CHAPTER II
GRIEVANCE MANAGEMENT

Need for Grievance Management

With an enormous work force of different grades engaged in multifarious jobs and spread over hundreds of establishments, grievances over various matters relating to workers are bound to occur. This makes it necessary to have arrangements at the appropriate levels to attend to grievances early and effectively so that they do not escalate and become industrial disputes.

The 16th session of the Indian Labour Conference\(^1\) evolved a Code of Discipline in Industry.\(^2\) The Code sets out the principles to be followed by managements and unions in order to ensure industrial peace. One of the main objectives of the Code is to eschew unilateral action in connection with any industrial matter by ensuring that disputes are settled at the appropriate level. In order to achieve this objective, the Code requires managements and unions to

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establish an effective grievance procedure. The relevant portions of the Code of Discipline read as follows: 3

Managements and unions agree

(viii) that they will establish upon a mutually agreed basis, a grievance procedure which will ensure a speedy and full investigation leading to a settlement;

(ix) that they will abide by various stages in the grievance procedure and take no arbitrary action which would by-pass this procedure; and

(x) that they will educate the management personnel and workers regarding their obligations to each other.

The Code of Discipline has been accepted by all Central Organisations of Employers including the Public Sector and all Central Organisations of Trade Unions. 4

Position of Grievance Management Arrangements in the Coal Industry

Section V of the Questionnaire sent out to managements and trade unions in the coal industry for the purpose


4. An amendment to the Industrial Disputes Act in August 1982, has made the setting up of a grievance management system compulsory for establishments employing 50 workmen or more.
of this study specifically refers to grievance procedure. The subsidiaries of the Coal India were asked whether their grievance procedure was introduced in consultation with workers. The Eastern Coalfields Limited replied that their grievance procedure had been formulated in consultation with the unions affiliated to the Central Organisations. The Central Coalfields Limited felt that such consultations were not feasible. The Bharat Coking Coal Limited said that their procedure had been formulated after discussion with the Central Trade Unions represented in the industry. The Western Coalfields Limited like its sister company the Central Coalfields, said that consultation was not practicable. A closer examination revealed that no systematic approach had been followed by the Coal India and its subsidiary companies for evolving an effective grievance procedure.

In the Western Coalfields the first ever grievance procedure was circulated for adoption on 31st December, 1981 well after the questionnaire was received by the management.\(^{6}\) In the Central Coalfields, the grievance procedure

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5 Questionnaire at annex I paragraph 5.4.

6 It may, therefore, be said that benefits from this study have already started flowing.
procedure was circulated on 27th June, 1980. This procedure does not prescribe the stages at which different types of grievances are to be attended and settled. On 20th October, 1975, the Eastern Coalfields adopted the grievance procedure of its predecessor company, the Coal Mines Authority of India. This procedure was not implemented in practice and was substituted by a new procedure on 7th January, 1980. Enquiries revealed that this procedure has also remained dormant. In the Bharat Coking Coal, a grievance procedure was put into operation in August, 1973. The next reference to this subject in the records of the Company is in a Director's meeting held in 1977. According to the Management, the trade unions and workers have not followed the grievance procedure.

Trade union views on grievance management arrangements

The issues were discussed with the trade unions both while canvassing the questionnaire and later.7

According to the Rashtriya Colliery Mazdoor Sangh (INTUC

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7 See Annex IV on discussions with trade union leaders.
most of the grievances relate to regularisation, categorisation, promotions and promotional avenues. According to agreed decisions taken at the level of the company between management and workers organisations, if a workman is found working in a higher category against a permanent vacancy for more than 6 months continuously, he should be regularised in the higher position. In almost all the collieries, persons engaged as piece rated workers such as miners and loaders, are being deployed continuously in time rated jobs. Matters relating to their regularisation are delayed for more than 2 or 3 years. Due to delay in the regularisation of workmen on time, workers feel deprived of their increments in the higher grades. This is creating resentment and unhealthy situations. The union also complained of delays in making promotions even where there is an appropriate cadre scheme. According to the cadre scheme, a workman in clerical Grade I is to be promoted to clerical Grade II.

