward or Union representative who may be involved.

WHEN : did the grievance occur? Date and time, day of week, exact time when act or omission took place, which created the grievance.

WHERE : did the grievance occur? Exact location, department, machine, aisle, etc.

WHY : is this a grievance? What has been violated the contract, supplement, past practice, law, ruling or awards, personal rights, etc.?

WHAT : happened that caused the violation? Improper promotion or transfer, etc.? What adjustment is necessary to completely correct the alleged injustice, to place the aggrieved in the same position he would have been in had not the grievance occurred? What, if any, is the total liability to the Company?

Conducting the Grievance Meeting

- Discuss the matter rationally:
 - Review the grievance with the grievant and the representative.
 - Do not bargain with the grievant or the steward.
 - Be certain that you have all of the information you need before responding.
 - Do not respond to a demand for an “instant” answer. A possible exception is a matter of health and/or safety.

Preparing the Grievance Response

- Adhere to the timeline for your response.
- Provide an answer that is concise and complete. Brevity is important. If you need help in providing an answer, obtain assistance from Employee / Industrial Relations officer/manager.
- Obtain acknowledgement of receipt of your answer from the grievant/steward, including time and date.

Preparing for Grievance Meeting with Employee / Industrial Relations

Employee / Industrial Relations will facilitate the process at this step. The process includes:

- Schedule 'prep' meeting with the department and /or management before the date of grievance meeting.
- Serve as hearing officer.
- Determine who should be involved in the meeting, including identifying any witnesses.
- Determine what information must be captured on record.
- Discuss the format of the grievance meeting.
- Provide written response.

STEPS IN A GRIEVANCE PROCEDURE

- Grievance procedures can vary in the number of steps they include. Figure shows a typical procedure, which includes the following steps:
The employee discusses the grievance with the union steward (the union's representative on the job) and the supervisor.
- The union steward discusses the grievance with the supervisor's manager.
- The union grievance committee discusses the grievance with appropriate company managers.
- The representative of the national union discusses the grievance with designated company executives.
- The final step may be to use an impartial third party for ultimate disposition of the grievance.

Steps in Grievance procedure



Methods of Identifying Grievances

The following methods can help the employer to identify the grievances:

1. Directive observation:

Knowledge of human behaviour is requisite quality of every good manager. From the changed behaviour of employees, he should be able to sniff the causes of grievances. This he can do without its knowledge to the employee. This method will give general pattern of grievances. In addition to normal routine, periodic interviews with the employees, group meetings and collective bargaining are the specific occasions where direct observation can help in unfolding the grievances.

2. Grip boxes:

The boxes (like suggestion boxes) are placed at easily accessible spots to most employees in the organisation. The employees can file anonymous complaints about their dissatisfaction in these boxes. Due to anonymity, the fear of managerial action is avoided. Moreover management's interest is also limited to the free and fair views of employees.

3. Open door policy:

Most democratic by nature, the policy is preached most but practiced very rarely in Indian organizations. But this method will be more useful in absence of an effective grievance procedure, otherwise the organisation will do well to have a grievance procedure. Open door policy demands that the employees, even at the lowest rank, should have easy access to the chief executive to get his grievances redressed.

4. Exit interview:

Higher employee turnover is a problem of every organisation. Employees leave the organisation either due to dissatisfaction or for better prospects. Exit interviews may be conducted to know the reasons for leaving the job. Properly conducted exit interviews can provide significant information about the strengths and weaknesses of the organisation and can pave way for further improving the management policies for its labour force.

