



BetterWork

Grievance Mechanisms



Objectives and expected outcomes



- ♦ Recognize the importance of developing a systematic approach toward conflict resolution in the enterprise.
- ♦ Investigate and resolve grievances at the lowest possible level.
- ♦ Evaluate current enterprise level grievance mechanism and identify performance gaps for system improvement.
- ♦ Identify root causes of industrial disputes and understand procedures for disputes.





Why are grievance mechanisms important in your factory?

AS A WORKER - MANAGER

Good grievance mechanism; Overall Benefits



For management;

- ♦ Risk identification
- ♦ Early warning system
- ♦ Improved workforce morale
- ♦ Better communication with workers
- ♦ Ensures investors and buyers that issues are addressed without reputational damage

For workers/unions;

- ♦ Safe place to raise concerns
- ♦ Better understand policies
- ♦ Solve individual / collective rights-based problems
- ♦ Feeling respected / listened to

Workplace cooperation; Why is it important?



Workplace cooperation
=
all arrangements established
to improve relations between
management and workers
within an enterprise

Workplace cooperation; Why is it important



- ♦ Workplace cooperation involves interaction - (listening, talk, discussion, consultation, and finding compromises to issues of rights, working conditions, and productivity).
- ♦ Workplace cooperation is ***essential for the success of a company.***

Good communication; Why is it important



Effective Communication:

- ◆ Prevents disputes
- ◆ Resolves problems quickly
- ◆ Improves working conditions
- ◆ Increases labour productivity



Good communication; Tips for effective communication



- ♦ Communicate to the right person depending on topic
- ♦ Be clear - Short and simple messaging
- ♦ Highlight important points
- ♦ Present in language that the listener understands
- ♦ Listen (x 100 !)
- ♦ Present in the point of view of workers
- ♦ Use documents rather than verbal instructions
- ♦ Use audio and visual aids as much as possible



WHAT IS A GRIEVANCE?

Discipline



- ♦ Means of the rules of workplace discipline, the employer communicates to workers
- ♦ What is expected from workers
- ♦ What forms of conduct will not be tolerated - negative communication
- ♦ How workers are to conduct themselves at work - positive communication
- ♦ Downward channel of communication - employer to the worker
- ♦ The worker's responsibility - comply with the rules and standards regulating workplace conduct

Grievance



- ♦ By lodging/filing a grievance; the worker is communicating with the employer;
 - Sending a message that he or she believes that laws, regulations, collective or individual contracts, workplace rules or customs have not been respected and that the issue is serious enough to be addressed in some formal way.
- ♦ The grounds for a grievance may be any situation which concerns the relations between employer and worker.

Grievance

What is a grievance ?



- ◆ Breach of his/her rights.
- ◆ Such breach might include, among others:
 - Non respect of working conditions including hours of work, payment of wages and benefits, health and safety regulations
 - Unfair treatment and /or favouritism by supervisors
 - Application of disciplinary sanction without following the proper procedure (unless the disciplinary procedure provides for another option)
 - Discrimination including sexual harassment
 - Bullying

Sound industrial relations; Why is it important



Sound Industrial Relations begins with good cooperation and communications, and extends to:



- ♦ Negotiations between Worker and Employer Representatives.
- ♦ Resolution of workplace problems and disputes at the lowest possible level, including through grievance mechanisms.

Basic principles:



- ♦ Written, understandable, accessible and easy to follow;
- ♦ Agreed between the parties;
- ♦ Participatory;
- ♦ Respect for workers' rights. No retaliation, no impact on established rights;
- ♦ Timely, time-bound, workers given time off to participate
- ♦ Workers do not abuse system
- ♦ Right to representation – worker and employer

Rights and obligations:



- ♦ No retaliation
- ♦ Right to representation
- ♦ Time off during working hours to use procedure
- ♦ No loss of remuneration for involvement in procedure
- ♦ Workers agree: no abuse of system
- ♦ Respect time limits
- ♦ Both parties seek to resolve issue within the enterprise
- ♦ Grievance can be solved at any stage
- ♦ Does not eliminate their legal rights

Typical step-by-step process:



1. Worker-immediate supervisor
 - In case the worker is not satisfied
2. Worker-senior manager
 - In case the worker is not satisfied
3. Worker-human resource manager
 - In case the worker is not satisfied
4. Third-party assistance

Operational arrangements



- ♦ Available in language understood by workers.
- ♦ Interpreters identified and informed of role.
- ♦ Every worker must know his/her immediate supervisor.
- ♦ The senior manager and HR manager must be identified and known by all workers.
- ♦ Management must inform immediate supervisors, senior managers, HR Manager of their respective roles.
- ♦ Suitable third-party facilitators should be identified.



