

Tripartite
Alliance for
Fair
Employment
Practices

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Grievance Handling Handbook



CONTENTS

1. Introduction: Why a Grievance Handling Procedure is Vital	01
2. Definition of Grievances and Complaints at the Workplace	02
3. Work-related Grievance	03
4. Types of Grievance: General vs Individual	05
5. Handling of General Grievances	06
6. Handling of Individual Grievances	09
7. Making the Grievance Procedure Work	12
8. Employee Counselling	20
9. Handling Unexpected Scenarios	25
10. Going Beyond the Organisation	32

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1. Introduction: Why a Grievance Handling Procedure is Vital

There is a greater diversity in the Singapore workplace today, comprising employees from different age, nationality, gender, ethnic and religious background. In such work environment, miscommunication and misunderstanding are likely. If not managed properly, such misunderstandings will affect employees' morale and productivity. With employees being more Internet savvy and the popularity of social media, such unhappiness may also be publicised on social media platforms such as Facebook or Twitter. Such negative publicity can affect the employers' image and brand, causing unnecessary embarrassment to the management. In some cases, such grievances can also lead to expensive and time consuming litigations.

Employers can pre-empt such situations by creating favourable working environment through adoption of fair employment practices. This includes having a proper Grievance Procedure (GP) to handle complaints.

Employers and employees should understand that it is unrealistic for every grievance to be resolved to the absolute satisfaction of either party. In most situations, the most reasonable solution is a compromise with both parties adopting a "give and take" position. The purpose of a GP is not the resolution or settlement of the grievance but the maintenance of industrial harmony between the employee and employer.

This handbook is produced by the Tripartite Alliance for Fair Employment Practices to promote the adoption of fair and responsible employment practices. This handbook offers practical tips and brings employers through the entire grievance handling process.

2. Definition of Grievances and Complaints at the Workplace

A grievance is any discontent or feeling of unfairness and in the workplace, it should be pertaining to work. A grievance is more deep-seated than a complaint. Complaints are expressions of grievances, but a grievance is deep-rooted such that the employee takes appropriate remedial action to seek satisfaction.

The roots of a grievance can be real or imaginary. For instance, grievances based on real or actual activities and events may include receiving information and data that are inaccurate or when employees are unhappy when there is a wage cut. The roots of grievances can also be imaginary, for example, a supervisor may feel the need to closely monitor an employee with weak work performance. If the supervisor fails to communicate his intention, the employee may perceive the supervisor's conduct as intrusive and overbearing. On the other hand, the other colleagues may perceive that the supervisor is exercising favouritism and being unfair. Such grievances are based on false perceptions and assumptions.

3. Work-related Grievance

Grievances at the workplace must be based on the foundation of employer-employee relationship and employment-related. For a better understanding of work-related grievance, reference is made to the definition of industrial matters found in the Industrial Relations Act stated below (*emphasis added*):

“industrial matters” means matters pertaining to the **relations of employers and employees** which are connected with the **employment** or **non-employment** or the **terms of employment**, the **transfer of employment** or the **conditions of work of any person**;

■ Relations of employers and employees

When employees express their grievances about their difficulty working with a specific employee, the employer has to deal with their grievances because that employee’s behaviour affects work discipline and work relations of all parties.

■ Employment

This is the state of being employed and grievance can arise from dissatisfaction relating to job descriptions, job duties, functions and activities.

■ Non-employment

This is a state of **not** being employed. Employee grievances can be triggered when employers’ acts of termination of employment are unfairly or not properly managed or administered.

■ Terms of employment

This is a common source of employees’ grievances since it relates to matters such as wages or salary, allowances, rewards and benefits.

■ Transfer of employment

The Industrial Relations Act refers to the definition found Section 18A of the Employment Act, where

- o Transfer “includes the disposition of a business as a going concern and a transfer effected by sale, amalgamation, merger, reconstruction or operation of law”.
- o The common employee grievances that occur in such cases are the unhappiness and uncertainty of having to work under a different employer, and doubts as to whether the transfer is actually an outsourcing exercise.

■ Conditions of work of any person

Employee grievances of this nature would relate to safety and health conditions, discriminatory acts and unfair treatment by the employer.



4. Types of Grievance: General vs Individual

In the workplace, there are only two types of grievances: the General Grievance and the Individual Grievance.

