
UNIT 22 GRIEVANCE HANDLING AND DISCIPLINE

Objectives

After completion of the unit, you should be able to:

- 1 understand the importance of grievance handling in an organisation;
- 1 describe the concept of irrespective grievance-handling;
- 1 discuss the importance of personal & family oriented grievances;
- 1 understand the concept of Discipline Management; and
- 1 describe the discipline management process.

Structure

- 22.1 Introduction
 - 22.2 Dissatisfaction, Complaint and Grievance
 - 22.3 Forms of Grievance
 - 22.4 Causes of Grievance
 - 22.5 Effects of Grievance
 - 22.6 The Discovery of Grievance
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22.1 INTRODUCTION

In their working life, employees do get dissatisfied with various aspects of working may be with the attitude of the manager, policy of the company, working conditions, or behaviour of colleagues. Employers try to ignore or suppress grievances. But they cannot be suppressed for long. Grievance acts as rust which corrodes the very fabric of organisation. An aggrieved employee is a potent source of indiscipline and bad-working. According to Julius, a grievance is “any discontent or dissatisfaction, whether expressed or not, whether valid or not, arising out of anything connected with the company which an employee thinks, believes or, even feels to be unfair, unjust or inequitable.”

22.2 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 disturbs an employee, whether or not the unrest is expressed in words.
- 1 **Complaint:** A spoken or written dissatisfaction brought to the attention of the supervisor or the shop steward.
- 1 **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. Few such definitions are:

- 1 A grievance is a formal dispute between an employee and management on the conditions of employment. (Glueck, 1978)
- 1 Grievances are complaints that have been formally registered in accordance with the grievance procedure. (Jackson)
- 1 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).

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

Features

If we analyse these definitions of grievance, some noticeable features emerge clearly:

- a) A grievance refers to any form of discontent or dissatisfaction with any aspect of the organisation.
- b) The dissatisfaction must arise out of employment and not due to personal or family problems.
- c) The discontent can arise out of real or imaginary reasons. When the employee feels that injustice has been done to him, he has a grievance. The reasons for such a feeling may be valid or invalid, legitimate or irrational, justifiable or ridiculous.
- d) The discontent may be voiced or unvoiced. But it must find expression in some form. However, discontent per se is not a grievance. Initially, the employee may complain orally or in writing. If this not looked into promptly, the employee feels a sense of lack of justice. Now the discontent grows and takes the shape of a grievance.
- e) Broadly speaking, thus, a grievance is traceable to perceived non-fulfillment of one's expectations from the organisation.

22.3 FORMS OF GRIEVANCES

A grievance may take anyone of the following forms:

- a) **Factual:** A factual grievance arises when legitimate needs of employees remain unfulfilled, e.g., wage hike has been agreed but not implemented citing various reasons.

- b) **Imaginary:** When an employee’s dissatisfaction is not because of any valid reason but because of a wrong perception, wrong attitude or wrong information he has. Such a situation may create an imaginary grievance. Though management is not at fault in such instances, still it has to clear the ‘fog’ immediately.
- c) **Disguised:** An employee may have dissatisfaction for reasons that are unknown to himself. If he/she is under pressure from family, friends, relatives, neighbours, he/she may reach the work spot with a heavy heart. If a new recruit gets a new table and almira this may become an eyesore to other employees who have not been treated likewise previously.

22.4 CAUSES OF GRIEVANCES

Grievances may occur for a number of reasons:

- a) **Economic:** Wage fixation, overtime, bonus, wage revision, etc. Employees may feel that they are paid less when compared to others.
- b) **Work Environment:** Poor physical conditions of workplace, tight production norms, defective tools and equipment, poor quality of materials, unfair rules, lack of recognition, etc.
- c) **Supervision:** Relates to the attitudes of the supervisor towards the employee such as perceived notions of bias, favouritism, nepotism, caste affiliations, regional feelings, etc.
- d) **Work group:** Employee is unable to adjust with his colleagues; suffers from feelings of neglect, victimisation and becomes an object of ridicule and humiliation, etc.
- e) **Miscellaneous:** These include issues relating to certain violations in respect of promotions, safety methods, transfer, disciplinary rules, fines, granting leave, medical facilities, etc.

The following Table describes the classification and causes of grievances.

Table 1: Classification and Causes of Grievances

<i>Classification</i>	<i>Causes</i>
1) Wage grievances	<ul style="list-style-type: none"> - demand for individual wage adjustment - complaint about job classification - complaint about incentive system - miscellaneous
2) Supervision	<ul style="list-style-type: none"> - complaint against discipline/administration - complaint against behaviour of supervisor - objection to the method of supervision
3) Working conditions	<ul style="list-style-type: none"> - safety and health - violation of rules and regulations - miscellaneous
4) Seniority and promotion and transfers	<ul style="list-style-type: none"> - loss of seniority - calculation/interpretation of seniority - promotion - denial or delay - transfer or change of shifts
5) Discipline	<ul style="list-style-type: none"> - discharge/dismissal/layoffs - alcoholism, absenteeism and accidents - harshness of punishment and penalty
6) Collective bargaining	<ul style="list-style-type: none"> - violation of contract/award/agreement - interpretation of contract/award/agreement - settlement of grievances
7) Union management relations	<ul style="list-style-type: none"> - recognition of union - harassment of union bearers - soldiering / go-slow tactics

Jackson (p.5) traces the causes of grievances as arising from the following issues:

- 1 working environment e.g., light, space, heat.
- 1 use of equipment, e.g., tools that have not been properly maintained.
- 1 supervisory practices, e.g., workload allocation.
- 1 personality clashes and other inter-employee disputes (work-related or otherwise).
- 1 behaviour exhibited by managers or other employees, e.g. allocation of 'perks' such as Sunday overtime working, and harassment, victimisation, and bullying incidents.
- 1 refused requests, e.g., annual leave, shift changes.
- 1 problems with pay: e.g. late bonus, payments, adjustments to overtime pay
perceived inequalities in treatment: e.g., claims for equal pay, appeals
against performance related pay awards.
- 1 organisational change, e.g., the implementation of revised company policies
or 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 complainant.
- 1 initiate remedial steps to prevent recurrence of similar grievances in the future.

Different aspects of grievance are as follows:

- 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 attention.

22.5 EFFECTS OF GRIEVANCE

Grievances, if they are not identified and redressed, may affect adversely the workers, managers and the organisation. The effects are:

- 1) On production include:
 - 1 Low quality of production.
 - 1 Low quality of production and productivity.
 - 1 Increase in the wastage of material, spoilage/leakage of machinery.
 - 1 Increase in the cost of production per unit.
- 2) On the employees:
 - 1 Increases the rate of absenteeism and turnover.
 - 1 Reduces the level of commitment, sincerity and punctuality.
 - 1 Increases the incidence of accidents.
 - 1 Reduces the level of employee morale.
- 3) On the managers:
 - 1 Strains the superior-subordinate relations.
 - 1 Increases the degree of supervision, control and follow up.
 - 1 Increases in discipline cases.
 - 1 Increase in unrest and thereby machinery to maintain industrial peace.