Session 08

DIAGNOSING THE EFFECTIVENESS OF GRIEVANCE MECHANISM

Grievance mechanism; The 3 Core Functions



- ♦ **Intake:** how complaints are filed
- ♦ **Investigation and Resolution:** what happens after a complaint is filed
- ♦ **Integration and Learning:** what happens after a complaint is investigated and resolved, to guide future improvements.

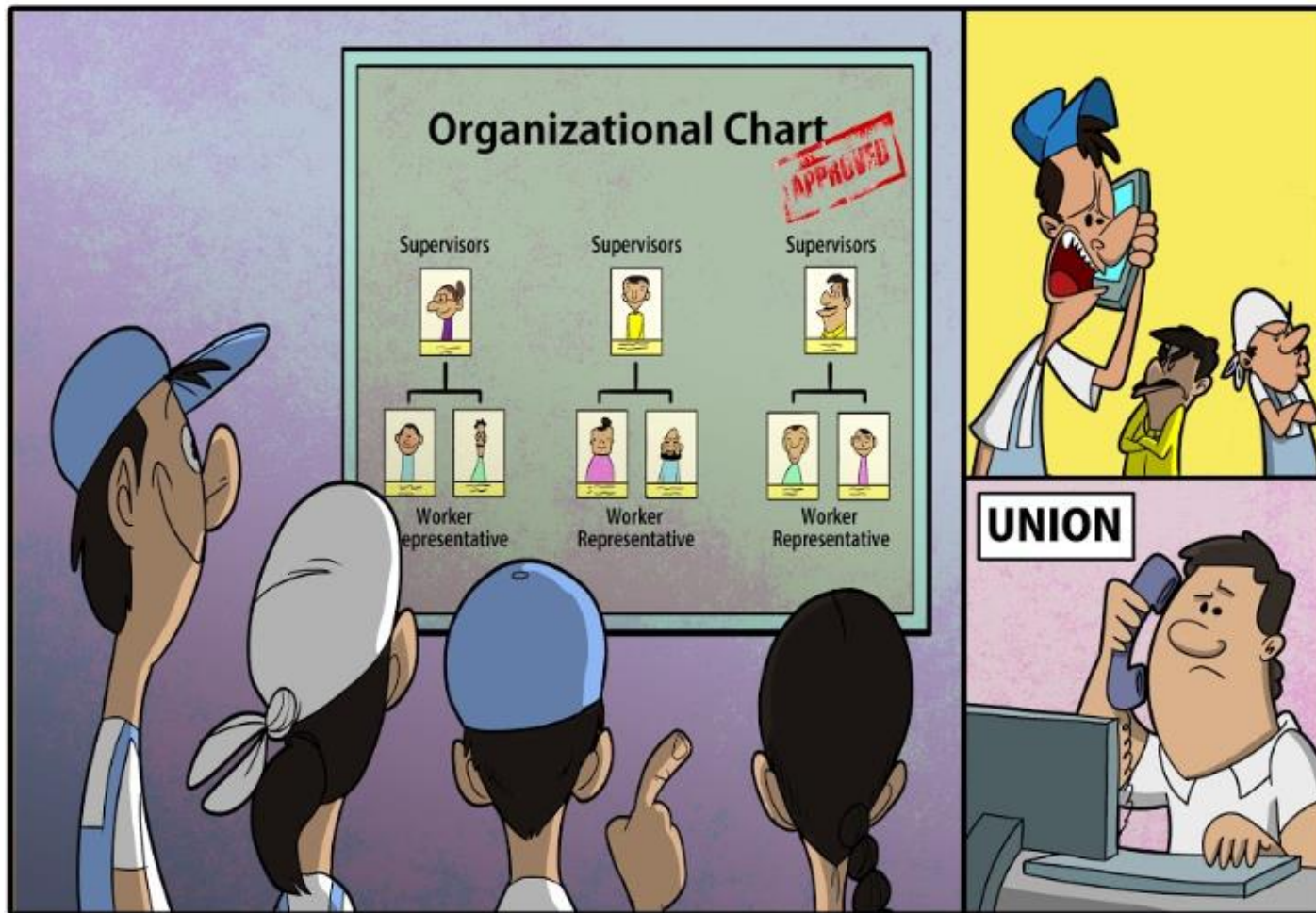


The 8 effectiveness criteria; Characteristics of effective grievance mechanism



1. Legitimacy/Trusted by all Parties
2. Accessible/ Easily understood and appreciated
3. Predictable/Clearly Defined Step-by Step Process
4. Transparent
5. Equitable/ Fair and Equal
6. Rights Compatible/Consistent with the legal framework