The **General Grievance** is a grievance that affects a group of employees. Examples of general grievances would be a wage cut or a retrenchment exercise that could involve several employees or the entire workforce.

The **Individual Grievance** is a grievance affecting one employee and requires a one-to-one approach, with or without the Trade Union Representative (TUR), depending whether the organisation is unionised. In this situation, the GP should be applied. Examples of Individual Grievances would include an employee who feels discriminated in a promotion exercise or a case of sexual harassment.

5. Handling of General Grievances

It is commonly assumed that the person who should handle employee grievances is the designated Human Resource (HR) Practitioner of the organisation. This is far from correct. Although the HR Practitioner has a part to play, the handling of employee grievances is a job function of any person authorised and empowered by the employer. The type of grievance, whether it is individual or general will also determine who should handle the grievance process.

For instance, the Chief Executive Officer (CEO) should play the leading role in handling General Grievances. Handling General Grievances require frequent and regular communication and information-sharing with employees to minimise any misunderstanding. Failure to do so may lead to a high labour turnover or a depressed workforce with low productivity and high absenteeism rate.

In handling General Grievances, communication is key and organisations can include the following information in the communication process;

- **What** adverse events that have occurred, are occurring or will be occurring that require certain actions to be taken that will affect employees.
- **Why** certain painful action or actions, for example wage cut, have to be taken over other solutions.
- **Who** will be affected and in what manner.
- **How** the decided action or actions would be administered.
- **When** the decided action or actions would be made effective. This will allow employees ample time to prepare themselves and consider their options.

If the organisation is unionised, the Management team comprising of the CEO, relevant Heads of Department (HODs), including the Chief HR Practitioner would first meet and share information with the Trade Union Official and members of the Branch Committee. This is a **required contractual obligation** because when an employer recognises a union, it acknowledges that the union represents all employees within the scope of the collective agreement, in matters relating to all terms and conditions of service.

Communication with the employees can be carried out through notices or circulars, followed up staff meetings for the purposes of obtaining feedback, addressing concerns and providing assurances. In a unionised organisation, the Management should accept the Trade Union's assistance in communication because generally, employees are more receptive to communication from the Trade Union.

5.1 Factors impacting General Grievance Handling

In handling General Grievances, it might be useful to remember the acronym, "**WECURO**";

- **Well-timed**

Information shared should be well-timed, not "too little" and not "too late". Management should be quick in dealing with any hint of trouble before it gets out of control and employees start believing that rumours are facts.

- **Effective**

Information should be well planned, prudent and factual and communicated through the most effective channel. When seeking feedback, a dialogue session is more effective than e-mails.

- **Consistent**

It is very important that the information shared by all members of the Management Team should be consistent. There should be no contradiction between CEO and the HODs or even Section Heads.

- **Up-to date**

The Management Team should always be up-to-date in the latest news or events relating to the specific situations. By being informed, they will be able to handle any inquiries or issues that may be raised by the employees.

- **Regular**

Regular information sharing gives employees the impression that the Management Team has no hidden agenda and helps to build trust. Trust is an important factor in maintaining employees' morale.

- **Open-minded**

All parties should be open-minded, because of the need for effective communication and a willingness to be flexible.



6. Handling of Individual Grievances



The handling of Individual Grievances begins the moment the employee raises the grievance either through walk-in meeting with the immediate supervisor or in writing, using a Grievance/Complaint Form. In a walk-in meeting, the Grievance Handler (GH) would not be prepared for the meeting. The GH will only be able to address a grievance at the meeting if it is very simple and straightforward. If not, the GH will have to listen, record the grievance and follow up on the matter.

The advantage of a written grievance is that it allows the GH to make necessary preparation before the meeting. Besides studying what has been written in the Grievance/Complaint Form, the GH would need to have a better knowledge of the employee and the issue relating to the grievance. For example, if the grievance is about being sidestepped in a promotion exercise, the GH would need to have the following pertinent information from the HR department to address the issue properly:

- The organisation's Promotion Policy and Procedure – selection criteria
- The employee's work performance record – where are the shortfalls
- The successful candidate's work performance record – the success factors

- Any workable solutions to be considered within the parameters - organisation's HR policy

In sharing information and assisting the GH, the HR department should stress that these information are strictly confidential. The objective of information sharing is to enable the GH to explain matters intelligently to the employee. The GH should then set the date, time and venue for a meeting with the employee. For a constructive session, the following measures are recommended:

- Choose a conducive venue that is private.
- Ensure that there is no interruption/intrusion for at least one to two hours.
- Use a "round-table" type or same side seating arrangement
- Begin the meeting with pleasantries and simple courtesy like an offer of refreshments, and some small talk before going straight into the main issue.