8 The cause-wise display of disputes in Table VIII in Chapter I supports this statement of the trade unions.
taking into consideration mainly his seniority in wages. But the managements do not follow this principle and this gives rise to unnecessary litigation. In some cases of this nature, the union cited instances where awards of Labour Courts were not implemented in time. During discussions, leaders of the Bihar Colliery Kamgar Union (CITU) and the United Coal Workers Union (AITUC) narrated similar experiences. A large number of grievances relate to retrenchment and re-instatement of workers. In the course of this study it was found that most of these cases relate to workers who have been struck-off from the rolls for remaining absent, without following the prescribed procedure. In the circumstances, all these cases became retrenchments and attracted the provisions of Section 25 of the Industrial Disputes Act. A large number of such cases were pending disposal at the headquarters of the subsidiary companies. Other disputes which were mentioned by the unions related to premature superannuation and termination of services on medical grounds.

Grievance management in the Singareni Collieries

As in the subsidiaries of the Coal India Limited,
grievance procedure in the Singareni Collieries Company had remained inoperative until recently. Shaken by a series of sporadic strikes in recent years, the management initiated a dialogue with the major unions during the first half of 1980. This continued until a settlement was reached on 29th January, 1981. It was decided that for expeditious disposal of individual grievances, the existing grievance machinery should be geared up and that steps should be taken to reconstitute grievance committees. At the company level, a Joint Council consisting of the Chairman and Managing Director, General Manager co-ordination, the three Area General Managers and six representatives from the major unions was constituted. The Joint Council is normally to meet once in two months. In the course of this study it was seen that the Joint Council had not met even once until January, 1982. On record, a grievance procedure has been in vogue in the mines of the company since its formation. The procedure prescribes the steps for dealing with grievances at various stages and a time limit for their disposal at various levels. At the Division level, there is a Grievance Committee which includes the Agent of the
Division, Manager of the mine concerned, a permanent member nominated by the recognised Trade Union and a representative of the Trade Union, whether recognised or not, of which the worker submitting the grievance is a member. The Divisional Personnel Officer is the Secretary of the Committee. Alarmed at increasing labour unrest, the arrangements were re-iterated by the Management in a circular on the 6th October, 1981. The system, however, has rarely been put into practice.

Trade union views on grievance management in Singareni

During discussions, the representative of the Singareni Colliery Workers Union (AITUC) which is one of the recognised unions, pointed out that whenever an individual worker submitted a grievance, it was treated very casually by the management. The management said that most of the complaints pertained to matters like working conditions and distribution of work, which by their nature need immediate solution. Regarding grievances falling within the sphere of


personnel matters, the workers wanted urgent solutions which was not always possible. After considerable discussions, both management and the trade unions recognised that the grievance procedure already evolved would be adequate provided it is actually followed and implemented. The AITUC representative suggested that at each mine, there should be a pit leader nominated by the recognised trade union who would in effect co-operate and help to ensure that the grievance procedure operates well.

Assessment of Grievance Procedure in the Singareni Collieries

Despite optimism on the part of management, certain weaknesses in the grievance procedure can be discerned. Most of the grievances arise at the mine which is the working level in the industry. The existing procedure does not provide for a Committee at this level. The rules and regulations of the Company require to be known to every worker down to the level of miners and loaders. The Company has done a good job in making its grievance procedure and standing orders available in Telugu which is the language of the workers. But work norms, matters relating to promotions, grades,
leave, overtime, medical and other welfare facilities which constitute the subject matter of the bulk of the disputes, ought to be known to every worker in his own language. It is also necessary to make the junior management fully conversant in these matters. No grievance procedure can succeed if the authorities handling the procedure do not have the power to decide on the grievances before them. There has been no delegation of powers below the level of Chief Personnel Officer. The Company and the trade unions are fully aware of the nature of the cases that come up as grievances. In consultation with the trade unions, it should be possible to lay down in clear terms, the parameters within which these grievances can be settled. These terms should be made known very clearly to the workers. After doing so, it is necessary to delegate adequate authority to the Mine Manager to operate the system within the pre-determined limits. He should be assisted by the Welfare Officer of the mine. The role of the Grievance Committee at the Area Level and that of the Joint Council, should be primarily supervisory.
They should review the functioning of Mine Level Grievance Committees under them periodically.

