



CURRENT ISSUES SERIES

The Grievance Procedure: The Heart of the Collective Agreement

Sean C. Doyle

IRC Press

Industrial Relations Centre
Queen's University
Kingston, ON K7L 3N6
Tel: (613) 533-6709
Fax: (613) 533-6812

E-mail:

ircpress@post.queensu.ca

Visit our Website at:

<http://qsilver.queensu.ca/irl/qsirc/>

**IRC
PRESS**

Queen's University

ISBN: 0-88886-521-X
© 1999, Industrial Relations Centre
Printed and bound in Canada

Industrial Relations Centre
Queen's University
Kingston, Ontario
Canada K7L 3N6

Publications' Orders: 613 533-6709

Canadian Cataloguing in Publication Data

Doyle, Sean C. (Sean Christopher)

The grievance procedure : the heart of the collective agreement

(Current issues series)

Includes bibliographical references.

ISBN 0-88886-521-X

1. Grievance procedures. I. Title. II. Series: Current issues series (Kingston, Ont.).

HD6972.5.D69 1999

658.3'155

C99-932493-4

Executive Summary

The grievance procedure is more than just a means of managing conflict; an understanding and effective use of the procedure may, according to some experts, improve the labour-management relationship. It is often lauded as one of the most significant innovations in industrial relations, serving several roles and functions and having benefits that outweigh its weaknesses.

- The grievance procedure has four primary roles: a compliance role; a judicial and adjudicative role; an administrative role; and a ‘fractional bargaining’ role.
- It also assumes many secondary roles including: a mechanism for the extension of the relationship between the parties; a union tactic to pressure management for strategic purposes; a diagnostic device to uncover underlying problems in the workplace; a mechanism for individual employees or union officials to challenge management over a range of working conditions; a forum for the communication of information.
- In addition to these practical roles, there are some broad, more theoretical functions served by the procedure: a constitutional or recognition function; a legislative or rule-making function; an executive or administrative function; a due process or judicial function; a power distribution function; a communications function; and a ‘voice’ function.
- While the grievance procedure’s most widely recognized benefit is as a conflict management and dispute resolution mechanism, it has many other benefits for both management and unions. Some of the most important are that it compensates for ambiguity in contract language, it can improve perceptions of fairness and equity, it provides a mechanism that is mutually agreed upon for dispute resolution, and it represents a means for achieving consistency in policy formulation and application.
- The cost of the procedure, both in money and time, may be the most important weakness. Third-party arbitration has been identified as a major weakness because it puts limitations on management rights and means some loss of control over workplace issues. In some cases, the expectations of the

Contents

Introduction / 1
Roles of the Grievance Procedure / 1
Broad Functions of the Grievance Procedure / 3
Benefits of the Grievance Procedure / 5
Weaknesses of the Grievance Procedure / 6
Structure of Grievance Procedures / 8
IR Climate and Grievance Activity / 9
Importance of Research / 12
References / 14

About the Author

Sean C. Doyle received an Honours Bachelor of Arts in Political Science from Carleton University and a Master of Industrial Relations from Queen’s University. He graduated from Dalhousie Law School in 1999 and is currently articling at the management-side labour relations and employment law firm of Filion, Wakely & Thorup in Toronto.

parties involved are diverse enough that the effectiveness of the process is undermined. It has also been noted that the grievance procedure can tend to enlarge rather than resolve problems.

- Research by the US Bureau of Labor Statistics found that 99 percent of collective agreements in their survey had a grievance procedure and that 94 percent provided for third-party arbitration as the terminal step. In a Canadian study, it was found that the first step of the grievance procedure was verbal with the grievor in 42 percent of the agreements examined.
- There is growing consensus within the industrial relations literature that substantiates a relationship between industrial relations climate and grievance activity. In general, lower grievance rate bargaining units tend to have more cooperative union-management relationships and greater consultation.
- Research indicates that examining both grievance behaviour and the parties' perceptions about the purpose, role and equity of the grievance procedure is of benefit to organizations and may improve both the efficiency of the process and the union-management relationship in general.

Introduction

The grievance procedure is often lauded as one of the most significant innovations in industrial relations (Gordon and Miller 1984, 117; Loewenberg 1984, 44; Lewin and Peterson 1988, 1). In this paper, we will look at the importance of the grievance process.

While there are many scholarly definitions of ‘grievance’ and ‘grievance procedure,’ we will use the following for the purposes of our review:

grievance—an allegation by a party to a collective agreement of a violation of the collective agreement.¹

grievance procedure—the process specified in the collective agreement for the resolution of disputes arising during the life of the agreement.

Roles of the Grievance Procedure

Four primary roles of the grievance procedure have been identified in much of the literature:

1 It assumes a *compliance* role by ensuring that both parties adhere to and respect the collective agreement (Lewin and Peterson 1988, 25-6; Thomson 1974, 1-3).

Historical Note: In the years before the establishment of formal grievance procedures, the union business agent was responsible for ensuring that both union and management adhered to the collective agreement. Following the unionization of industrial workers during the 1930s, it was the shop steward who assumed the role of ‘contract policeman,’ but often without the formal powers to compel management to comply with the agreement. Management typically disposed of union complaints in accordance with its own interpretation of the contract. The grievance procedure therefore provides both parties with the machinery to ensure compliance with the collective agreement. (Lewin and Peterson 1988, 25-6)

2 It assumes a *judicial and adjudicative* role for industrial organizations by interpreting the collective agreement and rules of behaviour and by serving as the dispute resolution procedure for disagreements which arise during the life of the collective agreement (Lewin and Peterson 1988, 25-6; Thomson 1974, 1-3).