6.1 Factors Impacting Individual Grievance Handling

To be an effective GH, the following skills should be cultivated and demonstrated. They could be summed up in the following acronym, "PRACLIP";

■ Problem solving attitude

A problem-solving attitude implies that the GH is open-minded and willing to explore with the employee ways to resolve the grievance.

■ Responsible

The GH should ensure that all matters relating to the employee and the grievance discussed at the meeting should be kept **confidential**. The GH should also be meticulous about follow-up and completing the task judiciously.

■ **Active Listening**

The GH should not be just a good listener but should practise active listening. He should seek to understand, interpret, and evaluate what he hears. He must exercise empathy and try to understand the feelings of dissatisfaction and distress that the aggrieved employee is experiencing.

■ **Careful**

The GH needs to be particularly careful when taking notes during the meeting. To ensure accuracy, the GH should record and repeat pronouncements made to ensure there are no discrepancies. Note taking is also important for follow-up work.

■ **Light-hearted**

Humour diminishes tension and brings about a congenial atmosphere during a grievance handling session. Having a good sense of humour will be helpful to a GH.

■ **Inclusive language**

The GH should use inclusive language like “we work together” and “our problem” to reassure the aggrieved employee. Making the grievance appear to be less of the individual’s problem helps the employee to be less defensive and more willing to speak up.

■ **Placid**

The GH should aim to be placid and unruffled throughout the meeting with or without the presence or active involvement of the TUR. If the aggrieved employee becomes agitated, the GH should remain placid, polite and professional.

7. The Grievance Procedure

The first important task for HR Practitioner is to have a GP put in place.

For unionised organisations, the GP is a requirement in all collective agreements. Reference GP models of unionised organisations are available on the Singapore Industrial Arbitration Court website.

All GPs regardless whether the organisation is unionised or not, should have the following features:

- 1) Levels of appeal depending on the hierarchical structure of the organisation and the HR Policy.
- 2) The first level of appeal for an employee with a grievance is the immediate superior, unless the grievance is against the immediate superior.
- 3) The existence of Time Lag which refers to the period of time to wait for action to be taken. The time lag must be reasonable and achievable. “Working day” should be used to prevent misunderstanding.
- 4) The employee has the right to move to the next level if no decision satisfactory to both parties is reached within the Time Lag.

The purpose of Time Lag is to ensure that Management representatives can neither make capricious decisions because such decisions can be appealed against, nor ignore such appeals because employees have the right to move to the next level.

A sample GP for a non-unionised organisation is appended below:

- (1) Recognising the value and importance of full discussions in clearing up misunderstanding and preserving harmonious relations, the Management shall always endeavour to preserve continuous and harmonious relations with its employees, and shall always make every reasonable effort to effect immediate full discussion to clear up misunderstandings and to investigate into any grievance of employees of **(Company/Organisation)**.
- (2) In pursuance of this mutual desire, an employee's grievance shall be dealt with in accordance with the following procedures:
 - (a) **Step One**
Any employee who has a grievance may, **within three working days** of its arising, bring the matter to the attention of his immediate superior or, where such grievance is against his immediate supervisor, to the attention of his Department Head, who shall give his decision within three working days from the date of reference to him.
 - (b) **Step Two**
If the employee concerned is aggrieved by the decision given under sub-clause (a) above, he may **within three working days** thereof, refer the matter to the Division Head for settlement, who shall give his decision within three working days from the date the matter was referred to him.
 - (c) **Step Three**
If the employee is still dissatisfied with the decision given under sub-clause (b) above, the employee may refer the matter to the HR Manager, who will represent the Management for settlement.
- (3) In the event of there being no settlement at the above steps, the matter shall be dealt with by the CEO (*State Job Title*), whose decision shall be final.

The only difference in GP between a unionised organisation and a non-unionised organisation is the presence of the Trade Union Representative (TUR) in the grievance handling process. An employee who is a Trade Union member has the right to seek assistance from the TUR and have the respective Trade Union's involvement in resolving his grievances.

