

10: Grievance Process

Learning Objectives

- Be able to explain how a grievance process works.

A grievance procedure or process is normally created within the collective bargaining agreement. The **grievance procedure** outlines the process by which grievances over contract violations will be handled. As you have probably already identified, the grievance procedure is a formalized conflict. Learning how to handle this type of conflict takes self-management skills—or the ability to avoid taking things personally—and relationship management skills. This will be the focus of the next section.

Procedures for Grievances

A violation of the contract terms or perception of violation normally results in a grievance. The process is specific to each contract, so we will discuss the process in generalities. A grievance is normally initiated by an employee and then handled by union representatives. Most contracts specify how the grievance is to be initiated, the steps to complete the procedure, and identification of representatives from both sides who will hear the grievance. Normally, the human relations department is involved in most steps of this process. The basic process is shown below:

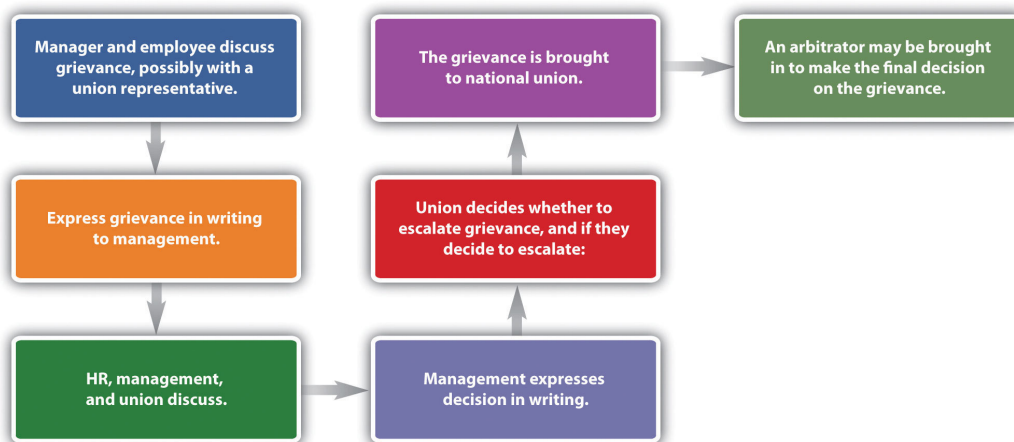


Figure: A Sample Grievance Process

Why Human Relations?

The discussion of labor unions in this chapter applies to many of the human relations skills we have discussed so far—for example, negotiation, handling conflict, teamwork, and communication. Without these important aspects, effective running of unions would not be possible. Because conflicts happen between union and management, the ability to manage the conflict in a positive way (relationship management emotional intelligence skill) can not only help the negotiations but also help you achieve success with a contract everyone is happy with.

While it pertains to all companies, human relations skills become that much more important to those that have a union environment where management and employees must work together. Conflict in these situations can result in major issues on both sides, such as grievances and strikes. Employing effective human relations skills can reduce conflict and raise productivity in a union environment.

The first step is normally an informal conversation with the manager, employee, and possibly a union representative. Many grievances never go further than this step, because often the complaint is a result of a misunderstanding.

If the complaint is unresolved at this point, the union will normally initiate the grievance process by formally expressing it in writing. At this time, HR and management may discuss the grievance with a union representative. If the result is unsatisfactory to both parties, the complaint may be brought to the company's union grievance committee. This can be in the form of an informal meeting or a more formal hearing.

After discussion, management will then submit a formalized response to the grievance. It may decide to remedy the grievance or may outline why the complaint does not violate the contract. At this point, the process is escalated.

Further discussion will likely occur, and if management and the union cannot come to an agreement, the dispute will normally be brought to a national union officer, who will work with management to try and resolve the issue. A **mediator** may be called in, who acts as an impartial third party and tries to resolve the issue. Any recommendation made by the mediator is not binding for either of the parties involved. Mediators can work both on grievance processes and collective bargaining issues. For example, when the National Football League (NFL) and its players failed to reach a collective bargaining agreement, they agreed to try mediation.^[1] In this case, the agreement to go to mediation was a positive sign after several months of failed negotiations. In the end, the mediation worked, and the NFL players started the 2011–12 season on time.

If no resolution develops, an arbitrator might be asked to review the evidence and make a decision. An arbitrator is an impartial third party who is selected by both parties and who ultimately makes a binding decision in the situation. Thus arbitration is the final aspect of a grievance.

Some examples of grievances might include the following:

1. One employee was promoted over another, even though he had seniority.
2. An employee doesn't have the tools needed to perform his or her job, as outlined in the contract.
3. An employee was terminated, although the termination violated the rules of the contract.
4. An employee was improperly trained on chemical handling in a department.

Most grievances fall within one of four categories. There are **individual/personal grievances**, in which one member of the union feels he or she has been mistreated. A **group grievance** occurs if several union members have been mistreated in the same way. A **principle grievance** deals with basic contract issues surrounding seniority or pay, for example. If an employee or group is not willing to formally file a grievance, the union may file a **union or policy grievance** on behalf of that individual or group.

The important things to remember about a grievance are that it should not be taken personally and, if used correctly, can be a fair, clear process to solving problems within the organization.

✓ grievance process for flight attendants



Video: <https://www.youtube.com/watch?v=agMgB9y7k3w>

This video shows a philosophical perspective of the grievance process for the Association of Flight Attendants union.

Chapter Case

To File or Not?

You work in a large logistics company that is also unionized. Because of the union, your organization has very set pay levels and specific rules for promotion. Recently, your organization has received many big orders and as a result, your manager promoted a fellow employee who did not meet the criteria outlined by the union. You felt you would have been good for the job and are disappointed that you were not selected. You are deciding whether or not to file a grievance.

1. What are the advantages and disadvantages of filing a grievance in this situation?
2. What type of grievance would this be?
3. Explain the process you might go through in order to file a grievance.
4. Would you file a grievance or not? Explain your answer.

Key Takeaways

- The *grievance process* is a formal process to address any complaints about contract violations.
- The grievance process varies from contract to contract. It is an important part of the contract that ensures a fair process for both union members and management.
- HR is normally involved in this process, since it has intimate knowledge of the contract and laws that guide the contract.
- The grievance process can consist of any number of steps. First, the complaint is discussed with the manager, employee, and union representative. If no solution occurs, the grievance is put into writing by the union. Then HR, management, and the union discuss the process, sometimes in the form of a hearing in which both sides are able to express their opinion.
- Management then expresses its decision in writing to the union.
- If the union decides to escalate the grievance, the grievance may be brought to the national union for a decision. At this point, an *arbitrator* may be brought in, suitable to both parties, to make the final binding decision.
- There are four main types of grievances. First, the *individual grievance* is filed when one member of the union feels mistreated. A *group grievance* occurs when several members of the union feel they have been mistreated and file a grievance as a group. A *principle grievance* may be filed on behalf of the union and is usually based on a larger issue, such as a policy or contract issue. A *union or policy grievance* may be filed if the employee does not wish to file individually.
- Grievances should not be taken personally and should be considered a fair way in which to solve problems that can come up between the union and management.

? Exercise 10.1

What are the advantages of a grievance process? What disadvantages do you see with a formalized grievance process?

1. Associated Press, “NFL, Union Agree to Mediation,” February 17, 2011, accessed August 15, 2011, msn.foxsports.com/nfl/story/N...alks-CBA021711.

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