Why are expectations of grievance resolution systems not met?
A multi-level exploration of three case studies in Australia

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Abstract

There is an increasing societal awareness of the negative impact of bullying in the workplace, with some cases having dire outcomes for both individuals and organisations. Researchers of workplace bullying have highlighted the lack of effective grievance resolution systems in organisations. Some claim that appealing to the organisation’s grievance resolution system can, subsequently, be a further traumatising event for the target of bullying behaviour.

The primary aim of this research is to gain a fresh understanding of why expectations of organisational grievance resolution systems are often not met in order to assist organisations to design and implement processes that meet the reasonable expectations of participants. It does not presume that all, or even the majority, of such systems fail as this would be very difficult to prove or disprove as a fact. Rather, this research accepts the limited evidence currently available that indicates these processes are not delivering anticipated outcomes and may cause collateral damage to the individuals and the organisation.

This research takes a holistic qualitative approach and locates the phenomena in its context. A conceptual framework is established and three cases are explored by collecting data from multiple perspectives. The conceptual framework is developed by deconstructing the dominant propositions of organisational justice, revealing the presumption that justice motives and justice expectations are founded on inequity theory. This line of enquiry arises from the mixed results of a substantial body of work that tests perceptions of distributive, procedural, and interactional justice constructs. Bullying is located within the conceptual framework in order to understand links between the grievant’s experience of the grievance resolution processes and effects of their employment status, and their health and well-being.

In their review Bemmels and Foley (1996) argued that it was timely to utilise a subjective approach to exploring the operations of a grievance resolution process. This study of three different organisations takes such an approach. It accepts that
individuals will experience and react to similar phenomena in different ways, and therefore adopts a social constructionist epistemological approach. The research is designed to gather data from multiple sources, by interviewing grievance policy writers, the grievance handlers and grievants concerned about bullying in each of the three organisations studied. The techniques for data analysis were selected from the practise of narrative research. Both descriptive and explanatory narrative analysis is used to build intelligible meanings within each case which are contextually located within the relevant industry and their organisational culture. These cases are then analysed within the conceptual framework.

The study revealed significant gaps between the expectations of the informants and the performance of the grievance resolution system. Additionally, these three organisations displayed limited expertise in grievance resolution skills and only superficial knowledge of critical elements of justice processes. Two organisations carried out a number of actions that disempowered the grievant significantly. These acts ranged from locating the grievance resolution policies and procedures in obscure and difficult places, refusal to accept or act on verbal grievances, not advising grievants of entitlements, and not publishing process criteria. Informants who reported the widest gaps between their expectations and the performance of the grievance resolution process also reported the most extreme negative impacts on their health and well-being, and on their career prospects. This reported damage was supported by information from several of the grievance handlers.

Each of the organisations was motivated, to some degree, to have a grievance resolution system in order to comply with societal and industry norms. However, the most extreme case was cited by informants as primarily motivated by self-protection of organisational reputation concerns, while the two other organisations displayed concern for the welfare of their personnel.

This inductive study extends previous research that found differences in the underlying justice values among members of different ethnic societies. It has also found that significant differences in underlying justice values between the organisation’s espoused values and the performance of the grievance resolution system was associated with high levels of collateral damage for the participants. This
moves tentatively towards reconceptualising theories of organisational justice to more adequately incorporate the complexity of contemporary multi-cultural workplaces.

Additionally, these findings may be applied within the workplace to refocus grievance resolution systems such that collateral damage to the grievant is minimised. Bullying can be conceptualised as an assault on the target’s self-identity and workplace identity. When the grievance resolution process also attacks the target’s identity by viewing the parties instrumentally rather than as equals who have membership of a valued group, the effects on the target of the bullying are both confirmed and magnified. Therefore, future research directions could be developed to tackle these emerging research areas.
Declaration

This is to certify that:

i. the thesis comprises only my original work towards the PhD

ii. due acknowledgement has been made in the text to all other material used

iii. the thesis is less than 100,000 words in length, exclusive of tables, maps bibliographies and appendices.


Penelope Janet Webster
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Dedication

I dedicate this work to
my husband Graeme,
my children, Isabella, Paul and Meredith,
my parents, Ron and Rosemary,
and my great Auntie Ev.
Acknowledgements

I wish to express my sincere appreciation to my supervisors: Associate Professor Ying Zhu for his support and encouragement as principal supervisor and Emeritus Professor Joe Isaac for his support and encouragement as second supervisor. I was fortunate to have Ying as a supervisor from the beginning of my PhD candidature; Ying was steadfast in his belief in the merits of my research and my capacity as an academic researcher. His insightful questions and comments, particularly in the early stages of the thesis when my ideas were forming and the research problem seemed like a huge bowl of jelly, helped to clarify my thinking and led to greater certainty on my part. In the final stage of the research we were fortunate that Joe was able to lend his support. Joe provided a solid sounding board, testing my analysis and ensuring the accuracy of my historical writing.

I particularly wish to express my gratitude to two academics who gave me invaluable assistance along the way. Dr Jennifer Frahm, a specialist in qualitative research, reviewed my methodology Chapter, confirming the research methods and design met the highest of research standards. When I was struggling with the voluminous data generated by three in depth case studies, Associate Professor Peter Gahan worked with me to develop the structure of the Case Study Chapters. I recall with some amusement now, his delicate way of suggesting that my first draft was just fine, if I could just revise this bit, add that bit and restructure the other bit; like the same old axe I’d had for twenty years.

I am grateful to the University of Melbourne for awarding me the Fay Marles Scholarship, this full scholarship helped with my financial responsibilities. Additionally, I would like to thank the Department of Management & Marketing for their administrative support and the PhD allowance which provided travel to conferences and paid for transcribing the interview data.
The biggest surprise of this process was the camaraderie I discovered amongst the PhD’s, especially the Bouverie Street gang. The friendships of Sari Sitalaksmi and Hugh Bainbridge who shared my workspace, were invaluable. Kohyar, Parvi, Dinuka, Daniel, Clarissa, Ali, Shey, Shelley, Francis, Eric and Sebastian all contributed to the gentle hum of minds whirring and keyboards clacking that made Bouverie a special place. My buddy Richard Ferrers from Babel building who shared my musings on analysis, and then my buddies in The Spot; Sofie, Dean, Nancy, Nadeem, Paul, Nick and Zainab, all form the core of my PhD experience. Assistance from Dr Vikram Bahkoo guided the structure and presentation of the thesis. Dr Ngan Collins, whose baby Daniel I nursed whilst she completed the final pages of her thesis, has been unfaltering in her encouragement during the final stages.

I wish to acknowledge the contribution made by the informants who shared their experiences of bullying and their attempts to resolve grievances in the workplace. Their preparedness to be open, and to explore the depth of their experience, has provided this research with richness and breadth.

My three children, Isabella, Paul and Meredith, are now young adults. They have endured a mother who, for most of the past twenty five years, has spent her evenings studying. Along the way their pride in my achievements and their willingness to share the work of running a household has created special bonds of friendship, enriching our family life. I am in awe of their personal accomplishments.

It was my husband Graeme Connelly, who first recognised in me the thirst for knowledge and the discipline to complete a major research project. Graeme, himself an accomplished intellect, always assumed that I would be successful without ever pressuring me to achieve particular milestones. His quiet confidence contributed immeasurably to my dedication and my striving for excellence in this research project. I thank him.
Publications resulting from this research

Conference Proceedings

Webster, P.J. (2010) Choosing Justice or Minimising Litigation? Exploring the factors driving the design of grievance resolutions systems. *7th International Conference on Workplace Bullying and Harassment*. Cardiff, Wales


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# Glossary of Terms

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<td>ADR</td>
<td>Alternative dispute resolution.</td>
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<tr>
<td>Alleged perpetrator</td>
<td>This is the person against whom there is a claim that they have behaved in an unacceptable way. The claim is unproven.</td>
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<tr>
<td>AIRC</td>
<td>Australian Industrial Relations Commission.</td>
</tr>
<tr>
<td>CEO</td>
<td>Chief Executive Officer, this title is used throughout the thesis to refer to the most senior person in the organisation.</td>
</tr>
<tr>
<td>CSR</td>
<td>Corporate social responsibility.</td>
</tr>
<tr>
<td>Direct outcomes</td>
<td>The direct outcomes of the grievance resolution process are whether the grievance was substantiated or not substantiated.</td>
</tr>
<tr>
<td>EEO</td>
<td>Equal employment opportunity.</td>
</tr>
<tr>
<td>Grievance</td>
<td>It is a complaint from a member of the organisation that has not been satisfactorily solved in the first instance. The complaint is about their concern that they are not being treated as they expect to be under the organisation’s formal and informal work rules. This statement may be verbal or written.</td>
</tr>
<tr>
<td>Grievance handler</td>
<td>This is the person selected by the organisation to carry out the organisation’s preferred method of responding to the grievance. The titles these personnel are given reflect the differing nature of their roles, such as Grievance Investigator, Grievance Officer or Mediator.</td>
</tr>
<tr>
<td>Grievance policy writer</td>
<td>This is the person selected by the organisation to draft the grievance resolution system. This person has expert knowledge and interprets the organisations wishes to design a system that meets the organisations aims.</td>
</tr>
<tr>
<td>Grievance resolution system</td>
<td>This is the overall system by which the organisation sets out its position regarding grievances from its staff. The system may include specific policies and procedures, promotional material, training and development activities, intake procedures, resolution processes, referral protocols, and options for outcomes.</td>
</tr>
<tr>
<td>Grievance resolution process</td>
<td>These processes are the specific practices, methods and tactics set out by the organisation that can be used to respond to, intervene in or resolve a grievance.</td>
</tr>
<tr>
<td>Grievant</td>
<td>This is the person who makes or lodges the grievance.</td>
</tr>
<tr>
<td>HR</td>
<td>Human resources, this usually refers to the title of the department or the position.</td>
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ILO  International Labour Organisation.

In group  Based on social identity theory, the *in group* refers to the referential group.

Indirect outcomes  Unintended outcomes directly associated with participation in the grievance resolution process other than whether the grievance was substantiated or not. They include but are not limited to, health and well-being, employment status, and perceptions of career prospects. Indirect outcomes can be positive or negative, negative indirect outcomes are also referred to as collateral damage.

OH&S  Occupational, Health and Safety.

Organisation  The term *organisation* is used throughout this thesis rather than *firm* because *firm* only relates to a for profit organisation. This research is interested in the functioning in any type of work related organisation.

Organisation’s representative  A person selected by the organisation to undertake activities that represent the organisation’s position. They are usually a manager who has delegated accountability, for instance; a policy writer or a grievance decision-maker.

Out group  Similar to the term *in group*, the *out group* refers to the others, those individuals who form other groups.

Perpetrator  The alleged perpetrator after the claim against them has been substantiated.

Personnel  The people working for the organisation, this includes casual, full-time and part-time employees and contractors. This term has been used throughout this thesis to avoid a focus on legal status and accompanying employment rights.

Target  An employee who is the target of bullying behaviours. The selection and use of the term *target* attempts to avoid the social connotations of the more commonly used term, *victim*.

UN  United Nations
1. Introduction

The rule of distributive justice is a statement of what ought to be, and what people say ought to be is determined in the long run and with some time lag by what they in fact find to be the case.

(Homans, George C. 1974)

This research is an exploratory study of the experiential consequences of participating grievance resolution system from the perspective of the grievant and the grievance handlers, within the context of the aims of management as will be represented by the designers of the system, the grievance policy writers. Individuals usually initiate a grievance if they have some expectation of a favourable outcome. This research is interested in nature of those expectations and why they are rarely met. In order to achieve insights on these issues this research takes a holistic view of the grievance resolution system.

A grievance is a complaint that has not been satisfactorily solved in the first instance; it is therefore not a simple incident. The process of seeking resolution involves layers, possibly many, of interventions, appeals and rejections. These processes may be partially satisfying but may themselves simultaneously create further grievances, engaging both the participants’ emotions and intellect, which can be inexorably intertwined. Separating the individuals work life and their external social life of relationships with family and friends creates further layers of complexity. This calls for a research design that can handle this multi-layered complexity with finesse while retaining methodological rigorousness.

1.1. Problem statement

There is an increasing societal awareness of the negative impact of bullying in the workplace, with some cases having dire outcomes for both individuals and organisations. Researchers of workplace bullying have highlighted the lack of effective grievance resolution systems in organisations, with some claiming that appealing to the organisations grievance resolution system can be a subsequent further
traumatising event for the target of bullying behaviour (Leymann, 1989). To date it has been difficult to find research that demonstrates that participation in an internal grievance resolution process successfully alleviates the individual’s experience of mistreatment. Based on my work experience as a manager, a work place mediator and a union branch president, I have first hand knowledge of the difficulties organisations experience in managing bullying behaviour, and the difficulties individuals experience when appealing to a grievance resolution system for justice and protection. This observed problem has provided the catalyst for this research study.

Although there has been considerable research into workplace bullying, there has been very limited research into organisational grievance resolution systems (Saam, 2009). Earlier work on dispute resolution and grievance filing in the USA was mainly focused on unionised workplaces (Lewin & Peterson, 1988). Much of this work focused on the operational mechanics of the system, with limited attempts to explore its theoretical basis. Although there is considerable theoretical and empirical research about perceptions of organisational justice more broadly, there is little research into justice in grievance resolution systems. Existing theory does not adequately explain why organisational grievance resolution systems frequently do not meet the expectations of the participants, whether they be management, the personnel required to handle the grievances or the personnel who have appealed to the grievance resolution system. This represents a serious gap in our knowledge about justice in organisational grievance resolution systems. This research seeks some plausible understanding of why expectations of organisational grievance resolution systems are frequently not met.

1.2. Research aims
This research aims to provide guidance for organisations to enable them to design improved grievance resolution systems that more adequately meet the justice expectations of all participants and which should significantly improve outcomes for all participants and thereby improve organisational efficiency.

In order to meet this aim, this research seeks to assess whether current grievance resolution systems do in fact meet the current justice expectations of the majority of
participants. It does this by exploring the operationalisation of organisational grievance resolution systems within the context of their industry and organisational culture. Justice expectations of the participants are explored within the context of the justice values embedded in the organisations grievance resolution system. Finally the lived experience of the participants is compared to their expectations and the direct and indirect outcomes of the grievance resolution system.

The research strategy is that of exploring the exception, seeking to understand those phenomena that current theory does not adequately explain. In order to do this the dominant theories are deconstructed, an inductive approach to data collection engaged and an interpretative analytical strategy applied to the data. It does so in order to challenge the current dominant theory of organisational justice as it is applied to grievance resolution systems. This approach aims to enable a fresh view of the underlying theory to emerge.

1.3. Contributions of this research

The research makes several contributions to theory and also makes a number of practical recommendations. The recommendations for organisations are detailed in Chapter 8. This thesis is concerned with justice as it is applied in organisational grievance resolution systems. It complements the work of justice researchers who explored different principles such as equity, equality and need (Deutsch, 1975; Lerner, 1980; Leventhal, 1980; Törnblom & Vermunt, 1999) as underpinning values on which justice judgments are made. This study has revealed grievance resolution systems being promoted by the organisation as being based on principles of equality and described by participants as being implemented within an equity framework. This incongruence could be a contributing factor to the reported unintended negative consequences of activating an internal grievance resolution system.

Second, this research locates the theoretical reasoning of values congruence, articulated by Enz (1988) and others, within the theoretical reasoning of organisational justice. Personnel appear to form justice expectations that are congruent with values the organisation espoused, and in particular with the values promoted by the grievance resolution system. However, societal justice norms took precedence when the organisational justice values being implemented were
unpalatable to the informants and when the organisation obscured its grievance resolution processes. The impact of incongruence in justice values appeared to be mitigated by organisational factors such as a strong ethos of workplace relationships based on equality.

A third contribution that this research makes is to extend the cross-cultural research that explores justice conceptions in different nations (Greenberg, 2001; Leung & Lind, 1986; Leung & Tjosvold, 1998; Powell, 2004; Sabbagh, 2005; Triandis, 2000) into the realm of organisational culture. Informants revealed in case similarities and between case differences in the formation of their justice values and expectations. This suggests that the formation of justice values may not be as stable and as predictable as earlier organisational justice research might imply.

Bullying can be constructed as an assault on the self-identity and the work identity of the target. When the grievance resolution process views and deals with the target of bullying behaviour instrumentally, this appears to offend the target’s self-identity needs and workplace identity beliefs. This incongruence of equity and equality values may offer a plausible explanation for the anecdotal evidence that a grievance resolution system is a traumatising event subsequent to the bullying.

A number of researchers have called for a fresh exploration of justice and grievance resolution system using qualitative methods (Greenberg, 2001; Leung, 2005; Lewin et al., 1988), particularly to include the subjective perspective of the individual. This research has used a social constructionist approach and interpretative analysis techniques to produce knowledge that will deepen the understanding of the human experience. This thesis contributes to addressing inconsistent results in the dominant organisational justice literature by highlighting the experiences of individuals.

1.4. Organisation of the Thesis
This chapter has established the research problem and set out the research aims of this thesis. Chapter 2 conducts a review of the dominant theories underlying the construction of contemporary grievance resolution systems. It also examines the current state of research into the type of workplace events which might lead to a grievance being lodged. This is done in order to understand the nature of the problem
that is confronting managers when the grievance is made. An understanding of the nature of the problem leads to decision making processes about the types of intervention strategies available within a grievance resolution system. The limited amount of contemporary research on grievance resolution system is revealed. Finally, Chapter 2 presents a conceptual framework and posits research propositions that will guide the research process.

Chapter 3 describes the methodology and methods chosen to explore this problem. It discusses the approach taken in designing the research methods, including the sampling strategies and data collection techniques. The research aim and propositions are operationalised to form research questions. This chapter is completed with an outline of the rationale for the narrative data analysis tactics adopted.

As this thesis contends that changing social norms and institutions will act iteratively with theory over time and place, Chapter 4 broadly establishes the current social and institutional context in Australia. The next three Chapters examine the case study data by interpreting the meaning of the material and identifying key themes. These Chapters are laid out in the chronological order in which the data collection was undertaken.

Each Chapter commences with brief outline of the industry context in which the case is located. The Chapters work through a simple model of the grievance resolution process from the perspective of the individuals participating in the process. Each Chapter presents the key themes of the expectations and the lived experience of the participants, and the outcomes of the grievance resolution process. As this study takes an inductive approach, these themes arise from an interpretive analysis of the data. Matters of core relevance and interest to this study in this context are set broadly by the conceptual framework adopted. However, the use of open ended questions allows the interviewees to direct attention to those matters which concern them. Indirect outcomes such as the health and well being of the individuals and their impression of their career prospects post grievance are particularly relevant as they may throw light on the functioning of the grievance resolution process.
Chapter 5 presents the first case study undertaken, and draws within case conclusions. Gaps between the organisation’s espoused culture of responsible adherence to societal norms of fairness and equal treatment, and informants’ experience of a highly politicised workplace are revealed. Similar gaps appear between the organisation’s promotion of legally enforceable rights and the informants view that avoidance of litigation prompted resolution efforts. Interviewee’s expectations that harm minimisation strategies would be adopted were not met. Indirect outcomes included significant negative effects on health and well-being of the grievants and passive retaliatory actions. Every interviewee expressed strong reservations about the benefits of grievance resolution system as it was operating at the time, with some expressing resentment towards the organisation for its inability to meet the standards it promoted.

Chapters 6 and 7 proceed using the same structure as Chapter 5, with each Chapter devoted to one case study. The organisational structure of the second case study was complex; it was a project based alliance of three organisations which did not have an explicit written grievance resolution system. However, with a high rate of grievances this case study had sufficient numbers of informants volunteering. Again, gaps were found between the organisation’s espoused position and its actual performance according to the informants. The responses to grievances tended to match the historical custom and practice of the industry rather than the aspirational behavioural statements of the organisation. Grievants’ expectations of management expertise in conflict resolution and restoration of relationships were not always matched by the managers’ behaviours. Avoidance strategies and chaotic lines of accountability and decision-making disappointed some interviewees. However, some grievants found managers well-prepared and able to adopt a constructive approach to the grievance. Personnel were aware that managers were making overt efforts to increase their capacity to respond constructively to grievances, and this factor along with other relationship building activities, contributed to the expression of a high degree of organisational loyalty and minimal collateral damage to individuals.

