Nonunion Grievance Procedures and Voice Mechanisms
Professor Bruce Fortado
MAN 4301/6305
University of North Florida

Open Door Policies = This is the most common nonunion grievance procedure. There are two basic types of open door policies: namely, (1) the employee can go in any manager's door, any time, and (2) a specific chain of appeal must be followed (e.g. the immediate boss, his/her superior, and then the HR manager or the plant manager). In union settings, the final step of appeal is generally arbitration. A neutral third party arbitrator, who is normally paid jointly by both labor and management, acts like a judge in deciding the dispute. A lack of a grievance procedure culminating in arbitration remains as a big difference between union and progressive nonunion employers.

THE POTENTIAL BENEFITS OF AN APPEAL PROCEDURE

* Management's credibility will rise with some reversals of improper decisions. When employees are given the right to appeal superiors' decisions, in the words of IBM, the organization is displaying "respect for the individual."

* A grievance procedure can serve as a communication tool to identify problem areas (policy issues, poor supervisors, etc.).

* An appeal option should result in more balanced decisions being made by first line supervisors. No manager likes to be questioned, much less reversed. A grievance procedure therefore provides supervisors with an incentive to listen.

* A credible internal complaint procedure should result in a reduction in appeals to outside sources (EEO charges, court suits, and calls to union organizers).

THE NECESSARY NUTS AND BOLTS

* There ought to be widespread publicity with regard to both how the procedure operates and the outcomes. If people are not aware of the procedure and how it works, or if they do not believe any reversals ever take place, it is a sham. It has been suggested that 2-20% of the employees should file complaints in a year, and one would like to see 15 to 50% reversals (Ewing, 1989).

* The organization should promise to protect people from retribution. One hears things like "You will go in the front door and out the back," and "Don't let the door hit you in the butt on the way out." Employees often fear being labeled as a troublemaker, given all the worst assignments, no more promotions, and no more raises. They may even worry they will ultimately lose their jobs. Simply printing that it is safe to come forward is not very reassuring. Do upper level managers ever follow up and check on what is transpiring down the line? If a manager is found to be exercising retribution, will that person be disciplined? Since supervisory discipline does not exist in most settings, retribution remains a problem.
* In order for an open door policy to function properly, the managers must be visible. If they do not walk around the facility, converse with people, and know many of the employees' names, people will not feel comfortable enough to walk in the open door. This visibility obviously does not refer to authoritarian observation (i.e. kicking butt and taking names).

* When an employee arrives at a manager's office with a complaint, he/she should be given immediate and complete attention. It is very difficult to build up the courage to voice a complaint, so managers must drop everything or the system will not function effectively. Being put off for weeks, or seeing the manager looking at his/her watch, will turn off most employees. A key question is whether upper level managers will accept a manager's report or a project being behind schedule due to an open door session.

* A manager should summarize the complainant's main points to confirm understanding and prevent repetitive cycling. The manager will have to investigate the matter, and hear the supervisor's side of the story. This means one can only do a limited amount in the first meeting. Having a break between meetings also allows tempers to cool. A grievant, however, should never be left hanging. The manager should schedule a response time. Even if this meeting has to be rescheduled, it is awful to leave people in limbo. "I will look into it" is a line that people may interpret as a means of putting them off.

* Pin down the parties' positions. Meet with each side separately, and ask him/her what solution he/she would like to see. Once the two positions are in hand, the manager can work on closing the gap. It is amazing how often people will go on and on without specifically stating what they would like or what they would settle for.