Context: The grievance procedure serves as a system of private law with the collective agreement serving as the statutory legislation and the grievance process providing a measure of industrial jurisprudence through its interpretation, customs and the establishment of precedent. Most importantly, the grievance process serves to ‘channel conflict into an institutional mechanism for peaceful resolution, thus preventing minor misunderstandings from being blown up into major problems.’ (Thomson 1974, 1-3)

The equity of the process is strengthened by the presence of third-party, binding arbitration since the presence of a neutral arbitrator ensures that neither management nor the union has the final word on the disposition of the dispute. The precedents established by the dispositions of grievances and the awards of arbitrators provide a measure of industrial jurisprudence which may assist either party in the handling of similar grievances in the future. (Lewin and Peterson 1988, 25-6)

¹ The definition assumes individual employees to be a party to any collective agreement negotiated on their behalf, regardless of whether they are members of the bargaining unit.

Primary roles of the grievance procedure:

- *compliance role*
- *judicial and adjudicative role*
- *administrative role*
- *forum for ‘fractional bargaining’*

3 It serves an *administrative* role by applying the rules of the contract and offers guidance in the administration of the collective agreement (Thomson 1974, 1-3). Through the grievance process, management and union representatives serve as expert trouble-shooters who investigate disputes on behalf of their constituencies and endeavour to reach a settlement (Lewin and Peterson 1988, 25-6).

Context: Management and union representatives also serve as expert members of such administrative bodies as tripartite grievance arbitration boards and respective management and union grievance committees. Their specialized knowledge of the grievance process and workplace disputes can improve the operation of administrative bodies and increase the efficiency of the grievance procedure itself. Furthermore, their decisions in grievance cases establish precedent which can be used to administer the work-related aspects of the organization. (Lewin and Peterson 1988, 25-6)

4 It may serve as a *forum for 'fractional bargaining'* where one party attempts to secure concessions it could not obtain at the bargaining table (Lewin and Peterson 1988, 25-6) or win back what it has lost at the bargaining table (Thomson 1974, 30-32).

Context: Fractional bargaining may be conducted by the union on behalf of the entire work group, or in some instances, it may be undertaken by specific elements within the work group who, by virtue of their power and cohesion, are in a position of strategic strength. Fractional bargaining is possible because the basic objective of management is efficient production, and the overloading of the grievance procedure represents a threat to efficiency. Inter-work group rivalry may lead to a campaign to destabilize production with one element obtaining concessions which other elements then claim, and the first group trying to reassert its leadership. In such a 'whipsaw' strategy, management may be unable to rectify the alleged discrepancies and is often forced into reacting expediently rather than according to the collective agreement or policy. Management bears the responsibility of ensuring that the grievance procedure does not become a forum for fractional bargaining, since the union cannot be expected to discipline its own members due to the political power of many of the work groups which may be engaging in such tactics. (Thomson 1974, 30-32)

Since collective agreements rarely recognize the diversity of skills and interests of the work groups they cover, the grievance procedure can be strategically exploited by elements within the union. Such 'fractional bargaining' occurs when subsets of the work group perceive that their interests differ from the majority of the union and seek to address their concerns through the grievance procedure. Such 'bargaining,' it is argued, is a component of the larger collective bargaining process but it occurs between management and semiautonomous work groups rather than between management and the union as a whole. (Lewin 1983, 128-31)

The grievance procedure also assumes many 'secondary' roles (Thomson 1974, 1-3, 30-32). For instance, since no collective agreement can cover every possible issue that may arise during its term, the grievance procedure provides a mechanism for the extension of the relationship between the parties. The parties can therefore resolve issues of contention which arise during the life of the collective agreement through the grievance process. In fact, oftentimes the contract language is purposely vague since it is all that the negotiators could agree upon and the underlying problems of interpretation and application are therefore channeled into the grievance procedure for resolution (Slichter, Healy, and Livernash 1960, 695). Since the collective agreement contains many imprecise terms, often intentionally, the application of these provisions to the workplace is determined in large mea-

The grievance procedure provides a mechanism for the extension of the relationship between the parties.

sure through the grievance procedure; the process serves as the mechanism where management and union representatives can ‘bargain’ over the applicability of the terms in question (Lewin 1983, 128-31). Furthermore, ‘only the very smallest number of grievances are over explicit clauses in the contract; the overwhelming majority of grievances deal with matters that are only implicitly covered. . . ’ (Lens 1948, 714). Thus, in interpreting vague and implicit provisions of the collective agreement, the grievance procedure extends the bargaining relationship between the parties. However, Thomson argues that the extension of the bargaining relationship through the grievance procedure has its limitations. For example, the parties would not likely subject issues omitted in the contract to the grievance procedure since these would be too important for either side to want to leave to a third party for resolution.

The union may utilize the grievance process to pressure management for strategic purposes (Lewin and Peterson 1988, 25-6). These could include the numerous filing of certain grievances as a negotiation tactic prior to the beginning of the negotiations for the new collective agreement or the overloading of the grievance procedure as a pressure tactic in response to a unilateral management initiative.