Chapter 7 presents the findings of the last case study in the same structure. The informants and the texts agree that this organisation is highly individualistic with a strong focus on achieving excellence. Gaps appear in the interpretation of what exemplary behaviour means when handling a grievance. Some informants expected
rigorous investigative and resolution processes that would provide justice and fairness to all parties. Others recognised that the organisation actively attempted to block grievances using strategies such as obscuring the location of the grievance resolution policies and procedures, and refusing to act when requested. This dissonance created extreme distress and was globalised to organisational level distrust by some informants.

Chapter 8 brings together the findings from the previous three Chapters and discusses them within the context of the study’s conceptual framework. This discussion proceeds by identifying the major findings and then illustrates their practical relevance. A discussion of how the justice principles, equity and equality, are embedded within the grievance resolution system is highlighted with examples from the cases studies. It shown that when reasonable expectations of being treated with equality are thwarted, informants experienced varying degrees of distress. This ranged from violations of their self-identity, of their self-efficacy and their organisational commitment, to extreme psychological states of depression and anxiety. Collateral damage to grievants was lower when the organisation actively promoted relationships based on equality in the workplace. The justice values of both grievants and grievance handlers were challenged by grievance resolution systems that were not able to be implemented on the basis of their self-described principles of equality.

Several significant findings emerged from the data. Firstly, an unexpected effect of the systems was that they appeared to dis-empower grievants. The tactics that were associated with this effect are discussed, and linked to an increased risk to the organisation of passive and active retaliatory action. Secondly, the organisations appeared to employ strategies aimed at self-protection rather than achieving justice, or even a reasonable outcome. Thirdly, it became apparent that despite some detailed policies and procedures, there is general lack knowledge of justice processes and possible outcome options at the organisational level. Other important findings included descriptions of efforts to normalise bad behaviour to avoid claims of discrimination and the difficulties associated with establishing what actually happened in grievances about bullying behaviour. Only one organisation viewed the grievance
as a learning opportunity, in this case the learnings were embedded across all sections
of the organisation to the benefit of all managers and their staff.

Chapter 8 presents twelve practical recommendations to be implemented by
organisations. These recommendations arise from the findings and address the issues
that will enable organisation to design grievance resolution systems that effectively
meet the reasonable justice expectations of personnel. The boundaries of this research
project are noted, and then this Chapter makes several constructive suggestions for
future research. Finally, the thesis is concluded with a summary of the major
contributions made by this research.
2. Literature Review

2.1. Theoretical review and framework

Introduction
The rationale for undertaking this literature review is to build a framework of existing knowledge and theoretical propositions. This will assist in creating a logical research design to achieve the research aim of understanding how grievance resolution systems can be better designed to meet the justice expectations of all participants. This aim arises from the practical problems that have been associated with grievance resolution systems that frequently do not meet expectations. Hence, the research investigates the general research question, *Why are expectations of a grievance resolution system often not met?* By establishing a theoretical framework early, and applying this framework to the research design, the chances of generalizing the results of the research are greatly increased (Yin, 2003).

This Chapter begins by discussing the construction of theory and the connection between theory and real life problems associated with an organisation’s grievance resolution system. Then a review is conducted of the underlying theoretical assumptions of justice in a grievance resolution system and located within an organisational framework. Next, the literature investigating bad behaviour in the workplace is briefly reviewed in order to tease out critical theoretical propositions. Organisational grievance resolution systems are examined, with particular reference to the experience of the grievant, their perceptions of justice and how these are influenced by different approaches to the grievance resolution system. Finally this section identifies the key propositions that guide this research and from which the research questions are derived.
Constructing a theoretical framework
Research in the field of management is concerned, amongst other activities, with the reconfiguring, re-contextualizing and then testing of mid-range theories. Frequently this is done by juxtaposing discrete variables that are derived from the mid-range theory, in novel ways. This endeavour relies on Merton’s (1968) framework of sociological theory as a series of logically interconnected sets of propositions from which empirical uniformities can be derived (p39). For a statement to be accepted as theory it must contain sufficient embedded assumptions to suggest, and allow for, further generalisations about behaviour in a wider range of contexts. This creates a range of distinct theoretical problems that can then be tested, which frequently yield multiple sub-theories. Merton (1968) assumes that sociological theory is influenced by changes in the environmental culture and social structure, and therefore there is an interaction of theory with the changing social context. This assumption that is pertinent to this research as it guides a review of the contextual basis of theoretical assumptions underlying the dominant theories of organisational justice.

Mid range theories are built from the ground up. That is, there is a series of logically interconnected propositions that create the foundation of a number of theories. They deal with delimited aspects of social phenomena and involve abstractions that while being close to observed data also provide a guide to empirical enquiry through the development of propositions that can be tested (Merton, 1968 pp 39-40). Merton’s methodological approach to creating mid-range theories is primarily positivist but his concept of a framework of theories is not reliant on a particular methodology (Layder, 1998). Hence, an inductive qualitative approach can be usefully adopted to examine contemporary data discovered through an exploration of the research problem.

To address the problems of a grievance resolution system the issues of justice are fundamental because particular expectations of individuals revolve around their perceptions of justice and because outcomes of the process are also affected by concepts of justice. Therefore, this research uses a critical approach to explore a set of claims that are the predominantly accepted logically interconnected propositions about the meaning and structure of justice within organisations. This is achieved by exploring the experiences and behaviours of people acting within the organisational
justice system, in this case the grievance resolution system, and the meanings that are constructed about those experiences and behaviours.

The sets of interconnected claims of interest in this research include the claims of organisational justice, the claims of social identity theory and the claims of the theory of inequity in social exchange. These claims are briefly outlined here and are discussed in more detail throughout this Chapter. In the organisational justice literature, propositions have been tested by a variety of empirical methods and then progressively adapted and modified. Over the last half century more than 400 empirical studies and 100 theoretical papers on fairness and justice in the workplace have been published (Cohen-Charash & Spector, 2001). Organisational justice has become the foundation theory for theories of distributive justice, procedural justice and interactional justice. Interactional justice has further branched into the theories of informational justice and interpersonal justice.

Distributive justice refers to outcomes achieved by the justice process; these outcomes can be either narrowly defined or broadly defined. A narrow definition refers only to remuneration, while a broad definition includes all the psychological, physiological, economic conditions, social condition and goods as potential outcomes (Kabanoff, 1991). Procedural justice refers to the process used by the decision-makers when arriving at a decision. It is based on the six principles enunciated by Leventhal (1980) and aims to ensure that all parties have equal opportunity to present and hear evidence and argument to an independent unbiased and competent decision-maker. Interactional justice refers to the manner in which people are treated during the process. It has further been separated into informational justice which is about the how, when and what information is available to the key actors, and interpersonal justice, which concerns itself with the manner in which people interact with each other during moments of interest.

The literature identifies two competing underlying theories of organisational justice; they are social exchange theory and social identity theory. The primary claim of social identity theory is that a person’s sense of identity is derived from their membership of groups. In order to maintain a positive social identity individuals need to achieve favourable comparison of their group with an out group and to maintain
their belonging to the *in group* (Tajfel, 1981). The claims of the theory of inequity in social exchange are that people compare the ratio of their inputs to outcomes to others ratio of inputs to outcomes. In this theory, the term *inputs* refers to that person’s attributes and effort, and the term *outcomes* refers to the positive and negative rewards provided by the organisation (Folger & Cropanzano, 1998). Inequity theory also assumes that judgments about these elements and ratios are made on a normative basis. Inequity theory is derived from relative deprivation theory, which assumes people are concerned about their outcomes relative to others outcomes. Both are built on the assumptions of social exchange theory, which are that people are motivated by outcomes.

There is now a substantial body of empirical work which explores and tests the claims of organisational justice in multiple settings (Cohen-Charash et al., 2001) and that explores the inter-relationships between these sub-constructs (Brockner & Wiesenfeld, 1996; Törnblom et al., 1999). This empirical work sporadically identifies a disconnection between perceptions of distributional justice and perceptions of procedural justice. Additionally, inconsistent results are found in differences of perceptions of fairness (Kazemi & Törnblom, 2008). To date no explanatory research has been published that addresses this seeming anomaly, although MacCoun (2005) raises some significant theoretical considerations. What this research project does is to challenge the foundations of organisational justice theory, which are typically located within the larger sociological theory; *social exchange theory*.

Merton specifically states that if sociological theory is to advance significantly then work must proceed in two areas simultaneously; 1) *by developing special theories from which to derive hypotheses that can be empirically tested*, and 2) *by evolving... a progressively more general conceptual scheme that is adequate to consolidate groups of theories* (1968 p. 51). It is the second area that concerns this research project. By exploring the incongruities in the traditional foundations of organisational justice theories this research will increase our understanding of how justice is structured and experienced in the modern organisation. To do this, organisational justice needs to be theoretically deconstructed prior to identifying the epistemology and methodology that best captures the essence of the problem.
As discussed in detail in the next section of this Chapter, the concept of organisational justice can be pared back to its most simple and neutral construction (Rawls, 1972); the achievement of outcomes based on expectations. Thus, justice is achieved when expectations of a process are matched by the outcomes of the process. Hence, this research considers that which is valued by the individual in both their expectations and their outcomes as its starting point. Therefore, this empirical study needs to be able to explore the justice values of individuals and the justice values embedded in the grievance resolution system.

Research that aims to investigate values is contentious. In his discussion on the history of value based research, House (2005) identifies the value - fact dichotomy as a significant contributor to the decline in prevalence of qualitative studies in the USA. During the second half of the twentieth century US Federal funding required that social programs must be able to be:

\( (S)tated, \text{ measured and evaluated in (monetary) cost benefit terms, (which} \text{ resulted in) funded sociological research (being) primarily positivist, seeking facts that were real and could be measured } \) (House, 2005 p. 1069).

For logical positivists the only relevant empirical evidence are those \( (f)acts \text{ (that) could be based on pristine observations} \) (House, 2005 p. 1072). Using the same rationale, values were subjective and simply a matter of choice, where choice is defined similarly to a whim, and therefore not subject to scientific analysis. But if we define values as beliefs about the world, using the term \text{ value claim}, then the participants’ values become critical relevant data in the exploration of the efficacy of the grievance resolution system.

This research addresses the theoretical foundations of organisational justice in relation to the handling of grievances. In the following section the Rawlsian view of justice is introduced. Following that, the exploration of the role of values is the next logical step in understanding how justice is constructed and experienced in organisations by individuals.
Principles of justice and organisational justice theory

Fundamental to exploring the problem of how organisational grievance resolution systems influence outcomes for grievants is a discussion of different principles and mechanisms of justice and how individuals rely on these justice expectations in different contexts. An individual’s judgment about the justice or injustice of their experience has been linked to their attitudes, behaviours and feelings (Tyler, Boeckmann, Smith, & Huo, 1997). This section explores how social exchange theory forms the basis of explaining justice within an equity logic as is currently dominant in management literature (Adams, 1965; Thibaut & Walker, 1978) and the group-value model of justice that follows a social identity theory logic (Lind & Tyler, 1988). By drawing on a number of other approaches to understanding justice, such as the just world theory (Lerner, 1980) and the general theory of uncertainty (Lind & van den Bos, 2002), this section seeks other credible accounts that might support justice expectations within organisations from both the organisation’s perspective and the individual’s perspective.

In the social sciences the concept of justice is used in various ways. Justice is often associated with morality, and as such is one of a suite of values that act to establish and maintain social norms. In this thesis the concept of justice as a moral is put aside and the concept of justice as a value is adopted. From an individual’s perspective, justice can be used to describe a particular act, behaviour, or circumstance. Justice is expressed as a perception, or a justice judgment, such as that was unjust. Justice is also conceptualised as a noun: justice exists when we act with justice (Comte-Sponville, 2002; Moore, 2004). Hence, at its most fundamental level justice is that which the individual judges to be fair. The concept of justice can be construed as a point of equilibrium between what is expected and what is achieved in the circumstances (Jasso, 2005). Theoretical and empirical research is therefore focussed on the differential complexities of what is expected, by whom and in which circumstances (Jasso, 2005). As such, this research seeks to identify those values and principles are prioritised by the actors in different contexts.

Central to concepts of justice is the idea of fairness. Rawls’s theory of justice as fairness begins with a proposal of how a group determines which set of principles becomes accepted as reasonable (Rawls, 1972). When this process occurs behind the
The veil of ignorance, Rawls ascribes it as meeting one criteria of fairness (Cohen-Charash et al., 2001; Rawls, 1972). The veil of ignorance simply describes the condition where the decision-makers do not know what their final position will be, in terms of status and power over resources. Rawls uses the veil ignorance as a technique to overcome or conflate self-interest influences during the negotiating and decision-making phase, thus obtaining a high level of inherent fairness in the outcomes. This is contrary to the application of the equity principle in which self-interest is legitimised (Deutsch, 1975). Extending this logic would suggest that justice based on the logic of social exchange is not inherently fair.

The principles or values on which justice judgements may rest are many and varied; they include equality, equity, need, duty, retribution, restoration, rectification, reciprocity, entitlement, impartiality and participation (Selznick, 1992). Although nowhere can it be said that any of these arise from the pure or original state as described by Rawls’s veil of ignorance, rather they have become embedded or accepted over time within the reality of complex historical contexts. Further, concepts of justice, or the principles on which justice judgments and expectations are made, change over time and between contexts. Justice is not a static state but a fluid dynamic concept that is subject to a range of competing influences. Nor is a particular form of justice a uniform cultural norm within this or that society, group or individual. Within any given organisational context a number of justice principles may be operating, and at times these may be in contradiction or opposition with each other (Pfeffer & Langton, 1988). The principles of equality and equity are two typical values and the application of these to the research problem is discussed in some detail.

Rawls develops a strong argument for adoption of the principle of equality as the fundamental basis of justice. He argues that if you operate behind the veil of ignorance then you would agree on two principles. The first principle is maximising basic liberties compatible with a similar system of liberty for all. Within an institutional setting this would imply the impartial application and consistent interpretation of rules (Rawls, 1972 p. 504) over time and circumstance; thereby providing certainty and reducing uncertainty (Lind et al., 2002). This principle is similar in application to the first two of Leventhal’s six elements of procedural fairness; consistency and bias suppression (Leventhal, 1980).
Rawls’s second principle refers to the distribution of conditions and resources. He argues that fairness dictates that social and economic inequalities should be arranged to the greatest benefit of the least advantaged and there is equal opportunity to access various positions in society (Rawls, 1972). When these principles are applied, Rawls argues that the rights secured by justice are not subject to political bargaining or to the calculus of social interest (Rawls, 1972 p.302). In Australia, the principles of Equal Employment Opportunity legislation aim to ensure the second element of this proposition are met. It has been argued that justice based on principles of equality are central to creating and maintaining relationships where members are equally valued, hence promoting self-esteem and prioritising the relationship rather than the individual’s contribution or input (Kabanoff, 1991). Justice processes based on equity theory that relies on self-interest would be contrary to Rawls’s theory of fairness.

An expansive volume of management research accepts equity principles as the dominant principle of justice judgements in organisational settings (Adams, 1965; Cohen-Charash et al., 2001; Colquitt, Colon, Wesson, Porter, & Ng, 2001; Folger et al., 1998; Kabanoff, 1991). This theory proposes that changes in organisational behaviours and attitudes will be correlated with the perceptions of injustice that occur when individuals experience inequity in social exchange processes (Folger et al., 1998). The fairness of one’s own ratio of rewards to investments relative to the corresponding ratio of others is perceived as an assessment of deservedness (Cropanzano, Goldman, & Folger, 2003). Another aspect of equity based justice principles is that they rely on conceptualising employees as interchangeable rather than as an element in a unique social combination. That is, individuals are viewed instrumentally rather than relationally (Kabanoff, 1991) and the employment contract is primarily understood as transactional.

Much of the organisational justice literature defines distributive justice as outcomes and often more specifically as pay outcomes or pay satisfaction (MacFarlin & Sweeney, 1992). However, a broader perspective of distributive justice expectations includes outcomes such as psychological, physiological, economic and social conditions and goods (Deutsch, 1975; Kabanoff, 1991). This broader concept of distributive justice is congruent with the social justice literature that links
impoverishment, or distributive injustice, with lack of power over relationships, decision-making, information and resources (Benn, 1981). This broader conceptualisation of distributive, justice is infrequently explicitly applied in the management literature.

A substantial amount of empirical work has been conducted using the concept of equity as the justice principle (Lind, Greenberg, Scott, & Welchans, 2000). This includes work that supports the hypothesis that perceived inequity will lead to antisocial behaviour such as stealing (Greenberg, 1990) and that perceptions of equity will lead to positive behaviours and attitudes such as Organisational Citizenship Behaviours (Lind et al., 2000). Arising from an interest in developing the best process for achieving distributive justice, Thibaut & Walker’s (1978) theory of procedural justice and later the theory of interactional justice (Bies & Moag, 1986) have been the subject of extensive research and theoretical discussion. Indeed, two recent meta-analyses which reviewed over 400 research studies conducted in the last 25 years, considered whether distributive, procedural and interactional justice are different justice types, dimensions or constructs and found mixed results (Cohen-Charash et al., 2001; Colquitt et al., 2001). These studies highlighted inconsistencies and mixed results in the effects of justice perceptions on individual work related behaviours and attitudes. Specifically, that social exchange theory explains the effect of procedural injustice on performance but does not explain the effects of interactional injustice on performance [see Cohen - Carash et al, 2001, for details]. This leads to the suggestion that alternative plausible theories of justice in organisations may exist.

From a different viewpoint, resource allocation decision-making based on equity principles can be perceived as unfair in situations that emphasize group based activity (Meindl, 1989) and tend to increase the conditions that foster and rationalise bullying behaviour (Kabanoff, 1991). Additionally, much of this detailed work has not attempted to take into account inherent cultural biases thus reducing the efficacy of these studies (Powell, 2005), while research interested in the effects of culture has found some differences in perceptions of distributive and procedural justice (Leung et al., 1986). More generalised findings by cross-cultural justice researchers have contended that deficiency is felt more keenly than comparable excess (Jasso, 2005 p.)
and that feelings of injustice contribute to the downward spiral of conflict (Leung, 2005).

The acceptance of the definition of *justice as equity* is pervasive in the management literature1 (Lind et al., 2000; Masterson, Lewis, Goldman, & Taylor, 2000). But this is not the only justice perspective that is in operation within contemporary society and hence within multi-national global organisations. Leaving aside justice as morality, justice can be based on any principle, or group of principles, that members of a group agree on. Justice is thereby achieved when these principles, what ever they may be, are adhered to (Rawls 1972). Indeed, Leung (2005) and Greenberg (2001) suggest that the study of organisational justice needs a fresh approach, that it is the time to broaden the search for salient justice principles.

**Justice values**

The current management research literature generally investigates constructs of justice and values separately rather than integrating them. Integration will enable this research to develop a credible proposition that can be explored in relation to the research problem. A discussion of justice has been undertaken. This section examines the concept of values and then undertakes an integration process from both the individual and organisational perspective.

Values are used extensively by sociologists, social scientists, psychologists, political scientists and anthropologists to explain the human behaviour of individuals and of groups (Enz, 1988; Hitlin & Piliavin, 2004; Meglino & Ravlin, 1998; Rokeach & Ball-Rokeach, 1989). Values have been defined as beliefs, mental entities, general attitudes, preferences for outcomes or methods of achieving outcomes, interests, needs, pleasures, ordering of preferences, preferred states and valence of objects (Rokeach, 1989). Definitions of what values are, interchange *value* as a noun, which is a measurable property, with *value* as a verb, which is the process of valuing. Values are also categorised into dichotomous units such as deontological (terminal) or instrumental (Scott, 2000), and moral or moral free (Enz, 1988). Some researchers

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consider values to be a subconscious construct, that is, below the level of awareness (Kluckholn, 1952).