Procedure for handling grievances

- Subject to the above provisions, individual grievances of staff members and officers shall henceforth be processed and dealt within the following manner:
- An aggrieved staff member or officer shall take up his grievance(s) orally with his immediate superior who will give a personal hearing and try to resolve the grievance(s) at his level within a week.
- If the grievance is not satisfactorily redressed, the aggrieved staff member/officer may submit his grievance in writing to the Departmental Head concerned or to the Personnel Officer/Manager as may be determined by the Chief Executive of the organization. Such Nominated Authority will record his comments on the representation within seven days, and if need be refer it to the Grievance Redressal Committee in case the grievance is not resolved or settled amicably. The recommendation of the Grievance Redressal Committee will be conveyed within one month to the Deciding Authority to be nominated by the Chief Executive and the decision of the Deciding Authority will be final, subject to the provisions contained in para 4.3 below.
- In exceptional cases, with the concurrence of the Grievance Redressal Committee, the aggrieved staff member/officer whose grievance has been considered and is not satisfied with the decision of the Deciding Authority, will have an option to appeal either to the Director concerned or to the Chief Executive. A decision on such appeals will be taken within one month of the receipt of the appeal. The decision of the Director concerned or the Chief Executive, as the case may be, will be final and binding on the aggrieved staff member/officer and the management.
- Grievances in respect of the following two categories of officers will not fall within the purview of the Grievance Redressal Committee. In their case, the procedure will be as under:
- In the case of officers who are one step below the Board level, the individual grievance may be taken up with the concerned Director.
- Officers reporting directly to the Chief Executive may approach him for resolving their grievances.

- **Composition of the Redressal Committee**
- The Chief Executive of the organization may determine the composition and tenure of the Grievance Redressal Committee.
- 5.1 In the case of multi-unit organizations the Chief Executive may constitute Grievance Committees at the Regional level and also nominate the Deciding Authorities. However, if the supervisors/officers in such Regional units are not satisfied with the decision of the Deciding Authority, then they may prefer an appeal to the Grievance Redressal Committee at the Headquarters. The committee should consider and take a decision on the grievances within a period of one month failing which it should be brought to the notice of the Director (Personnel) or the Chief Executive of the organization. The Grievance Redressal Committee should meet at least once a month.
- **6. Overall guidance and conditions**
- 6.1 The Staff member/officer shall bring up his grievance immediately and in any case within a period of 3 months of its occurrence.
- 6.2 If the grievance arises out of an order given by the management the said order shall be complied with before the staff member / officer concerned invokes the procedure laid down herein for redressal of his grievance.
- 6.3 Grievance pertaining to or arising out of the following shall not come under the purview of the grievance procedure:
 - Annual performance appraisals/Confidential Reports;
 - Promotions including DPC's minutes and decisions;
 - Where the grievance does not relate to an individual employee or officer; and
 - In the case of any grievance arising out of discharge or dismissal of a staff member or officer.
- 6.4 Grievances pertaining to or arising out of disciplinary action or appeal against such action shall be channelled to the competent authority as laid down under the Conduct, Discipline and Appeal Rules of the organization and in such cases the grievance redressal procedure will not apply.
- 6.5 All grievances referred to the Grievance Redressal Committee/ Director (Personnel)/Chief Executive shall be entered in a Register to be maintained for the purpose by the designated officer(s). The number of grievances, settled or pending, will be reported to the Chief Executive every month.

Industrial Establishment Standing Order Act, 1946.

Introduction & Definition

- To avoid friction amongst the employers and workmen employed in an industry is the principal aim of Indian Legislation in India.
- It was considered that the society had a vital interest in the settlement of terms of employment of Industrial Labor and also settlement of Labor problems.
- Therefore, the steps were taken by the Central Government to enact Industrial Employment (Standing Orders) Act, 1946 with a view to afford protection to the workmen with regard to conditions of employment.

- **Definition under the Act (Sec.2)**

“Standing Orders” mean rules relating to matters set out in the Schedule to the Act [Sec.2(g)] to be covered and in respect of which the employer has to draft for submission to the Certifying Officer, are matters specified in the Schedule.

Objective of the Act

1. The purpose of having Standing Orders at the plant level and other commercial establishments is to regulate industrial relations.
2. This Orders regulate the conditions of employment, grievances, misconduct etc. of the workers employed in industrial undertakings.
3. Unsolved grievances can become industrial disputes.