Matters should come on appeal to Committees at the higher level only in cases of complicated nature and not where delegation to lower levels is complete.

Assessment of Grievance Management arrangements under the Coal India Limited

While in the Singareni Collieries Company there is a grievance procedure which, with some augmentation and delegation of powers, could be put to effective use, in the subsidiaries of the Coal India, there is a great amount of confusion, lack of coordination and uniformity. The industry has been blessed with a comprehensive wage agreement arrived bilaterally which prescribes in detail not only wages of various kinds for different grades of workers but also other related matters like allowances, leave, holidays, housing, house rent, medical benefits etc. At the apex, the industry has the Joint Bipartite Committee on which both the workers and the management are represented. This Committee has the authority to decide on all matters relating to the industry, like labour relations, welfare of workers, safety of
workers etc., within the broad frame work of policy determined by Government. The data in Table VII has shown how the majority of the disputes in the industry concern personnel matters. A rational system of grievance management should be able to settle most of these grievances without allowing them to escalate into industrial disputes. The absence of such an arrangement can result in lack of coordination and communication at various levels.

Case of Shri Bandhan Barhi, Pick Miner

Nothing can demonstrate better the chaos caused by the absence of a grievance system than a few case studies relating to the handling of grievances of workers. In order to avoid bias, the cases were selected out of the files of Assistant Labour Commissioners through the random sampling method. One case out of many which came to notice in this manner, will illustrate the state of affairs. The case relates to Shri Bandhan Barhi a Pick Miner in the Burringarh Colliery of the Bharat Coking Coal Limited. The dispute was raised by the Khan Naadroor Congress an independent union, unaffiliated to any
of the Central Organisations of Trade Unions.

According to the union, Shri Barhi had gone home on sanctioned leave where he overstayed for some days. On return, Shri Barhi found another person working in his place and in his name. The union alleged that this was done with the connivance of the local management and the leader of another union. Shri Barhi approached various authorities of the company who did not agree to allow him back in his job. The union took up the matter with the Deputy Inspector General of Police(DIG) Security, of the BCCL. The D.I.G. ordered the Assistant Inspector General(AIG) to investigate. The AIG investigated into the matter and reported to the management on 1st September, 1980 that after Shri Barhi had gone home on leave, his mother died and he himself fell ill and hence there was some delay in his returning to work. The report says, that in the meantime a local leader of another union had managed to get another person included in Shri Barhi's name in his job. Shri Barhi was thus out of his job and was running from pillar to post representing his case. The services of the
imposter had since been stopped. The AIG recommended that the claim of Shri Barhi to his job, should be entertained. The management, however, in reply to the union's representation said that the union's allegations were vague and that there were no details to permit verification of the workman's grievance in this case. They denied the working of another man in Shri Barhi's place and said that Shri Barhi was transferred to another colliery in 1975. Interestingly, the management also denied knowledge of any enquiry conducted by the AIG into this matter or that Shri Barhi had ever approached the management with complaint of stoppage from work.

The Assistant Labour Commissioner, Dhanbad who held conciliation proceedings in the case, verified the original report of the AIG of Police and found that the management's rejection of Shri Barhi's claim was unjustified. When the conciliation proceedings failed because of refusal by the management, the Assistant Labour Commissioner referred the case to the Ministry of Labour. The Ministry of Labour, finding merit in the case of the workers,
referred the dispute to adjudication on 2nd January, 1982. The Department of Coal which is the administrative Department for the Coal India Limited later informed that the worker had not approached the BCCL earlier and that they had now asked the DIG to investigate. This case amply illustrates the extent of confusion and lack of control and coordination that prevails in matters of handling ordinary grievances of workers. If a Grievance Committee as envisaged in the Code of Discipline had been functioning at the mine level, it would have been possible to sort out Shri Barhi's claim through consultations between the management and the trade union representatives on the Committee and by referring to the records. Surely, Shri Barhi's co-workers in the mine could have been called to identify him and distinguish him from the impostor. In any case, a functioning Grievance Committee at the mine level could have accepted the report of the Assistant Inspector General of Police as conclusive evidence.