The grievance procedure may help indirectly to improve relations between the parties to the collective agreement (Thomson 1974, 1-3). The grievance process can act as a ‘diagnostic device’ whereby both parties can be made aware of underlying problems in the workplace with a view to improving the situation. As well, it can provide a medium of communication and consultation. ‘Not only do the two sides exchange a good deal of information about their plans, hopes, and feelings in the course of discussing grievances, but such discussions can provide a basis for a positive policy of consultation, especially if regular grievance meetings are held’ (Thomson 1974, 2). Furthermore, due to the need for considerable consistency in resolving workplace disputes, the presence of a grievance procedure can significantly improve the quality of decision making.

Grievance procedures enable individual employees or union officials to challenge management over a wide range of wage and working conditions (Lewin 1983, 128-31). Individual workers enjoy free choice in the filing of grievances and may therefore independently choose whether to grieve a particular issue. Shop stewards and other union officials enjoy a degree of individual choice when deciding how to respond to an employee grievance.

The grievance procedure serves as a forum for the communication of information (Lewin 1983, 128-31). It is through the grievance process that management is made aware of actual or potential problems in the workplace and this information enables the enterprise to diagnose the problems and take corrective action. A further benefit to management is that the information is provided by workers and the costs of processing the grievance at the early stages of the procedure is often borne by the union. Management need only decide on its response to the grievance, which may range from initial rejection, rejection after investigation, initial acceptance or acceptance after investigation. Moreover, Lewin argues that when management takes corrective action in response to a grievance it is presumed to enhance worker productivity and commitment to the employer.

Broad Functions of the Grievance Procedure

In addition to the practical roles the grievance procedure plays, there are several broader, more theoretical functions that may be fulfilled by the actual presence of the process:

Constitutional Function A constitutional or recognition function is derived by the grievance process, particularly at the industry-wide level but also at the plant level, since the disputes procedure is the means by which both parties accept the other’s legitimacy and

Grievance procedures enable individual employees or union officials to challenge management.

by which they can interact. (Thomson and Murray 1976, 43)

Legislative Function The process serves a legislative or rule-making purpose because it provides a mechanism for employees to legitimately influence and participate in the decisions made by management and therefore provides them with a potential part of the 'legislative' function of the firm. (Thomson and Murray 1976, 43)

Executive Function An executive or administrative role is served by the grievance process as it can be used to clarify or expand on management decisions by raising issues which create uncertainty and, in this capacity, the procedure 'amplifies' the executive function. (Thomson and Murray 1976, 43)

Due Process Function Because the grievance procedure fulfills a 'due process' function by which progressively higher levels of authorities review the appeals of employees and the decisions of lower level managers, a judicial role is served by the process. (Thomson and Murray 1976, 43)

Power Distribution Function By specifying what can and cannot be done in the course of the grievance process, the procedure may provide one side or the other a tactical advantage and therefore the grievance process can serve a power distribution function. (Thomson and Murray 1976, 43)

Communications Function The presence of a functional grievance procedure fulfills a communications function since it can help management become aware of problems in the workplace and, conversely, can also assist in the dissemination of management policy. (Thomson and Murray 1976, 43)

'Voice' Function The grievance procedure provides the means by which employees can express their dissatisfaction with working conditions or managerial action and therefore exercise their 'voice' option. (Hirschman 1970; Freeman and Medoff 1984, 103-7)

Research Note: According to the exit-voice thesis, first articulated by Hirschman in 1970, dissatisfied members of an organization may either leave (exit) or express their dissatisfaction (voice) through a variety of different channels. Freeman and Medoff (1984, 105) argue that quit rates will be reduced regardless of the outcome of individual grievances because of the actual presence of an appeal procedure. Moreover, if the employee is successful and the grievance is granted, the cause of discontent will be eliminated and the employee will likely stay at the organization. Freeman and Medoff further argue that in the event that the employee 'loses' the grievance, the probability of quitting is reduced if the employee feels they received a fair hearing and, finally, even if the worker eventually quits, plant-level turnover will be lower as a result of the delay while the grievance was processed.

Freeman and Medoff (1984, 105) employed two methods to test their hypothesis regarding turnover rates and grievance procedures. The first involved an analysis of the impact of unionism on the quits of workers with varying degrees of job satisfaction, with the assumption that those who are most dissatisfied are more likely to raise a grievance than those who are satisfied with their employment situation. They found that quit rates rose much less quickly in unionized organizations than in non-union organizations as dissatisfaction levels rose and attribute the lower quit rates to the availability of a 'voice' mechanism in the form of a grievance procedure. The second test of their hypothesis (1984, 105-6) involved the comparison of unionized workers in organizations with

different types of grievance procedures, with the assumption that the stronger or more inclusive the grievance procedure, the lower the turnover rate. Using data from the Bureau of Labor Statistics (BLS), Freeman and Medoff concluded that job tenure was greater among unionized workers in organizations where grievance procedures had wider scope. The presence of a grievance procedure, then, enables employees to exercise their 'voice' as opposed to 'exit' option and therefore assists in the reduction of employee turnover.

A grievance procedure assists in the reduction of employee turnover.

Benefits of the Grievance Procedure

The grievance procedure's most widely recognized benefit is as a conflict management and dispute resolution mechanism. It provides a peaceful means to reduce the pressures and fears of employees and to settle workplace disputes without stoppage of work or resort to economic sanctions (Staudohar 1977, 6; Lewin 1983, 127-8; Lewin and Peterson 1988, 27).

It also compensates for ambiguity in contract language by permitting 'the contract to be construed in the light of the many different events that occur during the day-to-day operation of a plant and in the context of potentially conflicting interpretations of the contract by workers, union representatives, and managers' (Thomson 1974, 1).