Sometimes matters are not so simple. Consider the following case example. An employee named Hank came to Tom Jones office for an open door meeting. They had met at the company picnic and softball game the prior year. Hank went on and on for over an hour about how another employee got the last new chair that was ordered, how he had more seniority, how this is yet another example of his boss playing favorites, and he gave numerous examples going back over ten years. During this conversation, Tom was silently thinking things like, "God this is trivial," and "I will buy you a damn chair, if you will just shut up and go back to work." Would simply buying Hank a chair really resolve the matter? The complaint about the chair is a symbol of the poor underlying relationship. This relational problem has built over many years. The chair is simply the straw that broke the camel's back (there are many other pertinent straws). Obviously, it is easier to deal with monetary matters like a chair than it is to deal with social and psychological factors like self-esteem, status, and face. The manager could cite filing deadlines to cut off the older incidents. Yet, ignoring the true nature of a problem is unlikely to be an effective technique if one is thinking in terms of long-term outcomes.
There are two important practical problems that need to simultaneously be kept in mind.

* On one hand, managers whose decisions are challenged are quite likely to suffer from denial. The symptoms include feeling one's body temperature rising (hot under the collar), one's face flushing (turning red), one's voice rising, and feeling the urge to lash back and blame the employee for the entire situation (e.g. "The real problem is your poor work," "You never listen to what I tell you," and "You have a real attitude problem."). There is an old saying that "the man who tells the truth better have one foot in the stirrup" (Foulkes, 1980). Supervisors who feel threatened are quite likely to commiserate with other supervisors, especially those who have also faced employee complaints. A few other supervisors may provide helpful hints, but more often than not, they simply reinforce the feeling that the employee in question is rotten, and something needs to be done about him/her. Once shared views like these have been created among the supervisors, transferring the person is unlikely to have any beneficial impact. Hence, appealing to an objective person who is removed from the problem may be an organization's only hope to alleviate errors in supervisory judgment.

* On the other hand, managers need support in order to maintain their confidence and effectiveness. Frequent reversals can undermine their authority and make them timid or excessively lenient. A first line manager may ask “Am I in charge?” Some upper level managers feel so strongly about supporting the first line managers, they will only make the changes the employee requests (or even some portion of them), if the first line supervisor consents. Since, as described above, supervisory denial is a very real problem, many bad decisions never get reversed under this approach.

What can we do to get out of this mess? Below are some possible ways to deal with these twin problems. Some may fit your management style and others may not. The first two methods are commonly employed. These methods, however, are unlikely to work miracles.

- One can train first line supervisors to recognize the symptoms of denial (some of which are listed above). Once they realize they are unable to deal constructively with the matter at that moment, they can summarize the employee's main points, schedule another meeting, and seek out a third party (a superior, an HR manager or an ombudsman) to help guide and monitor the next meeting. Taking a break is virtually always a better idea than telling the employee off and escalating the hostilities. The worst “exploders” are often not able to contain themselves.

- Instructing supervisors in training sessions that no one is perfect, the company believes in the appeal procedure, and a reversal will not hurt his/her career or standing may help. The key question remains what actually happens when a decision is reversed. Do superiors still hold the person in high regard? Do the employees lose respect for him/her? Of course, one or two reversals might not hurt, but certainly numerous reversals must be regarded as a sign of a problem. The supervisors have no idea where the borderline is, so this method is of limited usefulness.
Some HR managers will utilize role reversals. For example, in an assembly line situation, a worker was frequently found to be missing from her post. Both her coworkers and supervisor became highly agitated by this. The supervisor responded by "watching the person like a hawk." The person was found to be visiting the women's rest room very frequently. The supervisor began to record the time and the duration of each visit. This infuriated the employee. The HR manager learned the employee was taking a prescription medication that was a diuretic. She asked the employee how she would feel if she repeatedly found a coworker missing from her station. She asked her to try and put herself into the shoes of the supervisor who does not know about the medication. She later asked the supervisor how he would feel if she was timing his rest room visits (i.e. Would he feel like she was out to get him? Would he resent being treated like a child?). This HR manager noted that it is easier for supervisors to put themselves in employees' shoes than it is for employees to put themselves in supervisors' shoes.