However they are defined, values can be considered a relative phenomena, an expressed preference for one state of affairs over another or of one mode of action over another (Meglino, Ravlin, & Adkins, 1989). They are by nature comparative, and a perceived socially desirable construct (Hitlin, 2004). Kluckholn (1952) argues that values are a blend of cognitions, emotional and evaluative reasoning, thoughts, feelings and preferences. More complex definitions refer to the conceptualisation of a desirable end state which influences preferences for actions (Hitlin et al., 2004; Rokeach, 1973), or evaluative beliefs that orientate a person to their environment (Hitlin et al., 2004; Scott, 2002).

Given that organisations make decisions by taking into account multiple values including various means and ends, and also that they do make considerable efforts to control and direct or manage the behaviour of their employees, then organisations can be said to display values (Enz, 1988; Selznick, 1992). Organisational values can be defined as the means and ends organisations ought to or should identify in the running of the enterprise (Rokeach, 1989; Scott, 2002). Values become embedded within organisations and are then difficult, but not impossible to change, giving organisational values a characteristic of stability that is similar to individual and societal values. Values can be conceptualised across different levels of aggregation; individuals, groups, organisations and society (Meglino, 1998; Hitlin, 2004) suggesting that multi-level research could be usefully conducted.

The concept of a justice value, which combines two complex constructs, is used by Deutsch (1975) and Kabanoff (1991). A justice value is a belief or preference for a mode of behaviour or outcomes or end states that reflect the actor’s beliefs about justice. This definition embodies a judgment about which principles the actor relies on. Moral value theory includes justice as one of five categories of values; here concepts of justice include a judgment about the morality, or ethical correctness, of behaviours (Cropanzano, 2003).
Viewing justice from a different angle, forgiveness researchers from the field of psychology, where justice is usually conceptualised as retributive, have used the term justice values when investigating when and why forgiveness is proffered (Karremans & Van Lange, 2004). Karremans and Van Lange (2004) identified a number of factors that may influence the essential meaning of an individual’s justice values; these include cultural identity, personality, specific circumstances, and temporal fluctuations. This research project is interested in the specific circumstances of the organisation and locates the individual within that organisational context.

Although organisational theory has captured equity as the primary principle of justice in organisations, individuals carry more complex understandings and meanings of justice. These meanings are not necessarily concerned with tangible benefits (Jasso, 2005). Justice is a concept that implies a state of equilibrium between the actor’s belief systems, what is expected, and the behaviours or outcomes that affect them (Morris, Leung, Ames, & Lickel, 1999). These belief systems can be based on any number of varying principles (Dignan, 2005). For example, if an individual holds strong beliefs about duty to their parents, filial fidelity, then they may place workplace responsibilities at a lower priority. Complaints from managers about prioritising family responsibilities over work responsibilities would run counter to those individual’s value systems. Particularly where filial fidelity is a culturally dominant belief, employees may expect their employer to accommodate, and perhaps give preference to, these responsibilities.

Justice can rely on principles of duty and obligation, sometimes referred to as deontic justice; restorative justice which encompasses reparation and restitution (Cook & Hegtvedt, 1983; Dignan, 2005); retributive justice which focuses on punishment and just compensation (Cook et al., 1983; Rawls, 1972); historical justice which recognises the historical context of the action or behaviour; principles of equality in rights which assumes that all parties must be dealt with as if they had equal power, knowledge and resources (Morris et al., 1999; Rawls, 1972), principles of needs which informs social justice and family welfare (Morris, 1999) and religious principles such as the principles of harmony derived from Confucianism (Enz, 1988; Meglino et al., 1998; Meglino et al., 1989; Scott, 2002; Turner, 2000). Hence, justice
values can reside in a multitude of principles, and each configuration of principles will lead to different expectations about behaviours and attitudes.

Organisational culture
The role and importance of shared values within organisations has been studied for many years (Meglino, 1989). Organisational culture theory suggests that a strong organisational culture revolves around shared values and that this performs external adaptation and internal integration functions (Enz, 1988). The external adaptive function refers to the influence organisational values have on the way an individual behaves. The integrating functions of shared values between employees are particularly relevant to the interpersonal interactions in organisations.

Leadership theory suggests that establishing and maintaining shared meaning is a critical role for senior management (Enz, 1988). Shared values enable a shared definition of what is critical to emerge (Meglino, 1989), enable compatible methods of analysing and interpreting events, and reduce uncertainty because role expectations and behaviours are more predictable (Enz, 1988).

When parties recognise shared values there is increased trust and loyalty between them. This also leads to greater communication and information sharing between them. Both parties will feel more secure, believing that value congruence will enhance support for their preferences and reduce the number of threats to their position and preferences (Kidron, 1978). Thus, shared values reduce uncertainty and decrease the negative impact of unfair decisions (Lind et al., 2002).

The values fit between organisations and individuals has been shown to determine important organisational outcomes, including increased job satisfaction, organisational commitment (Meglino, 1989; Enz, 1988), increased satisfaction with supervisors and longer job tenure, all of which lead to increased organisational performance (Leymann & Gustafsson, 1996). Perceived congruence of social values between an organisation and an individual is identified as supporting behaviour that complies with the organisation’s rules and codes of conduct (Tyler, 2006).
Creating a shared perception of justice is a two-stage process; the parties need a common understanding of justice principles or values and then agree that the behaviours met the standards espoused by these values. In a recent study of cooperative alliances in China, Luo (2005) concluded that when both parties perceive high procedural justice, through organisational representatives identified as boundary spanners, the financial returns for both parties from the alliance was increased. This thesis contends that the closeness of fit between the organisation’s justice values and individual’s justice values has particular relevance when the organisation’s representative behaves in ways that challenge the individual’s belief systems about justice. Specifically, this would occur when the organisational response to a grievance is not congruent with the grievant’s expectations of the organisation’s grievance resolution process. Thus, this research extends previous investigations into the role of culture on the perceptions of justice by operationalising culture at the organisational level (Cohen-Charash et al., 2001; Leung et al., 1986).

Table 2.1  Conceptual Framework

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<tr>
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<th>Social Exchange Theory</th>
<th>Social Identity Theory</th>
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<tr>
<td>Organisational model</td>
<td>Resource-based</td>
<td>Behavioural</td>
</tr>
<tr>
<td>Organisational view of the employment relationship</td>
<td>Instrumental</td>
<td>Relational</td>
</tr>
<tr>
<td>Justice principle dominant in the grievance resolution system</td>
<td>Equity</td>
<td>Equality</td>
</tr>
<tr>
<td>Employee’s view of the employment relationship</td>
<td>Self-interest</td>
<td>Group value</td>
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<tr>
<td>Employee’s orientation</td>
<td>Individualistic</td>
<td>Collectivist</td>
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Source: The author developed this framework based on the conceptualisation of Tyler, Boeckmann, Smith & Huo (1997)

Table 2.1 sets out how each underlying theory, social exchange and social identity theory, relates to the approaches adopted at each level of the organisation. At the broadest level the underlying theoretical model adopted by the organisation reflects the general values or principles underlying decision-making. Where the organisation assumes individuals are primarily motivated by outcomes, as predicted by social exchange theory, the resource based view of the firm would be the general approach adopted. Where the organisation takes the view that people are motivated by their
sense of belonging in a group, as expanded by social identity theory, then the behavioural view of the firm would be the general approach adopted.

Narrowing the focus to the employment relationship, and remaining consistent with the underlying theoretical models set out by social exchange and social identity theory, the organisation would adopt either an instrumental or a relational approach. At the specific point of interest, the grievance resolution system, and as discussed in this Chapter, equity and equality principles are the justice principles that are congruent with social exchange and social identity theory respectively.

As this research is interested in the alignment of values between the organisation and the individual, the next two levels reveal the employee values. The conceptual framework sets out firstly the underlying values of their view of the employment relationship and then their general orientation as it would appear if congruent with either social exchange or social identity theory.

Clearly, in reality neither organisations’ nor individuals’ values fit neatly into this dichotomous framework. This conceptual framework is a devise to assist in understanding the complexity of the phenomena and to guide the research.

The model assumes congruence of values at each level, for instance between the organisations’s approach to the employment relationship and the justice values it displays in its grievance resolution system. The model extends this to include the congruence between these justice values and the individual employee’s view of the employment relationship. Congruence, or incongruence, between underlying justice values operating at each level of the organisation, as set out by this conceptual framework may contribute to the efficacy of the grievance resolution process.

2.2. The content of a grievance: workplace bullying

Introduction
In order to examine how a grievance resolution system works, this research is primarily interested in the carriage of one type of grievance; bad behaviour in the workplace otherwise not legally defined. This excludes complaints and grievances
about legally defined bad behaviours such as sexual harassment, assault or discrimination. Limiting the field of interest for this research enables a better focus on the efficacy of the internal grievance resolution system that is designed as a kind of catch all, rather than the regulated processes dictated by Australian law. A review of the current literature about these behaviours will provide some background knowledge that is relevant to choices made about intervention strategies.

**Conflict, harassment, bullying or micro political behaviours?**
This section presents bad behaviour in the workplace within a definitional framework of negative interpersonal relationships that escalate to point where a third party becomes involved. It lays the groundwork for seeking alternative plausible theories of why intervention through an organisational grievance resolution mechanism can exacerbate the negative outcomes for the target or cause collateral damage.

It is claimed that managers can spend up to 20% of their working hours dealing with the unhappy interpersonal relationships amongst their staff members (Thomas & Schmidt, 1976). Anecdotally this is a complex and fraught task, supervisors and managers are often required to make judgments outside their professional expertise about the nature and causes of interpersonal problems. For instance part of the initial assessment of the situation will be to decipher whether the matter is a conflict between two employees or an attack on one individual by another or by a group. A mistake at this point, through applying the right solution to the wrong problem, may result in an escalation of hostile behaviour leading to significantly greater negative outcomes, in terms of the health and well-being for the individuals involved and loss of productivity or the payments of large compensation packages (Rahim, 2002; Tajfel, 1981). Managing unhappy and potentially destructive interpersonal relationships between employees is a risky business for all involved.

The challenge for managers is not diminished by the existing research where bad behaviour goes by many names (Keashly & Jagatic, 2003a). A review of the literature reveals a wide range of common terms are used, including deviant behaviour (Aquino, Galperin, & Bennett, 2004), workplace aggression (Neuman & Keashly, 2005), counter-productive behaviour (Penney & Spector, 2005), workplace incivility (Andersson & Pearson, 1999), bullying behaviour (Einarsen, Hoel, Zapf, & Cooper, 2003a), emotional abuse (Keashly, 1998), workplace misconduct (Huiras &
McMorris, 2000), extreme careerism (Bratton & Kacmar, 2004), workplace harassment (Rospenda, Richman, Ehmke, & W, 2005), antisocial behaviour (Robinson & O'Leary-Kelly, 1998) and organisational conflict (Rahim, Garrett, & Buntzman, 1992). A quick glance at these terms reveals that some refer to broad concepts, for example workplace conflict, while others, such as workplace incivility and extreme careerism, rely on a tight definition. While these constructs map across similar domains, correct identification relies on understanding the differentiating criteria being applied. These defining decision criteria include both necessary conditions and boundary conditions.

The following comparative analysis of these constructs is undertaken from the perspective of the individual concerned. Management literature and the social sciences generally, do not agree on one simple definition of conflict (Keashly & Nowell, 2003b). Conflict definitions from the conflict management literature often focus on the nature of the matter at hand, the actual phenomena of conflict. Frequently the behaviour of the parties involved becomes the focus of investigations of conflict management processes, styles and attitudes. Definitions of conflict include (1) a temporal element by referring to the ongoing contest between the parties; (2) an inter-relational element that infers two or more parties are involved; (3) an element of intensity that ensures that the potentially contested matters are recognised and (4) an element of opposition or contest which implies that the parties involved have some capacity to interfere with each other (Boulle, 1996; Condliffe, 2003). Conflict where the parties experience negative feelings is further differentiated from a dispute, which is defined as a difference in understanding or interpretation of fact (Moore, 2003). This distinction is also referred to as affective conflict and substantive conflict. Affective conflict appears to have a substantially greater impact on the individuals. It is described as threatening one's value system and identity (Keashly et al., 2003b) and includes a comprehensive array of passive and verbal hostile or negative acts.

Within the management literature, conflict is usually defined as an interactive process that is based on recognition by the parties involved of activities that are incongruent with needs, values or interests, incompatible wishes or preferences, or irreconcilable desires (Jehn & Mannix, 2001; Rahim, 2002). Thus providing a temporal and dynamic explanation of the phenomena of conflict (Mannix, 2003) without falling into
the conceptual limitations that can be inadvertently applied when a list of behaviours is included in the definition.

Definitions of bullying behaviour also usually include as necessary conditions the four elements of conflict; (1) multiple interactions, (2) temporal elements, (3) two or more parties and (4) the capacity to interfere with a party’s preferences, values and interests. Leading scholars put the following definition of bullying forward:

(B)ullying at work means harassing, offending, socially excluding someone or negatively affecting someone’s work tasks. In order for the label bullying (or mobbing) to be applied to a particular activity, interaction or process, it has to occur repeatedly and regularly (e.g. weekly) and over a period of time (e.g. about six months). Bullying is an escalating process in the course of which the person confronted ends up in an inferior position and becomes the target of systemic negative social acts. A conflict cannot be called bullying if the incident is an isolated event or if two parties are of approximately equal strength (Einarsen et al., 2003a p15).

It is immediately apparent that a boundary criteria difference between standard definitions of conflict and this definition of bullying is the unidirectional capacity to interfere with preferences, values and interest. That is, only one party, the instigator of bullying behaviours, has the capacity to thwart or threaten the other party’s preferences, values or interests. A second boundary criterion, the defencelessness of the target, is frequently cited as the most significant necessary condition that identifies the perpetrator’s behaviours as bullying. Hence, there are two distinguishing boundary criteria that differentiate bullying from conflict; (1) the unidirectional capacity to harm and (2) the limited or relative inability to defend.

From the perspective of a third party, it is often difficult to distinguish between conflicts and bullying, particularly in situations of affective conflict where the types of behaviours and the felt experiences of the parties are very similar to bullying (Zapf & Gross, 2001). During an escalating conflict one party may lose power and thus be unable to defend themselves from increasingly personal and aggressive attacks. The other party becomes devalued as a human, enabling justification of the hostility and de-sensitisation to the potential harm caused by the bullying. In the early stages of bullying the target may well respond, this reciprocation thereby giving the impression of a conflict between equals or giving rise to an assessment that the target’s behaviour
warranted a return of hostile or negative acts. This may then be re-interpreted as maintaining professional standards or firm but fair management practices. Then the decision criterion of the degree of equality of power each party has over the other becomes irrelevant since the target is assessed as deserving of the treatment. These similarities lead some authors to categorise bullying behaviours as a subcategory of workplace conflict (Hodson, Roscigno, & Lopez, 2006).

Bullying behaviour also looks very similar to generalized workplace harassment that is defined as;

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\text{negative workplace interactions that affect the terms, conditions or employment decisions related to an individual’s job, or create a hostile, intimidating, or offensive working environment, but which is not based on legally protected social status characteristics (Rospenda et al., 2005 p.96)}
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Rospenda (2005) recognises that legally defined bad behaviour is distinct from general harassment in relation to both definitions and consequential opportunities for remedies and preventative strategies. Based on these definitions, workplace conflict represents the largest domain, while bullying and general harassment may be defined as a subset of the conflict domain.

Another group of behaviours identified in the literature as potentially damaging to the target and the organisation are micro-political behaviours that may cross the line of acceptable use of power (Zapf & Einarsen, 2003a). To advance their careers some personnel may use negative or selfish acts that create a better self-image to the detriment of another. Extreme careerism, the pursuit of career advancement using any means necessary, involves a range of negative impression management behaviours, such as blaming, discrediting, intimidation and taking the credit for some-one else’s work (Bratton et al., 2004). These tactics look remarkably similar to some bullying tactics except that the extreme careerist is motivated solely by their own advancement, and has no interest in either the welfare or psychological damage of others. This lack of interest in outcome for others helps to differentiate an extreme careerist from a bully. Plausible antecedents for the perpetrator of bullying behaviour include a desire to protect oneself from a perceived superior performer, or potential rival who threatens the self esteem of the bully by destroying that person’s reputation or self esteem (Zapf et al., 2003a). These motivations are similar to those identified for the
extreme careerist. However, the distinguishing feature of interest or lack of interest in the welfare of the target is not easily identified in the workplace.

As previously hidden, or excluded, minority groups gain recognition, status and self-identity there is a corresponding gain in the positive value of membership of these groups. In turn members of these groups guard the distinctiveness of their group, directing hostility towards those who are similar but less distinct from the mainstream. White and Langer (1999) identify these types of negative behaviours as arising from a form of prejudice they called horizontal hostility. This kind of hostility may serve as an alternate explanation for some forms of bad behaviour between members of the same minority groups. However, it can also serve to obscure the nature of the bad behaviour, as abuse between members of a minority group runs counter to stereotypical beliefs. For instance, a common belief about the inherently nurturing nature of women is often extrapolated to an assumption that women are inevitably supportive of other women, even when they belong to different sub-groups of women. Hence, discrimination can be mislabelled as bullying, and bullying as treatment the target deserves.

In the real world scenario of workplace bad behaviour, all the participants, be they the target, the perpetrator, the third party handler or third party witness, are similarly confounded by the problem of clear identification and labelling of the behaviours. Preliminary decision-making, to ascertain if the matter does involve behaviour outside the organisations norms, is highly problematic and contestable. However, bullying behaviours, whether labelled as such by the target or not (Magley, Hulin, Fitzgerald, & DeNardo, 1999), are a severe form of social stress (Zapf et al., 2001). This is revealed in two recent studies that have used two types of measurement in the same population and then compared the results (Ólafsson & Jóhannsdóttir, 2004). In both studies, the participants reported a considerably higher rate of exposure to specific negative acts than the rate at which they self-label as a target of bullying.

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2 These include a single item measure based on a definition of bullying, and a multiple item scale of specific predefined negative acts.

Problems of definition and the covert nature of the bullying surround identification with degrees of uncertainty. Uncertainty heightens the need for fairness, sensitises the individual’s justice judgments and may increase the impact of stress (Lind et al., 2002). The opposite is found in the identification of successful coping strategies, as these rely on clarity and acceptance of definitions of bullying behaviours, acceptance of the damage to the target and also clear objective remedies that will elicit a return to normal working relationships (Zapf, 2001).

Research on bullying
During the decade of the nineties research in Scandinavian countries, most notably research programs conducted by Leymann (Einarsen & Skogstad, 1996) and Einarsen (Liefooghe, 2004), provided systemic evidence that bullying and mobbing behaviours did occur in the workplace and that these behaviours did cause serious negative outcomes for the targets (Kivimaki, Elovainio, & Vahtera, 2000). Prevalence rates for bullying behaviours varied only slightly, after adjusting for different measurement types, and targets did not appear to have particular demographic or personal characteristics in common (Lewis & Orford, 2005).

Unlike sexual harassment or racial discrimination, which rest on concise legal definition, and as described in the previous section, there are considerable difficulties for both the target and involved third parties in correctly identifying what type of bad behaviour is occurring (Einarsen et al., 2003a). These workplace difficulties are replicated in academic research where the operationalisation and measurement of bullying behaviour is not standardised (Ólafsson et al., 2004). Einarsen, Hoel, Zapf and Cooper (2003) identify five measurement distinctions in their review of empirical research conducted between 1993 and 2001. These include (1) the frequency and duration, (2) the gender effects, (3) the number of bullies, (4) the organisational status of the bullies and targets, and (5) the categories of bullying behaviours.

