

TOWARD A BETTER UNDERSTANDING OF THE
GRIEVANCE PROCEDURE IN THE PUBLIC SERVICE—
A CANADIAN EXAMPLE

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ABSTRACT

Managers and unions in public and private sector unionized workplaces, as well as scholars, are keenly interested in the problems that arise in the area of union grievances. The objective of this article was to study two of these issues: the propensity to grieve and employee perceptions of the effectiveness of the grievance procedure itself. In examining the first theme, we build upon Wheeler's theory of industrial conflict [1]. Our findings confirmed the relevance of this theory as a framework for the analysis of the propensity to grieve. Our findings also demonstrated that employees are rarely satisfied with the grievance procedure. Finally, we concluded the grievance procedure is ineffective on the basis of the criteria generally found in the pertinent literature. Our data was taken from a survey distributed to 876 potential respondents who work in one of the major departments of the Canadian public service.

Faced with the new economic environment, both public and private employers seek to reduce their overall employment costs. Among the latter, the time and financial resources devoted to conflict resolution via the grievance procedure undoubtedly represents a considerable investment and a target of choice. From this perspective, a good understanding of the factors that act on the propensity to grieve is a subject of considerable interest particularly in the public sector, where the labor force is highly unionized. Indeed, in the setting of a labor relations environment that implies the settlement of union-management disputes through less

adversarial methods, grievances come to be perceived as quasi-anachronistic. Both parties are thus likely to favor reducing the volume of grievances for reasons of economy and to enjoy a better relationship.

From another perspective, among the various mechanisms available, the grievance procedure is unquestionably the conflict resolution method used most often in unionized workplaces to resolve disputes related to the application and interpretation of collective agreements [2]. This fundamental and particular characteristic of the North American labor relations system, which can be found in the overwhelming majority of American and Canadian collective agreements, is a key part of the overall framework that seeks to establish industrial peace in work organizations [3]. It is via the grievance procedure that employees have the possibility of expressing their dissatisfaction and challenging decisions made by their employers that do not appear to comply with one or several terms of their collective agreement [3]. Furthermore, the grievance constitutes an element of democratization in the workplace [3]. The grievance procedure thus plays a crucial role in the day-to-day management of labor relations.

The conciliation of these two perspectives could reside in an arrangement whereby the actors consider the grievance procedure an appropriate conflict resolution process, where employees have recourse to grievances when they feel it necessary, but also where labor and management agree to identify the sources of any given grievance, attempt to settle it, in addition to implementing less costly alternative conflict resolution mechanisms. These initial considerations lead to two research questions:

1. *What are the factors that explain the propensity to grieve?*
2. *How do employees perceive the grievance procedure and its effectiveness?*

EXPLANATORY FACTORS OF THE PROPENSITY TO GRIEVE

A review of the literature that deals with the factors that explain the propensity to grieve produced a total of forty-five studies, of which nineteen dealt directly with the subject under consideration. The remaining authors dealt instead with various aspects of the grievance procedure, its workings, the number of levels involved, as well as the impact of grievances on the organization and on the employees and their performance. We limited our review of the literature to the factors that influence the actual filing of a grievance, in other words *the determinants of grievance initiation*. Among the above-mentioned studies, twelve date from the 1990s, while the remaining seven are from previous years.

While the older research studies concentrate more on the demographic and socioeconomic characteristics of the employees (factors that describe the individuals who have a propensity to grieve), the more recent studies tend to focus on the organizational patterns and structures that influence the propensity to

grieve. Thus, the list of factors that explain the propensity to grieve include, among others, the simple need to make one's voice heard, the militancy of the membership, the poor quality of union-management relations, management policies and practices, precarious environmental conditions, and unsuitable workplaces [4].

Notwithstanding these studies, scholars have not always succeeded in establishing a firm grip on the factors that explain why some employees are more inclined to file a grievance than others [4]. This weakness could be explained in various ways. Over and above all else, it could be due to the absence of literature that deals with the entire set of variables related to the grievance procedure and, thus, an incoherent theoretical foundation or simply due to the absence of any theoretical foundation whatsoever.

Grievance research up to the mid-1980s was largely descriptive and atheoretical. There were virtually no attempts to develop a theoretical framework to guide research, no hypotheses were proposed or tested, and very little quantitative data was collected. Some of the recent research remains mostly atheoretical with ad hoc or no hypotheses [4, p. 360].

