

# Grievance and discipline



Week 9 & 10

# Discipline

- Discipline implies corrective action through education or punishment to modify employee behaviour or performance.
- Discipline is often referred to as **adverse action**, and in the public sector must be for **just cause** (i.e., not arbitrary or capricious).

# Question of Discipline

- Did the organization give the employee forewarning?
- Was the rule or standard that was violated reasonable and related to organizational performance?
- Is there substantial proof (e.g., documentation)?
- Is the rule applied evenhandedly to all employees?
- Was the adverse action reasonable given the offense and the service record of the employee?

# Discipline And Its Dimension

- Formality (e.g., written vs. oral)
- Intent (e.g., poor performance or behaviour due to ignorance calls for corrective discipline while
- Lack of concern about outcomes or blatant disregard for rules calls for more punitive discipline)



# Discipline And Its Dimension

- Locus of Control (should control rest with the supervisor which maximizes discretion or be
- Consolidated in a centralized system through standardized procedures and "one size fits all")
- Trust is an important dimension of disciplinary action. If discipline is not applied in a fair, consistent, and reasonable manner, it can create a distrustful atmosphere where employees do not trust each other or management.

# Progressive discipline systems

- Progressive discipline systems are a good model to follow, assuming that in most cases corrective discipline is appropriate rather than punitive. Progressive discipline is based on the concept that the severity of the adverse action should escalate with the persistence of the behaviour or performance problem. --

# Progressive discipline systems

- Step 1: Informal talk with the employee
- Step 2: Verbal notice
- Step 3: Written notice
- Step 4: Disciplinary action



# Rights, Responsibilities, and Due Process

- Any adverse action taken by government against an employee requires careful consideration of due process.
- Although nonprofit sector employees are not generally viewed as holding a property right, due process procedures in the case of adverse action are still recommended as a generally accepted foundation of workplace democracy.
- This means an appeal or grievance process must be in place that is commensurate in formality to the consequences facing the employee.

# Rights, Responsibilities, and Due Process

- Some organizations have established independent mechanisms to manage disputes or ombudsman offices as places to take issues for a neutral hearing and informal resolution of issues.

# Disciplines Cases

- A manager should be aware of a number of issues that may be involved in discipline cases:
- Whistleblower Protection Act (employees must be protected from retaliatory acts such as
- Demotion, reassignment, or suspension due to reporting of waste, fraud, or abuse).
- Importance of communication skills by managers dealing with discipline situations (p. 363).

# Disciplines Cases

- Flexible work arrangements such as flexitime and telecommuting emphasize the need for
- Carefully crafted policies that are consistently applied.
- Workplace violence has placed a renewed emphasis on rules regarding civility on the job.
- Technology has dramatically increased the ability of organizations to monitor employee.



# Disciplines Cases

- Behaviour and performance. Managers need to think carefully about the impact of such capability on employee trust and overall relations.
- Increased diversity in the workplace across a variety of dimensions (sex, race, age, culture, values) creates the challenge to distinguish between disputes based on performance or
- Job-related behaviour versus an inability to manage difference.

# Organizational Justice

- **Distributive Justice** - The 'outcome' is usually thought of as some decision that has been rendered regarding the employee. Typical examples include hiring decisions, and the outcomes of performance appraisals, raise requests, decisions about downsizing/layoffs, etc.

# Organizational Justice

- Procedural Justice - The element of procedural fairness that was violated was the consistency of the hiring procedures used (i.e., she bent the rules for her relative).

# Organizational Justice

- Distributive Justice - The “allocating resources” in situations where the organization has some outcome that can be distributed to some employees (for instance, a certain number of promotions or new jobs, or a certain amount of money that can be allocated for raises or bonuses).

# Organizational Justice

- Procedural Justice - it refers to when individuals (i.e., employees) are given a chance to speak on their own behalf.
- They distinguished between ‘instrumental’ voice, in which their comments may influence the decision, and ‘non-instrumental’ voice, in which the comments will have no bearing on the outcome (e.g., comments were only allowed after the decision had been made). Various studies have shown both to be effective in various contexts.