7. Based on Engagement and Dialogue
8. Source of Continuous Learning/pro-active approach through learning

What do you see in the pictures?

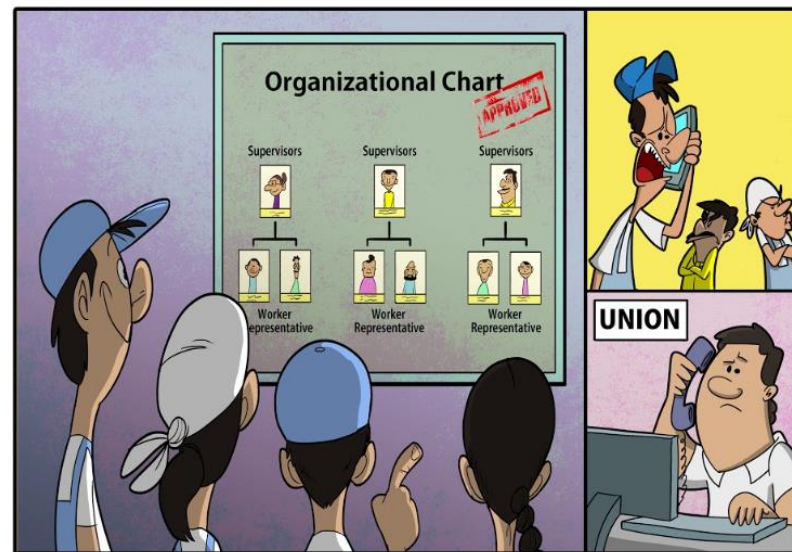




1. Legitimacy/Trusted by all Parties

Characteristics of effective grievance mechanism

- ♦ Trusted by all employees (including owner/manager) at a factory
- ♦ To be trusted, a grievance mechanism must address the 7 other criteria as well.
- ♦ **Test:** Do the parties use it?



Good Practice:

- All employees (including managers) trust the grievance mechanism and actively use it.
- Workers and their representatives are part of the development/improvement process.

What do you see in the pictures?