Making the Grievance Procedure Work

7.1 Communication and Training



Like any tools, its value and effectiveness depend on the knowledge and competency of its users. The GP should apply to all employees regardless of rank; even executives and managers do have grievances or have the right to raise their grievances. To make the GP work, the HR

Practitioner should take the following measures:

- Walk through the GP with executives, managers and all supervisors.
- Guide them on how to handle grievances.
- Impress upon them the importance of a GP and the need to take all complaints seriously.
- Conduct a grievance handling workshop with role-play.

In the training workshop, the HR Practitioner should explain to line managers that:

- It is the employee's legitimate right to use GP.
- When using the GP, the employee can appeal to a higher authority against their decisions.
- The employee's action is not a negative reflection of the line manager's competency in problem solving or decision making.

- The importance of follow-up action within the Time-Lag.
- Failure to follow-up may reflect negatively on the sincerity and efficiency of the individual line manager and the Management Team.
- Follow-up action reports should be submitted to HR within one working day after the grievance handling session.

For organisations that have trade unions, the HR should advise line managers on:

- The need to extend courtesy and respect.
- How to conduct themselves in the presence of the TUR to encourage an open and effective discussion.
- How they can work comfortably and constructively with the TURs in resolving grievances.

Line managers should also be assured that they have the support and access to the resources available in the HR department. This helps the line managers to be confident in implementing the GP.

Once the line managers are trained, the next step is to make the GP known and accessible to all employees. New employees should be informed of the existence and availability of the organisation's GP during Induction. Employees should be informed about the objectives of the GP through formal documentation, such as through the employee's handbook. The write-up may include the following:

- The assurance that the organisation as a fair employer takes all grievances/complaints very seriously.
- The objective of a GP and the right of all employees to use it.
- The assurance that no disciplinary action will be taken against employees who appeal to the supervisor of his immediate superior. Employees who are not familiar with a GP may be hesitant to raise grievances for fear of reprisals from the management.
- The assurance that confidentiality will be maintained.
- Definition of grievance with examples to simplify understanding.

- Explain that it should be employment-related and provide examples.
- If there is a trade union in the organisation, it should be clearly stated when TUR will be involved in the GP.

For effective administration, the application for the GP must be user-friendly and easily accessed. Organisations can consider putting a Grievance/ Complaint Lodge Form on the intranet. A sample is appended below.

Grievance/ Complaint Lodge Form

Date : _____

To : _____ (Name) Dept : _____

From : _____ (Name) Dept : _____

Nature of Grievance / Complaint:

**(Select where applicable)*

In accordance with Article _____ of the Company Handbook on HR Policy & Procedures* OR In accordance with Clause _____ of the Collective Agreement*, I would like to request a meeting with you on _____ (Time), _____ (Date) at your office. In accordance with the above-mentioned Article/Clause*, I shall have the right to appeal to the higher authority should I fail to hear from you by _____ (Date).

Reason(s) for raising this grievance/complaint (tick where applicable):

- Received no response within the Time-Lag by _____ (Name)
- Grievance was not addressed to my satisfaction by _____ (Name)
- Any other reasons (Please state) _____

7.2 Initiating the Discussion with the Aggrieved Employee

The GH must initiate the GP promptly once a grievance has been lodged. A delay in responding to the aggrieved employee will reflect negatively on the Management Team. Such delay may be interpreted as insincerity or that the GP is mere lip service.

The GH could start serious discussions by:

- Referring the employee of the grievance that had been raised to ascertain if there are any changes since its submission.
- Reminding the employee that the objective of the meeting is to enable grievances raised to be examined thoroughly and addressed.
- Encouraging the employee to speak freely and truthfully, and assuring him that confidentiality will be maintained. Similarly, the employee should ensure that matters discussed are kept confidential as well.
- If there is a TUR present and if the employee is a Trade Union member, the GH may seek to ascertain whether the TUR would be speaking on behalf of the employee.
- Explain to the parties present that grievances can be resolved if they are open and willing to explore all means of solution. The GH should also encourage feedback and suggestions from all parties.
- If a workable solution is offered by the TUR who represented the employee's grievance, accept and thank the TUR for the helpful contribution.