Several recent studies have found that 18% - 24% of employees report being the target of negative acts occasionally but only 1.6% - 2.6% describe themselves as being bullied (Ólafsson et al., 2004; Salin, 2001). There are both measurement rationale and psychological explanations for these variations. However, where the identifying distinction lies in the causation of serious health damage, the accepted prevalence rate of workplace bullying is 3% (Zapf, Einarsen, Hoel, & Vartia, 2003b). These findings are consistent with Zapf, Einarsen, Hoel and Vartia’s (2003) recent meta-analysis. They reviewed the empirical findings of 52 studies, with over 116,000 participants, which were conducted in 11 European countries between 1989 and 2001. Despite the variety of measurement techniques used in these studies, these authors made a conservative estimate that between 1-4% of employees experienced being the target of harassing or offending behaviour on a weekly basis that socially excluded them or negatively affected their work. These are considered the most severe cases. Between 8-10% of employees reported being the target of these negative behaviours less often than weekly, over a 12-month period. This research uses these conservative estimates of the incidence of non-legally defined grievable events, that is bullying and harassing behaviours.

**Impacts on the target's health and well-being**

Many recent projects demonstrate that bullying is a significant stressor that produces severe emotional reactions and can lead to high levels of damage to the health and well being of the target (Einarsen et al., 2003a). Effects on the individual who is targeted include clinically observed conditions such as depression, obsessive-compulsive behaviours, helplessness, anger, anxiety, despair, psychosomatic illness, social isolation and maladjustment (Einarsen et al., 2003a). Early research conducted in Scandinavia by Leymann (1992) claimed that bullying was a major cause of suicide. Other research has found targets reporting symptoms that are similar to those identified with high levels of Post Traumatic Stress Disorder (PTSD) (Mikkelsen & Einarsen, 2002), clinical diagnosis of depression (Matthiesen & Einarsen, 2004) and increased risks of cardiovascular disease (Kivimaki et al., 2003).

Studies have shown that the risk of PTSD occurring increases if the incident is related to personal aggression rather than an accident or an act of God, if the event is prolonged, if leadership is lacking and social connections are limited (Lerner, 1980).
Bullying targets in rehabilitation were tested against three established scales, which found that between 60% and 70% reported PTSD symptoms. This study also found that the reported level of PTSD symptoms was higher for targets of bullying than for separated or divorced people, parents of children killed in a bus crash, war zone personnel and survivors and victims of downsizing. Matthiesen & Einarsen (2004) suggest that it is the shattering of the target’s belief system that causes the high level symptoms, particularly where that belief system comprises a strong sense of personal invulnerability or a just world belief system (Tehrani, 2004). Both these belief systems rely on the assumption of a stable, orderly, safe, benevolent and coherent world; an assumption that is severely challenged by the experience of being targeted by bullying behaviour that is prolonged, difficult to escape, difficult to name and frequently impossible to gain support from others. Lewis and Orford (2005) also report participants in their study experiencing a shatter(ing) of every thing that (they) believed in….my whole reasoning, everything (2005 p 40).

The phenomenon of bullying is personal, private and prolonged. The experience is unlike most traumatic incidents or accidents which are quick, public and rarely directly connected with or attributable to the individual. The experience shares the private nature of domestic violence; most targets report difficulty in finding a third party witness. Similar to sexual assault, bullying is considered a very personal attack and some researchers and practitioners view the personal characteristics of the target as a contributing causal factor. The results of Vega & Comer’s (2005) research found targets report feelings of shame, powerlessness, self-blame and failure, feelings similar to those experienced by victims of domestic violence and sexual harassment (Magley et al., 1999). It is the fact of the harassment, and not just its label or appraisal as stressful, that leads to negative health and well-being outcomes for the targets (Einarsen, Matthiesen, & Skogstad, 1998; Hoel, Faragher, & Cooper, 2004; Kivimaki et al., 2000). When the association with feelings of helplessness, powerlessness and distress is prolonged, targets experience learned helplessness (Vega et al., 2005).

Bullying acts have been found to negatively affect workplace behaviours and attitudes. Targets reported experiencing higher levels of medically certified sickness absenteeism, burnout and lower job satisfaction (Kivimaki et al., 2000). Anecdotally,
there is some evidence of higher exit rates amongst employees who have been targeted (Niedl, 1996) and there is some evidence of increased intention to exit (Fryxell, 1992). While the impact of these reactions falls primarily on the individual, there are significant negative consequences for the organisation.

Clearly, workplace bullying can lead to significant damage to the health and well-being of the target. There is growing evidence that links workplace bullying with increased negative workplace behaviours which implies a negative impact on productivity. Additionally, there are considerable difficulties associated with the management of workplace bullying; in particular problems arise in the early stages of intervention relating to appropriate identification of the problem. The following section presents some theoretical considerations in the conceptualisation of workplace bullying with particular attention to the nature of the organisational grievance resolution system.

**Social identity theory and workplace bullying**

This section builds on the analysis of the constructs of bad behaviour and examines one explanation for the impact on the health and well-being of the target of bullying behaviour. As an alternative to social exchange theory, as an underlying assumption of attitudes, expectations and behaviour in organisations, social identity theory may provide more plausible explanations for the susceptibility of targets to negative impacts on their health and well-being. If social identity theory has some explanatory power then the outcomes of participating in a grievance resolution system based on equity principles and modelled on the adversarial legal system, can be examined from a social identity perspective.

A substantial body of literature seeks to explain bad behaviour on the basis of individual pathology of either the perpetrator or the target (Brown, 2000). This work assumes a social exchange rationale, where conflict is based on competing goals and conflicting interests. An alternative explanation for conflicts and disputes between individuals is located in concepts of group identity, or *social identity theory* (Tajfel, 1981). Social identity is conceptualised as:

*That part of the individuals self concept which derives from (their) knowledge of (their) membership in a social group (or groups) together with the value*
and emotional significance attached to that group membership (Hitlin, 2004 p. 255).

Tyler and Bladder (2000) hypothesize that injustice threatens an individual’s social identity because it signals exclusion from a significant group. This extends the group-value model that seeks to explain individual expectations and judgments of procedural justice within a social identity theory framework (Lind et al., 1988). Group belonging has become increasingly important within the workplace as the unitarist approach to managing employee relationships has gained acceptance (Legge, 2005). For instance, employees are increasingly managed with a group or team structure, and measured and tested to determine their commitment, loyalty and willingness to be a team member.

Other support for considering social belonging as significant comes from the post-modern explanation of bullying as arising within tribal organisational forms in ever shifting terrains (McCarthy, 2003 p. 241). Lewis and Orford (2005) conclude that workplace bullying may be better understood as a group, or organisational, process that occurs within the context of organisational cultures rather than purely as a characteristic of individuals (Crawford, 1997; Liefooghe & MacKenzie, 2001). This approach also recognises certain stereotypical beliefs may be associated with the construction of the commonly accepted meaning of victim as an identifier (McCarthy, 2003; Zapf et al., 2003a). As a method of de-constructing these meanings the term victim is replaced by target throughout this thesis (Magley et al., 1999).

Coupled with the violation of a target’s sense of belonging to a workgroup, bullying also attacks the target’s sense of self as a competent worker (Ferris, 2004). The belief in one’s ability, and hence capacity to exert some control over their circumstances, has a great influence over levels of motivation and emotions (Bandura, 1995).

Clearly, complaints about a range of interpersonal problems are brought to the attention of managers. How these interpersonal problems are identified and defined will influence the manager’s choice of interventions. This section has detailed some of the competing definitions and descriptions of bad behaviour in the workplace. It has laid out the current research into the prevalence and the potential damage to individuals and the organisation. This provides a foundation from which to review
the state of research and practise of contemporary management and intervention strategies.

2.3. Research on grievance resolution systems

In society, interactions between members are governed by criminal and civil laws, which are created and enforced by separate and independent bodies; the parliament, the police and the judiciary. However, the situation in the workplace is a little different. Most large organisations have an internal, and therefore arguably not independent, formal grievance system where the matters are investigated and decided upon by colleagues and senior members of the organisation. This presents a number of challenges for managers about the choice of strategy and interventions in the management and resolution of grievances. This section reviews contemporary research into the management systems designed to handle employee grievances. Management systems are defined in this research as the combination of policies, procedures and promotional activities, including access arrangements, designed to manage a particular aspect of organisational activity or responsibility.

A grievance, a complaint or a dispute?

Within Australian organisations, grievance resolution systems are generally designed to handle any matter that an employee may feel aggrieved about, except those that fall within the terms and definitions of specific legislation such as anti-discrimination legislation. Complaints are generally regarded as matters brought to the attention of the organisation by its clients or customers. On the other hand disputes are generally defined in industrial relations terms as group level challenges to the terms and conditions, or their implementation, as set out in the employment contract.

There are at least three distinct definitions of a grievance in the literature. In the USA, a grievance is defined as a *cause for complaint*, while a complaint is generally thought of as the act of stating a grievance (Lewin et al., 1988). Lipsky, Seeb and Fincher (2003) define interest based disputes in terms of an industrial or labour dispute. They name a rights based dispute that arises out of collective agreement a grievance. A grievance is also considered to be a matter that has been complained about but which has not been satisfactorily resolved. The working definition of a grievance used in this research is provided by Ichniowski.
A statement by the employee that s/he is not being treated as s/he should be under (the organisations) formal and informal work rules and practices (Ichniowski, 1986 p. 81).

Grievance resolution systems

Grievance resolution systems are designed and implemented by representatives of the organisation. With some notable exceptions, grievances are handled internally and are bound by policies and procedures that are wholly determined internally. Exceptions in Australia include acts and behaviours that are defined by law as illegal; sexual and racial harassment, discrimination based on racial, gender, sexuality, age or marital status, violent acts, fraud and other illegal behaviour, all of which would normally be passed over to an external agency. In reality, this leaves the internal grievance resolution system primarily handling complaints about bad behaviour that is not otherwise legally defined.

Most grievance resolution research emanates from the USA prior to 1985. This body of work is based on unionised case studies, and involves both contract, or industrial, disputes and individual grievances. There was much interest in the final steps of grievance resolution, in particular the process of arbitration (Bemmels & Foley, 1996). A substantial proportion of this research is focussed on correlations between filing rates and firm level performance or output (Lewin, 1988). This led to theorising that grievance filing rates were an indicator of worker attitudes, organisational climate and also an indicator of the ability of management and employees to resolve conflict (Ichniowski, 1986).

Since 1985, several attempts at developing a systems model of grievance resolution procedures have been made. In a theoretical discussion of the entire process, Klaas (1989) located grievance resolution processes within the established justice as equity framework. Citing applied research, he posited procedural justice as critical to grievants perceptions of outcome satisfaction (Klaas, 1989). This is supported by the organisational justice literature that consistently finds high correlations between perceptions of procedural justice and satisfaction.

However, Bemmels and Foley (1996) consider the grievance resolution process too complex to withstand this approach and suggest that each stage or aspect of the
phenomena be addressed separately. They identify grievable events, grievance initiation, grievance processing, management retaliation for grievance filing, and post reinstatement experiences as distinct areas of the grievance literature. They limited their review by considering only those studies that defined a grievance as an alleged breach or violation of an employment contract, and where it was accompanied by union support (Lewin, 1988). Research prior to 1996 has been focussed on the usage and operation of procedures, e.g. grievable events, differentiating between filers and non filers, filing rates, union and non-union initiation grievances (Bemmels et al., 1996). Daley (2007) found that only 20-25% of those employees who reported experiencing being treated unfairly (40%) or being misled (30%) then filed a formal grievance. Bemmels and Foley (1996) reported finding mixed results in the correlations between the characteristics of the grievance resolution process and the settlement rates. For instance, they found that a written grievance was related to taking a longer time to reach settlement and higher arbitration rate. They also found contrary evidence that a written grievance was related to higher resolution rates at the initial stages.

Some basic information about the effectiveness of grievance resolution systems can be gleaned from the range of objective measures such as settlement rates, level of process at which settlement occurs, and the time taken to reach settlement (Lewin, 1988). However, Lewin and Peterson (1988) suggest that a subjective evaluation by the participants will also give a valid assessment of the effectiveness of a grievance resolution system. They discuss the grievant's perception of the equity of the settlement, while others were interested in measures of perceptions of the fairness of the processes and impacts on the workplace equity and dignity (Bemmels et al., 1996; Clark & Gallager, 1988). Bemmels and Foley (1996) go further, arguing that its preferable to use a subjective approach based on their assumption that the purpose of the grievance system is to resolve the matter to the participants’ satisfaction. The distinction between measuring the effectiveness of the process and measuring the effectiveness of the outcome is also considered.

Bendersky (2003) takes a different approach when she proposes a multi-component system that catches and handles grievances, industrial disputes and interpersonal conflict. She theorises that access to, and employee choice of complementary
processes, will activate a range of positive indirect outcomes. Although each of the theoretical linkages she proposes is plausible, she neglects to expose the basic underlying assumptions of her model. The anticipated positive outcomes are all contingent on the organisation facilitating and allowing the parties in conflict to choose the combination of dispute resolution processes. Additionally, the degree of control over the choice of intervention may contribute to the positive outcomes independently from the effects of the intervention chosen. Future research that separates the effect of control and choice, and the effect of the intervention strategy would clarify this. A second assumption is that the parties will somehow make the right choice in matching the type of conflict and type of dispute resolution system to achieve the best possible outcome. As previously discussed, an employee complaining of being targeted by another’s bad behaviour is generally in a highly stressed state. In such a state of distress, their decision-making is likely to be impaired, thus reducing the likelihood of them making an efficacious choice.

Two recent studies have examined organisational grievance resolution processes from the perspective of the third party practitioners who apply intervention strategies (Saam, 2009; Van Gramberg, 2006c). In her study of ADR practitioners engaged by Australian organisations, Van Gramberg raised concerns about the quality of justice achieved. She found that power imbalances were not adequately dealt with and that neutrality, or absence of bias, was not achieved by the ADR practitioners. Indeed, it was suggested that these external ADR practitioners could become instrument(s) of managerial power (Van Gramberg, 2006c p.187). Saam (2009) specifically reviews the interventions adopted by external agents to address bullying. This empirical study led to the proposal that mediation was not an appropriate intervention strategy. Rather she considered that a multi-level understanding of the phenomena of bullying would facilitate a more nuanced selection of intervention processes, such as coaching and organisational development. These contemporary studies shed some light on the practical problems associated with the implementation of a grievance resolution system.

A review of the literature on grievance resolution systems demonstrates that grievants are likely to experience indirect negative outcomes in the workplace. That is, outcomes other than whether the grievance is substantiated or not. This can include
punishment for violating the norms of not reporting mistreatment, lower performance ratings, lower incidence of promotions, as well as a range of withdrawal behaviour including higher absenteeism and higher exit rates (Bemmels et al., 1996; Boswell & Olson-Buchanan, 2004; Guest et al., 2002; Klaas & DeNisi, 1989; Klaas, Heneman, & Olson, 1991; Lewin & Peterson, 1999; Olson-Buchanan, 1996). Empirical research the 1980’s found a negative relationship between the presence of a grievance system and intention to leave the organisation (Olson-Buchanan, 1996). In a large study, Guest and his colleagues recently made a similar finding in Australian organisations (Guest et al., 2002). There is also some evidence of managerial retaliation, and evidence that grievants who either lost or who settled at an early stage in the process experienced fewer and less intense negative indirect workplace outcomes (Lewin, 1988; Klaas, 1989).

However, these results need to be treated with some caution as most of the research does not identify and separate the effects of the initial mistreatment and the effects of filing a grievance (Boswell, 2004), nor do they make distinctions about the effectiveness of the grievance system per se (Ewing, 1989). None the less, to date it has not been possible to find research that demonstrates that participation in an internal grievance resolution process alleviates the individual’s experience of mistreatment.

There are significant risks for the target of bad behaviour if they approach the organisation for assistance (Ferris, 2004). The organisation may normalise the bullying behaviour; this approach is demonstrated by siding with the bully and suggesting the target toughen up. According to Ferris (2004), an organisation where the culture is competitive, achievement focused, and is accountable to shareholders and to the board of directors is more likely to normalise bullying behaviour. This response leads to an increased propensity of the employee to quit. Denial of the behaviour as bad, including perceptions of the behaviour as consistent with the organisational values, practices and roles, has been identified a common response by managers (Lewis et al., 2005).

According to some research (Ferris, 2004), organisations that are particularly rule orientated and bureaucratic, such as large public institutions, tend to respond to formal
complaints of bad behaviour by blaming the target. This approach to resolving the grievance aims to dissuade the grievant from progressing the matter by suggesting that a personality conflict exists or the behaviour complained of does not fall into human rights legislation. Ferris (2004) found that this response increased the incidence of employees seeking damages in an external court. Often revealed as an implicit consensus between Unions, management and co-workers, the problem becomes constructed in terms of the target’s personal weaknesses (Lewis & Orford 2005). Organisations with a high power differential, exemplified as hierarchical, are more likely to accept equity principles as the distribution norm as these values protect the most powerful (Kabanoff, 1991). Equity based decision-making, or self-interest, increases power and hierarchical differentials, which acts to perpetuate the acceptance of these principles.

Grievance resolution systems can provide a correctional role in organisations. The marketing literature reveals that when service fails, effective service recovery strategies leave customers more satisfied than they would been with a smooth delivery in the first place (Hui & Au, 2001). A strong recovery from a mistake or error provides certainty, reaffirms faith in the organisation’s integrity, reaffirms just world beliefs, and acknowledges the grievant as important and a member of the group. In transposing these findings to grievance handling, employee confidence in the organisation would be increased by demonstrated effective grievance handling. Thus, a grievance system can be a visible mechanism for guaranteeing due process to employees thereby becoming a basic mechanism for affording justice in the workplace (Fryxell, 1992 p. 635). It may also serve a symbolic role in promoting trust, and serve to influence global evaluations of workplace justice, organisational values, and of trust in management.

**Evidence from neurobiology**

There is evidence from the epidemiological literature that shows the experience of injustice in the workplace can affect the health and well-being of employees (Brockner et al., 1996; De Vogli, Ferrie, Chandola, Kivimaki, & Marmot, 2007; Elovainio et al., 2006; Kivimaki et al., 2003). For instance, the experience of being socially excluded activates similar parts of the brain to the experience of physical pain (Eisenberger, Lieberman, & Williams, 2003). These findings go some way towards
explaining the strong reactions from targets of bullying behaviours and from grievants.

Research has found evidence that reactions to justice and injustice are hardwired in our brains (Singer et al., 2004). There is also evidence that the values on which justice judgments are made differ between socio-ethnic groups. Research conducting the Ultimatum Game\(^3\) in 15 societies around the world concluded people who violated social norms were consistently punished, although they had in common a strong sense of reciprocity (Vogel, 2004). This was the case for those who either did not meet, or exceeded, the accepted level of generosity. Unfair offers caused a reaction from the bilateral anterior insula, this is the part of the brain which is known to be activated by pain, hunger or thirst, and leads to emotions such as anger and disgust (Vogel, 2004). These researchers demonstrated an innate desire to punish those who do not behave according to accepted standards of fairness. In her discussion of neural structures that are activated in fairness judgments, Beugre (2009) demonstrated an interaction between emotion and cognition circuitry. Neurobiological evidence suggests that decision-making about justice is affected by both cognitive and affective processes that are hardwired (Singer et al., 2006).

These responses to justice could be innate or learned, or a combination of learning and instinct. Whatever the process is by which certain values are embedded within an individual’s mental models, the values on which these justice judgments are made vary across societies. By implication, these values may also vary across organisations. Hence, exploring how well these justice values are aligned across an organisation, and in particular the justice values explicitly or implicitly cited within a grievance resolution system, may go some way towards explaining why organisational grievance resolution systems fail to deliver expected outcomes. These concerns are particularly highlighted in the Australian context of multi-culturalism and high migration patterns, leading to workplaces with high levels of diversity.