Various authors have attempted to classify the writings that deal with the factors explaining the propensity to grieve [5-8]. Overall, although the classifications and the typologies of the factors that explain the propensity to grieve put forward by various authors resemble one another—indeed often overlap one another—we have opted for Labig and Greer's approach [5] as our point of departure. We have done so because their classification scheme brings the factors together in a coherent manner.

Labig and Greer's typology assembles all of the factors associated with the propensity to grieve into five major categories: factors related to the environment, management, union, labor-management interaction, and individual employee. Each of the five categories incorporates two or more factors that explain the propensity to grieve [5]. We have decided, however, considering the similarities and a certain overlap of the factors, to take these five categories and condense them into four categories. These categories are the factors related to the environment, management, union, and individual employee.

Factors Related to the Environment

A substantial number of the studies that attempt to explain the propensity to grieve focus on factors related to the environment [7-11]. On the basis of the typology of factors that explain the propensity to grieve proposed by Labig and Greer [5], we can identify two subcategories of environmental factors that can act upon the propensity to grieve: the industry segment (line of business) and the

economic conditions (conditions in the job and in the product and service markets).

Some evidence in the literature shows the propensity to grieve varies according to the industry segment. According to Muchinsky and Maassarani's research findings, which examined two large administrative agencies in the State of Iowa (the Department of Social Services and the Department of Transportation), the grievance rate is higher in hospitals and prisons than in the area of transportation [7]. They explain their results by the fact that the two former groups of employees (hospital and prison employees) work in unstable work environments, where the threat of violence is more immediate. These findings lend support to those obtained previously by Peach and Livernash who had undertaken a similar study in the private sector [8]. Indeed, Peach and Livernash concluded a relation exists between the grievance rate and the work characteristic of any given industry segment [8]. Since 1974, no other authors appear to have taken an interest in the influence of the industry segment on the propensity to grieve.

We identified two studies that examine the economic conditions variable [9, 11]. According to the results obtained by Slitcher, Healy, and Livernash from a series of interviews, a positive relation exists between unstable economic conditions and operational changes and the propensity to grieve [11]. According to these authors, the more unstable the economic conditions, the more likely operational transformations are to take place and the stronger the propensity to grieve [11]. More recently, Cappelli and Chauvin studied the influence of the job market on the propensity to grieve [9]. Their main hypothesis was that employees who perceive injustice tend to compare the cost and effectiveness of filing a grievance with their other options, such as leaving the company (exit strategy) or remaining silent (apathy). Since the cost associated with leaving the company is dependent on conditions in the job market, the employee tends to remain silent if the unemployment rate is high or if his/her salary is greater within the company where s/he works than what is available in the market. Thus, a high unemployment rate is negatively related to the propensity to grieve, while the existence of higher salaries within competing companies is positively related to the grievance rate.

Factors Related to Management

The literature suggests two subcategories of factors related to management that explain the propensity to grieve: the supervisor's attitudes toward their employees, and management practices and policies. Walker and Robinson also studied management's influence on the propensity to grieve [12]. Their study was undertaken in a unionized manufacturer of fastening hardware used for heavy machinery. According to their findings, employees working under a supervisor with an autocratic management style have a weaker propensity to grieve than employees working under a supervisor with a democratic management style.

They explained these results by assuming that autocratic supervisors are better administrators than their democratic counterparts and the former tend to be better at managing grievances [12]. These findings contradict those obtained three years earlier by Peach and Livernash [8]. Indeed, according to these authors, a negative relation exists between democracy and the propensity to grieve, because the more considerate the supervisor (democracy), the less inclined the employee is to file a grievance. On the other hand, an employee working under a task-oriented or autocratic supervisor has a stronger propensity to grieve. More recently, Labig and Greer [5], Bemmels, Reshef, and Stratton-Devine [13], and Bemmels and Foley [4] examined the same question and arrived at the same conclusions as Peach and Livernash [8].

Meanwhile, the literature also suggests that a relationship exists between management policies and practices and the propensity to grieve. According to Peach and Livernash [8] and Gandz [14], consultation with the union before the introduction of changes in a workplace considerably reduces the propensity to grieve. On the other hand, generally speaking, it appears the propensity to grieve is weaker in workplaces where management views the union in a positive manner [14]. Some researchers [11, 14, 15] have sought to understand the effect of labor-management relations on the propensity to grieve. Their findings are unanimous: whenever management promotes harmonious labor-management relations, including the exchange of information and cooperation, the grievance rate is not very high. According to Gandz and Whitehead [15], the labor relations climate influences not only the grievance rate, but also the manner in which grievances are resolved. The reciprocal attitudes of the parties thus play a key role on the propensity to grieve. The better the labor-management relations, the lower the grievance rate.