Beach also refers to several reasons why there should be a formal procedure to handle grievances:

- 1 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.
- 1 It serves as a medium of upward communication, whereby the management becomes aware of employee frustrations, problems and expectations.
- 1 It operates like a pressure release valve on a steam boiler, providing the employees with an outlet to send out their frustrations, discontents and grips.
- 1 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 manager.
- 1 The very fact that employees have a right to be heard and actually heard helps to improve morale.

22.6 THE DISCOVERY OF GRIEVANCES

Grievances can be uncovered in a number of ways. Gossip and grapevine offer vital clues about employee grievances. Ripe boxes, open door policies periodic interviews, exit surveys could also be undertaken to uncover the mystery surrounding grievances. These methods are discussed below:

- a) **Observation:** A manager / supervisor can usually track the behaviours of people working under him. If a particular employee is not getting along with people, spoiling materials due to carelessness or recklessness, showing indifference to commands, reporting late for work or is remaining absent - the signals are fairly obvious. Since the supervisor is close to the scene of action, he can always find out such unusual behaviours and report promptly.
- b) **Grievance procedure:** A systematic grievance procedure is best means to highlight employee dissatisfaction at various levels. Management, to this end, must encourage employees to use it whenever they have anything to say. In the absence of such a procedure, grievances pile up and burst up in violent forms at a future date. By that time things might have taken an ugly shape altogether, impairing cordial relations between labour and management. If management fails to induce employees to express their grievances, unions will take over and emerge as powerful bargaining representatives.
- c) **Gripe boxes:** A gripe box may be kept at prominent locations in the factory for lodging anonymous complaints pertaining to any aspect relating to work. Since the complaint need not reveal his identity, he can express his feelings of injustice or discontent frankly and without any fear of victimisation.
- d) **Open door policy:** This is a kind of walk-in-meeting with the manager when the employee can express his feelings openly about any work-related grievance. The manager can cross-check the details of the complaint through various means at his disposal.
- e) **Exit interview:** Employees usually leave their current jobs due to dissatisfaction or better prospects outside. If the manager tries sincerely through an exit interview, he might be able to find out the real reasons why 'X' is leaving the organisation. To elicit valuable information, the manager must encourage the employee to give a correct picture so as to rectify the mistakes promptly. If the employee is not providing fearless answers, he may given a questionnaire to fill up and post the same after getting all his dues cleared from the organisation where he is currently employed.

- f) **Opinion surveys:** Surveys may be conducted periodically to elicit the opinions of employees about the organisation and its policies.

22.7 GRIEVANCE HANDLING PROCEDURE

As already discussed, there are valid reasons to have the grievances processed through a machinery or a procedure.

Objectives of a Grievance Handling Procedure

Jackson (2000) lays down the objectives of a grievance handling procedure as follows:

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

The Benefits of a Grievance Handling Procedure

According to Jackson (2000), further benefits that will accrue to both the employer and employees are as follows:

- 1 It encourages employees to raise concerns without fear of reprisal.
- 1 It provides a fair and speedy means of dealing with complaints.
- 1 It prevents minor disagreements developing into more serious disputes.
- 1 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.

Processing of Grievance

The details of a grievance procedure/machinery may vary from organisation to organisation. Here, a four phase model (Figure 1) is suggested. The first and the last stages have universal relevance, irrespective of the differences in the procedures at the intermediate stages. The four stages of the machinery are briefly discussed here:

The level at which grievance occurs : The best opportunity to redress a grievance is to resolve it at the level at which it occurs. A worker's grievance should be resolved by his immediate boss, the first line supervisor. The higher the document rises through the hierarchy, the more difficult it is to resolve. Bypassing the supervisor would erode his authority. When the process moves to a higher stage, the aggrieved employee and the supervisor concerned may shift their focus to save face by proving the other wrong. The substantive aspect of any of the grievances may thus be relegated and dysfunctional aspects come to the fore thus making it more difficult to settle the issue.

In a unionised concern, the first stage of the procedure usually involves three people: the aggrieved employee, his immediate boss and the union representative in the shop/department. It is possible to involve the union in laying down the framework of the grievance procedure and thereafter restrain union involvement in the actual process, at least in the first two stages. The choice depends on the top management attitude and orientation towards the dynamics of union-management relations.

Supervisory role needs to be strengthened, with appropriate training in problem-solving skills, grievance handling and counselling so that he can do much in reducing the number of grievances that get passed to higher stages in the machinery.

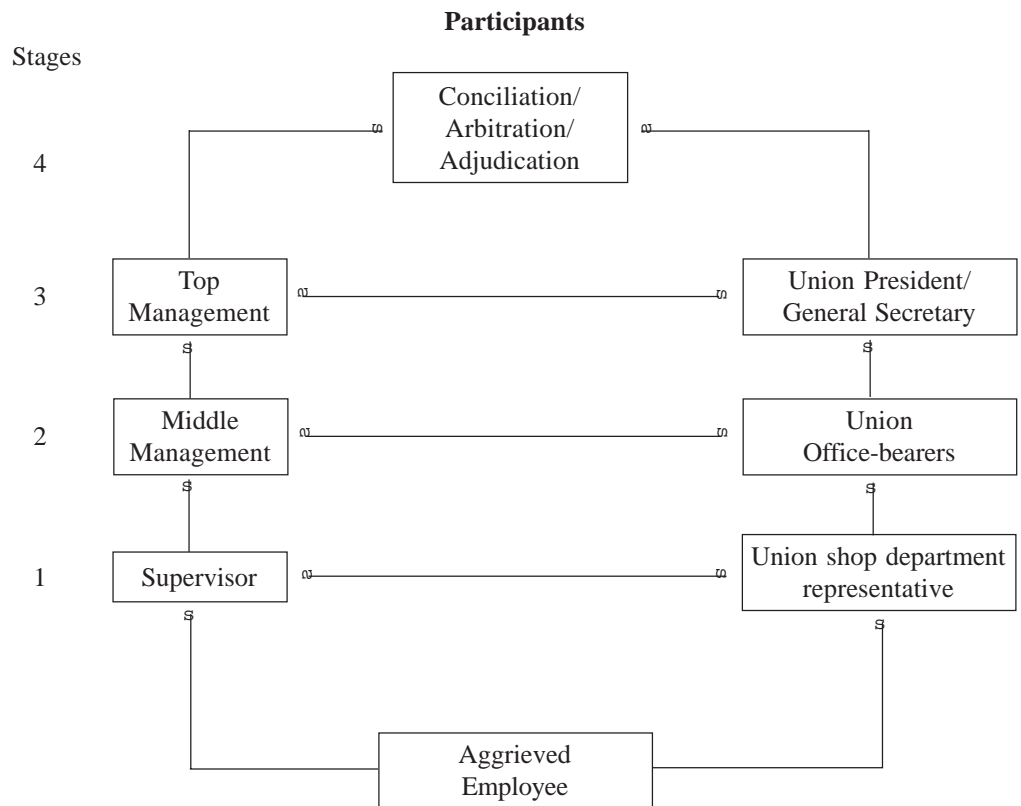


Figure 1: Grievance Procedure

(Adapted from: C. Pettefer, Effective Grievance Administration, **California Management Review**, 12(i), Winter 1970, p.18)

Unrealistic policies and expectations and lack of commitment for equity and fairplay can cause problems in handling grievances at the lower level. Inadequate delegation of authority may also inhabit a supervisor's effectiveness in handling grievances at this level.