Model Standing Orders

- Classification of Workers
- Publication of Work Time, Holidays, Pay Days and Wage Rates
- Shift Working
- Attendance and Late Coming
- Leave and Holidays
- Casual Leave
- Payment of Wages
- Stoppage of Work
- Termination of Employment
- Disciplinary Action for Misconduct
- Suspension
- Dismissal
- Complaints

Procedure for the Approval of Standing Orders

- The main provision that deal for the approval of Standing Orders are:
 1. Procedure for the submission of Draft Standing Orders [Section 3].
 1. Procedure for the Conditions for Certification of Standing Orders [Section4].
 2. Procedure for Certification of Standing Orders (Procedure for Adoption) [Section 5].
 3. Appeals [Section 6].

Procedure for the submission of Draft Standing Orders

1. Within 6 months from the date on which this Act becomes applicable to industrial establishment, the employer shall submit to the Certifying Officer 5 copies of the draft standing orders proposed by him.
2. Provision shall have to be made as such every matter set out in the Schedule which may be applicable to the industrial establishment and where model standing orders have been prescribed.
3. Subject to such conditions as may be prescribed, a group of employers in similar industrial establishments may submit a joint draft or standing orders under this section.

Procedure for the Conditions for Certification of Standing Orders

The standing order to be certified by the certifying officer under certain conditions:

1. If provision is made therein for every matter set out in the schedule which is applicable to the Industrial Establishment; and
2. If the standing orders are otherwise in conformity with the provision of this Act and it shall be the function of the Certifying Officer or appellate authority to reasonableness of the provision of any standing orders.

Procedure for Certification of Standing Orders (Procedure for Adoption)

1. The Certifying officer receipt of the draft Standing Orders from the employer shall forward a copy of the draft standing orders to the recognized trade union of the establishment seeking submission of objection to draft standing orders if any.
2. The standing orders came into operation on the expiry of 30 days from the date on which the authenticated copies of the standing orders are forwarded to the employer and the workmen by the certifying officer.
3. The conditions of employment, which will be binding on the employer and the workmen from the date when they become operational.

Appeal of Standing Orders

- Any employer, workmen, trade union or other prescribed representatives of workmen aggrieved by the order of the Certifying Officer may appeal to the appellate authority within 30 days from the date on which copies are to be sent to them.
- The appellate authority may confirm the standing orders as certified, or may make modifications or additions to render them certifiable and it has to send copies of the same to the concerned person within 7 days of the order[Sec. 7].

Modification of Standing Orders

- Standing Order finally certified under the Act shall not, except on agreement between the employers and the workmen or their Trade Union be liable to modification until the expiry of 6 months from the date on which the standing orders came into operation.
- Subject to the provision of sub-section (1), an employer or workman or a trade union or other representative body of the workmen may apply to the Certifying Officer to have the standing orders modified, and such application shall be accompanied by 5 copies of the modifications proposed to be made.

Certifying Officer

- **Definition:-**

The “certifying officer” under standing order act means Regional Labor Commissioner, Labor Commissioner or other officer appointed by the appropriate government by the notification in the Official Gazette, to perform all or any of the functions of certifying officer under Act.

- **Powers of Certifying Officer:-**

Every Certifying Officer and appellate authority shall have all the powers of Civil Court for he purpose of:

1. Receiving Evidence,
2. Administering oaths,
3. Enforcing the attendance of witness, and
4. Compelling the discovery and production of documents.

Payment of Subsistence Allowance

- Where any workmen is suspended by the employer pending investigation or inquiry into complaints or charge of misconduct against him, the employer shall pay to such workmen subsistence allowance:
 - a. At the rate of 50% of the wages which the employer is entitled to immediately preceding the date of such suspension, for the 90 days of suspension; and
 - b. At the rate of 70% of such wages for the remaining period of suspension.

Offences and Penalties

- An employer fails to submit the draft Standing Orders as required by Section 3 or who modified his standing orders otherwise with sec.10 shall be punishable with fine which may extend to Rs.5000 and in case of continuing offence with a further fine of Rs.200 for every day after the first during which the offence continues.
- An employer who does not act in contravention of the standing orders finally certified under this act for industrial establishment shall be punishable with fine which may extend to Rs.100 and in case of continuous offence with further fine of Rs.25 every day after the first during which the offence continues.
- No persecution for any offence punishable under this section 13 shall be instituted except with the previous sanction of the appropriate government. It can be tried only in the Court of a presidency magistrate or the second class magistrate.



Thank You