APPENDIX VI

Model Grievance Procedure.

A. Grievance Machinery.

A Grievance Machinery will be required to be set up in each undertaking to administer the Grievance Procedure. The minimum requirements of such a machinery would be as follows, except where an established procedure is already working to the mutual satisfaction of either party. Even in the latter case, every effort shall be made to bring the procedure in conformity with the Guiding Principles.

For the purpose of constituting a fresh Grievance Machinery, workers in each department (and where a department is too small, in a group of departments) and each shift, shall elect, from amongst themselves and for a period of not less than one year at a time, departmental representatives and forward the list of persons so elected to the management. Where the Union(s) in the undertaking are in a position to submit an agreed list of names, recourse to election may not be necessary. Similar is the case where Works Committees are functioning satisfactorily, since the Works Committee member of a particular constituency shall act as the departmental representative. Correspondingly, the management shall designate the persons for each department who shall be approached at the first stage and the departmental heads for handling grievances at the second stage. To or three of the departmental representatives of workers and two or three departmental heads nominated by the management shall constitute the Grievance Committee, the composition of which is indicated in Appendix. In the case of appeals against discharges or dismissals, the management shall designate the authority to whom appeals could be made.

B. Grievance Procedure.

While adaptations have to be made to meet special circumstances such as those obtaining in the Defence undertakings, Railways, Plantations and also small undertakings employing few workmen the procedure normally envisaged in the handling of grievances should be as follows-

1) An aggrieved employee shall first present his grievance verbally in person to the officer designated by management for this purpose. An answer shall be given within 48 hours of the presentation of complaint.

2) If the worker is not satisfied with the decision of this officer or fails to receive an answer within the stipulated period, he shall, either in person or accompanied by his departmental representative, present his grievance to the Head of the Department designated by the Management for the purpose of handling grievances. (for this purpose, a fixed time shall be specified during which on any working
day, an aggrieved worker could meet the Departmental Head for presentation of Grievances). The Departmental Head shall give his answer within 3 days of the presentation of grievance. If action cannot be taken within that period, the reason for delay should be recorded.

3). If the decision of the Departmental Head is unsatisfactory, the aggrieved worker may request the forwarding of his grievance to the 'Grievance Committee' which shall make its recommendations to the Manager within 7 days of the workers' request. If the recommendations cannot be made within this time-limit, the reason for such a delay should be recorded. Unanimous recommendations of the Grievance Committee shall be implemented by the Management. In the event of a difference of opinion among the members of the Grievance Committee, the views of the members along with the relevant papers shall be placed before the Manager for final decision. In either case, the final decision of the management shall be communicated to the workmen concerned by the Personnel Officer within 3 days from the receipt of the Grievance Committee's recommendations.

4). Where the workman is not satisfied with the final decision of the management, he shall have the right to appeal to management for a revision. In making this appeal the worker, if he so desires, shall have the right to take a union official along with him to facilitate discussions with management. Management shall communicate their decision within a week of the workmen’s revision petition.

If no arrangement is still possible, the union and the management shall refer the grievance to voluntary arbitration.

5). Where a worker has taken up a Grievance for redressal under this procedure the formal Conciliation Machinery shall not intervene till all steps in the procedure are exhausted. A grievance shall be presumed to assume the form of a dispute only when the final decision of the top management in respect of the grievance is turned down by the worker.

6). If a Grievance arises out of an order given by management, the said order shall be complied with before the workmen concerned invokes the procedure laid down for redressal of Grievance. If, however, there is a time lag between the issue of order and its compliance, the grievance procedure may immediately be invoked but the order nevertheless must be complied within the due date, even if all the steps in the Grievance Procedure have not been exhausted. It may however be advisable for the management to wait the findings of Grievance Procedure machinery.

7). Workers' representatives on the Grievance Committee shall have the right of access to any document connected with the enquiry maintained in the department, and which may be necessary to understand the merit or otherwise of the workers' grievances. The management's representative's shall have the right, however, to refuse to show any document or give any information which they consider to be of a
confidential nature. Such confidential document(s) shall not be used against the workmen in the course of the Grievance proceedings.