Intermediate Stage : If the dispute is not redressed at the supervisor's level, it will usually be referred to the head of the concerned department. It is important that line management assume prime responsibility for the settlement of a grievance. Any direct involvement by personnel department may upset balance in line-staff relations.

At the intermediate level, grievance can be settled with or without union involvement. Excessive reliance on supervisor at this stage can jeopardise the interests of the employee and affect the credibility of the procedure.

Organisation Level: If a grievance is not settled at the intermediate level also, it will be referred to the top management. Usually, a person of a level not less than General Manager designated for the purpose will directly handle the issue. By now, the grievance may acquire some political importance and the top leadership of the union may also step in formally, if the procedure provides for it and informally, if the procedure prohibits it. At this level it is very difficult to reconcile the divergent interests.

Third Party Mediation: If the grievance has not been settled bi-laterally within the organisation, it goes to a third party for mediation. It could be conciliation, arbitration or adjudication or the matter may even be referred to a labour court. At this stage, the parties concerned lose control over the way the grievance is settled. In case of mediation (conciliation or arbitration) the mediator has no authority to decide, but in case of labour court or an adjudicator, the decision will be binding on the parties, subject to statutory provisions for appeal to higher courts.

Steps in Grievance Handling Procedure

At any stage of the grievance machinery, the dispute must be handled by some members of the management. In grievance redressal, responsibility lies largely with the management. And, as already discussed, grievances should be settled promptly at the first stage itself. The following steps will provide a measure of guidance to the manager dealing with grievances.

Acknowledge Dissatisfaction: Managerial/supervisory attitude to grievances is important. They should focus attention on grievances, not turn away from them. Ignorance is not bliss, it is the bane of industrial conflict. Condescending attitude on the part of supervisors and managers would aggravate the problem.

Define the Problem: Instead of trying to deal with a vague feeling of discontent, the problem should be defined properly. Sometime the wrong complaint is given. By effective listening, one can make sure that a true complaint is voiced.

Get the Facts: Facts should be separated from fiction. Though grievances result in hurt feelings, the effort should be to get the facts behind the feelings. There is need for a proper record of each grievance.

Analyse and Decide: Decisions on each of the grievances will have a precedent effect. While no time should be lost in dealing with them, it is no excuse to be slipshod about it. Grievance settlements provide opportunities for managements to correct themselves, and thereby come closer to the employees. Horse-trading in grievance redressal due to union pressures may temporarily bring union leadership closer to the management, but it will surely alienate the workforce away from the management.

Follow up: Decisions taken must be followed up earnestly. They should be promptly communicated to the employee concerned. If a decision is favourable to the employee, his immediate boss should have the privilege of communicating the same.

Some of the common pitfalls that managements commit in grievance handling relate to (a) stopping the search for facts too soon; (b) expressing a management opinion before gathering full facts; (c) failing to maintain proper records; (d) arbitrary exercise of executive discretion; and (e) settling wrong grievances.

Key Features of a Good Grievance Handling Procedure

Torrington & Hall refer to four key features of a grievance handling procedure, which are discussed below.

a) **Fairness:** Fairness is needed not only 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 sought to deal with the grievances. This also involves following the principles of natural justice, as in the case of a disciplinary procedure.

b) **Facilities for representation:** Representation, e.g., by a shop steward, can be of help to the individual employee who lacks the confidence or experience to take on the management single-handedly. However, there is also the risk that the presence of the representative produces a defensive management attitude, affected by a number of other issues on which the manager and shop steward may be at loggerheads.

c) **Procedural steps:** Steps should be limited to three. There is no value in having more just because there are more levels in the management hierarchy. This will only lengthen the time taken to deal with matter and will soon bring the procedure into disrepute.

d) **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.

Essential pre-requisites of a Grievance Handling Procedure

Every organisation should have a systematic grievance procedure in order to redress the grievances effectively. As explained above, unattended grievances may culminate in the form of violent conflicts later on. The grievance procedure, to be sound and effective should possess certain pre-requisites:

- a) **Conformity with statutory provisions:** Due consideration must be given to the prevailing legislation while designing the grievance handling procedure.
- b) **Unambiguity:** Every aspect of the grievance handling procedure should be clear and unambiguous. All employees should know whom to approach first when they have a grievance, whether the complaint should be written or oral, the maximum time in which the redressal is assured, etc. The redressing official should also know the limits within which he can take the required action.
- c) **Simplicity:** The grievance handling procedure should be simple and short. If the procedure is complicated it may discourage employees and they may fail to make use of it in a proper manner.
- d) **Promptness:** The grievance of the employee should be promptly handled and necessary action must be taken immediately. This is good for both the employee and management, because if the wrong doer is punished late, it may affect the morale of other employees as well.
- e) **Training:** The supervisors and the union representatives should be properly trained in all aspects of grievance handling before hand or else it will complicate the problem.
- f) **Follow up:** The Personnel Department should keep track of the effectiveness and the functioning of grievance handling procedure and make necessary changes to improve it from time to time.

A Model Grievance Procedure is given in Appendix.

Activity A

Study the grievance procedure and practices in an organisation to which you have access and present a brief report.

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Nair & Nair state that in the Indian context, certain guidelines were evolved in formulating grievance handling procedures in different types of organisations - small, big, unionised, non-unionised.

According to Nair & Nair, grievance handling procedures can be broadly classified as 3-step, 4-step or 5-step. The details are tabulated in the following Table. One of the prominent features of the procedure suggested by Nair & Nair is the intervention of Grievance Committees in the 5-step procedure, which works in the Indian context. This committee consists of: in unionised context, two nominees each from the management and the union (1 union representative should be from the same department as the aggrieved employee); in a non unionised set up, two representatives from the management, representative in the 'Works secretary/vice president of the 'Works Committee.'

Table 2: Comparison of Grievance Redressal Procedure

Steps	3-Steps Procedure	4-Steps Procedure	5-Steps 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 Re. of Plant Vs. G.M. or Owner G.M. or Owner	Work Committee Vs. Manager	Union Re. of Plant Vs. Manager-R.R.
Step No.3	Arbitration by independent Authority	Local Union Leaders Vs. Chief Executive	Grievances Committee Vs. Director (P&A)
Step No. 4		Arbitration	Regional Re. Union Vs. Chief Executive
Step No. 5			Arbitration

Source: Nair & Nair

22.8 GRIEVANCE MANAGEMENT IN INDIAN INDUSTRY

At present, there are three legislations dealing with grievances of employees working in industries. The Industrial Employment (Standing Orders) Act, 1946, requires that every establishment employing 100 or more workers should frame standing orders. These should contain, among other things, a provision for redressal of grievances of workers against unfair treatment and wrongful actions by the employer or his agents. The Factories Act, 1948, provides for the appointment of a Welfare Officer in every factory ordinarily employing 500 or more workers. These Welfare officers also look after complaints and grievances of workers. They will look after proper implementation of the existing labour legislation. Besides, individual disputes relating to discharge, dismissal or retrenchment can be taken up for relief under the Industrial Disputes Act, 1947, amended in 1965.

