

Grievance procedure – delta digital

[Law](#), [Justice](#)



With reference to the formal letter of complaint from Mr. John Richards invoking the grievance procedure as regards to his unsuccessful bid to be given a senior position in the Marketing Department in the new structure at Delta Digital and his subsequent downgrade to Grade 6. The following is a report with recommendations to ensure Mr. Richards is given a fair hearing throughout the procedure and noting the possible effects of the various outcomes. In any organisation a grievance procedure provides a mechanism for problems to be dealt with.

Mr. Richards's grievance is that with the reorganisation of Delta Digital and his inability to secure a senior position in the Marketing Department, he was given the position of Technical Officer and placed one grade lower than his previous post. Regulating employment relationships as well as managing people are key elements of employee relations. In order to have effective employee relations, it is crucial that both the legal and behavioural aspects are taken into account.

'The employment relationship is an economic, legal, social, psychological and political relationship in which employees devote their time and expertise to the interest of their employer in return for a range of personal, financial and non-financial rewards. ' Occasionally, as in the case of Mr. Richards, employees may be unhappy with the way they are being treated at work. Most situations should be resolved at the level at which they arise.

'It is in everyone's best interest to ensure that workers' grievances are dealt with at the lowest level possible within the organisation at which the matter can be resolved. ' Interviews with fellow workers, past and present and first

line supervisors have to be conducted to ascertain working habits and standards of Mr. Richards. The persons involved in the interview panel, Mr. Jones and the Manager of Marketing Operations should be interviewed both by representation of the aggrieved and the organisation to discuss the reasons for his non-promotion and subsequent downgrade.

The transcripts from the interviews done by Mr. Richards and his personal Appraisal Forms will be needed to either corroborate or contradict any allegations made for his non-selection for the jobs applied. A job analysis¹ of the positions applied for, the skills and competencies of Grade 6 and 7, and the aggrieved skills and competencies must be determined, as it pertains to job description, key performance objectives and functional responsibilities and activities.

The investigations may highlight any possible flaws in the interview procedures. As a result further examination in the interview process should be looked at in relation to the acceptable practice. It would be advisable that the Company's lawyer take a closer look at the local grievance files, in case it goes to the Employment Tribunal and the precedents set by the Court in other similar cases. It must be assumed that informal discussions and the mediation process with the Line manager have failed to produce an amicable solution.

As a result, if discussions continue to yield unsatisfactory results it will reach the Employment Tribunal. It is imperative for the organisation to ensure that the procedures are followed to the law as the Employment Act 2002 states, if the grievance procedure has not been followed before the case goes to a

tribunal, the tribunal will decide whether it is the fault of Delta Digital or Mr. Richards, if it is the aggrieved any money awarded will normally be decreased by at least 10% and possibly up to 50%.

If it is Delta Digital, any money awarded will normally be increased in the same way. Any grievance should first be raised in writing with the immediate supervisor who should attempt to settle it. The investigation must be done in a timely manner after which a meeting to discuss the grievance held, giving at least 48 hours notice to Mr. Richards. The employment relationship confers rights² and duties on both sides. Some of these responsibilities are legal and contractual; others are social or ethical in nature. The Employment Act 2002 states:

'It is the statutory right for a worker to be accompanied by a fellow worker or trade union official at the grievance meeting. ' Apart from the fact that we are bound by law, it is also good employment relations practice to allow a worker to be accompanied or represented so as not to suggest that his fundamental rights are being violated. After the meeting is held, a confirmation of the outcome of the meeting must be presented to Mr. Richards as it relates to the decision, it must be indicated in the letter to whom he can refer, if unsatisfied with the grievance settlement.