The grievance procedure can improve perceptions of fairness and equity. It enables employees 'to have their say' at progressively high levels of decision-making authority and, perhaps ultimately, before an independent, third-party arbitrator (Lewin and Peterson 1988, 27; Thomson 1974, 1). It also serves as a force against arbitrary or discriminatory unilateral actions and as a mechanism for the 'equitable and just interpretation' and application of the negotiated collective agreement (Staudohar 1977, 6).

Among the benefits for management is the virtual guarantee the presence of a grievance procedure provides of 'uninterrupted production during the life of the labor agreement, the use by management of union resources and personnel to police the labor agreement, and a systematic source of information about problem areas in the workplace—information that can be used for subsequent evaluation and corrective action' (Lewin 1983, 127-28).

Senior management also benefits because the process represents an excellent means for achieving consistency in policy formulation and application and can ensure compliance with corporate policy by middle management and supervisors since their decisions are subject to the grievance procedure and will be reviewed by their superiors. As well, the grievance procedure saves senior management's time and energy since the procedure 'weeds out' issues of local or less importance at the lower levels and funnels upwards only those issues of major importance, while still providing them with ultimate control and coordination of the organization. Moreover, the placing of senior management at the apex of the appeal procedure serves to confirm and support the existing power structure. (Thomson and Murray 1976, 46)

There are benefits for the union, as well. The grievance procedure may facilitate the enhancement of union solidarity by developing employee loyalty. The interests of union officials are served since the processing of employee concerns convinces the union membership that their leaders are doing their jobs and this assists in their re-election. (Lewin and Peterson 1988, 27)

Finally, by specifying the grievance procedure in the collective agreement, disputes arising during the life of the collective agreement are resolved through a grievance procedure which has been mutually supported by both parties and that fits the organization, management and union. The existence of arbitration represents a key component of this process, since the neutral arbitrator, shared arbitration costs between the parties, and the acceptance of the arbitrator's decision as final accord closely with civil norms of equity and fairness.

The presence of the grievance process itself is a testament to the rights workers receive by virtue of their union membership. From this perspective, the outcome of the process is less important than the existence of the grievance process itself. Finally, the grievance process tends to solidify the more formal collective bargaining agreement in which the procedure is rooted and the precedents established and in the process can 'sharpen' workplace policies and enhance efficiency. (Lewin and Peterson 1988, 25-6; Lewin 1983, 128-31)

Weaknesses of the Grievance Procedure

While the grievance procedure is recognized as an important part of the collective bargaining relationship, there are drawbacks inherent to the process. A number of weaknesses have been identified in the industrial relations literature.

Perhaps the most commonly faulted aspect of the grievance procedure is the presence of third-party, binding arbitration. From management's perspective, it puts limitations on management rights and from the union's perspective it may mean some loss of control over workplace issues (Lewin and Peterson 1988, 28). In addition, both union and management must surrender their 'ownership' of the issue to an outside third party. In some instances, moreover, the use of binding, third-party arbitration may actually be detrimental to harmonious industrial relations:

When labor relations are unsatisfactory, the existence of arbitration may actually exacerbate bad feeling. In such circumstances the jurisprudence of arbitration encourages management to enforce discipline for all offenses to avoid providing arbitrators with a reason for mitigation. The union responds by filing numerous grievances that are regularly denied at the lower steps. The union is forced to go to arbitration frequently, which causes a backlog with the concomitant delays in hearing and disposition. The hearing is pervaded with an atmosphere of hostility; it provides the parties with an additional opportunity to berate each other. . . . All of this makes the grievance machinery a cause of further tension. (Getman 1979, 925)

Another of the major weaknesses relates to cost, both in money and in time. The procedure is expensive and disruptive, since production is disturbed when grievants and supervisors are taken off their regular jobs to participate in the process (Dalton and Todor 1981, 25). It has been argued (Stessin 1977, 128) that grievance arbitration has lost much of its virtue, 'being neither economical nor quick, neither flexible nor informal. . . . Evidence abounds that the system has succumbed to the rise of rigidity and is often ill-designed to serve as a quick means of settling disputes between workers and the boss.'

From the employee's perspective, the greatest weaknesses may be the delay in the processing of the grievance and the cumbersomeness of the procedure itself—both of which may discourage employees from using the grievance process (Lewin and Peterson 1988, 28). As one union official put it,

[A] major obstacle to an effective procedure is created by those in management and labor who become curbstone lawyers in the grievance procedure. The comma and the semi-colon become more important to them than the problem which gave rise to the complaint. Winning grievances and counting the costs of wins and losses become a sort of shibboleth and technical perfection tends to displace sound and reasonable judgment. (Ross 1963, 123-24)

The procedure is expensive and disruptive.

A major weakness of the grievance procedure is the differing expectations that the various stakeholders have for the process. If these expectations are diverse or severe enough, then the effectiveness and utility of the grievance procedure can be undermined because the parties may ultimately lose respect for the process and resort to the procedure could decline as a result.