2. Accessible/ Easily understood and appreciated

Characteristics of effective grievance mechanism



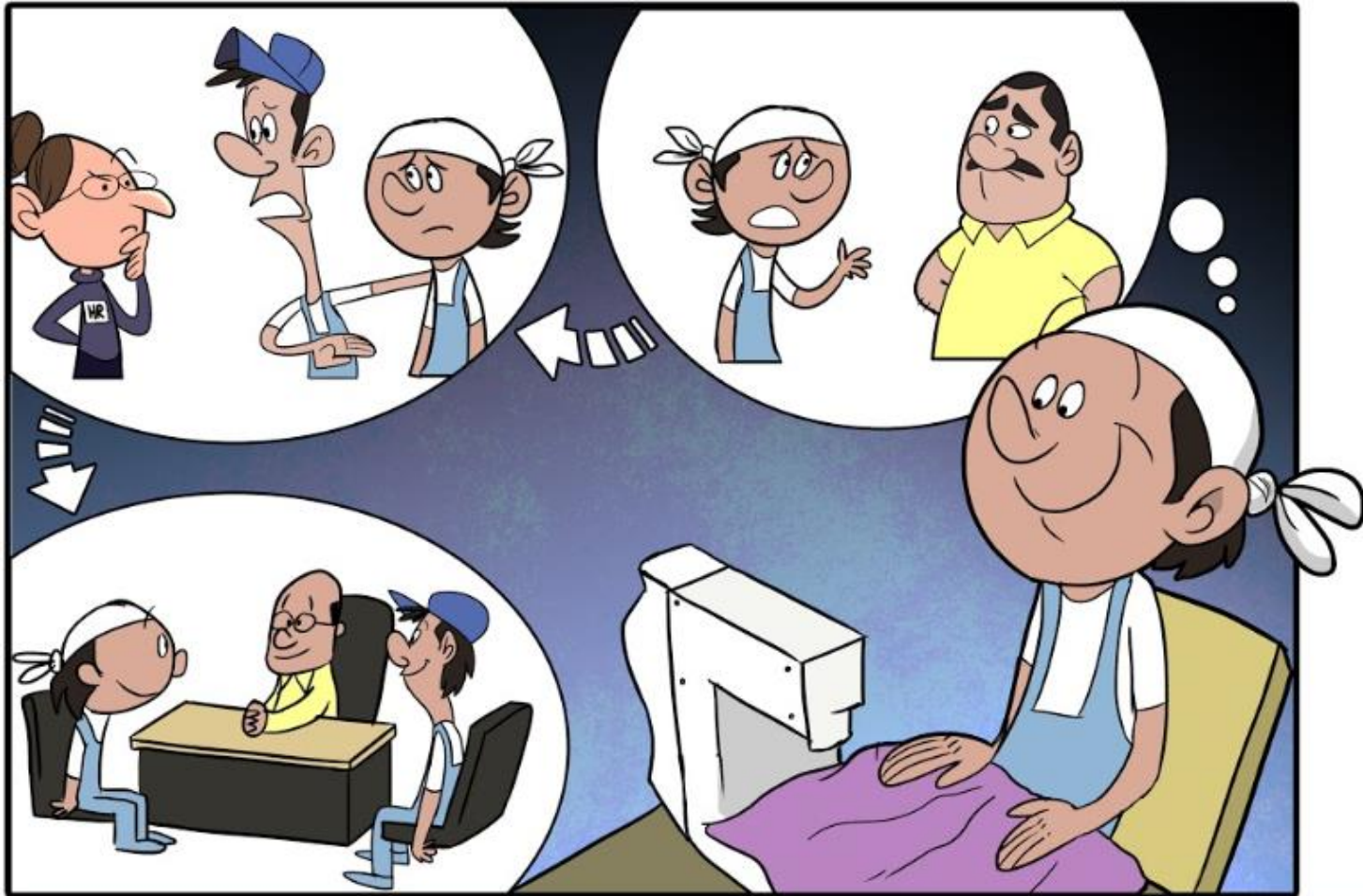
- ◆ Employees are aware of on how to file a complaint.
- ◆ They know how, when, and why to use the mechanism.
- ◆ Potential 'barriers' (such as fear of retaliation) are identified and addressed.



Good Practice:

- Awareness raising about the mechanism (in local languages)
- Non-Retaliation, Confidentiality, and Anonymity
- Trade Union Representatives can advise and help to file grievances
- There are more than one way available for a worker to file a grievance at the factory

What do you see in the pictures?