**Shri Kamlesh Singh's case**

Another case picked at random during the study
depicts the lack of communication between managements
and trade unions functioning in the collieries. The
Bihar Colliery Kamgar Union raised an industrial
dispute on 22nd July, 1981 demanding employment under
the National Coal Wage Agreement, of Shri Kamlesh
Singh as dependant younger brother of Shri Janardhan
Singh, miner of Madhuband Colliery under the BCCL,
who had died of heart failure while at work on 11th
March, 1979. The union also demanded payment of
gratuity and other dues of the deceased workman to
his mother. The matter came up for conciliation
before the Assistant Labour Commissioner, Dhanbad.
The officer, in the course of the proceedings found
that the deceased had left behind his wife who, as a
direct dependant had priority claim for employment.
As regards the union's claim for payment of gratuity
and other dues to the mother of the deceased worker,
it was found that the lady had already filed an
application before the Labour Court under Section 33(C)
(2) of the Industrial Disputes Act. The Labour Court
had asked her to submit a succession certificate.
The union, however, continued to press its claim.
The Assistant Labour Commissioner, on conciliation ending in failure, referred the dispute to the Ministry of Labour. The Ministry, finding no merit in the case, declined to refer the dispute to adjudication. This case provides an example of a dispute which should not have arisen in the first instance. Had there been consultations between the management and the union at the earlier stages under a proper grievance system, the facts of the case would have become known and the matter settled locally.

Consequences of Lack of Effective Grievance System

Lack of clarity and understanding at various levels can result in small matters growing into industrial disputes. If the grievances are handled at the level at which they arise, an enormous area of effort now devoted to them at much higher levels could be avoided. Senior functionaries in the management and trade unions would then have more time to devote to important matters of industrial relations which should receive attention at their levels.
**Table VIII**

Disputes handled by Central Industrial Relations Machinery from 1976 to 1980 in Coal Industry

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of disputes referred to CIRM</th>
<th>No. of disputes settled without holding formal proceedings</th>
<th>No. of disputes in which conciliation proceedings were held</th>
<th>No. of disputes in which conciliation ended in failure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>2016</td>
<td>1076</td>
<td>552</td>
<td>392</td>
</tr>
<tr>
<td>1977</td>
<td>2346</td>
<td>1222</td>
<td>685</td>
<td>447</td>
</tr>
<tr>
<td>1978</td>
<td>2504</td>
<td>1205</td>
<td>690</td>
<td>455</td>
</tr>
<tr>
<td>1979</td>
<td>2603</td>
<td>1324</td>
<td>707</td>
<td>484</td>
</tr>
<tr>
<td>1980</td>
<td>2771</td>
<td>1476</td>
<td>674</td>
<td>488</td>
</tr>
</tbody>
</table>

The Table shows that about fifty per cent of the disputes in the Coal Industry, which came up to the conciliation officers could have been settled at earlier stages through consultations between labour and management.

In column 3 of the Table, these have been shown as

*Source - Chief Labour Commissioner, Ministry of Labour, Government of India.*
disputes settled without holding formal conciliation proceedings under the Industrial Disputes Act. It is as if the parties to the dispute met face to face for the first time in the office of the Assistant Labour Commissioner. Once a dialogue was initiated, the parties were able to arrive at satisfactory settlements.

Suggestions for an Effective Grievance Management System

The objective of establishing a grievance procedure is to ensure mutual consultation between management and trade unions at the appropriate level. If a proper grievance machinery had been established, at appropriate levels in the industry, most of these disputes would not have reached the conciliation officer. They would have been settled through consultations between the management and the unions at the mine level. It is, therefore, necessary that the coal industry should evolve an effective grievance procedure. As has been observed earlier, the industry has a joint-bipartite committee of management and trade unions, which, after mutual consultations and approval of the Government, had finalised the
National Coal Wage Agreement. The agreement is comprehensive and includes not only the wage structure of various categories and grades of workers in the industry but also other related matters like underground allowances, leave, holidays, housing, recovery of house rent, social security and medical benefits. The National Coal Wage Agreement was finalised on the 11th August, 1979. The Joint Bipartite Committee continues to function at the industry level and all matters relating to conditions of work and welfare of workers are within its jurisdiction. What is lacking, and this was amply clear during the course of this study, is the infrastructure for handling the grievances of the workers at the mine level and the area level. As the mine is the place of work for bulk of the workmen, most of the grievances arise there.

