

Grievance process



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Grievance Process History the grievance process In labor relations, a formal grievance procedure is a standardized set of procedures to follow when an employee has a complaint or a problem concerning the employer (Honeyman, 2003). The concept of grievance procedures traces its roots to the first recorded government mediated labor settlement of a strike of shipyard workers by then President Martin Van Buren of the United States in 1838. Later on, in 1902, then President Theodore Roosevelt publicly recognized public interest in labor-management relations in a message to Congress following a strike in the anthracite coal fields in Pennsylvania which gave birth to the federal mediation function with the creation of the U. S. Conciliation Service under the Department of Labor in 1918. In 1935, the National Labor Relations Act created the National Labor Relations Board or NLRB (FMCS, 2008). This Board, in its decisions on the Collyer Insulated Wire, 192 NLRB 837 (1971); and Dubo Manufacturing Corp., 142 NLRB 431 (1963) cases expressed the national labor policy to require parties to honor their contractual obligations and resolve their disputes through their collectively bargained grievance-arbitration mechanisms (NLRB, 2008). Since then, the grievance procedure as articulated in what is now known as the Collyer doctrine, a doctrine in labor law under which the National Labor Relations Board will defer an issue brought before it for arbitration if the issue can be resolved under the collectively bargained grievance procedure, has consistently been referred to in labor mediation decisions (Dictionary. com, n. d.). And thus, the concept of a grievance procedure was instituted.

Goals of the grievance process

The goals of a grievance procedure are to channel conflict into an

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institutionalized mechanism for peaceful resolution; facilitate communication between labor and management regarding problems that arise in a collective bargaining relationship; enable employees to complain with dignity knowing that there is a system of appeals leading to an impartial decision-maker; and enforce compliance with the terms and conditions negotiated by the parties (SPFPA, 2008). It also provides a first step alternative in conflict resolution rather than going through expensive, time-consuming and negatively publicized lawsuits for both employees and employers. A lot of grievances are caused by a simple misunderstanding which may be quickly resolved through a simple negotiation. A grievance procedure for such incidences saves time, money, and the relationship between the parties especially if issues are handled by those directly involved who would know more about the problem than people at higher levels in the organization or lawyers (Honeyman, 2003). When a grievance cannot be resolved through simple negotiation, labor arbitration is the next step to resort to. Arbitration is a form of dispute resolution, the private, judicial determination of a dispute, by an independent third party. The disputing parties mutually agree to have the arbitrator decide on the dispute. “ Arbitration is an alternative to court action (litigation), and generally, just as final and binding (unlike mediation, negotiation and conciliation which are non-binding” (Mediate. com, 2008).

The grievance process as a means of dispute resolution

A grievance procedure is set-up at the time that negotiating parties finalize an agreement, specifically, a collective bargaining agreement between the employer and its unionized employees. With the parties anticipating the likelihood of future conflicts, they create procedures to deal with them when they occur in order to minimize if not altogether eliminate tensions that

future conflicts may cause that will destroy their ability to work together. These procedures become the standard grievance procedure which is to be followed when someone has a problem, especially if that someone was not involved in the original negotiations of the agreement. As earlier mentioned, it saves time, money and the relationship of the parties when a dispute needs to be resolved, especially if this can be done at the earliest instance, by people who are directly involved in the dispute issue, through simple negotiation to correct a possibly mere misunderstanding. More serious issues which are not resolvable by simple means then go to a next procedural level of handling a grievance, as provided in the grievance procedure, that is, through mediation or arbitration or both (Honeyman, 2003). And only if this second level fails, shall the parties resort to litigation, which is definitely better avoided than utilized as it entails time, money and may cause an irrecoverable break in the relationship of the parties. That is why, the grievance procedure is an effective way to resolve labor disputes.

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