3. Predictable/ Clearly Defined Step-by Step Process

Characteristics of effective grievance mechanism



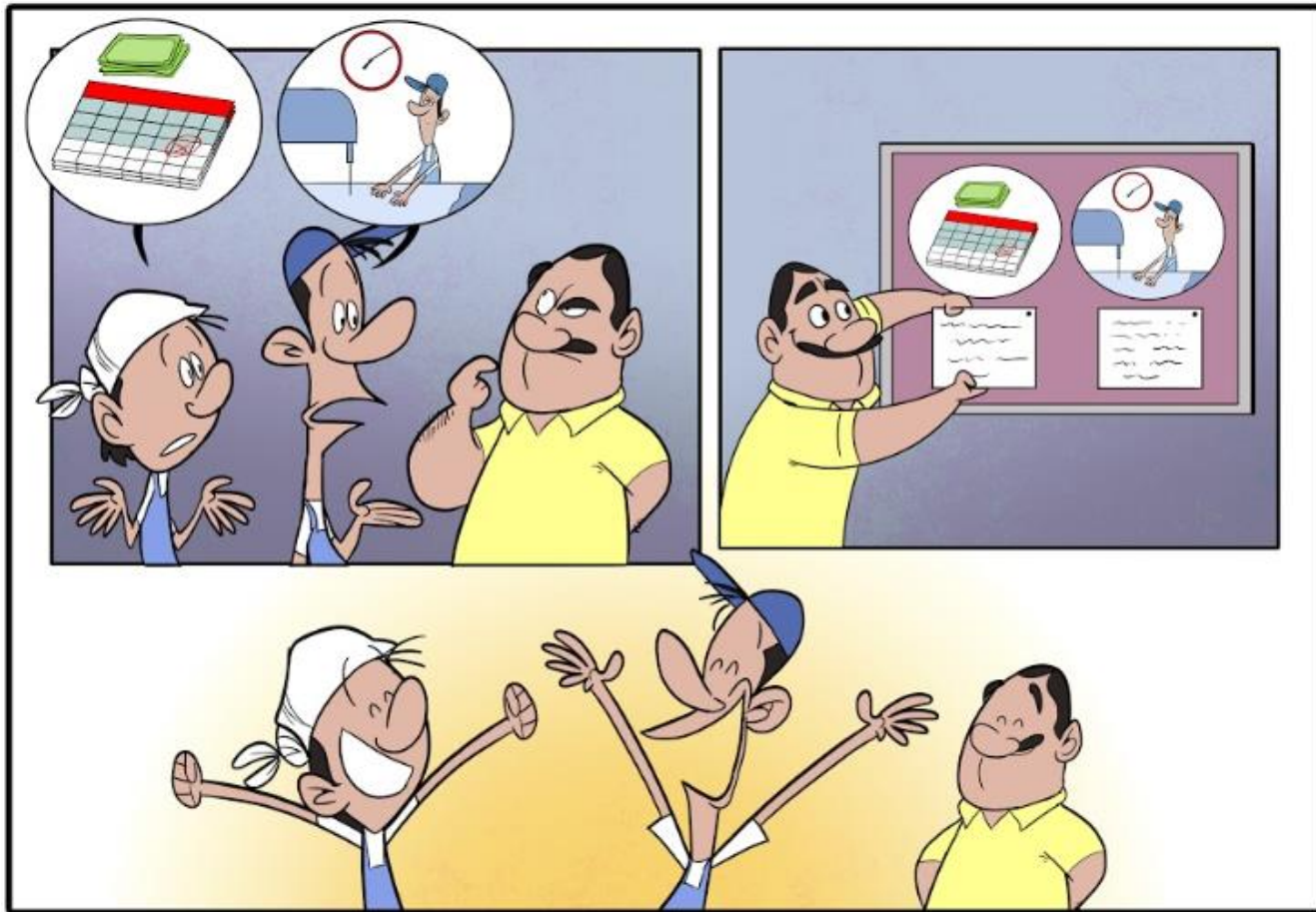
- ♦ All employees at a factory should agree on the 'rules', 'steps', and timeline when a complaint is filed, and on how the complaint can be escalated.
- ♦ Any employee who files a complaint should be able to trust that the process will be fair and transparent, but also confidential.



Good Practice:

- **Written 'step-by-step' procedures, with clear timelines.**
- **Clear ways for employees to appeal and escalate a complaint if agreement is not reached by consensus or consent**

What do you see in the pictures?