Manning of the Grievance Machinery

The grievance machinery will have to be serviced by officers belonging to the Personnel discipline in the Coal India and its subsidiary companies. It is, therefore, necessary that there should be adequate
number of officers at all levels to ensure that grievances receive prompt attention. In order to find out the staffing position, requests were made to the Coal India and its four subsidiaries for details regarding the sanctioned strength and the actual number of officers working in the personnel Discipline. The Coal India, the Bharat Coking Coal and the Western Coalfields were unable to provide this information. Details were, however, received from the Eastern Coalfields and the Central Coalfields. These are displayed in the following Table.

Table IX
Sanctioned strength and availability of officers in the Personnel Discipline

Eastern Coalfields Limited, Asansol

<table>
<thead>
<tr>
<th></th>
<th>E-8</th>
<th>E-7</th>
<th>E-6</th>
<th>E-5</th>
<th>E-4</th>
<th>E-3</th>
<th>E-2</th>
<th>Total &amp; E-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanctioned strength</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>20</td>
<td>39</td>
<td>88</td>
<td>132</td>
<td>283</td>
</tr>
<tr>
<td>Actual strength</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>13</td>
<td>38</td>
<td>88</td>
<td>60</td>
<td>203</td>
</tr>
<tr>
<td>Vacancies</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>7</td>
<td>1</td>
<td>-</td>
<td>72</td>
<td>80</td>
</tr>
</tbody>
</table>

Contd.....
**Central Coalfields Limited**

<table>
<thead>
<tr>
<th></th>
<th>E-8</th>
<th>E-7</th>
<th>E-6</th>
<th>E-5</th>
<th>E-4</th>
<th>E-3</th>
<th>E-2</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sanctioned strength</td>
<td>1</td>
<td>2</td>
<td>7</td>
<td>13</td>
<td>27</td>
<td>39</td>
<td>143</td>
<td>232</td>
</tr>
<tr>
<td>Actual strength</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>12</td>
<td>25</td>
<td>27</td>
<td>58</td>
<td>128</td>
</tr>
<tr>
<td>Vacancies</td>
<td>-</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>12</td>
<td>85</td>
<td>104</td>
</tr>
</tbody>
</table>

It will be seen from the above Tables that there are a large number of vacancies at the E-1 and E-2 levels. These are the personnel officers who are to work in the collieries where actual grievances of workers arise. The lack of adequate number of Personnel Officers at the working level in the industry where it is absolutely necessary to maintain continuous touch with the workers, is one of the reasons why the grievance machinery is not functioning adequately. This conclusion, of course, has been drawn from the position obtaining in two of the four subsidiary companies. But recruitment policies and qualifications for all the subsidiaries are uniform and controlled by the Coal India Limited. The position in the Bharat Coking Coal and the Western Coalfields Limited is unlikely to different. In fact, there are reasons
to believe that the number of vacancies in the personnel cadre are so large that the companies hesitated to provide information for precisely the same reason.

Quality of the Personnel Cadre

Apart from numbers, the quality of the personnel cadre is of great importance. The Expert Committee on Public Enterprises[^11] which went into the working of the Coal India found that the personnel sections in the coal industry were not adequately manned and a large number of sanctioned posts remained unfilled. The Committee found that because of existing policy, a large number of front-line posts were filled in a large measure by promotion from down below, thus diluting the quality of personnel. The Committee recommended that immediate steps should be taken to restructure the present inadequate personnel and industrial relations set up and manning the divisions with adequate number of persons qualified in their speciality.

Suggestions for Improving the Personnel Cadre

The inadequate numbers and deficiencies in quality in the personnel departments of the coal industry is an important weakness having a vital bearing on the state of industrial relations particularly on the grievance management system. This requires to be remedied as early as possible through a systematic recruitment and training programme. At higher levels competent talent from elsewhere has to be attracted through lateral entry arrangements.

In the next Chapter, we shall be examining another important area of industrial relations management. This relates to Standing Orders, which, according to law, every establishment with hundred workers and more is expected to have. This is an area which, if properly managed by competent officers, can help greatly in cutting down grievances from escalating into disputes.