For instance, employees expect the procedure to provide a speedy resolution to workplace disputes, yet this expectation may conflict with that of senior management, who must concern themselves with precedent and would prefer a consistent and careful examination of the issue to a quick decision. Moreover, employees expect the grievance process to provide a right to protest and protection against unfair managerial action and therefore expect an appeal function which provides access to decision makers not initially involved in the issue or decision. Yet this, too, can conflict with management expectations because it may be interpreted as a threat to their authority and their ability to preserve a 'united front' of management personnel against all levels of the work force. (Thomson and Murray 1976, 47)

Grievance procedures may present the greatest source of frustration to lower level management (Thomson and Murray 1976, 47-8). This is because lower level managers desire to retain the greatest degree of autonomy and flexibility in the operation of their departments, and in this regard the appeals process of the grievance procedure and senior management's desire to use it to ensure compliance with corporate policy undermine their authority. As well, the tendency to support and 'back up' another member of management runs counter to the desire of workers for an impartial, non-biased appeals process. Finally, when issues do arise with broad policy implications, lower level managers often prefer to pass the dispute upwards in the grievance procedure to avoid being reversed at a higher level. This reluctance on the part of lower level managers to rule on broad policy grievances can contribute to an overloading of the grievance procedure and increase the length of time to settlement.

It has been suggested that the grievance procedure in fact tends to enlarge rather than resolve problems:

[C]onventional grievance procedures have become instruments of a tactical kind. They tend to enlarge rather than to resolve problems. There are more appeals made than when one raises a constitutional question in the federal courts, and the irony of it is that the appeal, except in the final step of arbitration, is not to some unbiased forum but . . . to someone higher up in the employer's echelon who has already participated in the decision announced in the preceding step. The same is . . . true on the union side. The representative who handles the appeal has invariably been consulted in the prior step. And yet the ritual goes on. . . . (Cole 1963, 82)

And, finally,

While grievance procedures should exist to provide a forum for solving problems, any grievance is disadvantageous to both parties. Management and workers have their attention diverted from their primary task while a solution is being sought. No winner results from decisions in the grievance procedure. A decision puts things into a state that would have been if the grievance had never occurred. The only thing that is different from the way things should have been in the first place is that someone is probably dissatisfied with the outcome. (Veglahn 1977, 122)

If expectations are diverse enough, the effectiveness and utility of the grievance procedure can be undermined.

Structure of Grievance Procedures

The most extensive study to date on grievance procedure structure was conducted by the United States Bureau of Labor Statistics in 1964 (BLS 1964), which examined 1,717 major collective agreements with each contract covering at least 1,000 employees.² The study found that 99 percent of the collective agreements featured a grievance procedure, and that third-party arbitration was the terminal step in 94 percent of the contracts (BLS 1964, 1).

The majority of collective agreements specified the successive procedural steps of the grievance procedure, and these steps ranged from the simple informal to the highly formalized. The number of steps in the grievance procedure ranged from one to six or more, with most contracts specifying a three or four step procedure (BLS 1964, 33). In practice single step grievance procedures may in fact incorporate more than one stage as employees may attempt informal settlement of complaints before taking the matter to their union steward (Thomson 1974, 8). Of course, informal attempts at grievance resolution could also occur in organizations with multi-step procedures and, consequently, the actual stages in any grievance procedure may exceed that specified in the collective agreement.

Nearly five of every six collective agreements that were examined in detail contained time limits on some or all stages of the grievance procedure. Approximately one of every six of these contracts fixed the time limit from the occurrence of the act until the terminal point of the internal grievance procedure (i.e. excluding arbitration). Time limits in the remaining collective agreements varied considerably, with limits on certain phases of the procedural steps, such as a time limit on management's response, to limits on the entire process with the exception of initiation and/or the terminal stage. Some of the typical time limits required that the grievance be filed within a specific time beginning with the occurrence or termination of the act forming the foundation of the grievance or alternatively, at the time the aggrieved party became aware of the act or a combination of these qualifications (BLS 1964, 37).

Most of the collective agreements examined by the Bureau of Labor Statistics required that the grievance be reduced to writing at some stage of the grievance procedure. Few contracts required a written submission at the first stage in the procedure, while most specified a written record at the second step and several specified a written requirement at either another intermediate step or the terminal stage of the process. The specifications for a written submission also varied by contract, with some merely stating that the grievance be submitted in writing, or that a statement of the grievance be filed, to a request that all data relating to the grievance be submitted (BLS 1964, 41-2).

A later Canadian study of the grievance procedure in 118 organizational units contains data on grievance procedure structure (Gandz 1978). With respect to procedural steps, the average number of stages in the procedures examined was three (61 percent) while 23 percent of the organizational units had four steps, 7 percent had five steps and 9 percent had only two steps (Gandz 1978, 37). The study notes, however, that in a majority of organizations there exists an 'unofficial' extra step prior to arbitration but after the union has filed notice of its intention to take the grievance to arbitration (Gandz 1978, 39).

In 42 percent of the units examined, the first step of the grievance procedure was verbal with the grievor, often accompanied by the union steward, approaching the supervisor. In 25 percent of the units, the collective agreement specified that discussions between the grievor and supervisor should take place before the complaint became an official grievance, and in these instances the grievance procedure was reserved for written grievances. In 17 percent of the unit, the first step of the grievance procedure required a verbal

² For a concise summary of the results of the BLS survey see Thomson (1974, 8-11).

The procedural steps of the grievance procedure ranged from the simple informal to the highly formalized.

approach first followed by a written grievance, and in 11 percent the written/verbal alternative was at the grievor's discretion (Gandz 1978, 37).

A time limit on the grievance process was prescribed in 75 percent of the units studied, and virtually all of the contracts imposed a time limit on the managerial response to grievances and on the union's decision to appeal (Gandz 1978, 38-9). These time limits tended to be shorter at the earlier steps of the procedure and longer toward the later stages, and could usually be waived by mutual consent.