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\(^3\) The Ultimatum Game is an experiment where one player is given an amount of money who then decides how much is given to a second player. If the second player accepts the offer, then both players get to keep the money. If the second player rejects the offer, then neither player keeps any money. Offers that were either too high or too low according to that society’s norm, were rejected.
2.4. The key elements of the grievance resolution process

This Chapter has reviewed the state of the existing literature with particular reference to the dominant and alternative underlying theories of organisational justice. A challenge to the current dominance of equity theory has been mounted and supported by theoretical argument and the evidence from empirical studies. This Chapter has also discussed in depth a primary type of conflict, workplace bullying, which is increasingly complained about, along with a review of the empirical studies that investigate aspects of workplace bullying. The inherent difficulties associated with managing a grievance about workplace bullying have been reviewed, as has the current state of research into grievance resolution systems. Based on this literature review, a map of the key elements of interest to this research in a grievance resolution system is illustrated in Figure 2.2.

Figure 2.1  The grievance resolution process

Grievances about bad behaviours that are not legally defined test the rigorousness of grievance resolution system. Grievances about behaviours such as bullying and harassment are particularly problematic for managers. However, with growing interest from academic researchers and increased media attention about the negative effects of these types of behaviours, more and more workplaces have established grievance resolution policies and procedures. This research has focused on grievances about bullying and harassing behaviours to examine the robustness of these resolution systems.

This research explores the subjective experience of key participants in the grievance resolution system. The first actor of interest is the grievance policy writer (GP), this
person acts as the organisation’s representative when they design the system inline with the requirements of the organisation. They will be interpreting and operationalising the organisation’s justice values to provide a practical guide to grievance resolution. The grievance handlers (GH) and the grievants (G) use the system to achieve their personal goals. For the grievance handlers, in their roles as representatives of the organisation, these goals are aligned to their interpretation of the organisation’s aims of the grievance resolution process. The grievance handler will be guided, enabled and constrained by the grievance resolution system. The grievant’s goals will include some degree of satisfaction of some of their grievance. They experience participation in the process as an extension of their grievance. Each of the key actors in the grievance resolution system has their own justice values. Their expectations of the attitudes and behaviours of the organisations representatives during the process, and what the system will achieve, are based on these justice values. These justice values are located within the context of the individual’s understanding of the employment relationship and are influenced by each individual’s interpretation of the organisation’s justice values.

During the implementation phase the degree of alignment between the key actors’ justice values, their approaches to the employment relationship, and the degree of uncertainty surrounding the process will ultimately influence the achievement of their expectations of justice. Identification of the outcomes achieved, particularly the associated indirect outcomes, by the grievance resolution process provides some evidence of its effectiveness. This research defines outcomes as whether the claims were substantiated or not, and the decisions that are directly related to this such as changes in job roles and positions. Indirect outcomes are those that can not be directly attributed to the results of the grievance resolution process, but which are often reported by participants as being associated with the grievance resolution process. They include the impact on the health and well-being of the grievant, impacts on their reputation and employment status, and impacts of their work behaviours and attitudes towards the organisation. Indirect outcomes for the organisation are also relevant. Grievances can become part of the narratives in the organisation, influencing the organisational culture and potentially the organisation’s reputation. The holistic approach adopted by this research allows an analysis of the impact of the entire process on the individuals and the organisation to be conducted.
2.5. Research propositions and data collection questions

Chapter 1 established the research aim of improving grievance resolution systems to more adequately meet the justice expectations of all participants. This research aim arises from the research problem of *Why are expectations of grievance resolution systems often not met?*

By illustrating the relationships between the justice principles held by key actors, the implementation of grievance resolution systems and the indirect outcomes for grievants and organisations, a better understanding of why many grievance resolution systems fail may be achieved. Several research propositions that are based on the conceptual framework have been developed in order to address this aim.

This research explores the effectiveness of internal grievance resolution systems in meeting the organisation’s and the individual’s justice expectations. This is based on the proposition arising from the literature that grievance resolution processes based on principles of equality and those based on principles of equity will attend to different needs and different justice expectations. Hence, the first research proposition is:

*Proposition 1: Grievance resolution processes based on principles of equality and those based on principles of equity attend to different needs and different justice expectations*

As this research is taking an inductive approach the research questions that drive the data collection need to be opened ended questions that allow room for informants to describe their experiences in their own words. Hence, in order to collect and analyse data that allows an exploration of this proposition the first question the data needs to address is:

*What did you expect the grievance resolution process to do?*

This research seeks information about what justice principles the key actors base their expectations on. It is anticipated that this will provide the groundwork from which to explore the effectiveness of the grievance resolution processes in meeting organisational and individual justice expectations. When these different justice principles are operationalised, different grievance resolution processes are selected. Hence, the second proposition is:
Proposition 2: Grievance resolution processes based on principles of equality attend to social identity needs, and those based on principles of equity resonate with a social exchange approach.

To gather information about their experiences with the grievance resolution process informants need to describe in their own words what happened. The following is the second question the data needs to address:

What happened in the grievance resolution process?

In order to understand whether congruence between the justice expectations of the individuals and the justice values operationalised during the grievance resolution process is relevant, this research is interested in both the outcomes and the indirect outcomes of the process. The third research proposition is:

Proposition 3: Multi-level incongruity in justice values will contribute to the intensity of the unintended indirect outcomes of the grievance resolution process.

The research data will need to include information about the indirect outcomes of the grievance resolution process for the participants and for the organisation. The final question for this research is:

What were the indirect outcomes of the grievance resolution process?

The research aim and the three research propositions guide the data collection and data analysis phases of the thesis. Three broad questions have been established which will lead the interview guides and act as a focal point for the analysis of material.

2.6. Summary

This literature reviewed in this Chapter brings together several large bodies of work, namely the extensive research based on theories of organisational justice and the research into the phenomena of workplace bullying, in order to apply this literature to the current research into grievance resolution systems. The purpose is to deconstruct theories of organisational justice and then to examine potentially new ways of understanding how individuals perceive justice in organisations. By locating justice principles within the framework of social exchange theory and social identity theory different perspectives of the employment relationship and different organisational models could be developed. Then a conceptual framework was established which demonstrated how congruity in the underlying theories would appear from different perspectives in the organisations.
The review of the workplace bullying literature revealed a significant gap in research into intervention and management strategies. At the same time, the workplace bullying literature confirmed that this phenomenon exists across multiple settings, affects a significant portion of personnel, and potentially leads to substantial long term damage to the targets’ health and well-being including their position within the organisation. The next area of interest, grievance resolution systems, has had little current attention from scholars. However, of particular note is the finding that grievants are likely to experience indirect negative outcomes, irrespective of whether their claim was substantiated. The act of appealing to the organisations grievance resolution system was of itself sufficient to make them a target for passive retaliatory actions. These limited findings confirm the rationale for this research, namely to seek a better understanding of grievance resolution systems. Finally, this Chapter has laid out research propositions and framework. The next Chapter will provide a detailed discussion of the research plan, methods and the rationale for case selection.
3. Research Design, Method and Data Analysis

3.1. Introduction
The objectives of this Chapter are to establish the most appropriate research methods and data analysis techniques for this study of grievance resolution systems. In the previous Chapter a review of the literature led to the development of a conceptual framework and subsequently developed the following general research aim:

\[ \text{To provide guidance to organisations to better design grievance resolution systems that more adequately meet the justice expectations of all participants and the organisation.} \]

This leads to a simple and broad research question suitable for an inductive process:

\[ \text{Why are expectations of grievance resolution systems often not met?} \]

This Chapter will address the design decisions that will allow this study to meet these research aims. Section 3.2 provides an overview of the research methodologies within the context of the research aims and the conceptual framework. It finishes by operationalising the research aims into three questions from which data collection can commence. These questions are deliberately left broad and open to allow the inductive approach to proceed.

Next, Section 3.3 outlines the rationale for the research design including explaining the sampling criteria and the tactics used to maintain rigour and quality in the study. The research methods, that is, the protocols and tactics used in accessing sites, interviews and collecting texts are described in Section 3.4. In Section 3.5 an outline of the selection of cases is provide, with further details located in each case study Chapter. Section 3.6 explains the data categorisation and analysis techniques. The final section of this Chapter, 3.7, addresses the underlying assumptions of this research approach and the limitations of the methods as applied to this research problem.

3.2. Epistemological underpinnings of the research problem
In order to successfully locate the phenomena in its context this research takes a holistic qualitative approach (Yin, 2003). Evidence of the complex interrelations
between justice expectations and the implementation of the grievance resolution system is sought from both the organisation’s and the individual’s point of view. The problem, as it is described in Chapter 2, accepts that individuals will experience and react to similar phenomena in different ways, and that the phenomena and the observer play a role in constructing meaning. This project therefore adopts a social constructionist epistemological approach (Crotty, 2003). In seeking to understand the problem from these different perspectives, the research design uses multiple sources of data, which provides richness during the data analysis stage. These sources of data are described in Section 3.3, Units of Analysis. In order to reveal the dense and varied interpretations of justice expectations and justice achievement by the grievance resolution system the research uses of three methods of data collection within each case study (Sarantakos, 1998). The three different methods of data collection are described in section 3.4, Interview Procedures, Types of Documents and Archival Material.

Research propositions
In order to investigate this problem, this research uses an inductive process by building propositions, collecting data and analysing data based on grounded theory approach (Sarantakos, 1998). Prior to undertaking data collection, a search for plausible explanations was undertaken (Blaike, 1993) and conceptual framework was created from a synthesis of experience and a review of the literature (Sarantakos, 1998). A brief summary is provided here, with the full discussion presented in Chapter 2.

In the management literature there are numerous findings that have arisen out of more than a decade of observations of the nature, prevalence, antecedents and consequences of bullying (Einarsen, Hoel, Zapf, & Cooper, 2003b). Further, there are mixed results from research using deductive strategies to explain employee reactions to organisational justice decision-making outcomes and processes (Colquitt, 2001; Cohen-Charash, 2001). While contemporary theoretical and empirical work on organisational justice systems such as grievance resolution systems is limited (Eaton & Keefe, 1999), there is an emerging but still sparse interest in this field. This includes the work of Bendersky’s (2003; 2007) on complementarities in grievance systems, Van Gramberg’s (2006c) multi-level study of alternative dispute resolution

Initially, the dominant conceptual paradigms in organisational justice were positioned within their epistemological frameworks. This led to the development of a conceptual framework that located these theories at their different organisational levels; the management and policy development stage, the implementation process and the aggrieved employee’s participation in a grievance resolution system. These categories were selected theoretically on the basis that a difference in the nature of their role would be reflected in their expectations and experiences of the organisation’s grievance resolution system. Data collected from these three sources provides multiple perspectives of the grievance resolution system. This broad exploratory tactic aims to better understand how the participants’ expectations and experiences fit within the initial conceptual framework [see Table 2.1. page 22].

The conceptual framework also identified key differences in theoretical approaches to justice and locates these across a spectrum that ranges broadly across the variation provided by the individualistic and the collectivist orientation. The conceptual framework leads to the three research propositions [see pages 42 and 43] and the following research design.

In order to fully explore these propositions, this study adopts two different perspectives. Firstly, this study explores the grievance resolution system from the inside, which is from the perspective of the individual’s experiences. This emic approach deals with how the individual responds to the environment around them, their views, their understandings, and their interpretations of their experiences. These experiences are then compared to the organisation’s espoused expectations of the grievance resolution system. The grievance resolution system is viewed from an outsider perspective, through analysis of publicly available material and archival data (Morris, 1999).

Data analysis techniques are drawn from the practise of narrative research, using both descriptive and explanatory narrative analysis to build intelligible meanings within each case (Polkinghorne, 1988). Data is deconstructed and key themes that relate to
the research propositions identified. Cases are then analysed according to their fit within the conceptual framework. It is this combination of approaches to the research problem that is likely to provide information sufficiently rich to lead to theory development. This does not deny the validity and relevance of research methods which adopt a quantitative approach to studying the complex phenomena of organisational justice, grievance resolution systems and bullying. Rather the research strategy adopted by this thesis will produce knowledge which will complement existing knowledge.

3.3. Research Design

The field work was conducted in two phases, this allowed for a review of the early data to inform the interview process in the second phase. The first phase of the field work included two case studies. This was followed by an appraisal of data, the preparation of industry reports and a further assessment of the literature. Hodson, Roscigno and Lopez’s (2006) analysis of 148 organisational ethnographies identified key organisational characteristics associated with elevated levels of bullying behaviour. Using qualitative comparative analysis they found that the combination of job insecurity and organizational chaos was the most frequent antecedent to bullying. They identified and then compared different combinations of coercive and facilitative bureaucracy, factors relating to job security, factors relating to team work and factors relating to minority group status. As the concept that chaotic workplaces were a contributing factor to bullying was emerging from case 1 and case 2 data, these additional organisational characteristics were systemically incorporated into the data collection protocols. Additionally, the questions that related to organisational climate factors, specifically the communication climate and the social climate, were strengthened. Following these preliminary findings the structure of the interviews was adapted for the final case study. An outline of the research design is provided in Figure 3.1.
The case study approach

The purpose and the nature of the research problem guide the design of the research. The purpose of this research is both exploratory and explanation seeking. It seeks to explore the rationale for, and operation of, a grievance resolution system within the boundaries established by its own underpinning conceptual framework. The study then seeks to explain variations between the expectations and outcomes of the grievance resolution system from the perspective of the conceptual frameworks of each of the parties involved. The grievance resolution process is a contemporary phenomenon that is contextualised within a time and place (Schwandt, 2001) where the boundaries between the phenomena and its context can be blurred (Yin, 2003). Yin recommends a case study design when the research question calls for an empirical inquiry that investigates a contemporary phenomena within its real life context (2003 p.13) and when multiple sources of evidence are relied on to illuminate a complex phenomena.
A case study design has the benefit of being adaptable, thus enabling the researcher to follow issues of interest and relevance as, and if, they arise naturally during the process. This strategy supports the research objective of remaining open to new information throughout the enquiry period. By locating the inquiry within its natural context the case study research design does not need to pre-define boundaries (Yin, 2003). This is useful for a number of reasons; for instance, the boundaries between whether it is acceptable behaviour or not can be difficult to determine. Context can dictate how all parties regard particular behaviour. This is especially relevant when a grievance is handled internally, as the organisational context can blur all parts of the process. Another benefit of this design is that it allows the interviewees to take the status of experts, and then it is their knowledge that will guide the researcher.

A further consideration is that the nature of the problem limits the number of data points available. Grievances are highly personal; requirements of confidentiality and privacy limit the amount of information that would be held by the organisation and may limit access by the researcher. This limitation points to seeking deep and rich data from each data point. Conversely, there are potentially a large number of variables influencing indirect outcomes. It is reasonable to assume that there may be more variables than data collection points. A case study design allows me to delve deeply into each data point for information and while at the same time remaining open to discovering multiple novel variables (Yin, 2003).

Therefore, the research strategy is to use multiple methods consistently across multiple case studies to find a variety of types of evidence and rich data that will allow for consideration of linkages between the different elements of the phenomena of the grievance resolution system.

**Units of analysis**

The key question of this research project is: *does the implementation of the grievance resolution system meet the expectations of the grievant and the organisation?*

Specifically, the question of justice value congruence has been raised. Implicit in the understanding of congruence, or incongruence is the acceptance of at least two positions or view points from which a judgment is made. This research specifically
seeks out the logical points of interest; the organisation, and the individuals who are further divided into the policy writers, the grievance handlers and the grievants. The experiences and revelations described by each cluster of actors contribute a unique perspective to the understanding of the phenomena. Each group is a unit of analysis within the case study, thus creating an embedded case study design (Yin, 2003).

However, matched pairs are not sought nor used in this research. The use of matched pairs would focus attention on the veracity of the grievance resolution process for that particular matter, rather than the experience of the participants. In order to move away from the substance of the grievance, and implicit judgments about the nature of the each particular matter, this research focuses on unique individuals and their experience. Table 3.1 summarises the units of analysis relied on in this study.

Examination of archival material seeks organisation level information about employee behaviour, specifically withdrawal behaviour such as absenteeism, turnover and sick leave. To obtain a deeper understanding of the implied employment contract, policy and procedure documentation is gathered. Integration of these texts provides a global view of the nature of the organisation in relation to the specific research question.

Table 3.1 Units of analysis in each case study

<table>
<thead>
<tr>
<th>Unit of Analysis</th>
<th>Implied organisational contract</th>
<th>Organisational outcomes measured at the employee level</th>
<th>Felt experience of key actors as individual participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of data</td>
<td>Policies and Procedures related to capacity to prevent and manage bullying behaviour</td>
<td>Archival data that provides information about employee withdrawal behaviour</td>
<td>HR Policy Writers or Senior Managers</td>
</tr>
<tr>
<td>Method of data collection</td>
<td>Public and internal documents</td>
<td>Available statistics on turn-over and absenteeism</td>
<td>In-depth semi-structured interview, recorded and professionally transcribed</td>
</tr>
<tr>
<td>Analytical method within cases</td>
<td>Descriptive narrative analysis (Polkinghorne, 1988)</td>
<td>Simple statistical analysis</td>
<td>Research question driven analysis including establishing relevant themes and analysing presenting issues, descriptive narrative analysis (Polkinghorne, 1988).</td>
</tr>
<tr>
<td>Analytical method across cases</td>
<td>Issues driven categorisation, including cross case patterns and identifying similarities and differences in cases, explanatory narrative analysis (Eisenhardt, 1989; Polkinghorne, 1988).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Embedded case studies rely on organisational level of analysis, using data from policies and procedures and archival material, and then key actors are identified as the sub-units within the case study (Yin, 2003). Data is collected from the sub-units, that is, the key actors using semi-structured in-depth interviews. This approach attempts to gain an in-depth insight and richness of data using multiple sources and multiple methods of data collection and analysis. This approach is not a tool of validation, but an alternative to validation in that it allows the reader to conceptualise a study that illuminates the phenomena from various perspectives (Flick, 2002).

**Case studies**

Given the nature of the research problem, and the limited amount of recent empirical research in grievance resolution systems, it is likely considerable shifts in orientation may occur during the course of the study. Theoretically, this uncertainty has been incorporated into the research design by implementing an iterative approach to data collection and analysis (Eisenhardt, 1989). This allows for opportunistic flexibility while simultaneously maintaining academic rigour. This has been achieved by reference to, and adaptation of, the grounded theory method of theoretical sampling (Charmaz, 2006).

Replication logic, that is repeating the research method in another site that varies in some conditions, allows me to see if the research findings are duplicated. Data obtained by multiple case studies is also more likely to capture the totality of the whole phenomena rather than its parts. This is because a comparative analysis of multiple case studies allows for the capture of complexities of meaning. This would not be possible in a single method approach such as conducting surveys or interviews of individuals who have experience of only one aspect of the process (Yin, 2003).

The intention in examining a number of cases rather than a single case is to build theory by integrating analysis into the ongoing data collection process. This allows for ideas to emerge throughout the research project and recognises the interactive role of the researcher and the participants. Multiple cases also allow for cross-case comparison which may yield either similar or contrary findings (Yin, 2003). The multiple case study design is congruent with a grounded theory approach, particularly as the cases are examined sequentially rather than simultaneously. The use of
grounded theory strategies to guide this research process was introduced to provide a framework for theory building as its techniques can be usefully applied when using inductive reasoning (Charmaz, 2006).

The use of the word *case* implies something more complex than an event or an incident, and indicates that there is a family of such cases to which this particular case can belong (Ragin & Becker, 1992). As such it becomes evident that decisions need to be made about which specific contexts are to be studied. Sampling decisions are therefore particularly relevant and linked to the research questions.

**Sampling criteria for selection of cases**
The selection of cases can be made on several grounds; for this research theoretical relevance and a size sufficient to yield useful data were the key considerations. Grievances by their nature tend to be sensitive and their resolution is frequently confidential. The research problem called for open access to a range of employees and non-identifiable records from the same organisation. Cases have therefore been chosen for their theoretical relevance to the research question and their ability to yield rich data that was suitable for analysis and interpretation within the framework of the initial propositions. With a limited number of cases a maximum variation in the type of organisation studied was also aimed for (Flyvbjerg, 2004). Cases that varied in the dimensions of ownership type, industry, size and demographic composition were selected.