The ambiguity of contract language and the manager's discretion in the application of the collective agreement also have an effect on the grievance rate [5, 14]. This occurs when the contract language is ambiguous or the manager applies the agreement to the letter. Finally, the number of levels that make up the grievance procedure also influences grievance administration and, by extension, the propensity to grieve. According to Gandz [14] and Labig and Helburn [16], the more levels that make up the grievance procedure, the higher the grievance rate. The authors explain this observation by the fact that employees and the union often tend to take the grievance to the highest possible level of the grievance procedure in an attempt to overturn the decision of one of the numerous actors in the process.

Factors Related to the Union

According to Ash, a negative relationship exists between the union representative's experience and the propensity to grieve [17]. Indeed, the more experienced the union representative, the weaker the propensity to grieve. Union militancy is

also a factor that explains the propensity to grieve. For Dalton and Todor, the more militant the union representative, the stronger the propensity to grieve [18]. Bemmels, Reshef, and Stratton-Devine took an interest in the influence of the union representative's level of formal education and the extent of his/her union training on the propensity to grieve [13]. According to them, the higher the union representative's level of education, in conjunction with union training, the weaker the propensity to grieve [13]. On the other hand, according to Dalton and Todor [18] and Bemmels, Reshef, and Stratton-Devine [13], the union representative's attitude toward management also has an influence on the propensity to grieve. Indeed, according to the latter, the more positive the union representative's attitude toward management, the lower the grievance rate. They explain this observation by stating that the union representative with a positive attitude toward management tends to better analyze grievances and endorses only those grievances that are genuinely well founded or that cannot be settled informally. The representative also favors the resolution of the fundamentals that give rise to the problem. On the other hand, Dalton and Todor's [18] findings, as well as those of Bemmels, Reshef, and Stratton-Devine [13], have also demonstrated that the union representative's desire to be involved in the decision-making process is another factor that can explain the propensity to grieve. According to the latter, the more the union representative has a predisposition to take part in decisions, the more that representative tends to favor using grievances to satisfy those needs.

Some studies of the union representative's personality demonstrated that needs of dominance, affiliation, and risk-taking each have a role to play in the propensity to grieve [8, 13, 18]. This aspect is closely linked to the factors of union militancy and union commitment. Indeed, the more dominating the union representative's personality, the greater his/her needs of affiliation and risk-taking, the stronger the propensity to grieve.

Some authors have also looked at the effect of union policies on the propensity to grieve [8, 18]. Their findings demonstrate that the more the union has a policy that favors conflict resolution at the work unit level and through informal channels, the lower the grievance rate. The relationship is a positive one where union policy prefers third-party or more formal conflict resolution methods.

Factors Related to the Individual Employee

According to Bemmels and Foley, the vast majority of scholars who have analyzed the relationship between the propensity to grieve and the factors linked to the individual employee have divided their samples into two distinct groups: those employees who have filed one or several grievances and those who have never filed a grievance [4]. In this connection, scholars have attempted to distinguish the characteristics of the two groups. They have especially concentrated

their attention on the employee's age, seniority, race, family status, level of education, and skills.

The results of a study undertaken by Dalton and Todor demonstrated that the younger the employee, the stronger the propensity to grieve [18]. Their observation was corroborated by results obtained by Ash [17] and Lewin and Peterson [19]. Subsequent to a study undertaken in four organizations, Lewin and Peterson concluded that employees having the strongest propensity to grieve were younger, had less education, and were more likely to be male [19].

According to Dalton and Todor loyalty toward the union and loyalty toward management are, respectively, associated in a positive and a negative manner with the decision to file a grievance [20]. They also concluded that employees who have a stronger propensity to grieve were likely to be less satisfied at work and to have a negative attitude toward their supervisor. For Labig and Greer blue-collar workers are more inclined to file a grievance than white-collar workers [5]. This can be explained by the fact that, in general, blue-collar workers work in groups more often than white-collar workers do (group cohesion). On the other hand, it appears university faculty members and engineers are very weakly inclined toward filing grievances. Although the results obtained by Labig and Greer appear to demonstrate a certain relationship between the propensity to grieve and the employee's occupational group [5], the relatively few studies on this particular topic and their limited selection of samples restrict the validity of the findings.