However, the existing labour legislation is not being implemented properly by employers. There is a lack of fairness on their part. Welfare officers have also not been keen on protecting the interests of workers in the organised sector. In certain cases, they are playing a dual role. It is unfortunate that the public sector, which should set up an example for the private sector, has not been implementing labour laws properly.

In India, a Model Grievance Procedure was adopted by the Indian Labour Conference in its 16th session held in 1958. At present, Indian industries are adopting either the Model Grievance Procedure or procedures formulated by themselves with modifications in the Model Grievance Procedure. In other words, the grievance Procedures are mostly voluntary in nature.

Proactive Grievance Redressal

The traditional Grievance Redressal System is mechanical reactive and formal. But Grievances are human problems with lot of emotions and sentiments attached with them. It requires informal, proactive & human touch. It must give the impression that management cares their employees and attach value to them.

A proactive grievance redressal system has been fixed in Visakhapatnam Steel Plant and NALCO with a great success. It is based on the principle of “management by walking”. A thirsty man goes to the well. That is a common phenomenon. A proactive phenomenon will be if the well goes to the thirsty and quenches his thirst.

In existing system an aggrieved employee goes to the Management and follows formal procedure for the redressal of his grievance. It is insensitive to human emotions. Very often, grievance get rejected on flimsy grounds. In proactive system the management system goes to the worker, listen to grievance and on subsequent day answer to his grievance. Even if his grievance is not agreed, the causes and other details are explained in person. This has worked on well. Organisations can improvise the system as per their requirements. Improve experiments must go on.

Sincerity of management is the pre-condition. Unions leaders and shop managers have to play positive role. It takes time to catch on. Therefore, patience is another requirement. Message must go that management ‘care’ their employees. Only then, it can serve the purpose.

Discipline Management

Employee discipline is the backbone of industrial relations. In fact, the function of management is to keep an enterprise going on smoothly, efficiently and profitably. To do this, you need a workforce that has to accept certain reasonable standards of behaviour at the workplace. Effective employee performance depends on the willingness on the part of your subordinates to carry out the orders of their superiors, to abide by the rules and norms of your organisation.

The purpose of this part of the unit is to discuss and examine what discipline is, what the various aspects of employee discipline are, and how positive discipline can be achieved by you from your subordinates. We shall also examine the judicial process of maintaining industrial discipline, and how to deal with indiscipline among industrial employees.

22.9 CONCEPT AND MEANING OF DISCIPLINE

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

Definition of Discipline

Webster’s Dictionary gives three basic meanings to the word discipline, the first being that of training that corrects, moulds, strengthens, or perfects. The second meaning is control gained by enforcing obedience and the third is punishment. By combining the first and second definitions you can say that discipline involves the conditioning or moulding of behaviour by applying rewards or 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, for example:

- 1 Discipline is a procedure that corrects or punishes a subordinate because a rule of procedure has been violated.

—Dessler, 2001

- 1 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:

- 1 The objective is orderly behaviour .
- 1 Orderly behaviour is a group desire.
- 1 Orderly behaviour assists the attainment of organisational goals
- 1 When members behave appropriately as per rules, there is no need for disciplinary action. This is self discipline.
- 1 When some members violate the rules and regulations, punitive actions are needed to correct them.
- 1 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.

Those 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 and 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 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.

Let us now distinguish the major aspects of discipline.

Negative Discipline: Negative discipline involves force or an outward influence. It is the traditional aspect of discipline and is identified with ensuring that subordinates adhere strictly to rules, and punishment is meted out in the event of disobedience or indiscipline. As you can see, in this perspective strict penalties are levied for the violation of rules. It is, in fact, the fear of punishment that works as a deterrent in the mind of the subordinate. Approaching discipline from this kind of a perspective has been proving increasingly ineffective for various reasons.

Positive Discipline: In this type of discipline subordinates comply with the rules not from fear of punishment, but from the desire to cooperate in achieving the common goal of the organisation. In positive discipline willingness to comply is most important. The emphasis here is on cooperative efforts to secure compliance to organisational norms. It promotes emotional satisfaction instead of emotional conflict, and the increased cooperation and coordination reduces the need for formal authority. This approach to discipline will help you to achieve both individual needs of the subordinates and organisational goals for you. It would therefore motivate your subordinates to work with zeal and fulfil their needs. Positive discipline, in other words, calls for internalisation by your subordinates of the objectives and expected norms of behaviour in your organisation. The positive concept of discipline assumes a certain degree of self-discipline.

Discipline as Self-control: Discipline at one level means training that corrects, moulds, strengthens, or perfects the behaviour. Discipline, in this sense, refers to the development of an individual, i.e., one's efforts at self-control for the purpose of adjusting oneself to certain needs and demands. This is nothing but what you would call self-discipline. You will agree with us that it is extremely important to have this kind of self-discipline both in you and in your subordinates for effectively and efficiently achieving your organisational objectives. Here again the emphasis is on establishing and ensuring a minimum degree of orderliness. This orderliness is obtained in the modern work context by increasing the degree and extent of compliance by subordinates. Let us examine it a little more closely.

22.10 INDISCIPLINE

Indiscipline refers to the absence of discipline. Indiscipline, therefore, means non-conformity to formal and informal rules and regulations. We cannot afford indiscipline as it will affect the morale, involvement and motivation of subordinates in the organisation. Indiscipline often leads to chaos, confusion, and reduces the efficiency of the organisation. It often leads to strikes, go-slows, absenteeism, resulting in loss of production, profits and wages.

Factors Leading to Indiscipline

Various socio-economic and cultural factors play a role in creating indiscipline in an organisation. We wonder if you realise the fact that often indiscipline may arise because of poor management on your part. Insensitive and thoughtless words and deeds from a manager are potent reasons for subordinates to resort to acts of indiscipline. Defective communication by the superiors and ineffective leadership devoid of tactful human relations approach can cause indiscipline among subordinates. Indiscipline by your subordinate may be an outcome of your non-response to his grievance.

Your subordinates may indulge in acts of indiscipline because of unfair practices on your part, like the wage differentials, unreasonable declaration of payment of bonus or non-payment, wrong work assignments, defective grievance handling, etc. The payment of low wages is perhaps another reason for indiscipline. When the worker is paid low wages and in addition you demand more and more work from him, he becomes dissatisfied, dishonest and insubordinate. Poverty, frustration and indebtedness, generally overshadow his mind which makes him agitated and indisciplined. His mind and thought are more towards destruction than constructive discipline.