4. Transparent

Characteristics of effective grievance mechanism



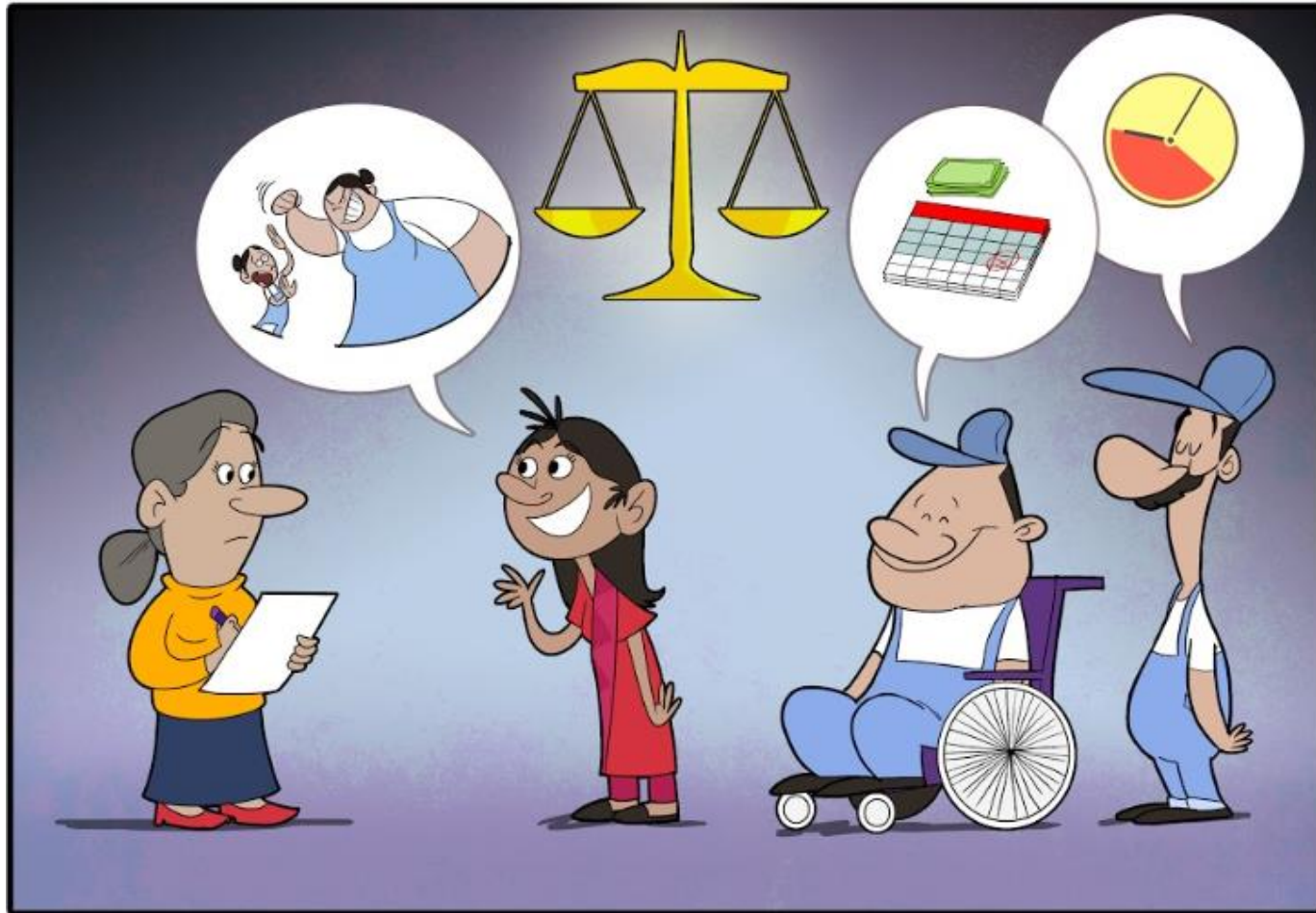
- ♦ Are all concerned people involved in a complaint kept informed of the progress of the complaint?
- ♦ Are all employees kept informed about how the mechanism is performing: The issues, the outcomes?



Good Practice:

- **A notice board in the factory managed by HR with a record of complaints received, showing progress and outcomes of grievances whilst always respecting confidentiality.**

What do you see in the pictures?