To sum up this review of the factors that explain the propensity to grieve, Table 1 presents each of the factors grouped together under their respective category headings.

Table 1. Overview of the Factors Associated with the Propensity to Grieve

Factors Related to the Environment	Factors Related to Management	Factors Related to the Union	Factors Related to the Individual Employee
Industry segment	Supervisor attitude toward employees	Representative experience	Demographic characteristics
Unstable economic conditions	Management practices and policies	Union militancy	Employer and union loyalty
Job market	Application of the collective agreement	Attitude toward management	Job satisfaction
		Representative personality	

AN EXPLANATORY MODEL OF THE PROPENSITY TO GRIEVE

Although this review of the literature has provided the means to classify a substantial number of variables that explain the propensity to grieve, few theories exist that sustain the relationships brought to light by these studies. These variables are part of models based either on the scholar's previous research results or his/her own particular observations. A theoretical deficiency in this domain seems obvious. In an effort to address this deficiency, we based our analysis of the propensity to grieve on the industrial conflict theory developed by Wheeler [1] and substantiated empirically by Wheeler, McClendon, and Weikle [21], among others. This theory can be used to analyze subjects such as the strike and the propensity to organize a union or to file grievances, where the latter subjects are deemed the dependent variable in the model. According to Wheeler's theory, an employee's propensity to initiate an action against the employer stems from the employee's frustrations in the workplace and the expected benefits seen as a result of initiating said action [1]. Subsequent to the employee's cost-benefit analysis, s/he may decide to employ nonadversarial means to reduce his/her frustrations if such means do indeed exist [1]. For the purposes of this research project, dissatisfaction in the workplace is deemed to be the equivalent of experiencing frustrations; harmonious labor-management relations in the workplace take the place of the possibilities of peaceful dispute settlement; cost-benefit analysis is reflected by the employee's attitudes toward unions, the perception of the effectiveness of the grievance procedure, and the cost of the grievance to the employee. The links between these concepts (inspired by Wheeler [1] and depicted in our explanatory model) are reproduced in Figure 1.

Dissatisfaction in the workplace emulates the concept of frustration put forward by the industrial conflict theory [1]. *Dissatisfaction* was measured by the

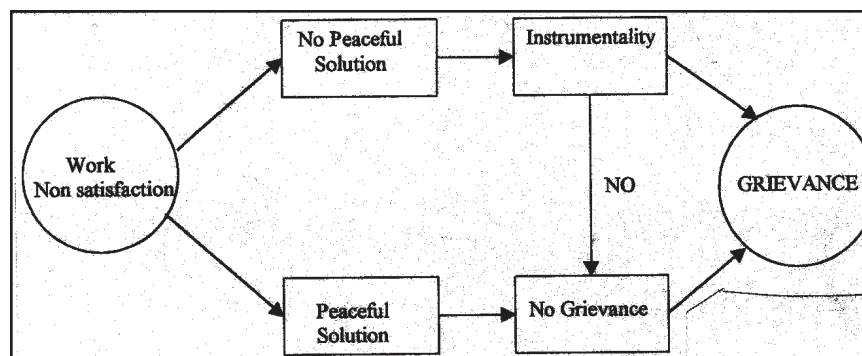


Figure 1. Explanatory model of the propensity to grieve.

Warr, Cook, and Wall job satisfaction index which includes seventeen questions with an α of 0.8649 [22]. The *peaceful dispute settlement* concept includes two variables, namely, a relationship between the parties that promotes problem resolution and the workplace itself. The latter reflects local management practices. The first variable has been measured by an index made up of four questions (α of 0.7789) and the second variable simply identifies the workplace by assigning it a nominal value. Finally, the concept of instrumentality includes three variables, namely, the employee's attitudes toward unions, the perception of the effectiveness of the grievance procedure, and the cost of the grievance to the employee. The first variable was measured by using the McShane index, consisting of eight indicators (α of 0.9265) [23]. The second variable was measured by five questions that generate an α of 0.7897. The measurement of the costs of the grievance is made up of two questions that produce an α of 0.81919. The variables *Perception of effectiveness* and *Costs of the grievance to the employee* were also used in the analysis of the employee's perception of the grievance procedure. Finally, the dependent variable has two possible values, the first (1) designates employees who have already submitted a grievance, while the second (0) designates those who have never filed a grievance.

