

Dismissal is a more straightforward word, meaning the point at which the employer terminates the contract of employment. There is considerable law surrounding this act, but in this session we deal only with the broad principles. The employee is not necessarily passive in dismissal. There is provision, as was shown in the Holness case, for the employee to resign and then claim constructive dismissal (and compensation) because of unreasonable behaviour by the employer.

You will need to read Chapters 29, 30 and 13 from the textbook *Human Resource Management* (1998) 4th edition, Derek Torrington and Laura Hall. Hemel Hempstead: Prentice Hall International.

☒ Objectives

After completing this course, you should be able to:

- understand and explain the nature of grievance and discipline in employment as techniques for ensuring mutual satisfaction within the contract of employment
- understand and explain the working of grievance and discipline procedures
- carry out a disciplinary or grievance interview
- understand and explain the broad outline of the law relating to dismissal.

☒ Grievance and Discipline

Reading: Chapter 29.

In this section, we begin to change the focus, moving away from the broad issues of the employment arrangement towards the more specific issues of management practice. The words ‘discipline’ and ‘grievance’ have a rather jaded, old-fashioned sound to them, lacking the drama of strategy, mission or development. Despite this, they are at the heart of the employment contract, being the technical terms used to describe the situation where one or other of the parties to that contract feels that the terms are not being met and something needs to be put right. Remember points 10 and 11 in the employment contract checklist on page 197.

The employee who is not meeting the employer’s expectations is liable to **discipline**, reminded of what needs to be done, ticked off for not doing it properly, warned of what will happen if the behaviour is repeated and, perhaps, penalised in some way.

The individual employee who is not satisfied with some aspect of the working situation has a **grievance**. He or she may complain, even if this involves ‘going over the head’ of the immediate boss – who may well be the cause of the complaint – to try to get a satisfactory settlement of the grievance.

It sounds straightforward: it is straightforward, but it so often goes wrong. Managers and supervisors fudge discipline because it involves putting their personal authority to the test and is likely to make them unpopular. The simple phrases, ‘being ticked off’, and ‘warned of what will happen’ are often the reason for discipline going wrong. Simply, employees are *not* reprimanded and are *not* warned of what will happen. The manager shies away from the confrontation and the miscreant suddenly receives a memorandum terminating the contract. Instead of managing a disciplinary problem, too many managers simply get rid of it. However, this is weak, unfair, wasteful and the person unexpectedly facing dismissal will rightly say, ‘Why didn’t anyone tell me?’.

In the same way, aggrieved employees seldom take steps to remedy their dissatisfaction; they allow it to develop while they look for another job. When they have found the other job, they use the accumulated, brooded-upon dissatisfaction to be the reason for leaving. Alternatively, they do not leave but do not express their dissatisfaction for fear of managerial revenge, or of becoming labelled as a trouble-maker. The sense of personal inadequacy about not having the courage to complain reinforces whatever caused the original grumble, so that the person becomes less effective and thoroughly disgruntled.

The authority relationship that is such a problem for hierarchies of all types is enshrined in a contract of employment that few individuals are willing to jeopardise. Managers make one of their most significant contributions when they tackle problems of discipline clearly, sensitively and in good time; they need to accept that these are *their* problems which simply need sorting out and are part of their job function. The problems are not due to terrible character defects in either themselves or their subordinates.

Managers also make a significant contribution when they enable members of their section to complain, without fear of retribution. If they can also manage to satisfy a reasonable proportion of the complaints, they are well on the way to being super-managers!

☒ **Obedience to Authority**

Grievance and discipline are concerned with the balance between the authority of the individual and that of the managers. Employees obey the instructions of their superiors because of their hierarchical position of authority; managers exercise discipline because of the same hierarchy and are limited by the procedural structures for grievance and discipline. Here we look at the concept of **obedience**.

Reading: pages 545-548.