Low payment of wages also creates lack of motivation in your subordinates. After all, each individual needs response, security, recognition and new experience. A workman joins your organisation and agrees to give a certain amount of work and loyalty, while he expects at the same time, in return, an adequate economic reward, security, fair human treatment and other kinds of support from you. If he does not get what he expected, he starts getting dissatisfied. He gradually begins to express his grievance by way of absenting himself, coming late to the office, inefficiency and insubordination.

Defective communication between you and your subordinate also leads to conflict of various kinds. Very often your subordinates get no opportunity to express their feelings and sentiments. Unless you adopt a humane and understanding approach there is more likelihood that your subordinate may take recourse to indiscipline.

Forms of Indiscipline

Absenteeism, insubordination, violation of plant rules, gambling, incompetence, damage to machine and property, strikes, dishonesty and other forms of disloyalty lead to industrial indiscipline. These are all forms of misconduct against the management. If an act of an employee is prejudicial or likely to be prejudicial to the interests of the employer or to his reputation, it is a misconduct. The act of an employee can become a misconduct in the following cases:

- a) where the act of a workman is inconsistent with the peaceful discharge of his duty towards his employer;
- b) where the act of the employee makes it unsafe for the employer to retain him in service;
- c) where the act of the employee is so grossly immoral that all reasonable men would not trust that employee;
- d) where the conduct of the employee is such as to open before him ways for not discharging his duties properly;
- e) where the conduct of the employee is such that the employer cannot rely on his faithfulness;
- f) where the conduct of the employee is insulting and insubordinate to such a degree as to be uncomfortable with the continuance of a superior-subordinate relationship;
- g) where the workman is abusive or he disturbs the peace at the place of his employment; and
- h) where the employee is habitually negligent in respect of the duties for which he is engaged.

It is very difficult to lay down exhaustively as to what would constitute misconduct and indiscipline. It would depend upon the examination of facts. Some of the acts of misconduct are mentioned in the Model Standing Orders as a part of the rules made under the Industrial Employment (Standing Orders) Act of 1946. Non-performance of duty is a serious misconduct, because it is basically inconsistent with the obligations of employment. Under the act of negligence, an employee fails to give full care and attention on account of which the work becomes defective, and production suffers both in quantity and quality. It is a misconduct to cause disorder on the premises, intimidate, threaten or assault other employees and use abusive language. Preventing the entry and exist of willing employees and movement of goods to and from the factory, obstructing the work being carried on, damaging the property of the employer, indulging in mischief or other objectionable activities, occupying the employer's premises or property, go-slow, etc. are forms of misconduct.

Insubordination, assault or threat to superior officers, defamation, making false complaint, are all acts of indiscipline. Non-performance of work during working office hours, tampering with official records, misappropriation of accounts are acts of indiscipline which are considered to be of serious gravity.

22.11 PURPOSE AND OBJECTIVES OF DISCIPLINARY ACTION

The purpose of discipline according to Dessler (2001) is to encourage employees to behave sensibly at work, where being sensible is defined as adhering to rule and regulations. In an organisation, rules and regulations serve about the same purpose that laws do in society; discipline is called for when one of these rules or regulations is violated (Bittel & Newstrom, 1990).

Following are some of the purposes and objectives of disciplinary action:

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

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

Let us probe this a bit more. Dessler (2001) states that a set of clear rules and regulations is the first foundation. These rules address things like 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 employee's orientation.

A system of progressive penalties is the second foundation of effective disciplining. Penalties, according to Dessler, may range from oral warning 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.

Finally, there should be an appeals process as part of the disciplinary process; this helps to ensure that discipline is meted out fairly and equitably.

Right to Take Disciplinary Action

Right to take disciplinary action emanates from employer-employee relationship and is regulated by contract of employment, standing order of the company (for workers) or conduct and discipline (appeal) rules (for supervisory staff) of the organisation. Promptness in disciplinary cases is essential. It has to be ascertained which disciplinary rules are applicable to the delinquent employee for taking action.

22.12 DISCIPLINARY ACTION PROCEDURE

To start with, based on any misconduct committed by the employee or complaint, a preliminary enquiry is called for. Then disciplinary authority has to initiate action. The following authorities are laid by the organisation for various levels of employees:

- a) Disciplinary authority;
- b) Appellate authority; and
- c) Reviewing authority.

Based on judicial pronouncement, elaborate procedure have been evolved which has to be followed to avoid infirmities in the disciplinary action. Various stages involved are briefly indicated as under:

- i) preliminary enquiry,
- ii) framing and serving of charge sheet,
- iii) holding of domestic enquiry,
- iv) report of the enquiry officer,
- v) consideration of the report of the enquiry officer by disciplinary authority,
- vi) order of punishment and its communication, and
- vii) appeal.