RESULTS

To test our analytical model, we used a questionnaire sent to 876 employees of one of the largest departments in the Canadian federal public service. After discussions with union officials and some managers, we agreed to limit our study to four workplaces representative of all the department's workplaces: Headquarters, Halifax, Montreal, and Edmonton. The participants were chosen at random in accordance with the relative proportions of each of the workplaces to the whole. A total of 391 questionnaires were returned, for a response rate of 44.6 percent.

The Propensity To Grieve

According to our explanatory model, the propensity to grieve is a function of dissatisfaction in the workplace, the degree to which amicable dispute settlement is present, the employees' attitudes toward unions, their perception of the effectiveness of the grievance procedure, and their perception of the costs of filing a grievance. The hypotheses implied by this model are that each of these variables significantly influences the propensity to grieve.

Considering that the propensity to grieve is a dichotomous variable, the statistical analysis was done using logistic regression, a method specially conceived to analyze dichotomous dependent variables [24]. The ultimate objective was to construct the optimal model that will successfully predict the value of the dependent variable. The results of the logistic regression are presented in Table 2.

Table 2. Results of the Logistic Regression of the Propensity to Unionize

Variables	B	Wald	Significance	R
Job satisfaction	-0.3691	5.6942	0.0151	-0.0985
Labor-management relations	0.5842	7.1448	0.0075	0.1117
Workplace	0.4937	5.0404	0.0248	0.0858
Attitude toward unions	0.3307	3.1009	0.0782	0.0516
Efficacy of the grievance procedure	-0.4934	5.2343	0.0221	-0.0885
Perceived cost to grieve	-0.6471	13.4010	0.0003	-0.1662
Percent of cases properly classified: 72.7%	Goodness of fit: 315.777	-2 Log Likelihood: 359.646	Chi square: 53.029 Chi sign: .0000	Number of respondents: 321

As anticipated, the explanatory model explains a good part of the variance of the propensity to grieve, each of the variables being statistically significant at the level of 0.10 and five of them at the level of 0.05. Only 321 of the 391 questionnaires could be used in our statistical analysis, given that seventy of the completed questionnaires contained one or several missing values with respect to one or more of the seven variables being analyzed. The model being tested empirically proved to be significant at 0.000 (chi squared). It correctly predicts 72.7 percent of the cases with regard to their falling into the group that either has or has not filed grievances.

We were somewhat surprised to observe the explanatory weakness of the employees' attitudes toward unions, which ranks last in terms of statistical significance. Its influence is probably partly captured by other variables in the model. In descending order, the variables that have the strongest influence are the perceived cost of the grievance, labor-management relations, dissatisfaction in the workplace, the perceived effectiveness of the grievance procedure, the workplace, and, finally, the employees' attitudes toward unions.

These results confirm Wheeler's theory [1] and the explanatory model proposed here. However, since we analyzed all of these variables simultaneously, we

were unable to confirm the sequence by which each one influences the employee's decision to grieve or not. Meanwhile, in order to be able to explore the possibility of raising a grievance, a certain level of dissatisfaction in the workplace is somewhat of a prerequisite. Once this is the case, the other variables in the model come into play.

EMPLOYEE PERCEPTIONS OF THE GRIEVANCE PROCEDURE AND ITS EFFECTIVENESS

The second research question aimed to evaluate the degree of employee satisfaction with the grievance procedure and its effectiveness. The two research questions are interrelated, considering that several of their indicators are the same. In all, eight questions for which the results are contained in Table 3 provided the means to measure the degree of employee satisfaction with the grievance procedure.

With the exception of the results obtained in response to the second question listed in Table 3, we can safely assert that the employees have a negative perception of the grievance procedure. Indeed, 46.1 percent of the employees believed

Table 3. Employee Perceptions of the Grievance Procedure

Questions	Disagree	Neutral	Agree	Average/5
Once management makes up its mind, it is not open to change.	12.3%	56.7%	31.0%	3.23
Grievances protect against management high-handedness.	16.7%	37.2%	46.1%	3.30
Grievances are an efficient means to win our case on an issue.	40.1%	41.4%	18.5%	2.69
The outcome of grievances is fair and equitable.	26.7%	55.1%	18.2%	2.84
If I grieve, I expose myself to reprisals.	47.8%	40.0%	12.2%	2.47
Grievances are settled expeditiously.	46.4%	45.8%	7.8%	2.39
I chose not to file a grievance when I was in a situation where I would have been able to do so.	YES: 57.3%		NO: 42.7%	

the grievance procedure protects them against management high-handedness. On the other hand, the employees expressed a negative opinion of the grievance procedure in response to all of the other questions. In descending order, they believed grievances are not settled expeditiously, they expose themselves to reprisals if they file a grievance, the outcome of the grievance procedure is not fair and equitable, the grievance procedure is not the best means to win one's case, and that once management makes up its mind, it isn't open to change. Considering this unflattering portrait, it is obvious that a relatively high level of dissatisfaction exists with respect to the grievance procedure, which could explain why it is not frequently used.