The well-known experiments by Stanley Milgram (1974) nearly 30 years ago remain startling because of the apparent extremes of behaviour that they induced in some of those who took part. The experiments were reproduced elsewhere in the USA, in Munich, Rome, South Africa and Australia. The sample population varied slightly in each case, but the level of obedience was always higher than Milgram found. The purpose of reporting the experiments here is simply to demonstrate that people naturally obey when they are told to do something by a person of higher rank in a hierarchy that they have joined voluntarily. People at work want to be there. They probably grumble and can't wait to get away at the end of the working day, but basically they would rather be there than not be there, as is indicated in the first part of point 5 on page 547.

Q ACTIVITY 1: QUESTION

Go through the six factors – family, institutional setting, rewards, perception of authority, entry into the authority system, overarching ideology – on page 547 and jot down examples from your organisation that explain obedience to authority. If Milgram's experiments had been conducted on females not males, do you think the outcomes would have been the same?

» Discipline

There are three forms of discipline – managerial, team and self – that regulate human activity. These forms are connected hierarchically.

Read page 549 and the first half of page 550.

Q ACTIVITY 2: QUESTION

Note three examples of managerial discipline, team discipline and self-discipline from your own experience.

» Grievance

We can differentiate between dissatisfaction of an employee, a complaint to a supervisor, or a grievance that has been formally presented to management.

Read pages 550-553.



ACTIVITY 3: QUESTION

Identify from your own experience an example of a dissatisfaction that was not complained about and not corrected? Why was there no complaint?



ACTIVITY 3: ANSWER

Perhaps your organisation did not have a procedure for any employee feedback and regards any employee dissatisfaction as petty grumbles. Or the culture encourages stoic acceptance of all problems regardless of the cause. Unresolved dissatisfaction can lead to employees leaving or in extreme cases, to industrial action.

In the second paragraph on page 553, there are two managerial stereotypes. If you consider these two as opposite ends of a spectrum, where would you come and what are the personal beliefs that your position represents?



Rules and Keeping Them

Read pages 553-562.

In the Window on Practice on page 554 there are some examples of ‘legitimate’ and ‘problematic’ theft by employees. What additions would you make to those lists in relation to your own business?

On pages 555 and 556 there are suggestions about penalties for not keeping to the rules. How does this fit with your own experience?

Case study

At ‘a well-known manufacturing company’ there were protracted negotiations about a pay settlement. The negotiations ended in deadlock and there was a shop-floor decision to take strike action with effect from the following Monday. One battle-fatigued production supervisor made an announcement over the public address system in his workshop. He said that he thought the strike was quite unnecessary, but he hoped it would be orderly. The last time there had been a stoppage, a small number of trouble-makers had broken some of the lights in the perimeter fence with airguns. He was sure that there would be no such nonsense this time.

Within twenty-four hours of the strike starting, all the lamps in the perimeter fence had been broken. How do you explain this?

☞ Grievance Procedure

Grievance and disciplinary processes both require an *organisational framework of justice*. In the middle paragraph of page 557, there is an explanation that some managers feel that the grievance procedure unnecessarily hampers their own management style. How would you counter that argument? Some might argue that it encourages employees to become preoccupied with niggling grumbles and not get on with the real work, that it takes up management and employee time and employees should just accept their lot. However, it provides a fair framework for employees to voice their grievances and for management to respond in a timely manner. This procedural framework should be seen by all parties to be equitable.

☞ Disciplinary Procedure

Disciplinary procedures are much the same as those for grievances and follow the same guidelines of fairness, promptness and representation. Legislation also demands certain other factors on penalties.

Note the red-hot stove rule of discipline in the Window on Practice on page 562. Then do the following activity.

Q ACTIVITY 4: QUESTION

From your experience can you recall a disciplinary action that went wrong. Which of the features of the red-hot rule were missing?

Review the summary propositions, pages 562-563.

☞ Grievance and Disciplinary Interviewing

Grievance and disciplinary interviewing are central to resolving problems on the employment contract between management and employees. An important feature of the method is to accept that both types of interview are **problem-solving**. There is a problem relating to the employment of someone, and the problem has to be solved. It is possible that the best solution is for the person to be dismissed, but there are many alternatives to that drastic step, which would probably be much better for both parties. Most people dislike these types of interviews but they are a means for allowing more self-discipline and autonomy of staff, reducing supervision and reducing the need for the formal procedures we discussed in the last section.