

APPENDIX - I.

A P P E N D I X - IMODEL GRIEVANCE PROCEDUREA) Grievance Machinery :

A grievance machinery is required to be set in each undertaking to administer the grievance procedure. The minimum requirements of such a machinery would be as follows :

Except where an establishment 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 principles guiding the settlement procedure. ( Annexure - A).

For the purpose of setting a fresh grievance machinery workers in each department, and each shift shall elect from among 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 in the undertaking is in a position to submit an agreed list of names, conducting election, may not be necessary, nor will this be necessary when a Works Committee is functioning satisfactorily, for the works committees member of a particular constituency shall act as the departmental representative.

Simultaneously the management shall appoint persons for each department who shall be approached at the first stage and the departmental heads for handling grievances at the second stage. Two or three of such departmental heads appointed by the management shall form a Grievance Committee. In a case of appeals against dismissals the management shall appoint the authority to which appeals could be made.

B) Grievance Procedure :

In the undertakings employing a small number of workment, the following procedure for handling the grievances should be undertaken.

1) An Aggrieved Employee shall first present his grievance verbally in person to the Officer appointed by the management for this purpose. An answer shall be given to him within forty eight hours from the presentation of the complaint .

2) If the worker is not satisfied with the decision of this officer he shall in person or accompanied by his departmental Representative, present his grievance to the head of Department appointed by the management for the purpose

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of handling grievances. For this purpose a fixed time shall be specified during which, an aggrieved employee may meet the departmental head for the stating of his grievance. The departmental head shall give his decision within 3 days of the presentation of his grievance. If the action cannot be taken within that period, the reason for the delay should be recorded.

3) If the decision of the departmental head is unsatisfactory, the aggrieved employee may request the forwarding of his grievance to the Grievance Committee, which shall make its recommendation to the manager, within 7 days of the workers request. If the recommendations cannot be made within the time limit, the reason for such delay should be recorded. The recommendation of the grievance committee shall be implemented by the management. The final decision of the management shall be communicated by the personnel officer to the employee concerned within 3 days of the receipt of the grievance committee's recommendations.

4) If the decision of the management is not communicated to the worker within the specific period, he shall appeal to the management for a revision. The worker, in this case, may even take the Union Officials along with

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him to discuss with the management. The management shall communicate its decision, to him within a week of the presentation of the worker's revision petition.

5) If no agreement is possible, the Union and the management may refer the grievance to voluntary arbitration within a week from the date of receipt by the worker, of the management's decision.

6) Where a worker has taken up a grievance for settlement under this procedure, the formal conciliation machinery shall not interfere till all the steps in the procedure have been exhausted. A grievance shall be presumed to assume the form of a dispute only when the final decision of the top management in this respect is not acceptable to the worker.

7) If a grievance arises out of an order issued by the management, the said order shall be complied with, before the worker invokes the procedure laid down for the settlement of the grievance. The order must nevertheless be complied with within the due date, even if all the steps in the grievance procedure have been exhausted. It may, be advisable for the management, to wait for the findings of the grievance procedure machinery.

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8) The worker's representatives on the grievance committee shall have a right to access any document connected with the inquiry maintained in the department and which may be essential for an understanding of the merit of a worker's grievance. The management representative may however, refuse to give any confidential information or documents in this respect. But such documents should not be measured in the course of grievance proceedings.

9) There shall be a time limit for each step; for this purpose, the aggrieved worker shall within 72 hours of receipt of decision at one stage, file his appeal with the authority at the next higher stage, if he feels so.

10) In calculating the various time intervals as per the above clause, holidays should be excluded.

11) The management shall provide the required clerical and other assistance for a smooth functioning of the grievance machinery.

12) If it <sup>is</sup> essential for any worker to leave the department during the working hours, on call from the Labour/ Personnel Officer or any other Officer of the concerned grievance machinery, the prior 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.

13) If however, there is any complaint against any individual member of the staff, who is nominated by the management to handle a grievance at the lowest level, the worker may take up his grievance at the next higher stage, i.e. at the level of the departmental head.

14) In the case of any grievance arising out of the discharge of a worker, the above procedure shall not apply. Instead, a discharged employee shall have the right to appeal to the dismissing authority or to senior authority specified by the management, within a week from the date of dismissal/discharge. At the time the appeal is heard, the employee may, be accompanied by an Official of the recognised Union, or a fellow worker.

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