In this connection, we can see from the last line of Table 3 that 57.3 percent of the respondents indicated they chose not to file a grievance even when they were in a situation where they would have been able to do so. Using an open question, we asked these respondents to record the specific reasons motivating their inaction. The comments we received from 206 of these respondents were classified into four major categories: settled amicably (19%); does not believe in the grievance procedure (25%); has no confidence in management (47%); and, has no confidence in the union (9%). The lack of confidence in management is generally associated with a fear of reprisal and the lack of faith in the grievance procedure with its long delays and faint chances of success.

The efficacy of a process can be evaluated by the degree to which its objectives are met. In this connection, we refer to the criteria put forward by Hébert [25], Freeman and Medoff [26], and Godard [3]. For Hébert, the grievance is affirmed to be a means to ensure that the terms of the collective agreement are respected, a form of quick and inexpensive justice and a means to right a perceived or genuine injustice [25]. For Freeman and Medoff, the grievance is "An effective mechanism for improving workplace democracy and for providing employees with a meaningful voice in matters affecting their employment" [26, p. 64]. Finally, in our opinion, Godard provided the most detailed set of criteria to evaluate the effectiveness of the grievance procedure when he wrote that the grievance

provides workers with a vehicle for expressing discontent, either general in nature or with respect to the specific treatment afforded them by management. As such, it can serve as a mechanism of individual or group voice. It provides a release for workers and also serves as a form of communication and a source of information to management about problems in the workplace. This process provides employees with rights and protections similar to those provided by democratic states outside the workplace [3, p. 36].

When we compare the preceding effectiveness criteria with the results presented here, we conclude that the grievance procedure is hardly effective. Indeed, more than one-half of the respondents do not use the grievance procedure

when they are in a situation to do so, and a very large proportion of employees fear the reprisals that filing a grievance can produce. They do not believe that the grievance procedure is a reliable method to win one's case and they hold the opinion that grievances are not settled expeditiously. Faced with such data, the majority of the criteria identified by the above-mentioned authors are quite simply not met.

DISCUSSION

The first question examined in this article dealt with the factors associated with the propensity to grieve. In this connection, to our knowledge this is the first time that the theory of industrial conflict has been used as a framework to explain the propensity to grieve. The theory provides us with the means to explain the correct classification of 72.7 percent of the cases, which demonstrates its relevance to this area of study. The cost of the grievance and the state of labor-management relations are the most influential factors in the model, while the employees' attitudes toward unions and the perception of the effectiveness of the grievance procedure appear as the least important, although they do have a statistically significant impact. A careful review of the indicators used when the theory is operationalized could, however, produce improvements and probably even more conclusive results.

We believe it worthwhile to examine the practical implications that stem from our results. In our opinion, it gives managers and unions in the public sector a better understanding of the grievance procedure. Considering that satisfaction in the workplace is the point of departure for the decision to file a grievance, managers should undoubtedly pay more attention to employee needs. It usually doesn't cost very much to satisfy the intrinsic needs of individuals. It is often just a matter of showing more appreciation for their work, of enabling them to fulfill themselves in their work and of implementing effective communication mechanisms within work units and within the organization. In this connection, time and time again it has been demonstrated that the simple fact of involving employees and their representatives from the outset when management policies are revised or modified acts positively on employee satisfaction in the workplace and, by the same token, negatively on the propensity to grieve. In short, the democratization of management practices, of work, and of communications should fundamentally reduce the propensity to grieve.

While implementing a more sound management approach to reduce the number of grievances, it would also be appropriate to improve the grievance procedure itself by trying to eliminate or at least reduce its dissuasive aspects. This could, in turn, increase the number of grievances, but it would at least increase the efficacy of the procedure. Thus, managers should be trained in such a way as to better understand that the grievance is an employee's legitimate right, that it is also useful for managers, that at no time should the employees undergo

reprisals after filing a grievance, and, finally, that it is important to render fair and equitable decisions within reasonably short periods of time.

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