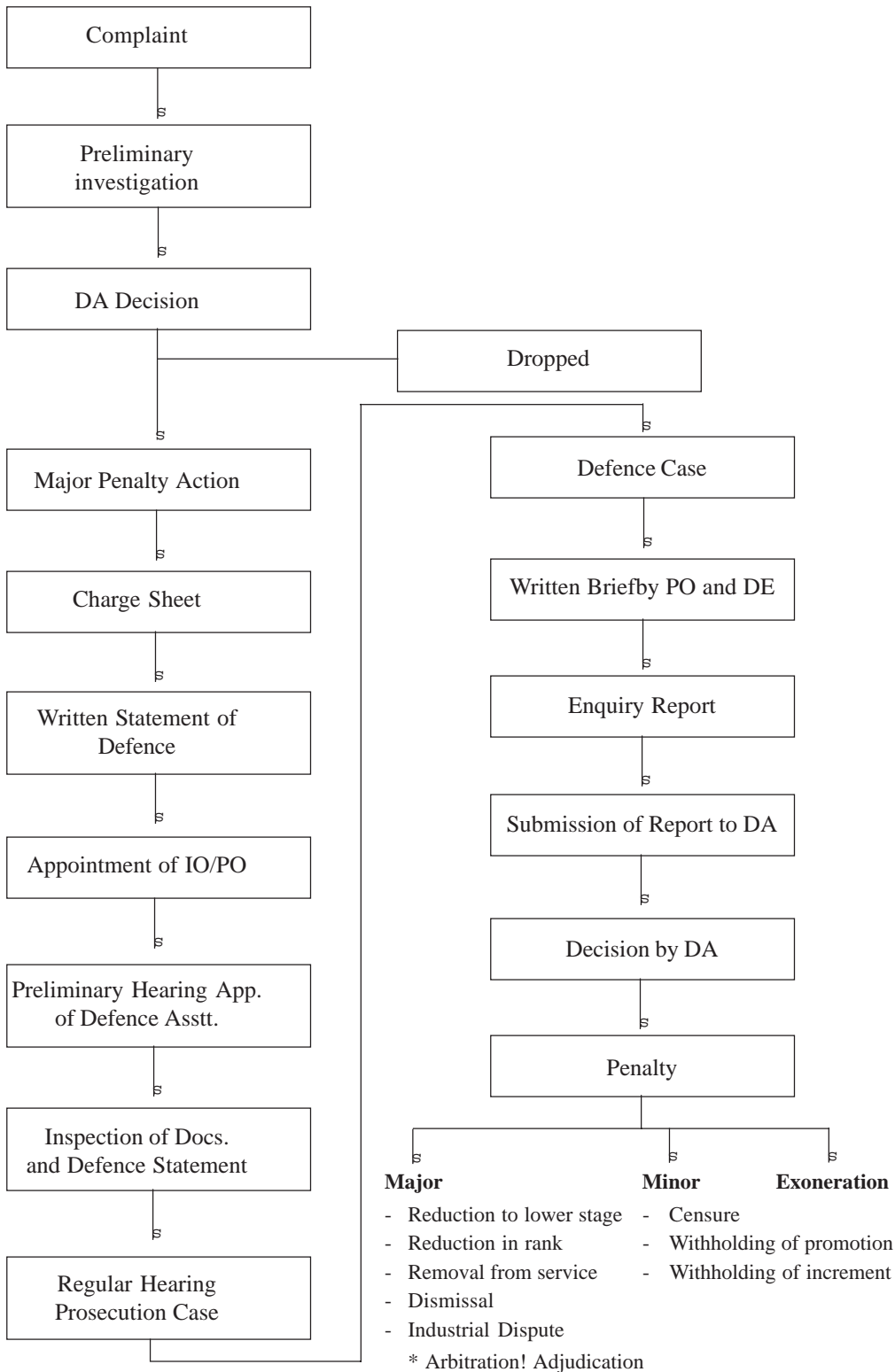


Figure 2: Flow Chart of Disciplinary Proceedings

Stages of Disciplinary Action Proceedings

1) Issue of the Charge-Sheet

Delinquent employee is to be issued a charge-sheet call him to submit his explanation within a specified period of time. This charge-sheet should be drafted in a clear and unambiguous language so that the workman does not have any difficulty in

understanding the charges that he has to answer. Wherever possible, the relevant clause of the company's standing orders should be mentioned in a charge-sheet. If the charge relates to an incident, the date, time and place of the occurrence should be mentioned. Proper care should be taken in framing the charge-sheet, for the validity of the punishment would depend on the enquiry of the misconduct mentioned in the charge-sheet. The charge-sheet should be in the local language.

The charge-sheet framed against delinquent employee and duly signed by the disciplinary authority should be served on him personally if possible and acknowledgement to the effect should be obtained from him. In case the workman is absent, or if he refuses to accept the charge-sheet when presented to him, the same should be sent to his local and home addresses by post under-registered cover with acknowledgements due, after getting his refusal attested by two witnesses. In case the charge-sheet is returned unserved with the remarks of the postal authorities, the same should be kept intact without opening. In such a case, the employer should display the charge-sheet on the notice board or act in accordance with the provisions of the standing orders. In some cases, it may be necessary to public the contents of the charge-sheet in a local newspaper having wide publicity .

2) Suspension Pending Enquiry

In a case where the charges levelled against a workman are of serious nature and it is considered by the disciplinary authority that his physical presence might endanger the safety of other workmen, or if it is apprehended that he might intimidate others or tamper with the evidence, he may be suspended. During the period of suspension pending enquiry, the workman will get subsistence allowance as per rules.

3) Consideration of the Explanation

After a charge-sheet has been served on a workman for reply he may submit his explanation:

- i) admitting the charges and requesting for mercy, or
- ii) denying the charges and requesting for an enquiry, or
- iii) not submitting any explanation at all, or
- iv) requesting for more time to submit explanation.

In a case where the workman admits the charge which is of a minor nature and begs for mercy, no enquiry is held and decision is taken accordingly on the charge-sheet. If, however the misconduct is serious enough to warrant discharge or dismissal, the management should still arrange to hold a proper enquiry, the admission of the charges notwithstanding.

In a case where the workman submits an explanation mentioning that the charges levelled against him are false, baseless, motivated, concocted, etc. A proper enquiry as per procedure should be held before awarding any punishment.

When the workman fails to submit any explanation within the specified time limit, the management should take steps to hold a proper enquiry.

When the workman concerned makes a bonafide request on reasonable grounds for extension of time to submit explanation, the same should be granted.

4) Notice for Holding the Enquiry

After consideration of the explanation of the charge-sheeted workman or when no reply is received within the specified time limit, the disciplinary authority should issue an order appointing an enquiry officer or an enquiry committee to hold the enquiry of the charge-sheet. The enquiry officer can be an official of the company, or even an

outsider, but care should be taken to appoint only such a person as enquiry officer who is neither a witness nor is personally interested in any way in the matter for which the charge-sheet has been issued. It should also contain the name of the management representative.

Thereafter, the enquiry officer should issue a notice of enquiry. This notice of enquiry should clearly mention the date, time and place of enquiry. It should ask the workman to present himself with his witnesses/documentary evidence, if any, for the enquiry. It should also be mentioned in the notice of enquiry that if the workman fails to attend the enquiry on the appointed date and time, the same will be held ex-parte. A reasonable period of time should be given to the workman for preparing his defence before the enquiry is held.

5) Holding of the Enquiry

The object of holding an enquiry is to find out whether the workman is guilty of the charges levelled against him in the charge-sheet, or not. In doing so, the enquiry officer gives the workman a reasonable opportunity to defend himself by cross-examining the witnesses/documentary evidence/exhibits produced against him and by examining the witnesses/documentary evidence in his defence. The workman concerned can also make statement in his defence apart from what is stated in reply to the charge-sheet. It should be clearly understood that it is for the management's representative, i.e., evidence officer to prove the charges against a workman by adducing evidence during the enquiry and it is not the workman who has to prove his innocence. Unless management side has been able to prove the case against the workman, he should not be considered guilty.

6) The Enquiry

On the appointed date and time, fixed for the enquiry, the following persons should be present apart from the enquiry officer.

- a) **Presenting Officer:** He is the person who will lead the case from the management's side by producing witnesses and relevant documentary evidence in support of the charge. He may himself be a witness, in which case he is the first person to be examined. The presenting officer has a right to cross-examine a charge-sheeted workman as well as the witness/documentary evidence produced by him.
- b) **Delinquent Employee:** No enquiry can be said to have been held as per procedure in the absence of the charge-sheeted employee. However if he refuses to take part in the enquiry after presenting himself, or when he does not report for the enquiry despite receiving the notice to him, the enquiry may proceed ex-parte, provided in the notice of the enquiry a specific mention to that effect had been made. Also, if during the enquiry, the delinquent employee withdraws himself, the same may be held ex-parte. In such a case, it is not advisable to postpone the enquiry and give another opportunity to the delinquent employee rather than holding ex-parte enquiry. In a case, where the delinquent employee turns up for the enquiry after some witnesses have been examined, it would be proper for the enquiry officer to allow him to participate in the enquiry after recording this fact in the proceedings. The enquiry officer should recall the witnesses who have already been examined in the absence of the delinquent employee so that he get an opportunity to cross-examine such witnesses.
- c) **Representative of the Delinquent Employee:** If the delinquent employee writes to the charge-sheet or makes a subsequent request that he should be allowed to take a knowledgeable co-worker of his choice to assist him in the enquiry, the same should normally be allowed. In some companies, union committee member

of the recognised trade union is allowed to attend an enquiry on the specific request of the workman, to either assist him or play the role of an observer as per procedure.