Throughout the meeting, the GH should speak less and listen more. The GH should ask questions or seek clarifications relating to the grievance. If the conversation deviates from the main issue, the GH should lead the discussion back and if necessary remind all of the objectives of the meeting. Once all

relevant information relating to the grievance is captured, the GH could adopt one of the following measures before closing the meeting:

- If the grievance can be resolved within the mandate of the GH and is to the satisfaction of the employee, the solution can be applied immediately.
- If the grievance cannot be resolved to the satisfaction of the employee, the GH should do his best to explain why. The GH should then proceed to advise the employee on available options, such as accepting the situation or to invoke the next step of appeal in the GP.
- It is important that the GH gives the advice factually without offering a "personal opinion". This is to prevent misunderstandings between the GH and the employee who may feel pressured into refraining from appealing further.
- If the GH concludes that workable solutions can be found through further discussions, he could present his views and invite the respective parties to explore for more alternative solutions together.

7.3 Closing the Discussion with the Aggrieved Employee

In closing the meeting, the GH should thank the respective parties for meeting and their valuable inputs. The GH must also inform them that the matter will be followed up and an answer would be given within the appropriate Time Lag.

The GH should note that the process is not completed at his level until follow-up work has been submitted and an answer, **preferably in writing**, has been given to the employee. Upon receiving an answer from the GH, it is for the employee to then decide whether to accept the verdict or pursue his grievance further. For the GH, the task is completed at his level.

The GH should close the GP with a 'Follow-up Report'. Even if the employee is pursuing his grievance to the next level, the 'Follow-up Report will serve to provide some background information as to what was discussed. A sample 'Follow-up Report' is appended on the next page.

Follow-up Report of Grievance / Complaint Form

Date : _____

To : _____ (Name), HR Dept : _____

From : _____ (Name of GH), Dept : _____

Date of GH meeting : _____

Name of employee : _____, Dept : _____

Present at Meeting:

(1) _____ (Name), Dept: _____

(2) _____ (Name), Dept: _____

Nature of Grievance / Complaint discussed:

Grievance settled at meeting (Circle where applicable) Yes / No

If yes, state nature of settlement: _____

If no, state employee's prioritised options

1) _____

2) _____

3) _____

GH's recommendation if any:

8. Employee Counselling Session

Individual Grievances can be managed effectively if employees are willing to utilise the GP and talk to the GH openly about their grievances. Unfortunately, instead of this positive approach, there are employees who resort to disruptive behaviour to express their grievances such as:

- Uncooperative behaviour or refusing to work as a team
- Making unkind or rude remarks about the organisation or the management, especially in the presence of new employees
- Deliberate acts of misconduct such as late-coming, absenteeism or malingering
- Deteriorating work performance

Such negative expressions of grievances would typically trigger off negative responses from line managers, who may take disciplinary actions against such employees. It should be treated as disciplinary matters if the employee has a track record of misconducts and despite remedial measures taken, the employee refuses to improve. The situation is different if the employee has a reasonably good work performance record. For such cases, the approach would be more of an Employee Counselling session rather than a grievance handling meeting.

The objective of an Employee Counselling session is to ensure that:

- i. the employee is reminded to use the GP, which is a more constructive approach, to express his grievances;
- ii. the pro-active steps are taken by the GH to indicate that the Management is concerned when employees are not performing at their best; and
- iii. the employee is made aware that his negative behaviour has been noted by Management and found unacceptable. He should therefore end it.

For a unionised organisation, the HR Practitioner may touch base with the TUR to obtain all pertinent information about the member-employee before arranging for a counselling session. This is a progressive approach where mutual understanding and trust have been established.

In the Employee Counselling session, the following steps could be taken:

- Begin the session by making reference to what triggered off the need for such meeting.
- If it was the deviant behaviour, such as bad-mouthing the organisation or management, the GH should be forthright, **without revealing the source of information or the person who reported the matter to Management.**
- If it was acts of misconduct or deteriorating work performance, the GH should share the evidence first and allow the employee to respond.

In cases of reported sources, the employee may deny and challenge the GH. The GH should:

- Assure the employee that the session is not a disciplinary inquiry and there is no intention to prove if the source is accurate.
- Express satisfaction that such information is not true.
- Encourage the employee that he should keep his good track record “untarnished” for the benefit of his career development.

The meeting should be concluded in the following manner by adopting these four steps:

- i. Remind the employee of the importance of “continuing” with his record of good work performance.
- ii. Tell the employee that he and the Management look forward to future contributions by the employee.
- iii. Advise the employee that if there is any grievance, the appropriate solution is to apply the GP.
- iv. Inform the employee of the value of open discussions to resolve problems and thank the employee for the meeting.