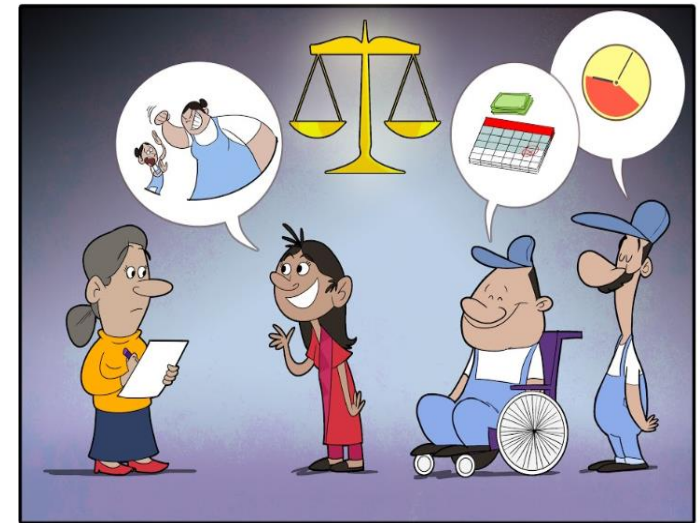


5. Equitable/ Fair and Equal

Characteristics of effective grievance mechanism



- ♦ Efforts should be made to ensure a fair grievance process, where everyone can access the same resources to make their voices heard.
- ♦ Since many complaints are between worker and manager, it is important to analyse and work with the power balance, and to provide comparable structures to workers (e.g. legal representation, full payment during a grievance process etc.)



Good Practice:

- All workers are treated equally in terms of access to the grievance mechanism in the factory, irrespective of gender, ethnicity, disability, or other protected status.
- Factory management allows or provides options for outside representation for workers.

What do you see in the pictures?



6. Rights Compatible/ Consistent with the legal framework

Characteristics of effective grievance mechanism



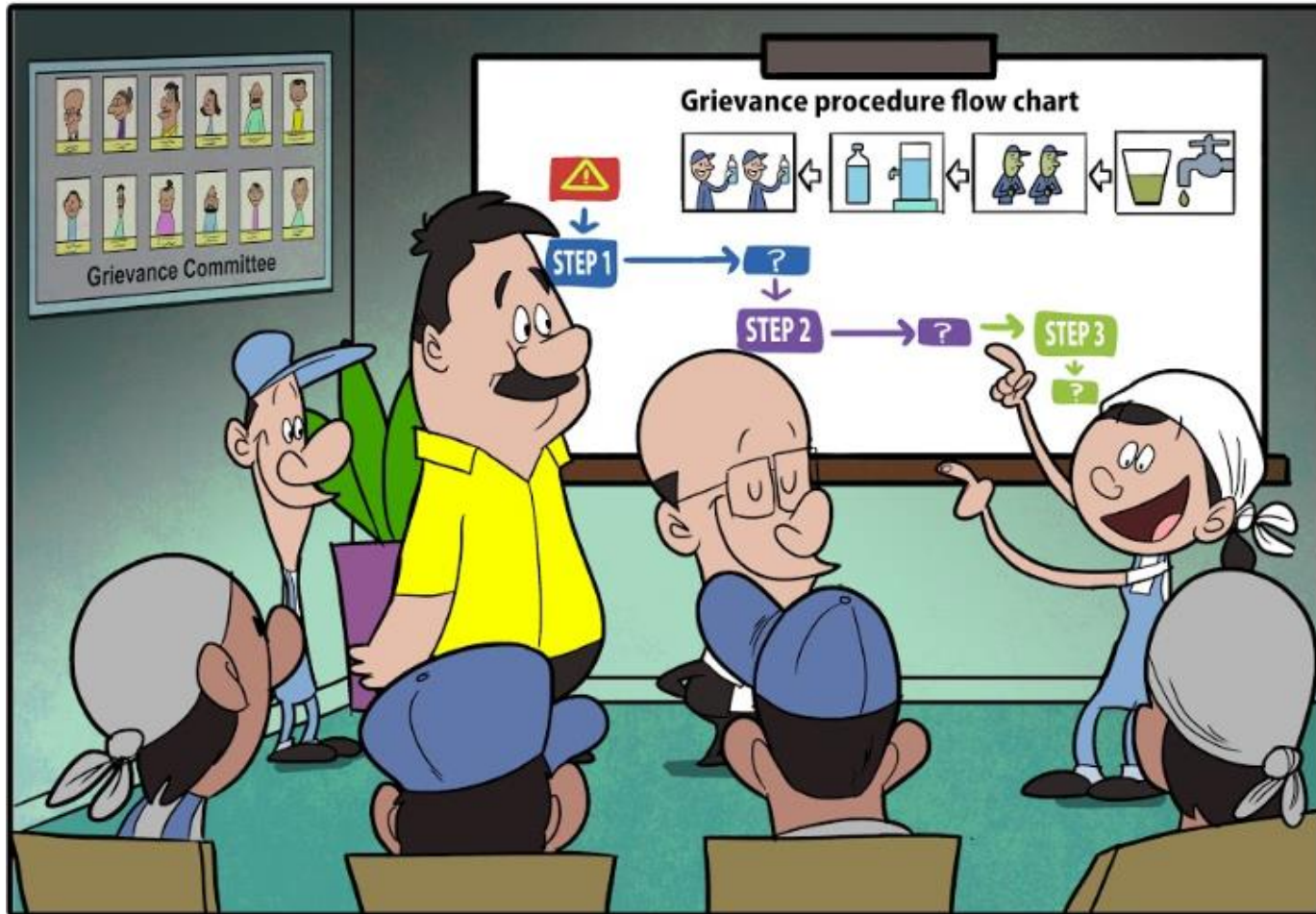
- ♦ A factory grievance mechanism, can never be less beneficial to employees than local labour law, or have content which goes against human rights.
- ♦ Factory management should work together with Trade Unions or Worker representatives to ensure that a grievance mechanism isn't a substitute for a Trade Union.