Finally, in a study of twenty-two British grievance procedures, it was found that five contained four stages, five contained five stages, four contained six stages, five contained seven stages, one contained eight stages, and one left the matter to the discretion of the grievant and his or her representatives (Thomson and Murray 1976, 60). The study did not contain quantitative data on either the time limits or written requirements.³

IR Climate and Grievance Activity

There have been a number of studies on the relationship of industrial relations climate and grievance rates and outcomes at both oral and written stages of the grievance procedure. Some of the following aspects of the day-to-day union-management relationship were used to determine industrial relations climate (Gandz 1979; Walton and McKersie 1965):

- the motivational orientations and action tendencies the parties had toward each other;
- the beliefs they held about the other's legitimacy;
- the level of trust present in the relationship;
- the degree of 'friendliness' that exists between the parties;
- the impact of the union on productivity, discipline, communications;
- the tone of grievance discussions, as well as the exhibition of anger, distrust, empathy, and the use of threats;
- the inclusiveness of the grievance procedure;
- the overall satisfaction with the grievance procedure;
- the extent to which consultation took place between union and management on a wide variety of work-related issues.

In a 1981 Canadian study of 118 bargaining units, the researchers found that grievance rates tend to be higher in bargaining units where the industrial relations climate is poorer (Gandz and Whitehead 1981, 324-25). In an earlier study using the same 118 bargaining units, it was found that lower grievance rates were associated with bargaining units in which the industrial relations managers view the union as more valuable and less harmful to the organization than higher grievance rate units (Gandz 1979). Moreover, the lower grievance rate bargaining units tended to have more cooperative relationships and there was greater union-management consultation on a variety of workplace issues in the lower grievance rate units.

With respect to the relationship between union-management relations and grievance outcome at different stages of the procedure, the research results are more problematic. For instance, a high rejection rate for disciplinary grievances at the oral stage was associated with cooperative rather than conflictual relationships, while accepting grievances in part is associated with conflictual rather than cooperative union-management relationships (Gandz and Whitehead 1981).

³ It should be noted, however, that the British industrial relations system differs dramatically from the North American and that the findings of Thomson and Murray (1976) may not be directly comparable.

Lower grievance rate bargaining units tended to have greater union-management consultation on a variety of workplace issues.

Research Note: The authors argue that several rival hypotheses may explain these results. First, although a high rejection rate may signify poor, non-accommodative relationships, it is possible that in cooperative union-management relationships there are very few legitimate grievances because legitimate concerns are 'ironed out' at the pre-grievance stage and, consequently, those grievances which are filed are either lacking in merit or involve major policy issues on points of contract interpretation and are therefore likely to be rejected at the first level. Second, it is possible that the outcome of a grievance might influence the subsequent attitudes of managers towards the union as the allowance of a grievance, whether in whole or in part, could produce negative or hostile attitudes towards the union if a manager were overruled on the issue.

Some other findings of interest are:

- There was no evidence that the more cooperative union-management relationships were characterized by greater concessions by management in grievance proceedings (Gandz 1979, 787).
- Bargaining units that resorted to arbitration for disciplinary grievances had more conflictual union-management relations and reported greater anger and suspicion in the grievance procedure as well as more threats of industrial action (Gandz 1979).
- Users of arbitration for non-disciplinary grievances also reported more conflictual relationships as well as more anger, suspicion, threats, and less empathy in grievance discussions (Gandz 1979, 788).

Research Note: Gandz (1979, 788) cautions, however, that there is no support for a causal relationship between the union-management relationship and grievance rates and arbitration use, since a case could be made for each leading to the other. For instance, a cooperative union-management relationship could lead to low grievance rates or, similarly, low grievance rates could contribute to a cooperative industrial relations climate.

- Grievances are more likely to be granted under positive industrial relations climate and, moreover, more cooperative and harmonious union-management climates are likely to increase the chances of grievances being granted or partially granted (Dastmalchian and Ng 1990).
- In organizations with relatively low scores on industrial relations climate, grievances are more likely to be rejected or withdrawn (Dastmalchian and Ng 1990).
- The industrial relations climate may be related to the levels at which grievances are granted. For instance, under favourable industrial relations climates, grievances are more likely to be granted at lower levels of the grievance procedure and to be dealt with more quickly than in other situations (Dastmalchian and Ng 1990, 321).
- Stewards who rated their supervisor high on consideration were more likely than other stewards to informally resolve potential grievances (Bemmels 1994).
- Stewards who received more frequent complaints from employees were more likely to initiate grievances themselves (Bemmels 1994).

Under favourable industrial relations climates, grievances are more likely to be granted at lower levels of the grievance procedure.

- Stewards with a high degree of commitment to their employer were most likely to resolve grievances informally, but less likely to initiate grievances (Bemmels 1994).
- Stewards with longer experience in their positions have significantly higher grievance rates (Bemmels 1994).
- Stewards elected in a contested union election also have higher grievance rates (Bemmels 1994).
- Stewards were more likely to resolve potential grievances informally the longer the time allowed to file a grievance (Bemmels 1994).
- Organizations in which supervisors are rated high on consideration and knowledge of the collective agreement have lower grievance rates than other organizations while firms with supervisors rated high on structure have higher grievance rates (Bemmels 1994).
- Work groups with procedures allowing oral presentation of grievances have lower rates of written grievances (Bemmels 1994).
- Organizations where potential grievances are screened by union officials also have lower grievance rates (Bemmels 1994).