- d) **The Procedure of Enquiry:** At the commencement of the enquiry, if the delinquent employee is present, the enquiry officer should record the date, time and place of enquiry, names of the persons present and obtain their signatures on the order-sheet. Thereafter, he should proceed as follows:
- 1 Read out and explain the charges and the reply of the charge-sheet to the delinquent employee and get his confirmation to that effect. In case the delinquent employee has not accepted the charge in reply to the charge-sheet, he should be asked if he pleads guilty of the charges. If the charges are admitted, that should be recorded and signatures of all concerned, with date, should be taken. A full-fledged enquiry need not be held if the misconduct is of a minor nature. In case the charge, if proved, is serious enough to warrant discharge or dismissal, the proper course is to hold the enquiry.
 - 1 Explain to the delinquent employee concerned the procedure to be followed in the enquiry, viz., that the presenting officer will produce witnesses/documentary evidence/exhibits in support of the charge and the delinquent employee will have opportunity to cross examine. Thereafter the delinquent employee should be given opportunity to produce his witnesses/ and the management representative will have a right to cross-examine them.
 - 1 The delinquent employee will have further opportunity to make statement, if any, in his defence. At any stage of the enquiry, the enquiry officer can seek clarification from any witness or the delinquent employee by puffing questions to him. Neither the presenting officer nor the delinquent employee can put leading questions to their respective witnesses.
 - 1 Witnesses in support of the charge are to be examined one by one in the presence of the delinquent employee.
 - 1 The charge-sheeted workman is to be given an opportunity to cross-examine management's witnesses. In case he declines to cross-examine any witness, an endorsement to that effect should be recorded by the enquiry officer.
 - 1 The delinquent employee should be asked to produce his own witnesses one by one and the presenting officer will be allowed to cross-examine them. The delinquent employee should be asked to give his statement after his witnesses are examined and cross-examined. He may also produce documentary evidence, if any. In case the delinquent employee declines to produce any witness/documentary evidence or declines to give any statement, the enquiry officer should make a record to that effect in the order-sheet and obtain signatures of all concerned. If the enquiry remains incomplete in the first sitting and some more witnesses are required to be examined, it may be continued on any other day mutually agreed by both sides. In such a case, the enquiry officer should make a suitable endorsement in the order-sheet and obtain signatures of all concerned.
 - 1 On each page of the enquiry proceedings, the signature with date of the charge-sheeted workman, his representative, if any, the concerned witness and the management representative should be taken. The concerned witness should sign on each page of his statement only. The enquiry officer will sign on each page of the proceedings after endorsing that the statement has been recorded by him and explained to the parties in their language before they were asked to sign. If the delinquent employee refuses

to put his signature even after he had been asked to do so, the enquiry officer should make an endorsement to that effect and get it attested by others present.

- e) **Ex-parte Enquiry:** If, on the day fixed for the enquiry, the delinquent employee does not turn up, an ex-parte enquiry may be held by following the usual procedure. In such an enquiry, the presenting officer has to lead the evidence against the charge-sheeted workman. The enquiry officer, by putting questions to the witnesses, get facers to come to reasonable conclusion about the validity or otherwise of the charges. As stated earlier, it is advisable to fix another date of enquiry, instead of holding an ex-parte enquiry on the first sitting itself.

The Enquiry Report: After the enquiry is over the enquiry officer makes an appreciation of the evidence on record and comes to his conclusion. If there is no corroborative evidence on a particular point, the enquiry officer has to give his own reasons for accepting or rejecting the evidence of such a witness. The enquiry report is a document which should clearly indicate whether the charges levelled against the delinquent employee are proved or not. The conclusion of the enquiry officer should be logical and based only on evidence brought out during the enquiry. The enquiry officer may record clearly and precisely his conclusions with reasons for the same. There is no place for any conjecture or surmises in the enquiry report. It should be such that as per the evidence on record, any impartial man, not connected with the case, should be able to come to the same conclusion as that of the enquiry officer.

7) Final Decision of the Disciplinary Authority

The enquiry report is submitted to the Disciplinary Authority. Before he takes a decision on the findings of the enquiry officer, he is required to furnish a copy of the enquiry officer's report to the concerned employee. If he agrees with the findings of the enquiry officer, after considering the gravity of the misconduct and the past record of the delinquent employee equitable treatment with precedents of action taken, etc., he may pass an order on the quantum of punishment after recording his reasons for the same in writing. An order in writing is passed to that effect and is communicated to the delinquent employee.

In case the disciplinary authority decides to punish the employee for his misconduct, the following are the punishments, which he can impose, depending upon the severity of the misconduct. There are two kinds of punishment:

i) Minor Punishments

- a) Warning or Sensor;
- b) Fine (keeping the provisions of Section 8 of Payment of Wages Act in view); and
- c) Withholding of increment (either with cumulative effect or non-cumulative effect).

ii) Major Punishments

- a) Demotion;
- b) Discharge; and
- c) Dismissal

A letter communicating the order of discharge/dismissal should set out clearly the charge(s) proved against the delinquent employee and the date from which the order is to become effective. Normally, the order of discharge/dismissal should be effective from the date of the order, unless there is an express provision in the standing orders to the contrary .

8) Appeal

An employee can appeal against an order imposing upon him any of the penalties. The appellate authority may confirm, enhance, reduce or set-aside the penalty.

9) Conclude

It is the employer’s right to direct its internal administration and maintain discipline. However, before passing an order of discharge or dismissal, the employer has to arrange for a fair and proper enquiry in consonance with the principles of natural justice. The reason is that its decision may not be reversed by the adjudicator at a later date, if the workman raises an industrial dispute challenging the order.

A domestic enquiry need not be conducted in accordance with the technical requirements of a criminal trial but they must fairly conducted and in holding them, consideration of “fair play” and “natural justice” must govern the conduct of the enquiry officer. A domestic enquiry must be conducted with an open mind, honestly and bonafide, with a view to determine whether the charge framed against the delinquent employee is proved or not.

In today’s context, no employer can discharge or dismiss a delinquent workman even for a serious misconduct without following an elaborate procedure for taking disciplinary action. An employer can be guilty and penalised, if the adjudicator finds that there was want of good faith; or there was victimisation or unfair labour practices; or the management was guilty of a basic error or violation of a principle of natural justice; or on the grounds that the finding was completely baseless or perverse.

Activity B

- a) Mention briefly the practice of disciplinary action procedure in your organisation.

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- b) List out the number of major and minor punishments given to employees in your organisation and point out the causes of punishment.