The cases were selected based on a prediction of contrasting results, leading to theoretical replication. Initial contact suggested that two cases were confident that they achieved a large degree of justice value congruence throughout the entire phenomena of grievance handling, while the third was not sure.

The size criteria of the organisation was calculated by estimating the minimum number of employees needed to yield at least six to ten grievances over the past five years. By combining the accepted prevalence rates of bullying behaviour, estimated at between 1 and 4 per cent of employees (Zapf et al., 2003b), and evidence, albeit limited, of reporting rates being fairly low, it was estimated that the minimum number of employees was approximately one thousand. Therefore, each organisation was
initially checked for size. One organisation was considerably smaller than this. In spite of this, the key contact person was keen to point out that industry there was typically a very high rate of complaints and grievances, many of which resulted in formal processes.

**Sampling criteria for selection of interviewees**

Within each case study a sample of informants who met the theoretical sampling criteria was sought. The first criterion was the involvement with an internal grievance resolution process, whether that involvement arose as a result of a verbal or written complaint, within the past five years. This included informants from each group of policy writers, grievance handlers and grievants. The research problem does not require matched pairs, and so matching of grievance handlers and grievants was avoided.

The second criterion was to find informants who would engage with the research questions in some depth. Selection processes were developed in consultation with the initial contact person to ensure that the organisation’s needs were addressed. The processes aimed to simultaneously protect each individual’s privacy while casting the net as widely as possible. These selection processes were different in each case study, and they summarised in Table 3.2.

<table>
<thead>
<tr>
<th>Case 1: Asset – Org</th>
<th>Grievants</th>
<th>Grievance Handlers</th>
<th>Grievance Policy Writers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Email invitation to all grievants from HR Manager</td>
<td>Email invitation to all grievance investigators from HR Manager</td>
<td>Permission from CEO and then direct contact</td>
</tr>
<tr>
<td>Case 2: Alliance – Org</td>
<td>Email invitation to all employees from General Manager</td>
<td>Email invitation to all employees from General Manager</td>
<td>Direct contact with General Manager</td>
</tr>
<tr>
<td>Case 3: Edu – Org</td>
<td>Email invitation to all union members from union branch</td>
<td>Email invitation to all union members from union branch</td>
<td>Permission from HR Director and then direct contact</td>
</tr>
</tbody>
</table>

A generic description of each category of interviewees was provided in Chapter 2, and relevant details about each interviewee are provided in each of the Chapters (i.e. 5, 6 and 7) containing the analysis of the case studies.
Ethical considerations

Beyond the inconvenience and time given to the study, participation in this research project had potential consequences and costs for individuals and organisations. For those whose experience has been unsatisfactory, the potential psychic costs include the reactivation of traumatic memories and negative emotional states (Renzetti & Lee, 1993). Psychic costs may also be experienced by the grievance handlers and investigators, such as fear of exposing a less than exemplary performance or a sense of responsibility for the outcomes for the grievant and the alleged perpetrator (Renzetti et al., 1993). Research of this nature is considered to be low risk and is reviewed initially by the Faculty of Economics and Commerce Ethics Committee before being submitted to The University of Melbourne Human Research Ethics Committee for approval and monitoring.

Individuals who responded to an invitation to participate in this research were sent a Plain English Statement, a Consent Form and a Preferred Contact Details form (see Appendix 1). The Plain English Statement explained the purpose of the project, outlined the interview process, and the process used to protect their confidentiality and privacy. The Plain English Statement also provided background information about the interviewer and contact details for further information about the research. The Preferred Contact Details form allowed the participants to select how and when the researcher would contact them. This step was undertaken to meet the criteria of protecting the employee’s privacy. Although several employees at Edu-Org who initially responded to the email invitation later declined to proceed with the interview, no participant withdrew from the research once they had agreed to be interviewed.

At the beginning of each interview a verbal explanation of the research was given and participants were invited to ask questions. At this point each interviewee was given detailed information about how their privacy would be protected and informed again that they could withdraw at any time. Before commencing the interview each participant was asked to sign the Consent Form.

In order to collect rich data, interviewees were asked to recount and relive what can be deeply personal experiences. However, it is the full range of experience, from the recounting of the original situation through to the events that comprised their attempts
at resolution, which is of interest. To address the associated risk of knowingly delving into such topics, informed consent required more than signing a form (Herzberger, 1993). Throughout the interview the focus remained on the interviewee, requiring respectful, open and careful dialogue and a readiness to stop the interview and engage in a debriefing process at any time.

Ethical choices needed to be made in-situ, during the course of the interview, not only the questions, timing and phrasing of them, but the researcher’s non-verbal cues, these gave an indication to the interviewee of the researchers capacity to be empathetic, non-judgmental, tolerant, concerned and emotional responsive (Josselson, 2007 p. 539). Ethics are not merely abstractly correct behaviour, but relate to responsibility in human relationships, specifically how to protect the dignity, privacy and well being of the person who has agreed to share their lived experience in the expectation that this will contribute to our knowledge (Josselson, 2007 p. 538).

**Creating rigorous findings in interpretative inquiry**
Qualitative methods of research include an array of interpretative techniques which seek to describe, decode, translate and otherwise come to terms with the meaning, not the frequency of certain... phenomena in the social world (Van Maanen, 1988 p. 9). All inquiry aims to convince its readers of it merits; it worthiness in terms of how relevant and applicable the findings are to the readers own interests and situation. The significance of this study is connected to the importance of the research problem and how well the research questions relate to the real life problems (Polkinghorne, 1988). This section sets out how this study addresses issues of credibility, transferability, dependability and confirmability within the constructivist paradigm (Denzin & Lincoln, 2005). Table 3.3 provides an overview of how this study addresses these issues.
Table 3.3 Strategies to address issues of quality and rigour

<table>
<thead>
<tr>
<th>Term</th>
<th>What it means</th>
<th>Strategies used in this study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credibility</td>
<td>Trustworthiness of inferences drawn from data.</td>
<td>Ensuring fit between research questions, data collection procedures and analytical techniques.</td>
</tr>
<tr>
<td></td>
<td>The strength of the analysis of the data (Polkinghorne, 1988)</td>
<td>Multiple sources of data</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multiple methods of analysis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Disclosing methods of data collection and data analysis</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Prior prolonged engagement in the field, researcher credibility</td>
</tr>
<tr>
<td>Transferability</td>
<td>Generalisability of findings across contexts</td>
<td>Thick descriptions of the context</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Selected cases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Theoretical and literal replication of cases (Yin, 2003)</td>
</tr>
<tr>
<td>Dependability</td>
<td>Trustworthiness of data (Polkinghorne, 1988)</td>
<td>Reworking the data through continually re-listening to the tapes and rereading the transcriptions (Polkinghorne, 1988).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interview as a discourse not a measurable response to stimulus</td>
</tr>
<tr>
<td>Confirmability</td>
<td>Absence of bias</td>
<td>Multiple informants</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Multiple sources of data</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Documented chain of evidence from interviews to conclusion (Lincoln &amp; Guba, 1985)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appropriate researcher disclosure</td>
</tr>
</tbody>
</table>

Source: Adapted from Anafara et al (2002)

**Credibility**

In the interpretative tradition of inquiry creating credible findings relies on different criteria to the conventional paradigms of validity, reliability and objectivity (Lincoln & Guba, 1985). Interpretative inquiry does not accept the assumption that there is only one reality and one version of the truth, therefore seeking an approximation of a one to one causal relationship between the inquiry and reality as a demonstration of validity is impossible. Rather, credibility in qualitative research refers to the trustworthiness of inferences drawn from the data, created through ensuring that methods of data collection and data analysis are available for public inspection (Anafara, Brown, & Mangione, 2002). This research provides details of data collection process, including the first and second round interview protocols (see Appendix 2), detailed information about the interview process and how the documents were collected (see Section 3.4) and detailed information about the steps taken to rearrange, interpret and analyse the data (see Section 3.6). This research does
not aim to produce conclusions of certainty, rather through creating verisimilitude provide a basis for theory development (Polkinghorne, 1988).

**Transferability**

The worthiness of social inquiry is often assessed on its generalisability, which assumes that the findings of the inquiry can be transferred to another context. These two conditions, generalisability and transferability, assume that true and complete representativeness of the phenomena and the context can be achieved and reported. The positivist’s approach to generalisability is to establish statistical confidence limits; that is the degree to which the inquirer is confident that only the tested variables have influenced the reported outcomes. For the interpretative inquirer the context is embedded within the findings, hence transferability cannot be judged by the inquirer; rather that is the readers’ role. Instead, the inquirer provides rich description of the explored context to enable the reader to make their own assessment of the transferability of the findings.

The conventional wisdom is that the prime usefulness of a detailed examination of a single case is the context dependent knowledge that provides rich learning opportunities (Flyvbjerg, 2004). This study selected theoretical and literal replication as the sampling criteria in order to increase the generalisability of the findings (Yin, 2003). This research assumes that there is no context-independent knowledge in social science, there are no grand theories that are predictive in all social interactive contexts, instead particular case studies can reveal information leading to new understanding of processes and interactions (Flyvbjerg, 2004).

**Dependability**

Qualitative interpretative research has no formal proof of reliability, relying instead on the details of their procedures to evoke acceptance of the trustworthiness of the data. Just as it is impossible to cross the same stream twice (Lincoln et al., 1985), complete and absolute replication of the context in which the variables have been tested is impossible. Hence, this study aims to provide a clear trail of where and how the evidence has been collected and how it has been analysed. To minimise researcher based variability and idiosyncratic analysis, the data has been worked and
reworked, with emerging themes and categories tested and retested across data types and data sources. Data tabulation was used extensively to manage the volumes of information collected, see Section 3.6 in this Chapter for further details and examples of the tables used.

**Confirmability**

Several strategies were adopted to strengthen the confirmability to the findings. The first aimed to reduce researcher bias by seeking multiple sources of information about the phenomena. This included sampling employees who had different types of involvement in a grievance and the organisation’s grievance resolution system. The selection of an employee involved in writing policy aims to illustrate the organisations perspective. These perspectives were juxtaposed with the actual documents and texts used by the organisation to convey its messages about grievances. The grievance handlers had insights into the usefulness of the written documents and verbal guidance offered by the organisation when undertaking their task of grievance resolution. As the interface between the employer and the grievant, the grievance handler also would have insights into the employer’s implicit objectives embedded within the grievance resolution system. The grievant could describe the lived experience of seeking justice and relief via the organisations grievance resolution system.

The second strategy aimed to minimise the researcher’s impact on the data collected, specifically to reduce the influence of the researcher during the interviews. Interview protocols were developed and reliance on them during the interview process reduced bias by increasing consistency. The use of recordings and transcripts similarly aimed to reduce the researcher biases during the data analysis stage. The next strategy is to provide a clear chain of evidence from the raw data through the stages of deconstruction and identification of emerging themes. This chain of evidence is illustrated in the Chapters 5, 6 and 7. Finally, appropriate disclosure as revealed in the Chapter 1 minimises researcher bias as it allows the reader to make their own assessment of the inquirer’s biases, motivations, interests and perspectives (Lincoln et al., 1985).
Case studies are very suitable for testing falsification (Polkinghorne, 1988) and for theory building (Charmaz, 2006). This is particularly so where a case is selected on the basis that it has the characteristics that would verify the research propositions. For example; selection of an organisation that promotes and demonstrates its support for appropriate grievance resolution processes through its institutions and systems, its commitment to integrity, trust and the treatment of all employees with respect and dignity, is a rigorous approach to testing the research propositions.

3.4. Research Methods

Case study protocol

In line with accepted principles this research uses a case-study protocol which was established in the early stages of the study (Sarantakos, 1998). This case study protocol was submitted to and approved by the University of Melbourne Human Research Ethics Committee.

The protocol identified the following steps:

- Potential interviewees were provided with an overview of the study in the form of a Plain Language Statement which included the rationale of the study, its aims, its sampling techniques, information about the researchers and contact details for the researchers and the University of Melbourne Ethics Committee.

- Recruitment and selection processes were adopted to decide which organisations would be studied. Recruitment activities were conducted by using personal networks and professional relationships. Selection activities were based on theoretical sampling decisions. Organisations were advised that their information would be de-identified for reporting purposes.

- Recruitment and selection processes for individual participants were designed to use sampling methods and reporting that protected each individual’s privacy and confidentiality. This generic step was adapted to meet the needs of different organisational configurations and the requirements of relevant Directors and Managers in each case study.
• Interview questions for each class of interviewees, including the approximate time that would be required, were drafted and relied on during each interview.

• Access to public documents and internal de-identified employee statistics was arranged prior to interviews being conducted. This allowed the interview guides to be altered to reflect the terminology used in each organisations policy documents.

The following process map, Figure 3.2, outlines the steps undertaken in the selection of cases and individual employees to participate in this project.

**Figure 3.2 Process map of the organisation and the participant selection**

1. The researcher identifies a potential organisation through her professional networks

2. The Organisation is provided with a Research Briefing Paper; see Appendix 3

3. A senior employee and the researcher agree on the participant sampling technique

4. The Organisation sends an invitation endorsing the research and providing contact details of the researcher to employees. The invitation includes a Plain English Statement, a Consent form, and a Preferred Contact Details

5. The Organisation provides internal policies and procedures to researcher. The Organisation provides statistical information on demographics and turnover.

6. Participants respond directly to researcher. Participants send researcher Preferred Contact Details

7. Researcher contacts participants. An interview time and venue is arranged.
The use of a protocol ensures that there is a logical progression in the study, that the elements are organised in a way that allows for a chain of evidence to be established and for a re-evaluation of the research questions at each stage of the data collection process (Sarantakos, 1998). An integral part of the protocol was the establishment of electronic and hard copy data books for each case study. This includes electronic audio files of interviews, professional transcripts, written interview notes, email correspondence, files notes of telephone conversations, consent forms and contact details of participants, and hard copies of documents and archival survey results.

**The research interview**

The research interview is a complex social interaction that, depending on your epistemological approach, can be interpreted in a number of ways, with each of these possible interpretations having a number of inherent problems (Alvesson, 2003). This section locates the interview in the research study and identifies potential problems associated with the conduct of the interview. A description of the interview procedures and transcribing process follows.

**The rationale for the interview as a source of data**

The collection of data through an interview process is focussed on each individual’s understanding of their experience of the organisations’ grievance resolution system. By considering incongruence between the individual’s justice values and the justice values in operation during the resolution process as a potentially relevant, initial guidance for the interview is established. Therefore, the interview is attempting to construct the meanings of justice generated by the experience of participating in the grievance resolution process for that particular person.

Workplace grievances are a difficult topic. They are inevitably troubling and frequently distressing, not only for the aggrieved and the alleged perpetrator but also for third parties. The definition adopted by this research states that a grievance is a complaint that has not been satisfactorily solved in the first instance; it is therefore not a simple incident. The process of seeking resolution involves layers, possibly many, of interventions, appeals and rejections. These processes may be partially satisfying while simultaneously adding further grievances, engaging the participants’ emotions
and intellect, which are intertwined inexorably. Separating the individuals work life and their external social life of relationships with family and friends creates another layer of complexity.

The research interview may be the first time an interviewee has discussed the whole matter with an independent person. Through the use of open ended questions the interview data emerges as a product of the local interaction between the speakers (Rapley, 2004b p. 16). This collaborative production of data draws on broader social norms of both speakers, contextualising the interview within historical and institutional elements. Hence the interviewee is reflexively situated in the wider cultural arena. As hypothesised in this research, an individual’s justice values, including their beliefs about justice and their expectation of what form justice will take, will be located within their world view.

The constructionist approach is that data is locally and collaboratively produced (Rapley, 2004b p. 16). This way of conceptualising the product of the research interview acknowledges that people construct their sense of self in the present. Each relational situation provides individuals with an opportunity to present themselves to another as adequate, or better, within their own terms of reference. For the interviewee, the research interview provides a context where there is less risk that the impressions made will be carried forth into arenas that may later influence life chances. The research interview has the potential to become a safe environment and there are a variety of ways in which an interviewee can use this safe environment.

To create this safe environment I focused on establishing rapport by demonstrating empathy through acknowledging emotions and concerns as legitimate, thus allowing the interviewee to fully engage in their memories of the experience and accompanying emotions. This is a way of being neutral, through interacting with the interviewee without leading the interview with recounts of the interviewer’s own experiences or opinions (Rapley, 2004b). Reciprocity may not lead to the interviewee disclosing, rather they may feel overwhelmed, and this may be particularly the case with disclosure about experiences with grievances. Indeed, the ability to ask mundane and even obvious questions, that do not imply high levels of interviewer knowledge, can
allow the interviewee to rethink experiences that have been previously unspoken or taken for granted.

On the other hand, when an interviewee struggles to understand their emotional reaction to the bullying behaviour then the interviewer’s response in contextualising the described reaction within the known empirical evidence of the bullying literature demonstrates the interactive nature of the interview. This process of normalising is a technique widely used in counselling, it is a process that does not detract from the importance or intensity of the emotional response to the phenomena but by placing that response within the normal range of known responses validates that response. Thus, this research does not take a positivist approach to the interview as simply a way of collecting data. The individual is not viewed simply as the source of data, where standardization of questions and neutral responses will minimise bias. Instead this research assumes an interactive cooperative interview that is embedded in the social and organisational context of the interviewee and recognises that through the interaction of the interview the participants’ reality will differ from their past reality (Rapley, 2004b).

**The interview procedures**

To establish a dialogue each interview commenced with a short introduction about the study. Specifically, I explained that I was interested in the actual grievance resolution process, rather than the details of the grievance or the personalities involved. This tactic was used to ensure that the participants focussed on the resolution mechanisms offered by the organisation. This focus on the organisation was also intended to create a sense of safety, as it removed the conversation from the potentially humiliating and shameful events that caused the complaint to be made in the first place. This orientation also reaffirmed that issues around the actual grievance would not be probed.

Prior to embarking on the interviews an interview protocol was drafted (See Appendix 2). Initially four different questions that specifically focussed on the critical differential experiences of each category of interviewee were submitted to the University’s Ethics Committee for approval. These four broad questions were then
broken down into detailed questions that would guide the interviewee through recounting their experience. The interview began with background questions that created the historical context of the experience. This process of contextualising the interview was extensive and has several purposes. The first was to gather details of the history of employee relations in the workplace, the second was to re-orientate the person back to their pre-event condition and perspectives and finally to give me an opportunity to establish rapport.

The second stage of the interview was designed to enable the person to reconstruct the events surrounding the grievance and attempts at resolution. This stage used simple open ended questions and in most interviews moved away from the interview guide to follow issues of interest as they arose. The final stage of the interview was designed to ease the interviewee back to a position of personal power. It moved from the personal and private matters associated with the grievance resolution process to the public arena of the organisation.

In the third case study the interview protocol had been adjusted to incorporate the learnings obtained from the initial analysis of the first two case studies. These were partly logistical; demographic information from each interviewee was summarised into a table format to decrease the time spent obtaining these statistics. The changes also integrated knowledge about links between organisational characteristics and bullying behaviour that had been published in recent studies (see Hodson et al., 2006). Using questions derived from this study, interviewees were asked to rank their organisation using a Likert scale of 1 to 6. This tactic allowed the interview to progress quickly to the central research questions.

To complete the interview, several tactics were used to re-orientate the interviewee back to the present situation. The interviewee was asked how they would redesign the grievance resolution process to make it work better. This process was particularly useful for grievants and grievance handlers who had described feelings of disempowerment as it necessitated them visualising themselves in a position of power. It was also an opportunity to engage in a more conversational exchange, although at times humour was carefully used to relieve the tension that was created during the interview. Then I conducted a short debriefing. For several interviewees,
this included a short walk together, and depending on the intensity of emotion that they experienced, we discussed such matters as their future hopes for employment or their plans for the weekend. This last stage of the interview was not taped, signally to the interviewee that they were transitioning back to their normal work life. The taped sections of the interviews were between forty minutes and one and half hours long.