Some HR managers try to reduce the need for reversals by asking supervisors to bring the paperwork to them before they take any major disciplinary action. This way, the HR manager can make sure all the "i's" are dotted the "t's" crossed. This certainly should make it more likely that supervisory decisions will stand. HR has essentially been co-opted. Nevertheless, supervisors may be either unaware, or intentionally omit, some important information.

When an upper level manager believes the complainant is largely correct, he/she may give the first line manager a week to resolve the matter. Otherwise, the superior will deal with it. This allows the supervisor to save face by taking care of the matter him/herself. Perhaps a compromise can be worked out. If not, the supervisor was at least given a chance to deal with it him/herself. They therefore have little cause to later complain about the rug being pulled out from underneath them.

After hearing a complainant's version of the problem, an upper level manager can approach the subordinate manager in many ways. One might try taking the person to lunch, and asking open-ended questions like "How are things going?" and "Is there anything I might be able to help you with?" If this sort of conversation fails to result in the manager raising the matter, the superior might discuss some interpersonal problems he is currently experiencing, or has experienced in the past. Of course, this indirect communication may not result in the problem being volunteered, but nothing is really lost but a little time. It is usually much easier when a subordinate manager brings a matter up than when you tell the person someone has just complained about him/her. In some cases, a possible solution can be put forth when the upper manager tells the person about a parallel past problem he/she faced and how he/she handled it. It should be noted that an upper level manager can only really carry this out successfully if he/she has regular informal contact with the supervisor in question.

When the two parties cannot agree on the facts (such as in an assignment dispute where an employee claims he/she is getting all the worst jobs, and being switched from bad job to bad job, while the supervisor claims everything is normal), the HR manager might have them keep a log documenting the various jobs assigned and their duration. If the first line manager was doing this, he/she is unlikely to create a record showing this was the case. In other words, the problem is likely to disappear.
DO OPEN DOOR PROCEDURES WORK?

Most open door procedures are seldom used. Many managers like to think this is a sign that most employees are happy. In the Human Relations era, executives were cautioned about jumping to this conclusion. Gardner and Moore (1964: 278) argued if an upper level manager really reflected on how many workers there are, and how few contacts he has in any given month, he would realize the belief the open door policy really works is more wishful thinking than actual fact.

What alternative explanations could there be for this low rate of usage?

* The employees are all happy.
* Possibly problems are being resolved informally by the first line supervisors.
* Perhaps the employees are “veggies” who do not complain have been hired.
* The first line managers have become timid/soft.
* The employees are afraid to complain (suppression).

Since there are multiple possible interpretations, you really need to employ multiple measures (e.g. observation, interviews and surveys). Low usage rates in isolation tell us very little.
RELATIVELY UNEXPLORED VOICE MECHANISMS

"Root" Programs

Anonymous Phone Lines = The disgruntled employee can call in to complain to either an answering machine or a person during specified hours (sometimes an upper level manager is on the line during certain periods). One could also collect material anonymously via suggestion/complaint boxes. Responses could be issued in the organization newsletter, memos or a computer bulletin board. The anonymity is intended to lessen fears of retribution and thereby encourage people to bring complaints forward. Essentially, anonymity can only be maintained for very general matters (e.g. dirty rest rooms and the quality of the food in the cafeteria). Any matter that involves a specific supervisor and a specific problem is virtually impossible to keep anonymous if it is going to be investigated and acted upon. There is also the following concern. Can managers be smeared from the shadows by disparaging accusations, when they have no ability to face their accusers and rebut the charges? On occasion, managers may not know whether or not they should take the anonymous complaints very seriously. For instance, in a technical environment, an engineer objected that he had to carry out his tasks to exacting tolerances and the managers could not even get the faucets in the rest rooms to work properly. The managers felt they should discontinue the anonymous complaint process since they were receiving this sort of question (one may also receive obscene remarks in suggestion boxes). Nevertheless, the faucets may be a serious matter to the engineers at that work site. Sarcastic managerial responses may or may not be well received by the workers (e.g. if you do not like the food in the cafeteria, and feel unable to leave during stormy weather, buy an umbrella).