In cases of recorded sources such as late-coming, absenteeism and deteriorating work performance, where evidence is captured through time-cards and Performance Appraisal forms:

- The employee would find it difficult to deny such actions.
- The employee may either remain silent, try to give reasons or excuses. Reasons are explanations with validity to justify the actions whereas excuses are pretexts to overlook a negative behaviour.
- The GH should take note and inform the employee what reasons are acceptable and what excuses are not satisfactory.

- The GH should remind the employee of his good track record and proceed to ask the employee for the reasons for the changed behaviour.
- The employee should be encouraged to remember events that could have caused some dissatisfaction leading to grievances that may not have been addressed.
- The period for both parties to focus would be somewhere between the employee's last receipt of commendation and the beginnings of the disruptive behaviour.

The outcome may be one of the following scenarios:

- The employee may remember and start to talk about the issue. The GH should listen as though he is handling an individual grievance.
- The employee might feel embarrassed and could turn defensive. Sensing the employee's discomfort, the GH should close the meeting.
- The employee declares that he is unable to recall anything. At this juncture, the GH should conclude the meeting.

The challenge facing the GH is when the employee prefers to keep silent and sometimes refuses to make any eye contact. No amount of questioning, cajoling or subtle pressure would induce the employee to speak up. The GH will have no choice but to close the meeting in the following manner:

- Remind the employee that his disruptive behaviour was the reason for the meeting.

- Counsel the employee of the unnecessary waste of investment spent in his years of good employment record, talent and resources if disciplinary action is taken due to the disruptive behaviour.
- Caution the employee how such negative behaviour may negatively affect his future employment prospects and the lives of family members.
- Inform the employee that the proceedings of the meeting will be recorded to show that although every opportunity has been provided for the employee to speak, the latter has refused.
- Remind the employee that the Management team expects a change of behaviour from the employee after the meeting.
- Finally, counsel the employee to mull over what was discussed and if he should decide later to discuss the matter, a follow-up meeting can be arranged.

9. Handling Unexpected Scenarios

Grievance Handling can be a delicate task as the issues involved are often personal and emotional. In some instances, it can be complicated or unexpected. These could include the following scenarios:

- A. Employee with a walk-in grievance who would not stop weeping
- B. Employee who keeps digressing
- C. Argumentative and abusive employee or TUR
- D. Complaints of sexual harassment

Scenario A

The employee with a walk-in grievance does not allow the GH time for preparation. The difficulty is compounded when the employee is incoherent or could not stop weeping. There are two possible aspects to such a situation that the GH should be mindful:

- i. The employee is genuinely upset over the grievance and is unable to control his emotions. If necessarily, the GH can either propose another date for the meeting when the employee is better composed or suggest that the employee puts the grievance in writing. If the organisation is unionised, and the employee is a member, the GH could seek assistance from the TUR to work together to help the member-employee.

- ii. The employee could be using tears in the hope of inducing the GH for a “desired outcome”. This is based on the assumption that generally most people are uncomfortable with weeping adults and would therefore be inclined to give in to such pressure. In such an instance, the employee will not be open to any suggestions and may continue to be histrionic. To address such employees, the GH should seek assistance from HR.

Scenario B

An employee who keeps digressing at a grievance handling session is inclined to harp about the past failures of Management Team in resolving grievances. The GH should:

- Avoid being defensive about such claims, regardless if such claims are fraudulent or accurate.
- Not to feel obligated to indulge the employee.

Firmly draw the employee back to the present grievance in question. Suggest closing the meeting if the employee continues to digress after a few attempts to draw him into the discussion.

Discuss and resolve the matter with HR together. This could be done by getting the employee to write out his grievance, investigating the issues related, deciding and taking the necessary measures.

Scenario C

An argumentative and abusive employee or a TUR who seeks to dominate the grievance handling session. The GH should:

- Remain placid and not enter into an argument with either party or be defensive by trying to contend on behalf of the Management Team.
- Speak politely but firmly and make it clear that such behaviour is unproductive and does not resolve matters or build an amicable relationship.
- Inform the parties that what had transpired is put on record and follow-up action will be taken, which would include further discussion with HR.