Taping of the interviews was critical on several counts (Seidman, 1991). Firstly the subject matter, even for the policy writers and grievance handlers, is emotive. This means that at any stage during the interview process the interviewee may be overcome with an emotional memory. I needed to attentively watch for this, and then to adjust my responses accordingly. This commitment to attending to the person being interviewed precluded note taking during the interview process. The second rationale for taping is that my emotions could be activated by the person’s narrative which would seriously hamper my ability to take fulsome notes. The third reason for taping relates to the data analysis stage. As this study is focussed on understanding the meaning to the experience, it was important to be able to listen and re-listen, to the whole way of describing the experience. It is not just words that are relevant to communication, but the tone, inflections, hesitations, speed of delivery and non-verbal noises that create and communicate meaning. A taped interview reduces one step in the analysis stage as initial summaries and paraphrasing are not required. This reduces the role that my consciousness and perspective has on the interpretation of meaning.

Transcribing the interview data

Taped interviews were then professionally transcribed into word documents which enabled the data analysis stage to be undertaken by concurrently reading and listening to the tapes. Accuracy was checked by taking random samples, and found to be satisfactory. Transcriptions were completed at regular intervals, with the interviews for each case study being completed prior to the next case study being undertaken. A preliminary analysis was undertaken at the completion of each round of interviews. This allowed for a re-examination of the structure of the interview and the guiding questions in light of the types of responses from the interviewees. During this phase I noted that I had only remembered very few parts of the interviews, it also highlighted
how my questions and comments interacted with the interviewees. These transcripts are retained and are available for inspection.

**Documents**

This study is directly interested in the role of documents in the creation of the grievance resolution system, its interpretation by employees and the practise of grievance resolution in the organisation. Documents also play a key role in the formation of employee expectations of the implied employment contract. Along with organisational narratives, the written employment contract and observed behaviours of other employees, the organisation's documents inform employees’ expectations of the organisation's values. After an explanation of the role of documents as a data source, this section identifies which documents and texts are collected from each case study.

**The rationale for documents as a data source**

Documents take many forms, and do not just include texts (Prior, 2004). This study is interested in the policies and procedures which explicitly inform grievance resolution practises, as well as posters, notices on notice boards, web pages and leaflets which are used by the organisation with the intention of conveying messages to the employees. These include expectations of standards of behaviour, as well as giving signals to employees about what to do and where to go when these standards are not met.

According to Prior, documents can serve as *receptacles of content* and as *functioning agents in their own right* (2004 p. 346). In either guise, documents act as one of the avenues that forms the conceptual architecture from which one comes to understand the phenomena (Prior, 2004). This study takes the perspective of the document as a generative artefact that is produced and consumed. What is of interest in this project is how the document was built; who initiated it, what were their expectations, what did they hope to achieve by creating the document, and how it was circulated or distributed.

This form of qualitative research identifies and investigates the main issues and ideas contained in the documents (Sarantakos, 1998) and allows for comparisons to be
drawn between the documents and the realities as described by the participants. These public documents are produced for the benefit of the organisations stakeholders, therefore sources of researcher bias are limited (Sarantakos, 1998). On the other hand, there is significant potential for the documents to be embedded with different kinds of self-serving bias that are intended by the organisation to create the organisation’s identity. Language is used to actively manage the organisations public image and stakeholders perceptions (Ran & Duimering, 2007) and, as a form of power, does not reflect social reality, but rather produces meaning and creates social reality (Richardson & St. Pierre, 2005 p. 961).

**Types of documents**

Documents relating to the research problem were sourced directly from each organisation. Organisations were advised that a comparative analysis between their policies and procedures, and employee experience of implementing those policies and procedures would be conducted. Documents were collected at the earliest point possible and prior to any interview being undertaken. This included searching the organisation’s internet site and requesting copies of posters and pamphlets.

An analysis of the organisations documents was undertaken prior to interviews being conducted. This allowed interview questions to be framed within the organisation’s espoused values using the words and terminology that were familiar to the employees. This was particularly important as a crucial part of this project is the testing of employees understanding of the established grievance resolution system. As every organisation has a different configuration of documents, obtaining exactly the same documents from each case study was not possible. The aim was to find sufficient documents to undertake a credible analysis of each organisation’s espoused justice values, to establish where the organisation was located on the instrumental-relational employment relationship continuum and its predilection for an individual or team based operational approach (as described in Table 2.1). The following two Tables, 3.4 and 3.5, provide details of the documents and promotional material collected at each case study site.
Table 3.4  Types of documents collected from each case study.

<table>
<thead>
<tr>
<th></th>
<th>Asset - Org</th>
<th>Alliance - Org</th>
<th>Edu - Org</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Report</td>
<td>✓</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Mission Statement</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Enterprise agreement</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>EEO Policy</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Grievance Policy</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Complaints Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discipline Policy</td>
<td>✓</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bullying Policy</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural Management Plan</td>
<td></td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Induction Kit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discrimination Policy</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Ethical decision making</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Source: Data collected by author 2006 and 2008

Table 3.5  Types of promotional material collected from each case study

<table>
<thead>
<tr>
<th></th>
<th>Asset - Org</th>
<th>Alliance - Org</th>
<th>Edu - Org</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti - Bullying flyers</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>Codes of Conduct posters</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Reporting Bullying &amp; Harassment Posters</td>
<td></td>
<td></td>
<td>✓</td>
</tr>
</tbody>
</table>

Source: Data collected by author 2006 and 2008

**Archival Material**

In order to obtain a full picture of each organisation, demographic information was also gathered. The following table provides details of each organisation’s demographic profile.
This statistical data is integrated into the organisational profile and then adds to the interpretation of the organisational culture of each case study. It is presented in each Case Study Chapter to develop a picture of the context surrounding the grievance resolution system.

### 3.5. Selection of cases

Research associated with grievances in organisations can be perceived as sensitive, and this is particularly so where the organisations public image may be threatened by findings contrary to their self-promoting activities (Renzetti et al., 1993). While some organisations embrace difficult issues, other can be fearful of unfair exposure of their problems. They may be concerned about undue highlighting of complaints and grievances to their employees and potential disturbance of employees whom are still recovering from the initial complaint and the grievance resolution process. It is therefore critical that credibility and trust between the researcher and the organisation be established and maintained throughout the study (Renzetti et al., 1993).

In order to establish a climate of legitimacy, I relied on personal networks and personal referrals as the initial point of access to potential research sites, as stated in the research protocol. Senior managers in eight organisations based in two major cities were directly approached, via a written request in the form of a briefing paper, to participate in this research program. The briefing paper is located at Appendix 3. Using the theoretical sampling criteria and the size criteria as described in Sampling Criteria for Selection of Cases p 54, three were accepted into the study based on my estimations of their ability to yield rich data. Details of each case and profiles of each case study will be presented in each case study Chapter.
3.6. Case Study Data Analysis Procedures
As described, this study is exploratory and explanatory in nature, and as such has adopted an interpretive approach to data analysis. Interpretative analysis relies on an iterative process which aims to make sense of the subjects’ lived experience and locate that within its context (Denzin et al., 2005). The following section describes the analytical techniques adopted to rearrange, categorise and analyse the data.

Model of data analysis: nested analysis
This thesis combines an explanatory narrative analysis of each case study, with a descriptive narrative analysis of each of the data points within each case study; the organisation’s texts and interviews with employees. What gives this analytical method its power of explanation is its coherence; its intelligibility in human terms, the unified subject matter and that it is causally related (Polkinghorne, 1988 p 172).

Figure 3.3 Model of data analysis framework
Descriptive narrative research collects narrative schemes and then collects the situations that triggers the particular narratives (Polkinghorne, 1995). For the organisational researcher, descriptive narrative research describes the stories that underlie the values and assumptions of an organisation, stories that link members into a group (Polkinghorne, 1988). These stories may be found amongst the texts, but they also operate through each individual’s interpretation of these texts. At an individual level, descriptive narrative analysis aims to accurately reflect the individuals own interpretation of their lived experience (Polkinghorne, 1988). By reading and rereading the transcripts the researcher adjusts their initial understanding of the lived experience of the interviewee (Sandberg, 2005). From the data certain themes emerged (Berg, 1998). This research analysis uses thematic values, rather than plots or linguistic schema, and then considers how they fit within their context. These thematic values are drawn from mid order theories of social science and management and have been presented in a conceptual framework (see Table 2.1) in order to make intelligible the relatedness of the underpinning values. This process enables thematic analysis of meaning. Themes are not necessarily presented in the document and interview text, rather they are drawn out by inference and interpretation by the researcher (Polkinghorne, 1988). That is, the stories of each individual, which at times are narrated in a illogical, non-linear and difficult to follow manner, are analysed in a way that constructs a meaningful whole and allows the researcher to identify inductive themes embedded in the story (Bryant, 2006).

Exploratory narrative analysis differs from descriptive narrative analysis in that it takes the stories of people’s life experience with the research aim (..) to create a narrative with a plot that unifies the data (Clandinin, 2007 p xv). Explanatory narrative analysis seeks to answer the why question and the goal of analysis is to discover common themes or plots using hermeneutic techniques. At the final stage of
analysis in this study the researcher draws together the analysis from multiple data points and uses an explanatory narrative style to create a meaningful explanation of the functioning of the organisation’s grievance resolution system within its context and with reference to the proposed theoretical framework. The findings draw on all the relevant evidence available, this includes the individuals’ interpretations, personal and social forces operating in the context (Polkinghorne, 1988 p. 171).

Text analysis
This study relies on collecting and analysing extant texts to derive the meanings and values the organisation places on grievance resolution processes (Charmaz, 2006). Perakyla (2005) describes an informal approach to text analysis. By reading and rereading materials, themes and meanings are inferred, indicated or implied and located within a cultural or ideological framework (Perakyla, 2005). In this study a propositional content approach focuses attention on the human resource management and generic management assumptions and presuppositions incorporated within the texts (Perakyla, 2005 p. 872).

Key concepts were identified throughout the texts. These points were isolated from the full text and coded into themes and then categories. Of interest is the meanings given to those concepts within the organisation, in particular in how the organisation viewed its role in managing the behaviours of individuals.

Interview analysis
The interviews were transcribed by professional transcribers, which created more distance and a letting go of early impressions about what was said. The length of time between each case study has allowed for data analysis to be undertaken in stages. These stages are conducted in a cyclical way, with the data analysis from two case studies, Asset – Org and Alliance – Org being partially undertaken before the final case study, Edu – Org, was undertaken (Sarantakos, 1998). The stages include data reduction and sorting based on issues, data categorisation that revolves around themes and then a final stage of data interpretation. During the process of data interpretation a review of the literature was undertaken. As patterns, in the form of similar behaviours and feelings emerged, then interpretation of their meaning occurred.
As previously described, informants were selected based on their belonging to one of three groups of interest; those who had a significant role in the design of the grievance resolution system, those who the organisation called on to implement the grievance resolution system and those in the organisation who made use of the grievance resolution system. These three groups were labelled the Grievance Policy Writers (GP), the Grievance Handlers (GH) and the Grievants (G). These categories were chosen to enable multiple perspectives of the phenomena to be collected and analysed. Decisions about how to structure this analysis have been driven by the nature of the research problem. In this case, a global view of the grievance resolution system held by the informants was determined to more closely fit the essence of the problem than dividing the data into the categories of informants. This is because the focus of this research is the grievance resolution system, such that the different experiences of each category of informant shed light from a different but equally valid perspective.

The interview content was fractured and then tabulated under general headings that related to the original research questions. Examples of those headings include: The Characteristics of Grievance Resolution System, Indirect Outcomes for the Grievant and Guidance from Head Office. This fracturing of the interviews assisted in distancing me from the phenomena and the emotions of the interviewee, allowing a fresh view of the data to emerge. Next, while listening to the interview further comments of relevance to particular areas were identified. The aural input gave nuance to particular data. A third reading of the transcript revealed additional comments that shed light on particular aspects of the research question. After all comments from each interviewee were grouped under headings, an initial coding process was undertaken (Charmaz, 2006; Webb & Mallon, 2007). This process of analytical interpretation selects and names concepts in the narrative without any attempt to summarise, order or group them. The codes stick closely to the actual words of the interviewee. Codes ranged from simple concepts such as Misrepresentation and On the outside of the group to more detailed descriptions such as Considered his treatment although unjust, to be just a small hiccup in the overall scheme of the organisation. Phrases, words and sentences were coded, where possible in vivo codes where used to preserve the integrity of the interviewee’s meanings, for example the term cut and burn was retained, which means to use up and then discard (Charmaz, 2006).
The codes were then transferred onto a table for each type of interviewee. For example the policy writers in each organisation were one group. This enables a simultaneous view of initial codes for each class of interviewee in each case study. The next phase was focussed coding, where the main conceptual themes were identified. These themes were then compared and contrasted with the theoretical framework of each proposition.

Because the data collection was conducted sequentially there was the opportunity to refine the structure and the type of questions put to the interviewees. For example, when interviewing Alliance – Org employees, there was a lot of discussion about training issues and how special tasks were allocated. These questions were originally devised in order to establish an understanding of the organisation culture. On review of the transcripts, it seemed that the interview drifted and became less relevant to the topic at hand. Subsequently, shorter and more targeted questions were used, answered using a verbal Likert scale. The Interview Guides are located at Appendix 2.

### 3.7. Assumptions and limitations

#### Assumptions

The following assumptions are implicit throughout the conduct of this research and thesis:

- Individuals only make a grievance if they have some expectation of a favourable outcome.
- The substance of the grievances described is reasonably valid. The grievances are taken as valid on face value, there is no attempt to reject or accept data from the informants based on judgments by the researcher as to the validity of the grievance.
- There is a cost to the grievant whether their claims are substantiated or not.
- Because of this anticipated cost, in order to proceed with a grievance the grievant has a reasonably strong expectation of a favourable outcome plus a reasonable strong belief in the likelihood of that favourable outcome satisfying them.
Contrary to historical assumptions, particularly those arising from a rationalist economic paradigm which state that if an employee is badly treated then they can and will terminate their employment, this research assumes that a variety of forces act on personnel to hold them in the organisation. These include their personal circumstances and the state of the labour market. The degree to which these circumstances restrict free movement in the labour market varies from person to person.

The organisation’s overt claims related to its values and organisational identity are taken at face value. Analysis of covert organisational claims is not attempted.

Interviewees adequately understood the questions asked by the researcher.

Responses related to the questions asked and were sincere.

Interviewees understood that their answers represented their personal views and not the organisation’s position.

Limitations
The following limitations are implicit in this research:

Generalisability of the findings of this study is limited by the nature of case study research. In particular, these cases are located in time and place, Australia, 2006 and 2007.

Data is collected from interviewees in a particular point of time. Therefore the interpretation of the data for each case is relevant for that point of time.

A social construction approach can prevent a full understanding of the social structures and embedded attitudes (Van Gramberg, 2006a).

Informants have different levels of access to information about the organisation, and different levels of access to theoretical information about justice processes.

This study has explored grievances that the grievant considered had sufficient merit to warrant seeking the assistance and protection of the
organisation via the grievance resolution system. Clearly, there may be grievances made that arise from mistaken beliefs about the circumstances surrounding the matter, or where the grievant has some form of psychological dysfunction that makes them prone to complaining. This research makes no comment about these types of grievances.

- Alleged perpetrators were excluded from this study because it was considered unlikely that individuals who would self-identify as perpetrators would volunteer to be part of this research study because of social desirability effects.

3.8. Summary

This chapter has described in detail the rationale for adopting a multiple case study approach and explains the sampling strategies and data analysis techniques. Merton specifically states that if sociological theory is to advance significantly then work must proceed in two areas simultaneously; 1) by developing special theories from which to derive hypotheses that can be empirically tested, and 2) by evolving... a progressively more general conceptual scheme that is adequate to consolidate groups of theories (1968 p. 51). It is the second area that concerns this research project.

The next Chapter describes the context and background of the case studies. As discussed in Chapter 2, values are embedded in complex historical contexts. Over time these social, political and economic imperatives alter and shift. Social science theories that emerged in the late 1940s and the early 1950s need to be re-contextualised into the contemporary world. The following Chapter contextualises this study and summarises the evolution of the modern grievance resolution system.
4. Context and historical background

The social reality, the nature of the economy, functions of organisations and their relationships with social institutions in the beginning of 21st century have changed since the era of the 1960s when personal grievance resolution systems were becoming more widely adopted. Associated with these institutional changes and social reforms are subtle shifts in power dispersion within organizations (Abbott & Kelly, 2005) and changing social expectations of individual employees. These changes are understood as tendencies rather than absolutes as they occur incrementally and in a lumpy formation. As discussed in Chapter 2, the principles and values on which justice judgments rely are embedded in complex historical contexts. In order to ground this research in its context, the significant changes that have occurred in workplaces are discussed in this Chapter. By drawing threads of relevance through historical movements this Chapter will also build a logical theoretical and empirical framework for the modern grievance resolution system.

This Chapter reviews the social and regulatory context in which contemporary grievance resolution systems have developed and links this to current approaches to resolving grievances in the workplace. Section 2 briefly traces the evolution of the modern grievance resolution system and is divided into two distinct sub-sections. The first sub-section identifies the broad economic and social drivers that have influenced expectations of how grievances will be managed. The next subsection reviews major shifts in the Australian regulatory frameworks that are relevant to how organisations arrange their grievance resolution procedures. Section 3 addresses changes in the perception of the role of corporations. The implications for the design of internal grievance resolution systems are discussed in Section 4. This is followed by an overview of the development of internal grievance resolution systems in Australia in Section 5.
4.1. Historical environmental influences

It is now possible for more people than ever to collaborate and compete in real time with more other people on more different kinds of work from more different corners of the planet and on a more equal footing than at any previous time in the history of the world (Friedman, 2006 p.6)

The modern workplace relationship encompasses the economic, social and legal relationship between the parties, both individually and collectively. The first subsection addresses how major economic and social changes in the last thirty years have impacted on the way people are managed at work. In the second subsection the legal and regulatory foundations of the modern grievance system are identified and discussed. The modern grievance system reflects and meets challenges posed by three different backgrounds: (1) human rights legislation, (2) employment and industrial law, and (3) occupational health and safety.

Economic and sociological changes

Economic changes

The era of industrialization created an imperative to better understand the nature of the labour management function if industrial conflict and issues were to be resolved amicably. The uncoupling of unfettered industrial autocracy led to more complex and ongoing employee-employer relations. Initially these relationships were informal, based partly on principles of fair and individualised treatment (Kaufman, 2008). As the unit of work organisation shifted to the company, and multi-national corporations emerged, management focus was on planning. During this period, bureaucracy emerged as the dominant organisational mode; the rational organisation of responsibilities and accountabilities within an ordered hierarchy of decision making and control (Wren, 2005). Prevailing ideologies included the libertarian veneration of free market forces; the ethics of individual liberty, equality and government by consent of the governed; and the move from a contemplative life to one of work, reason and science (Wren, 2005). During this period both productivity and consumption rose dramatically (Gershuny & Miles, 1983).
The second half of the twentieth century saw a shift in resources away from primary and manufacturing industries to the service economy. For example, in the Australian service sector, employment grew from 67% to 74% of total employment between 1987 and 2007 (ABS, 2009b). Work in this sector predominately relies on an educated workforce that using significant cognitive discretion or emotional work to carry out their functions and responsibilities. The new technologies of the past twenty-five years have moved parts of the service economy to an information economy through the creative use of electronic communications, transactions, retrieval, data storage and computation. The resultant shift in work categories and changes to job design has reduced routine and repetitive activities and placed more reliance on complex cognitive activities. In some industries occupational categories have become relatively fluid, while in other sectors, such as transport and technical work, demarcation lines are more prominent. Accompanying this shift is an increased focus on the individual employee’s knowledge, and the intellectual capital of organisation (Webster, 1999). By necessity this leads to a new way of viewing the responsibilities of management.