Ombudsman (Investigator) = An official who serves as a special liaison of the president/CEO, outside of the normal chain of command. The ombudsman may deal with customer complaints as well as employee complaints. This person wears many hats: including, counselor, investigator, mediator, advisor, analyst, trouble shooter and in some instances adjudicator. Can any person fill so many roles? Normally, they have more training and experience doing some of these activities than others. What sources of power can an ombudsman draw upon? They are near the CEO, they have their areas of expertise and past experience, their interpersonal skills, the threat of publicizing what is going on, and the ability to ask for evidence and justifications. If the person pulls too many power plays (getting the CEO to reverse the matter, going to the supervisor's boss, publicizing embarrassing information), he/she will either be feared as the "avenging angel" and/or hated by every manager in the site. This could make future informal accommodations either more likely or more difficult. While this person is probably concerned about employee rights, he/she is paid by the company, and part of his/her job is to avoid law suits. This person is unlikely to give the employee damaging information, albeit he/she might uncover and use such information behind the scenes.

Peer Review Panels = A group (often 5 to 7 people- an odd number avoids ties) of employees hear a case and render a decision. Some organizations use all peers, while others use some managers as well as peers. You need to have a majority of peers in order to enhance the panel's credibility. The decisions of such panels have been upheld in court decisions over ninety percent of the time (Ewing, 1989). Therefore, organizations see this as a relatively cheap way to safeguard themselves from lawsuits. In some instances, the decisions are advisory rather than binding on upper level management. However, if upper level management does not implement the recommendations of the
panel, the process will quickly lose credibility. One interesting question is whether the panel members should receive any training or if they should simply rely on their own sense of justice. Some upper level managers fear that panels of employees may be more lenient than managers would. One normally excludes employees who are on disciplinary steps from panel posts. Some people have found good employees are stricter than managers. These employees had grown tired of seeing people get away with murder, and have to pick up after them.

**Executive Interviews** (IBM) = Once a year, a manager from two levels above sets aside an hour to speak to each employee one-on-one. Some organizations have one-on-one meetings on the employee's birthday. The manager will start the meeting with open-ended questions like "How are things going?" "What kind of problems are you facing?" "What could we do to improve things around here?" and "What can I do to help you?" The employee does not have to use the meeting to complain. The subordinate could ask about the future plans of the company or career opportunities. With a span of control of 10 this requires 100 hours over the course of a year.

![Diagram of a hierarchy with arrows pointing from a central node to multiple nodes, each labeled with different departments or tasks.](image)

The personal nature of the process and the confidentiality of talking one-on-one are achieved at the cost of a huge commitment of time. If an investigation is called for, the manager will have to interview the other relevant parties. One employee told an interviewer how her boss had a few too many drinks on a plane trip. While they were both wearing company pins, the boss made embarrassing and unwelcome advances. The executive interview she requested upon returning to the office not only prevented a repetition of the incident, the manager in question entered the EAP and turned his life around. Overall, the supervisors who have been skipped over may resent the employees "going over their heads." They may feel threatened and undermined. Yet, formally they cannot do anything because it is a well-known program. This method provides little sense of how broadly shared particular problems are at one point in time, or what the priority of different problems might be. While this method has its good points, it is a very costly and inefficient mode of attaining a general feeling tone.

**Skip Level Meetings** = Once a year, an executive from roughly four levels above has a group meeting with the employees to solicit their concerns. Some organizations have specialized meetings just to solicit complaints, whereas others have a state of the company message and then open the floor for questions. The executive could meet with large groups or small groups. One can meet with department representatives, or with entire departments. There are many possible designs.
This method is less time consuming than the aforementioned executive interviews. It also provides a better idea of how widespread the discontent is at one point in time. By simply asking how many people feel the same way, a general feeling tone can be established. Being supported by peers may help to bring some issues out. The host manager probably has the resources to make changes. Yet, the middle and lower managers are likely to resent being skipped over and undermined. Suppression and retribution are certainly possible. While the middle managers in question could be kept out of the room, someone could easily inform them about who said what. The process is not anonymous.