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**22.13 LEGAL PROVISIONS RELATING TO
DISCHARGE OR DISMISSAL (UNDER
INDUSRIAL DISPUTE ACT, 1947)**

i) Individual Dispute

Individual disputes are not covered by the Industrial Disputes Act, 1947, except dispute of an individual workman relating to his discharge, dismissal, retrenchment and termination from service, which is to be considered as an industrial dispute under the Act (Sec.2a).

ii) Prior to Introduction of Sec. II A

In 1971, an employer could discharge or dismiss a workman for misconduct as per standing orders after following the procedure for conducting a domestic enquiry. The management's decision could not have been challenged before labour court, if enquiry was fairly and properly conducted as per the principles of natural justice. The court could not interfere with quantum of punishment. However, court has powers to interfere only when: (SCO Case - SC - 1958)

- i) there was want of good faith, or
- ii) there was victimisation or unfair labour practice, or
- iii) violation of principles of natural justice, or
- iv) findings was completely baseless or perverse.

iii) Position under Sec. II A

Section 11- A was inserted in the Act by the Industrial Disputes (Amendment) Act, 1971, w.e.f. 15.12.1971. The Statement of objects and reasons specifically referred to the decision of the Supreme Court in Indian Iron & Steel Co. Ltd. and Another vs. their Workmen (1958-1 LLJ.260). It also referred to recommendation No.119 of the International Labour Organisation, that a worker aggrieved by the termination of his employment should be entitled to appeal against the termination, among others, to a neutral body such as an arbitrator, a court, an arbitration committee or a similar body.

Effect of Section II A

Prior to the introduction of Section II-A, the Tribunal had no power to interfere with the finding of misconduct recorded in the domestic enquiry unless there existed one or other infirmities pointed out by the Supreme court in the case of Indian Iron & Steel Co. Ltd., The conduct of disciplinary proceedings and punishment to be imposed were all considered to be managerial function which the Tribunal had no power to interfere unless the finding was perverse or the punishment was so harsh as to lead to an inference of victimisation or unfair labour practice. But now under this Section, the Tribunal is clothed with the power to reappraise the evidence in the domestic enquiry and satisfy itself whether the said evidence relied on by employer established the misconduct alleged against a workman. The limitations imposed on the powers of the Tribunal by the decision in the Indian Iron & Steel Co. Ltd. Can no longer be invoked by an employer. Vaidialingam J. held: "The tribunal is now at liberty to consider not only whether the finding of misconduct recorded by an employer is correct, but also to differ from the said finding if a proper case is made out. What was once largely in the realm of the satisfaction of employer has ceased to be so, and now it is the satisfaction of the Tribunal that finally decides the matter." Ultimately, the Tribunal may hold that the misconduct itself is not proved or that the misconduct proved does not warrant the punishment of dismissal or discharge.

Under this Section, for the first time, power has been given to tribunal to satisfy itself whether misconduct is proved. This is particularly so, regarding even findings arrived at by an employer in an enquiry properly held. The Tribunal has also been given power also for the first time, to interfere with the punishment imposed by an employer. When such wide powers have now been conferred on tribunals, the Legislature obviously felt that some restrictions have to be imposed regarding what matters could be taken into account. Such restrictions are found in the proviso. The Proviso only emphasises that the tribunal has to satisfy itself one way or the other regarding misconduct, punishment and relief to be granted to workmen only on the basis of the "materials on record" before it.

Section II-A does not cover retrenchment or retirement cases, because the section clearly indicates that it is for discharge and dismissal cases only.

iv) Industrial Dispute (Amendment) Act, 1982

An employer may be held guilty of unfair labour practice, in case court finds dismissal/discharge is to be: (i) on account of victimisation, (ii) not in good faith, (iii) in utter disregard of natural justice, (iv) for patently false reasons or disproportionate punishment. Apart from the remedy of reinstatement of workman, the employer is liable for the penalty under Sec.254.

22.14 SUMMARY

In the first part of the unit we have discussed about grievance handling. A grievance is a form of discontent or dissatisfaction. There are several reasons for this and grievance has several adverse effects on production, employer and individual employee. There are several channels for discovering grievances. Machinery for grievance handling procedure has been described and a model grievance handling procedure has been provided at the end of the unit.

The second part of the unit examined various aspects of discipline. We have seen that discipline is by and large a result of the culture and the pattern of authority/power that are available in an organisation. There are specific purpose and objectives of disciplinary action in an organisation. A typical disciplinary action procedure has 10 steps. There are few legal provisions relating to discharge or dismissal under Industrial Disputes Act, 1947.

22.15 SELF ASSESSMENT QUESTIONS

- 1) Discuss the causes and effects of grievances.
- 2) Briefly outline the features of a grievance procedure and the steps involved in it.
- 3) Why should organisations have a formal grievance procedure?
- 4) Explain the meaning and concept of discipline with examples.
- 5) Describe briefly the stages of disciplinary action procedure.

22.16 FURTHER READINGS

Chandra, S., *Grievance Procedure: A Survey of Practices in India*, ASCI, Hyderabad, 1968.

International Labour Organisation, *Extension of Grievances and Communications within Undertakings*, Geneva, 1965.

Walter, E., 'Grievance Procedures' in Wilbert, E.S. (ed.) *Personnel Handbook*, Chicago, 1985.

Monappa, A., *Industrial Relations*, Tata McGraw Hill, New Delhi, 1985.

Chakravarte, K.P., *Law of Industrial Employment and Management of Discipline*, Allhabad, 1983.

Indian Labour Journal.

Appendix 1: Model Grievance Procedure

The Model Grievance Procedure suggested by the National Commission on Labour involves six successive time-bound steps each leading to the next, in case of dissatisfaction. The aggrieved worker in the first instance will approach the foreman and tells him of his grievance orally. The foreman has to redress his grievance and if the worker is not satisfied with this redressal, he can approach the supervisor. The supervisor has to provide an answer within 48 hours. In the even of the supervisor not giving an answer or the answer not being acceptable to the worker, the worker goes to the next step. At this stage the worker (either alone or accompanied by his departmental representative) approaches the Head of the Department who has to give an answer within three days. If the Departmental Head fails to give an answer or it the worker is not satisfied with his answer, the worker may appeal to the Grievance Committee, consisting of the representative of the employer and employees. The recommendations of this Committee should be communicated to the Manager within seven days from the date of the grievance reaching it. Unanimous decisions, if any, of the committee shall be implemented by the management. If there is no unanimity, the views of the members of the Committee shall be placed before the manager for his decision. The manager has to take a decision and inform the worker within three days.

The worker can make an appeal against the manager's decision and such an appeal has to be decided within a week. A union official may accompany the worker to the manager for discussion and if no decision is arrived at this stage, both the union and management may refer the grievance to voluntary arbitration within a week of the receipt of the management's decision. The worker in actual practice, may not resort to all the above mentioned steps. For example, if the grievance is because of his dismissal or discharge he can resort to the second step directly and he can make an appeal against dismissal or discharge.

Procedure	Timeframe
Appeal to CMD	One week
General Manager	7 days
Grievance Committee (Manager + Union Reps.)	7 days unanimous
HOD	3 days
Supervisor	48 hours
Foreman	
Worker	

Shop-Floor

Figure 3 : Model Grievance Procedure