Good Practice:

- **Trade Unions or workers representatives have access to management to raise issues of concern regarding rights issues in the grievance mechanism. This procedure should be stated clearly in the grievance policy.**

What do you see in the pictures?

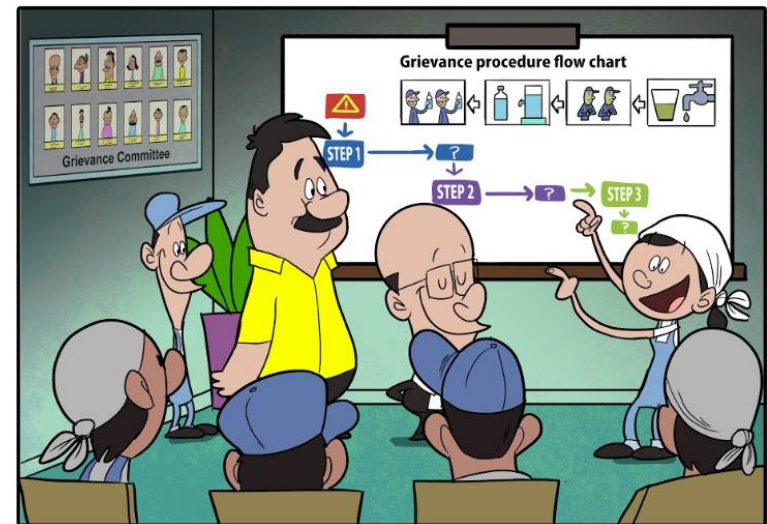


7. Based on engagement and dialogue

Characteristics of effective grievance mechanism



- ♦ It is necessary to have a well functioning workplace communication structure in place to be able to improve on how a workplace functions.
- ♦ Trust is built on engagement and a balance of power between workers and management.



Good Practice:

- Both workers and management are involved in the process of designing and improving the mechanism.
- Workers as well as management are trained and informed about the rights that both sides have (e.g. Employer; right to hire and fire. Employee; the right to organize).

What do you see in the pictures?



8. Source of Continuous Learning/ Pro-active approach through learning

Characteristics of effective grievance mechanism



- Every grievance mechanism should clearly state when and by whom it should be updated.
- A grievance mechanism is a living document, that need to change and evolve in each factory.
- A good indicator to use is to see if the same issues keep coming up in interactions between workers and management. This can be a signal that change is needed.



Good Practice:

- Management is open to learning from the problems with the mechanism and improving it as it is used together with Trade Unions or worker representatives, to make it more effective.
- Policies and ways of working should reflect a common understanding between management and workers on how the workplace should function to assure the biggest mutual benefit.

Evaluation and follow up





BetterWork



International
Labour
Organization



International
Finance
Corporation
WORLD BANK GROUP

www.betterwork.org