The Potential Issues Audit (General Electric) = Initially, a plant of three hundred employees was filing twenty to thirty grievances a month. After implementing this plan, the number of formal grievances fell to sixteen for the next entire year.

Stage one, every six months a union steward meets with the employees in each department. He asks them to write "potential problems" on the back of 5 x 7 index cards. Progressively the steward accumulates the cards from all the various departments. Stage two, the HR manager and the steward prioritize the stack of cards. Stage three, the cards are shown to the first line supervisors. If they are willing and able to deal with a problem, they write a response on the back of the pertinent card. These cards are not passed on to the higher levels. The union steward discretely passes the response back to the employee in question. The employee's identity may well thereby remain anonymous. Stage four, the remaining unresolved cards are shown to the first line supervisors' boss. He likewise responds to those he is willing and able to by writing a response on the back of the card. He returns these cards to the steward, who then informs the employee. Stage five, the remaining cards are shown to the plant manager. He responds to those he is willing and able to deal with. By following this procedure, problems are put forward anonymously, prioritized, and dealt with without going over anyone's head (the people at each level had a crack at responding). The managers must actually implement the solutions fairly rapidly, or people may lose faith in the system. Could such a system be implemented without the steward advocate? Could an employee leader be substituted?
"Psychological Release" Programs

Managerial Servants = Once a year, some companies have their managers serve their employees a meal. This is intended to show the managers' appreciation, and provide a mild cathartic release of tensions via this role reversal. Alternatively, a “Slave for a Day” program can be run where a superior is auctioned off to raise money, possibly for charity. The superior, such as a military officer, might have to shine the employee’s shoes, wax his car and so forth.

The Dunking Booth = Once a year, at the annual carnival, the employees of a hospital are allowed to vote on the managers they would like to see in the dunking booth. The list of names is published on a schedule, and the names are progressively read over the loud speaker during the day. The employees must hit a target with a ball to release the manager into the water. Although the managers hate the cold water and the disrespect, they have little choice but to participate. Upper level management supports the program and the employees obviously expect them to be "good sports." The employees love getting back at their antagonists, but no specific issue has really been addressed. How long will the cathartic lift last? The employees clearly relive the pleasure when they talk about the event. Further, supervisors try to avoid ever being selected. Those who were selected may reform in the next year to avoid a repeat selection. The program thereby serves as an incentive to be a good manager. This election process is certainly quite different from a manager volunteering to enter a dunking booth and encouraging employees to come get him/her to raise money for charity.

Joke Awards = Once a year, an awards ceremony may be held where select people are roasted. For instance, the "martyr award" might be given to the boss who wasted hours socializing on the phone, while his workers were being required to do massive amounts of work and forced to endure numerous overtime hours. Another company gave the "coat hanger award" to a woman who kept locking her keys in her car, and a commode ringed in roses for the guy who kept “stepping in shit, but continually came up smelling like roses." When people hear their name called, and their deeds listed as they walk up to receive the award, they often have a sick sinking feeling. They may even be compelled to display the award on their desk. This process can simultaneously release pent-up frustrations and make managers think about what they are doing.

Comic Memos = The "rest room trip policy" [Xerox] was circulated by some managers here in town. Obviously, if you can laugh at yourself, it is easier for employees to talk to you about what is bothering them. Some managers utilize comedy to vent frustrations and also take the employees' jokes in stride. Others get angry and try to repress all expressions of discontent.

* In sum, each mechanism has unique strengths and weaknesses. Hence, some managers devise packages of programs to avoid the tradeoffs the individual techniques necessarily entail on their own (Fenn and Yankelovich, 1985).
REFERENCES


