

# Labor and the grievance process

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The history of the grievance process in American history is a lengthy one as it saw its initial origins in the very first labor movements of the 19th century. The growth of organized labor continued for many decades seeing a great deal of its power strengthened during the early Twentieth century as socialist and anarchist groups greatly empowered and organized the movement. With the development of the Labor Relations Board under the New Deal era of the 1930's, organized labor saw its power solidified in the United States until its eventual decline in the latter half of the 20th century, a steep decline that continues to this very day.

The Grievance Procedure, really got a toe hold during World War II, when the War Labor Board was developed for the purpose of keeping steady employment, minus the threat and practice of strikes, for the purpose of keeping productivity at a peak during the war effort.

It was during these years the Grievance Procedure reached its real recognition as means of preventing strikes and at the same time giving the worker an opportunity to air his differences with the employer. Remember back then " Rosie the Riviter", had no say in the matter! Since the years of World War II, the Grievance Procedure of irreconcilable differences have become nationally recognized method of dealing with labor problems.

(Parsons)

Rules of employment are meant to be honored by both the employee and management. Management will have certain standards and requirements in order for an employee to remain employed and, conversely, an employee

who is part of a collective bargaining unit has the right to expect that management honor the bargaining agreement.

When there is an obvious and material breach of the bargaining contract, then it is well within the rights of the employee to file a grievance. The very nature of the fact that the employee has filed a grievance means that at some point there has been a communication breakdown between management and employee. Furthermore, there must be some legitimate basis for the grievance in order for the union to take up the cause.

Many grievances are won or lost in the early stages of the grievance procedure. The steward must understand how the arbitration process works and what is needed to succeed if a grievance goes all the way to a hearing. Proper preparation will result in a higher winning percentage and make presenting the grievance in the arbitration hearing much easier.

This course is designed for those who have completed Grievance Handling and/or Steward Training. Topics include: evidence and proof in arbitration; the rules of evidence; gathering and organizing evidence; case analysis and settlement consideration; anatomy of the arbitration hearing; the seven tests of just cause; and how to judge whether the arbitrator's decision runs counter to the purposes of the National Labor Relations Act (Kretchsmar)

That is to say, to grieve without a violation of the bargaining contract will render the grievance useless and, ultimately, dismissed. This is why unions are careful to make sure that an actual breach has occurred before pressing forth with a grievance complaint.

Now, as to whether or not the grievance procedure is workable or not, this depends on the individuals who are involved. If either management or the union are very stubborn and are prone to interpret the law as they see fit or willfully participate in unfair labor practices, then the entire grievance procedure will be undermined by the incompetent actions of the individuals who are taking part in the process.

In a way, the grievance process as it relates to labor in the United States is both a simple and complex issue that can be viewed by various facets. If one were to judge whether or not the overall scope of the grievance process has been successful, the answer would be yes as the United States has produced some incredible private sector success stories that involved help from organized labor.

## **Bibliography**

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