

# On Having A Grievance, Feeling Aggrieved, and Grieving

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# Begin at the Beginning

- Labour power is sold in the labour market so that the worker can make income from its use as a factor of production
- There is inequality before, during and after the labour market
- The employment relation is itself unequal and therefore unfair and unjust, and the legal contract just provides a regulatory framework within which the economic and political imbalance flourishes

# The Loaded Gun – Management's Right To Manage

- A right derived from ownership of private property -  
- exclusive control against all comers
- The economic reality within the Principal-Agent problem becomes a legal reality with the 1831 Truck Act when managers can contract and therefore discipline workers
- The rights of the managed are derived from a social inequality before the market and a power inequality within the market

# Solving the labour problem

- The labour problem is widespread and persistent relative low productivity and labour performance
- It is caused by workers not complying with either the clauses of their contract or the fear of unemployment, because they feel some of the time and to some extent exploited, alienated, and anomic
- So HRM (labour management) is designed to obtain the maximum utilisation of paid labour units through control over the labour process
- This control is achieved through both consent (ideology and incentives) and coercion (fear and threats)

# Enforced and agreed regulation

- Rules govern our social lives, as well as our political and economic relationships
- At work we are interested in types of rule (formal and informal), the rule makers (unilateral from management; bilateral between management and unions); their origins (external from the law; internal from the firm); and their enforcement (by whom, under what circumstances, and with what principles in mind)

# Grievances defined

- International Labour Organisation Recommendation 130 (1967)
- The grounds for a grievance may be any measure or situation which concerns the relations between employer and worker or which affects or may affect the conditions of employment of one or several workers in the undertaking when that measure or situation appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations, or to the custom or usage of the occupation, branch of economic activity or country, regard being had to principles of good faith.

# Grievances

- The nature of rules.
- The nature of fairness.
- The formal procedures.
- Issues and stages in handling grievances.
- Outcomes of grievance procedures.
- Grievance issues include pay, conditions of service, discrimination, victimisation, bullying, promotion, training opportunities, selection for redundancy, health and safety.

# The Importance Of Grievances

- They reveal the dynamics of management power and authority, and the frontier of control.
- They originate in the establishment of factory conditions of working.
- They are linked to issues of job regulation and Taylorism
- They reveal the interests and awareness of workers.
- They are linked to labour market conditions.
- They are linked to developments in the law.



# The Individual Is The Collective

- The nature of collective bargaining
- Both trade unions and management represent a collective
- Accompany, represent and negotiate
- The micro-politics of the workplace -- the impact on others; the impact on systems and procedures; and the impact on management-staff/union relationships – with current trend for employers to push back union rights and duties, and curtail union time off
- How natural is justice?

# Starting, handling and hearing

- Structuring attitudes and the union representative as first port of call
- Deciding the grievance and deciding the action
- All grievances are the same and therefore should be dealt with through the same mechanism
- Everything is negotiable and should be negotiated from the wording and hearing through to outcomes and enforcement

# Trends and tendencies

- Inability to distinguish what is wrong – a colleague's behaviour, a manager's stance, a sense of 'injustice', and the possibility of remedy
- More workers report that they feel aggrieved than before, but fewer act upon them at work.
- Unions are competent enough, but lack strategic practices and collective response
- Response too technical and not sufficiently political
- The trend is to either Tribunal use or nothing; and the tendency is to individualise and offer half-solutions – leaving workers grieving and aggrieved