

Chapter 14

Complaint procedures

While employers are not legally obligated to provide their employees with an internal grievance procedure, many choose to do so in an effort to satisfy employee complaints and to stave off union organizing campaigns. Employees who feel they have no way to voice their workplace problems and concerns are more likely to turn to a union for assistance in doing so. On the other hand, employees who are satisfied that their employer is concerned about issues affecting them and will make a good-faith effort to resolve legitimate grievances are less likely to be interested in a union or in filing a lawsuit. The problem solving procedure, contained in the first sample below, is designed for employers who are relatively free from concerns about unionization, while the fair treatment procedure, contained in the second sample below, which reads more like a typical collective bargaining agreement grievance procedure, is designed for employers with a greater expectation of union organizational activities.

An internal grievance procedure may also be advantageous to an employer in the discrimination context. An employee who has access to an internal policy and procedure may be less likely to turn first to an outside agency for assistance

The no-recrimination statement contained in the sample fair treatment procedure gives employees assurance that the employer will not retaliate against them for making a complaint or filing a grievance. Such a statement could be beneficial to an employer involved in a lawsuit with a former employee who claims that he or she was afraid to use the grievance procedure for fear of recrimination. The no-recrimination statement allows the employer to refute such an assertion by demonstrating that the company's policy forbids such retaliation.

THESE ALTERNATIVE POLICIES ARE LEGALLY DESIRABLE

SAMPLE POLICY

(Option 1)

Problem-solving Procedure

ABC Company is concerned with any situation affecting the employment relationship. The Company is committed to correcting any condition or situation that may cause unfairness or misunderstanding. It is inevitable that problems and misunderstandings may occur. Therefore, the Company has provided an orderly manner for an employee to voice an opinion or discuss a problem with management without prejudice or fear of retaliation.

If an employee has a problem or complaint, the employee should discuss it with his or her immediate supervisor as soon as possible.

If the problem is not satisfactorily resolved or the problem is with the supervisor, the employee may discuss it with his or her department manager or with Human Resources.

In the event the problem still has not been satisfactorily resolved, the employee has the right to discuss it with the president of the Company for a final resolution. The Human Resources manager will assist the employee (if requested) in the presentation of the problem to the president.

Not all complaints can be resolved to everyone's satisfaction. However, in each case, the reason for the decision will be clearly explained to the employee. Also, Human Resources personnel are available, at any time, to discuss and/or provide assistance on any complaint, problem, or concern that an employee may have.

No one may criticize, penalize, or treat an employee differently in any way for using this problem-solving procedure.

SAMPLE POLICY

(Option 2)

Fair Treatment Procedure

ABC Company intends to treat each employee fairly. We will do all we reasonably can to make this a good place to work. If you have a problem or complaint concerning your employment, or if you believe you are not being treated fairly, you are expected to take the appropriate steps, as set forth below, to see that the matter is resolved. Remember, even if you think your supervisor should be aware of your problem, your problem may not be resolved unless and until you take the appropriate steps.

Procedure

1. **First Step.** Any problem or complaint concerning wages, hours, working conditions, fair treatment, or other work-related matters ordinarily should be raised first with your immediate supervisor. It is important that any problem be discussed with your supervisor immediately – if possible, within three working days of the date you first learn of the basis for your complaint.

You may also file a formal grievance concerning any complaint about wages, hours, working conditions, fair treatment, or other work-related matters. This is done by filling out the pink form indicating that you wish to file a grievance and giving that form to your supervisor. You then have the option of writing up the grievance yourself or, having another employee or your supervisor write up the grievance.

Your supervisor will then discuss the grievance with you in an effort to resolve your grievance, unless you wish to proceed directly to the Second Step.

Your supervisor will submit the grievance, along with all relevant information, to the plant manager within 24 hours, even if the complaint has been resolved to the employee's satisfaction. Regardless of the outcome of the grievance discussion with the supervisor, the plant manager will schedule a follow-up interview with the employee within three working days of receipt of the grievance form. If the plant manager does not follow up with you, then you should contact the plant manager about the matter immediately.

2. **Second Step.** There may be times when the nature of a particular problem is such that you do not feel you can discuss it with your supervisor, your supervisor does not give you a prompt answer, or your supervisor does not give you a satisfactory answer. If so, then you should take your problem directly to the plant manager by arranging an appointment with him or her.

When discussing your complaint with the plant manager, you may, bring along a co-worker to assist you in presenting your problem. The plant manager will attempt to resolve your concerns and will make a record of the discussion, which will be submitted to the president within 24 hours.

3. **Third Step.** If your problem or complaint has still not been resolved to your satisfaction in the Second Step within three working days, then you should take your problem directly to the president of the Company by arranging an appointment with him or her. When you discuss your complaint with the president, you may, bring along either your supervisor, the plant manager, or one co-worker to assist you in presenting your complaint.

The president will give you an answer. The president's decision on any grievance or complaint will be final.

No Recrimination Statement

No one may criticize you, penalize you, or treat you differently in any way for using this fair treatment procedure.

This procedure is not intended to prevent you from discussing any matter with any level of management, including the president or Human Resources, at any time, but you are encouraged to follow the procedure as set forth in the First, Second, and Third Steps of this policy.