8). There shall be a time-limit within which an appeal shall be taken from one step to the other. For this purpose the aggrieved worker shall, within 72 hours of the receipt of the decision at one stage (or if no decision is received, on the expiry of the stipulated period), file his appeal with the authority at the next higher stage, should he feel inclined to appeal.

9). In calculating the various time intervals under the above caules, holidays shall not be reckoned.

10). Management shall provide the necessary clerical and other assistance for the smooth functioning of the grievance machinery.

11). If it is necessary for any worker to leave the department during working hours on call from the Labour/Personnel Officer or any other Officer of the established grievance machinery, previous permission of his superior shall necessarily be obtained. Subject to this condition, the worker shall not suffer any loss in wages for the work time lost in this manner.

12). If, however, there be any complaint against any individual member of the staff, who is nominated by the management to handle grievance at the lowest level, the workman may take up his grievance at the next higher stage i.e., at the level of Departmental Head.

13). In the case of any grievance arising out of discharge or dismissal of a workman, the above mentioned procedure shall not apply. Instead a discharged or dismissed workman shall have the right to appeal either to the dismissing authority or to a senior authority who shall be specified by the management, within a week from the date of dismissal or discharge. At the time the appeal is heard, the workman may, if he so desires, be accompanied either by an official of the recognised union or a fellow worker, as the case may be.

Guiding Principles For A Grievance Procedure.

A grievance procedure should take note of the following principles—

(I). Conformity with existing legislation.

A Grievance Procedure forms part of the integrated scheme intended to promote satisfactory relations between employers and workers. This procedure should be designed to supplement the existing statutory provisions and it may, where practicable, make use of such machinery as is already provided by legislation. The Grievance Machinery can be availed of on the receipt by the workers of the order
causing a grievance. The operation of the order, however, need not be held up till the grievance machinery is completely exhausted. Wherever possible, attempts should be made to complete the grievance procedure between the time the order is passed and when it is acted upon.

(2). Need to make the machinery simple and expeditious:

(a) As far as possible, grievance should be settled at the lowest level.
(b) No matter should ordinarily be taken up at more than two levels, i.e., normally there should be only one appeal.
(c) Different types of grievances may be referred to appropriate authorities.
(d) A grievance must be redressed as expeditiously as possible and towards this end, the employer, in consultation with workers, should decide upon the time limit required for settling a grievance.

(3) Designation of authorities:

The workmen must know the authorities to be approached and it should, therefore, be incumbent on the management to designate the authorities to be contacted at various levels.

It may be useful to classify grievances as those arising from personal relationship and others arising out of conditions of employment. In the former case, a grievance should be taken up, in the first instance, with the authority in the line management immediately above the officer against whom the complaint is made. Thereafter, the matter may go to the Grievance Committee - comprising representatives of management and workers. The size and composition of the Committee shall be decided at the unit level (see annexure).

Other grievances should be taken up, in the first instance, with the authority designated by the management. Thereafter, a reference may be made to the Grievance Committee.

Where the matter goes to the Grievance Committee in the first instance, an appeal shall lie with the top management.

ANNEXURE

Constitution of Grievance Committee:

(1). In the case where the union is recognised:

Two representatives of Management plus a union representative and the union departmental representative of the department in which the workmen concerned work.

(2). In the case where the union is not recognised or there is no union but there is a Works Committee.

Two representatives of management plus the representative
of the department of the workmen concerned on the Works Committee plus either the Secretary or Vice-President of the Works Committee (this is in case the Secretary of the Works Committee is also the workman's departmental representative).

It is suggested that in the case of the management, their representatives should be the departmental head plus the official who dealt with the matter at the first stage, or personnel officer should act as an adviser.

The size of the 'Grievance Committee' should be limited to a maximum of four to six otherwise it becomes unwieldy.