Research Note: Bemmels (1994, 298) concludes that the results of the study support arguments for programs designed to facilitate better union-management relationships and to improve grievance procedure effectiveness.

- There is a positive relationship between high grievance rates and aggressive and militant union leadership, ineffective managerial decision making and unfavourable task environment (Peach and Livernash 1974).
- Grievance rates are higher in union election years (Peach and Livernash 1974).
- There is a relationship between low grievance rates and favourable task environment and few technological disturbances (Peach and Livernash 1974).

Research Note: Peach and Livernash (1974, 137-39) conclude that unfavourable environmental characteristics include: high individual employee responsibility for quality and quantity of product with close supervisory attention to work and satisfactory quality standards which are difficult to achieve; frequent product and process changes creating an unstable task situation and non-routine problems; a work environment which makes informal problem resolution difficult and a task environment which is difficult for management to control; and a compensation system with many non-standardized tasks and effort and earnings inequalities.

- Union influences associated with high grievance rates include: militant leadership of a radical, political or advocate type at both departmental and third-step levels; a union organizational structure which places minimal constraints on individual leadership behaviour; and union rules requiring the processing of all grievances of a certain type to at least step three of the grievance procedure (Peach and Livernash 1974).

The use of a union committee to screen grievances tends to discourage the filing of grievances.

- Managerial influences associated with high grievance rates include: inactive or 'advocate' line management requiring formal grievances and resolution at step three or higher and inactive forepersons; a lack of involvement of labour relations staff below step three of the grievance process; a weak and ineffective system of discipline; little consultation with the union prior to management initiatives and inconsistencies in managerial action (Peach and Livernash 1974).

Labig and Greer (1988, 7) note that there are several important consistencies in the findings of Peach and Livernash (1974), Sayles (1958), and Kuhn (1961). For instance, each study found that

- Worker control of output, work variability, and work essential to the rest of the plant were positively related to grievance activity, while required coordination among workers is negatively associated with grievance behaviour (Peach and Livernash 1974; Sayles 1958; Kuhn 1961).
- There is a relationship between the involvement of industrial relations staff at lower levels of the grievance procedure and lower grievance rates (Peach and Livernash 1974; Pettefer 1970).
- The use of a union committee to screen grievances tends to discourage the filing of grievances (Peach and Livernash 1974; Sayles and Strauss 1967; Knight 1978).

Although the relationship between industrial relations climate and grievance initiation has been supported by several empirical studies, at least one major investigation failed to establish a simple relationship between union-management relations and grievance rates. Sayles and Strauss (1953) concluded that a high degree of either cooperation or conflict had an 'inhibiting' influence on employees' propensity to file grievances. When top union and management personnel desire harmonious labour relations, employees are hesitant to file grievances, particularly in writing. Employees are also reluctant to file grievances in 'armed-truce' situations where they face the prospect of irritating either the supervisor or the foreperson. Despite the findings of Sayles and Strauss (1953), however, there is a growing consensus within the industrial relations literature that substantiates the relationship between industrial relations climate and grievance activity.

Importance of Research

Perhaps the greatest weakness of the published grievance procedure literature is that the grievance process still remains largely theoretical and that no general theory of the grievance process has emerged, and as a result, most research designs intended to study the grievance procedure are simplistic (Lewin and Peterson 1988, 59-60). However, examining both grievance behaviour and the parties' perceptions about the purpose, role and equity of the grievance procedure is of benefit to organizations for several reasons.

1 The level of grievance activity may reveal much about the nature of the union-management relationship, although it is not clear that low grievance and arbitration rates are necessarily associated with cooperative and harmonious labour relations or that high rates imply a conflictual relationship (Lewin and Peterson 1988, 63).

2 An analysis of the type of grievances filed may assist the parties in identifying workplace problems. For instance, multiple or repeated grievances over specific work rules or conditions could signal that a particular management directive or policy is misunderstood and that communications between union and management could be improved. Alternatively, repeated grievances over the same issue could serve to advise management of implementation problems with a particular directive and that the policy requires redrafting or reconsideration.

3 Appreciating the dynamics of the union-management relationship may enable the parties to better understand the motives behind grievance behaviour. For example, are grievances filed because the motivations of management are unknown? Is a poor union-management relationship inhibiting effective, informal problem-solving discussions, and instead encouraging the filing of grievances? Does a conflictual and acrimonious industrial relations climate discourage the early settlement of grievances, or is the union's aggressiveness in filing and processing grievances a ploy to win the loyalty of the membership? An appreciation of these and other aspects of the union-management relationship could improve the parties' understanding of the motivations underlying grievance behaviour.

4 Understanding the parties' perceptions about the relative importance of different functions and roles of the grievance procedure may also enable the parties to better appreciate the motivations behind its use. For instance, where union and management officials have markedly different perceptions on the importance of the different roles of the process, the parties may misunderstand the motivations of the other.

For example, where the union perceives the improving of union-management communication as the most important role of the grievance procedure, management could interpret grievance filing primarily as an information-seeking exercise and endeavour to both effect settlements sooner and at lower levels of the process, and improve communications with the union. Alternatively, grievance rates may be higher where fractional bargaining is considered the most important function of the grievance procedure by both parties. Thus, understanding the parties' perceptions on the role and function of the grievance procedure can be of central importance in interpreting grievance behaviour.