If it is the employee who is argumentative and abusive, the HR should advise him to put his grievance in writing should he be unable to express himself in a polite manner.

If it is the TUR who is argumentative and abusive, the HR should inform the higher authority of the Trade Union of the matter. The information should include the full record of the meeting and its outcome.

Scenario D

Sexual harassment occurs when one makes continued unwelcome sexual advances, request for sexual favours and other verbal or physical conduct of a sexual nature, to another person, against his or her wishes.

Workplace sexual harassment is not limited to the confines of the office. Any misconduct of sexual nature during work-related activities such as company functions, corporate events, teambuilding exercises, or out of town business trips can constitute sexual harassment.

Sexual harassers need not necessarily be those from within the same organisation, such as supervisor harassing subordinates or vice versa or among colleagues. They can be clients, suppliers, business associates, vendors or contractors.

Sexual harassment is sensitive and organisations that do not have policies and grievance handling processes in place may be thrown into confusion and may not be able to respond appropriately when an alleged incident occurs.

It is thus important for employers to have in place policies and set out clear grievance handling processes to prevent and address workplace sexual harassment. The policies set out should apply to all employees and it would include:

- Explicitly prohibit workplace sexual misconduct or harassment.
- Specify, with examples, what constitutes inappropriate behaviour or sexual harassment.

- Spell out possible consequences for harassers and malicious false claims, for example disciplinary action.
- Provide a discreet process where bona fide complainants can be assured of confidence and non-retaliation.

Cases of sexual harassment should be handled very carefully to save all parties from embarrassment. Due to the sensitive nature of such grievance, some organisations are inclined to set it apart for special attention, and in some cases, the matter goes directly to HR.

Following are the recommended steps for HR to take in managing workplace sexual harassment:

- Promptly check all complaints.
- Ensure strict confidentiality and impartially in the treatment of complaints of sexual harassment.
- Discreet and thorough investigation into the complaint without revealing the source.
- The HR to engage and inform the Trade Union Branch Representative(s) if the accused party or complainant is a trade union member.
- Detailed record of incidents that support the grievance to be obtained from the complainant such as date, time and venue of the incidents, what was actually uttered by the parties involved, etc.

- The HR should record the names of any witnesses or persons in the organisation that the complainant has shared confidence with.
- The HR should then follow up by questioning the witnesses to ascertain as to whether the grievance is based on facts.
- Decisions should be guided by statements from reliable witnesses, particularly the neutral ones.

Example of a workplace sexual harassment complaint:

Wendy claims that Philip, a senior colleague, watched her from the first day she joined the company. As the Head of the Department that worked just next to hers, they were often in the same office space. He then began to asking her to dinner, which she politely declined and told him that he should stop asking as she is not interested. Philip did not seem to understand and continued trying his luck. She has been extremely uncomfortable in his presence and tries to avoid him as much as possible. After speaking to her friend, she decided to report to HR.

To determine a genuine case of sexual harassment, HR would need to:

- Examine the employment records of the parties involved.
- Study the labour turnover in that specific department, such as frequency, number of turnover and specific record, gender, age and marital status.

- Review information that can be gleaned at the Exit Interview.
- Seek feedback from colleagues in the same department which will provide a clearer picture on the character of the accused party.

In cases where the facts are not conclusive that WSH has occurred, HR could take the following actions:

- Counsel the accused on what is not appropriate conduct at work and if not corrected could create a hostile work environment. The objective is to send a clear signal to the accused that his behaviour had been highlighted to HR and he has to be very careful with his future work conduct.
- Counsel the complainant and update her on the finding of the preliminary investigation. Offer someone to buddy her and continue to monitor situation within a set time frame and re-evaluate again. Also ask if the victim would like to speak to a counselor.

10. Going Beyond the Organisation



Technically grievance handling within the GP ends with the decision of the CEO within the organisation. Any appeal to external parties such as the Ministry of Manpower or the Industrial Arbitration Court is a separate legal exercise. This would be part of the Trade Dispute Settlement Machinery. Trade disputes occur when grievances are non-employment related or when the employer-employee relationship is severed.

Some multi-national organisations provide for appeals to the CEO at the overseas headquarters. The employee is given the right and the choice to appeal against the decision of the local CEO who represents the organisation in Singapore. This arrangement is still within the context of grievance handling within the GP, because all the factors relating to GH prevails.