5 The parties' perceptions regarding the equity and fairness of the grievance process and outcome, and the effectiveness of the grievance procedure itself can influence grievance activity. For instance, where the union perceives the process to be of either poor equity or effectiveness, it may not utilize the grievance procedure and workplace complaints or problems may fester and go unresolved as a result. In such a situation, a low grievance rate may be misleading and could be symptomatic of a larger, union-management relation problem, especially if the industrial relations climate is already conflictual.

Thus, research on the grievance procedure, especially from an interdependent perspective which emphasizes the investigation of relationships between grievance activity and variables such as industrial relations climate and the parties' perspectives on the role, outcome, and effectiveness of the process, can enable an organization to better interpret grievance behaviour. In fact, such research may improve both the efficiency of the process in particular and the union-management relationship in general.

Appreciating the dynamics of the union- management relationship may enable the parties to better understand the motives behind grievance behaviour.

References

- Bemmel, B. 1994. The determinants of grievance initiation. *Industrial and Labor Relations Review* 47: 285-301.
- Bureau of Labor Statistics, United States Department of Labor. 1964. *Major collective bargaining agreements: Grievance procedures*. BLS Bulletin 1425-1. Washington, DC: U.S. Government Printing Office.
- Cole, D.L. 1963. *The quest for industrial peace*. New York: McGraw-Hill.
- Dalton, D.R. and W.D. Todor. 1981. Win, lose, draw: The grievance process in practice. *Personnel Administrator* 26, 3: 25-9.
- Dastmalchian, A. and I. Ng. 1990. Industrial relations climate and grievance outcomes. *Relations Industrielles/Industrial Relations* 45: 851-59.
- Freeman, R.B. and J.L. Medoff. 1984. *What do unions do?* New York: Basic Books.
- Gandz, J. 1979. Grievance initiation and resolution: A test of the behavioral theory. *Relations Industrielles/Industrial Relations* 34: 778-92.
- . 1978. Employee grievances: Incidence and patterns of resolution. Ph.D. dissertation summary, University of Western Ontario, London, ON. Unpublished.
- Gandz, J. and J.D. Whitehead. 1981. The relationship between industrial relations climate and grievance initiation and resolution. In *Proceedings of the Thirty Fourth Annual Meeting, Industrial Relations Research Association*, 320-28. Madison, WI: Industrial Relations Research Association, University of Wisconsin-Madison.
- Getman, J.G. 1979. Labor arbitration and dispute resolution. *Yale Law Journal* 88: 916-49.
- Gordon, M.E. and S.J. Miller. 1984. Grievances: A review of research and practice. *Personnel Psychology* 37: 117-46.
- Hirschman, A.O. 1970. *Exit, voice, and loyalty: Response to decline in firms, organizations, and states*. Cambridge, MA: Harvard University Press.
- Knight, Thomas R. 1978. Factors affecting the arbitration–submission rate. Master’s thesis, Cornell University.
- Kuhn, J.W. 1961. *Bargaining in grievance settlement: The power of industrial workgroups*. New York: Columbia University Press.
- Labig, C.E. Jr. and C.R. Greer. 1988. Grievance initiation: A literature survey and suggestions for future research. *Journal of Labor Research* 9: 1-28.
- Lens, S. 1948. The meaning of the grievance procedure. *Harvard Business Review* 26, 6:

- Lewin, D. 1983. Theoretical perspectives on the modern grievance procedure. In *New approaches to labor unions, Research in labor economics*, supplement 2, edited by J.D. Reid Jr., 127-47. Greenwich, CT: JAI Press.
- Lewin, D. and R.B. Peterson. 1988. *The modern grievance procedure in the United States*. New York: Quorum Books.
- Loewenberg, J.J. 1984. Structure of grievance procedures. *Labor Law Journal* 35: 44-51.
- McKersie, R.B. and W.W. Shropshire, Jr. 1962. Avoiding written grievances: A successful program. *Journal of Business* 35: 135-52.
- Peach, D.A. and D. Kuechle. 1985. *The practice of industrial relations*. Toronto: McGraw-Hill Ryerson.
- Peach, D.A. and E.R. Livernash. 1974. *Grievance initiation and resolution: A study in basic steel*. Boston: Harvard University Press.
- Pettefer, J.C. 1970. Effective grievance administration. *California Management Review* 13 (winter): 12-18.
- Ross, A.M. 1963. *Distressed grievance procedures and their rehabilitation*. Reprint 209. Berkeley: Institute of Industrial Relations, University of California.
- Sayles, L.R. 1958. *Behavior of industrial work groups*. New York: John Wiley and Sons.
- Sayles, L.R. and G. Strauss. 1967. *The local union*. Rev. ed. New York: Harcourt, Brace and World.
- Slichter, S.H., J.J. Healy, and E.R. Livernash. 1960. *The impact of collective bargaining on management*. Washington, DC: Brookings Institution.
- Staudohar, P.D. 1977. Exhaustion of remedies in private industry grievance procedures. *Employee Relations Law Journal* 7: 454-64.
- Stessin, L. 1977. Expedited arbitration: Less grief over grievances. *Harvard Business Review* 55, 1: 128-34.
- Thomson, A.W.J. 1974. *The grievance procedure in the private sector*. Ithaca, NY: Cornell University. Thomson, A.W.J. and V.V. Murray. 1976. *Grievance procedures*. Westmead, Eng.: Saxon House.
- Veglahn, P.A. 1977. Making the grievance procedure work. *Personnel Journal* 56,3: 122-36.
- Walton, R.E. and R.B. McKersie. 1965. *A behavioral theory of labor negotiations: An analysis of a social interaction system*. New York: McGraw-Hill.