Over the past thirty years there has also been a significant shift towards market economies and global competition. In the 1970s 40% of world had a market economy, now it is about 90% (de Anca & Vazquez, 2007). Associated with this shift and driven by economies of scale, is a significant growth in the size of local firms and large multi-nationals. Today, the 300 biggest multi-national control 25% of the worlds productive resources (de Anca et al., 2007), therefore, the way they manage these resources has a great impact on the world’s population, society and environment. To a very large extent, it is large organisations that identify and meet the needs of society. Society in turn is demanding that organisations carry out this responsibility as a service to the community and the environment as a whole. This broadens to scope of the organisation to include other stakeholders, such as the wider community.

Diversity in the Australian workforce

To appreciate the context in which modern grievance resolution systems have emerged, it is necessary to understand the changing composition and nature of the
Australian workforce. These include changes in the ratio between male and female workers, the mix of cultural diversity, the impact of education and retention rates, and the changing way in which work is organised within the firm. Designing and implementing a grievance resolution system for workplaces that have standardized working arrangements and a mono-cultural workforce exhibiting a strong adherence to a cohesive value structure, allows for embedded assumptions about justice to be unchallenged. Diversity in employees increases the potential for differing values sets to be operating concurrently in the workplace. This section explores the significant changes in the diversity of the Australian workforce and how this may impact on the efficacy of traditional grievance resolution systems.

The number of women in the Australian workforce has more than doubled since 1964, while the female participate rate, calculated by adding the employment rate and the unemployed rate, of 63.5% compares with the male rate of 79.2% (ABS, 2003). With this significant increase in female participation in the workforce, management strategies have also changed. Studies have shown that women and men tend to use language differently, leading to more complex communication patterns and different way of interpreting of meanings (Schroth, Bain-Chekal, & Caldwell, 2005). The following anecdotal evidence reveals one aspect of these differences. In 1943, male supervisors were advised how to address women in order to get the best from them;

\begin{quote}
Be tactful when issuing instructions or in making criticisms. Women are often sensitive; they can’t shrug off harsh words the way men do. Never ridicule a woman, it breaks her spirit and cuts off her efficiency.
(Transportation Magazine 1943, 2007)
\end{quote}

Today there is more evidence that attitudes based on stereotypes of women in the workplace can lead to communication problems, which in turn can lead to conflict or perceptions of harassment. Additionally, perceived bias in an authority undermines the legitimacy of decision-making (Van Prooijen, van den Bos, Lind, & Wilke, 2006), which in turn can create suspicions of unfairness and reduced trust. These conditions create environments where bullying behaviour and negative responses are more likely to occur.

The way work is arranged and scheduled has changed dramatically over the past 30 years. Less than 10% of the Australian workforce are engaged in work Monday to
Friday 9am –5pm (ABS, 2007b) and between 1964 and 2003 the raw number of fulltime jobs has increased by 20% while the number of part-time jobs has increased by 340% (ABS, 2003). In 2003, 29% of the workforce were engaged in part-time work, of whom 73% were females (Pocock, 2003). This significant increase in part-time employment is balanced by strong demand from the two and a half million part-time workers (nearly 30% of the total) who want more hours per week (ABS, 2003). This figure peaks at 40% of the part timers in the age group of 20-24 years who are seeking more hours of work per week. The upward pressure of willing workers encourages a managerial attitude that employees are readily replaceable. This is despite concerns about skills shortages in certain industries and the talent retention programs adopted by many Human Resource departments.

At the same time there has been a significant increase in the number of people who work from home, with associated changes in performance management strategies and communication techniques and shift in control over the working environment. Where there has been a large-scale industry based transfer of employment status from employee to contractor, the short-term focus on performance and reliance on reputation has increased for the worker. On the other hand, work in Australia has intensified to the point where 27.4% of employed males and 9% of employed females work more than 49 hours per week (ABS, 2003). Extended hours at the workplace have led to the provision of ancillary benefits such as meals, exercise facilities and childcare facilities. This engenders a greater sense of belonging to the organisation, and concurrently, a greater reliance on the organisation for whole of life well being. These changes add complexity to management strategies, while modifying the way employees expect to be managed in the work place.

Many industries and firms have had an increase in the multi-cultural nature of the workforce and the accompanying challenge of managing diversity at workplace. As Figure 4.1 shows, there is a significant pattern of migration from culturally diverse regions to Australia. It includes 105,000 employees, both in full-time and part-time work, who rates themselves as not proficient in spoken English (ABS, 2007b). In 2006, people self-reporting that they are not proficient in spoken English included 3,500 professionals, 9,400 associate professionals, 8,500 advanced and intermediate clerical workers and over 5,000 managers and administrators (ABS, 2007b). This
leads to a considerable number of workplaces where English is not the primary language and a sizeable number of individuals who struggle on a day-to-day basis to communicate meaningfully in their workplace. In either of these situations the potential for miscommunication leading to feelings of unfairness or conflict is significant.

Figure 4.1  Australian migration by region 1997 - 2006

Initially viewed simply as cultural or ethnic identity, diversity in the workplace now distinguishes between observable differences such as age, physical ability, ethnic background, and gender, and the hidden or non-observable differences such as personality, values, corporate status, education, lifestyle, sexuality, marital status, parental status, career status, and tenure with organisation (Milliken & Martins, 1996). These differences can create major differences in a person’s orientation to issues and thereby result in differences in communication patterns. Further, members of diverse groups will have had significantly different life experiences, different world beliefs, assumptions and causal beliefs, including different conscious and unconscious preconceptions (Milliken et al., 1996).
Increased levels of diversity have been associated with both negative and positive effects in the workplace (O’Leary & Weathington, 2006). The positive effects include greater innovation and creativity while the negative effects have been cited as higher levels of turnover and interpersonal conflict, less group cohesiveness, poorer patterns of communication and lower levels of group commitment (Milliken et al., 1996; O’Leary et al., 2006). Some research has found that negative effects diminish the longer the diverse group stays together (O’Leary et al., 2006). However, the long term neutralizing effects of group membership on diverse employees may be ameliorated by the tendency of diasporas to seek their roots, intensifying their identification with traditional practices and artefacts, particularly by socializing within their home country groupings over extended periods (Rapley, 2004a).

Australian employees who were born overseas are fairly evenly represented across the major occupation categories. In both the professional group and the labourers group, just above 20% were born overseas while in other categories just below 20% are born overseas, Figure 4.2 shows the composition of the different occupation categories. This cultural diversity adds another aspect to the increased complexity in the labour management function for Australian workplaces.
The changing economic and social conditions create a different environment for those who have entered the workforce since the early 1990s. Known as Generation X, nearly three times as many as the previous generation grew up in dual income families and single parent families, with nearly 40% living as *latch key kids* at some time before they turned 16 years old (O'Bannon, 2001). They witnessed their parents’ demonstrating commitment to the firm by working increasingly longer hours and were directly impacted by firms’ displays of disloyalty during *downsizing*. At school they were taught the virtues of diversity, to be themselves and how to ask questions to find out the information they needed. This has led to changing expectations in the workplace, particularly with regard to expectations to be informed and consulted about decisions that affect them. However, this increasing emphasis on individual responsibility and individual self-development that has occurred in the education and social spheres, is in collision with the nature of the large organization that tends to restrict the normal maturation of individuals (Argyris, 1957).

The expectation of lifetime employment in one company is now an historic relic; Generation X now anticipates several different occupations and employers over their
life. This flexibility is demonstrated by a willingness to move to new job opportunities, to take time out of the workforce to retrain, to be focused on attaining a work family balance and to expect to be treated as an equal while at work. It is reflected in the higher education retention rates, while at the same time as the employment rates for young people have fallen (ABS, 2003). Between 1993 and 2005, the proportion of the labour market with a Bachelor Degree or higher level qualification increased from 13% to 23%, while the proportion of those with an Advanced Diploma/Diploma or below increased from 33% to 38% (ABS, 2007b). This suggests a growing group of sophisticated employees in the workforce who have greater demands for respect and nuanced management strategies.

These economic and social changes contribute to changing social and workplace norms; with greater diversity in social expectations and higher standards of communication expected, inevitably increasing the possibility of conflicts and misunderstanding occurring.

**Legislative and regulatory changes**

Internal grievance resolution systems have emerged from three distinct areas of law. The first of these are human rights based statutes that address issues of anti-discrimination and equality of opportunity. This group of legislation takes a normative approach that stipulates minimum standards of behaviour. The second source of internal grievance resolution systems is employment law, particularly legislation dealing with the resolution of disputes and conflict arising out of employment agreements. Lastly, internal grievance resolution systems have been influenced by the duty of care requirement found in Occupational Health and Safety (OH&S) legislation. This legislation establishes that all parties have a broad responsibility to protect the health and well-being of employees, and to refrain from acting in a way that might harm the health and well-being of employees. These three areas form the legal pillars upon which grievance resolution systems within organisations have been constituted. This section briefly charts the historical development of these groups of law in Australia.
Human rights based legislation

Beginning in the mid 70s, successive Australian governments have introduced equal employment opportunity and anti-discrimination statutes at both state and federal levels\(^4\). The impetus behind this legislation may be attributed to the steady evolution and growth in acceptance of human rights standards and the concomitant rise in UN treaties entered into and ratified by the Australian executive and parliament. In 1948, the United Nations (UN) adopted and proclaimed the Universal Declaration of Human Rights which contained important provisions that prescribed equality of treatment for all humans regardless of *race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status* (1948 Article 2, p 72). This International Bill laid the foundation in jurisdictions around the world for legislation prohibiting direct and indirect discrimination. In Australia, these statutes also established complaints resolution services, usually conciliation, and provided remedies and restitution for substantiated complaints (Wheelwright, 2003). Most commonly, these provisions were invoked when an employee was terminated for a discriminatory reason. However, these provisions have also been argued in a wider range of employment matters such as promotion and pay rates.

Of particular interest to this discussion is Article 23, which states that *(e)veryone has the right ...to just and favourable conditions of work ...* (1948). The words *just* and *favourable* imply a right to reasonable and equal treatment, without regard to the employee’s position in the organisational hierarchy or status. Many enterprise level policy documents reflect the intent of this Article through a positive statement about the right to be treated with respect or dignity, or a negative statement of a right to be free from harassment or abuse. Of relevance to this study, is that grievances are generally held to be rights based complaints about treatment in the workplace that

\(^4\) Federally these include the Racial Discrimination Act 1975 (Cth), the Sex Discrimination Act 1984 (Cth), the Human Rights and Equal Opportunity Commission Act 1986 (Cth), the Disability Discrimination Act 1992 (Cth) and the Age Discrimination Act 2004 (Cth). At the State level, for example, these include the Anti-Discrimination Act 1977 (NSW), and the Anti-Discrimination Act 1991 (Qld).
have not been resolved in the first instance. The International Labour Organisation (ILO) developed specific rights of employees, these rights are based on the broader human rights reflected in the Universal Declaration. In particular, the ILO conventions that seek to eliminate discrimination in the workplace are founded on values of human dignity and social justice (ILO, 2003). Despite the ILO conventions regarding equal treatment and equal opportunity, the fundamental right to be treated with respect and dignity in the workplace, and afforded natural justice when aggrieved, is not directly addressed by way of ILO conventions. More recently however, the ILO is challenging this historic approach to achieving equality and reducing anti-discrimination in favour of approaches that focus on restricting negative practises by defining *unacceptable behaviour*. This new approach relies on a shift of focus to the positive duties of organisations to accommodate diversity through providing opportunities for talent development at work (ILO, 2003; Owens & Riley, 2007).

The application of these human rights standards is not without challenges. A significant issue is the variation in interpretation applied to key human rights concepts by different cultures. Universality, the most basic starting point of modern human right, relies upon the ability of all ethnic and religious groups to agree to a basic list of rights. The difficulty is not in establishing abstract ideals, but in finding agreement on what each right specifically means in its application (Connelly, 1981). The argument for human rights relies on claims of the primacy of certain values; some would say absolute claims about how human should be treated. How these values are determined and interpreted in the day-to-day life of an organisation presents some difficulties.

**Employment and industrial law**

There are diverse opinions as to the function of labour law. The range includes the view of Otto Kahn-Freund that the main objective is to counteract the inequality of the bargaining power which is inherent in the employment relationship and to protect the workers from exploitation and discrimination (Kahn-Freund, 1977). On the other hand, the neo-liberal view is that government has no role in regulating the employment relationship. Instead, the role of government is limited to providing
equal access to work in a free market as this will enable arrangements that are flexible and efficient and therefore of the greatest benefit to all (Owens et al., 2007).

There are two significant areas of law relating to employees. Employment law is generally thought of as common law contracts of employment, while industrial or labour law relates to the collective relationship between labour and capital and the legislative impact on this relationship (Wheelwright, 2003). In different ways both are relevant to this discussion. Employment law arose from the master servant contract laws developed by the common law of the United Kingdom. These contracts were originally seen as an extension of family relations such that the servant belonged to the family. The master had extensive power to control the servant but also some significant responsibilities, these included an obligation to provide work and usually some means of sustenance and accommodation beyond wages. Dismissal required extended notice and, in the earlier years, servants were only allowed to leave the service of their master with their permission. Early labour related legislation was generally enacted to protect the master’s rights in response to some extreme event, such as the plague in the 13th century. At that time, the response to the shortage of workers resulted in an act requiring all able bodied persons with no other means of support to provide their labour as needed (Wheelwright, 2003 p. 9). These early laws did not provide for collective action as this was considered conspiracy or monopolistic behaviour and against concepts of individual rights. Only in the 19th Century was legislation enacted to protect workers from the excesses of both the laissez-faire approach to economic development, and the scientific advances used in the means of production: industrialisation. This legislation, which in effect allowed collective bargaining and the right to strike, was based on contract law theory which assumed that parties entered a contract freely, despite the obvious and inherent inequality of power. However, management prerogative to direct and control the employee is still central to the operation of such legislation (Owens et al., 2007).

There are some aspects of employment law that provide some balancing of power. Employers have been held vicariously liable for the wrongful actions committed by their employees against other employees while acting in the course of their employment (2006a). This means that, even if strictly speaking the employer was not at fault, they are still held liable. According to Fleming (1998) one consideration
which supports the notion of vicarious liability, is that employers are generally better placed financially to meet the cost incurred by the wrong. Additionally, employers are thereby encouraged to maintain good employment practices. This interpretation of the employer's responsibility places a significant onus on the employer to respond to employee grievances in a manner that attempts to minimize the harm to the employee.

Industrial law generally focuses on collective bargaining about the terms and conditions of work, e.g. minimum wages and maximum hours, and attempts to balance the interests of parties within prevailing economic and social environments. Historically, Australia has resolved industrial disputes by the use of conciliation and arbitration. By the early 20th century every jurisdiction had a system to prevent and manage disputes, and to determine fair and reasonable wages and conditions of employment (McCallum, 2005). This system was centralized around federal industrial tribunals, until recently known as the Australian Industrial Relations Commission (AIRC), which operated along side the state based labour courts or tribunals. However, since the 1980s the determination of employment agreements have shifted from industry wide awards to enterprise level agreements (Wheelwright, 2003). With a significant reduction in unionized workplaces (Colvin, 2003) and the reduced role of centralized tribunals, direct negotiations have occurred at the enterprise level (2006b; Abbott et al., 2005).

The most recent federal industrial legislation, the Fair Work Act 2009, requires parties to make genuine attempts to resolve their differences at the workplace level before a tribunal can be approached to conciliate (2009). The use of negotiation and conciliation to promote fairness and justice, and to foster the early resolution of disputes, continues to be deeply embedded in the customs and practices of the Australian workplace (McCallum, 2005).

**Occupational Health & Safety legislation**

The final group of statutes relevant to the emergence of internal grievance resolution systems relate to OH&S. In all jurisdictions of Australia, employers have an absolute duty to ensure the health and safety of employees. For example, sitting in the
Administrative Appeals Tribunal, Dwyer (2004) has pointed out that an employer will be liable for the injury to a worker if there is a causal connection between the contraction, aggravation, acceleration or recurrence of a disease 5 and the employment. Moreover, only one factor need be connected to the employment, and the contribution of the connection may be small or large 6. This reasoning highlights the extent of employer liability and puts employers on notice.

The focus of the regulatory framework is on ensuring all persons are aware of safety issues and then, that all persons are responsible for any actions or omissions that are reasonably within their control. To meet these obligations many organisations rely on training and awareness campaigns. Despite OH&S legislation requiring all parties to take reasonable care, it is the employer who has the primary duty to ensure a safe system of working (Wheelwright, 2003).

The OH&S legislation provides for a formal framework of consultation within the workplace and enables authorized employees to over-ride managerial decision-making, on a temporary basis, to limit work activities in potentially dangerous situations. This right re-enforces the notion that an employer’s duty of care stands independently from the employment contract.

5 The Safety, Rehabilitation and Compensation Act 1988 defines an injury as a disease, which in term is defined as: a) any ailment suffered by an employee; or b) the aggravation of any such ailment; being an ailment or an aggravation that was contributed to in a material degree by the employee's employment by the Commonwealth or a licensed corporation. Ailment means any physical or mental disorder, defect or morbid condition (whether of sudden onset or gradual development).


In the case of Re Welsford, Davis J said, at 43, it is sufficient that the employment contributes to the contraction, aggravation, acceleration or recurrence of the disease. The contributing factor need do no more than contribute in a material way. The factor is not required to be the real, proximate or effective cause of the disease or its development. In a case where a number of separate factors contribute to the contraction of a disease or its acceleration, aggravation or recurrence, all that is required, is that one such factor exhibits the necessary connection with the workers employment.
Employers are also compelled to insure to meet their liability to pay a compensatory income to injured workers. This compensation operates on a no-fault basis and there is a separate process to establish liability. Separate and independent statutory authorities administer these schemes. This approach to compensation indicates independence from the central employment contract.

OH&S legislation covers both physical and psychological injury as a result of workplace activities. In Victoria, during the period 2003/4, more than 8% of all workers compensation claims were for psychological injury. Although not all these claims will have arisen as a result of bullying or harassing behaviours, anecdotal evidence suggests that it is a major proportion. This represents a significant cost to employers, a cost which includes sick leave, medical costs, substantial increases in insurance premiums, employee replacement costs and the indirect impact on the productivity of other staff. Organisations have the ability to track OH&S incidents and associated costs. This ability to measure outcomes, plus the clear links to financial outcomes for the firm, has contributed to the development of comprehensive and sophisticated approaches the prevention and management of health and safety issues in the workplace.

Both human rights based legislation and OH&S legislation hold the employer responsible for the unlawful acts of its employees. The employer can mitigate this vicarious liability by demonstrating that reasonable steps have been taken to prevent employees from acting unlawfully in the workplace. Hence, employers will put in place those policies and procedures, training and awareness campaigns that a Court might view as sufficient to ensure employees do not inadvertently breach the provisions of the legislation.

Given the complexity of the workplace, employment contracts cannot cover all the details of the duties and responsibilities of the parties, with many contracts expressly including a clause other duties as directed. Indeed, many terms of the contract are implied by custom and practise in the particular industry (Owens et al., 2007). This brings to the fore the relevance of understanding the context in which the internal grievance resolution system is located.
This section has identified, in broad terms, three areas of regulation that influence how organisations design and implement their grievance resolution systems. While many managers may rely on expert practitioners to assist in the interpretation and implementation of these statutes, a significant proportion of employers will rely on custom and practice to prevent and resolve their workplace grievances.

4.2. Corporate responsibility and industrial citizenship

The increased complexity of the workplace leads to a heightened requirement for nimble, adaptive and informed responses by managers. For example, with the increasing speed of information sharing globally and the growing complexity of markets, employee participation in decision-making has been shown to be linked to the firm’s competitiveness (Lipsky et al., 2003). This increase in employee involvement in decision-making sometimes revealed as team based or cooperative knowledge based work, has implications for the identification of, and processes selected to resolve grievances. Workplaces play an increasingly important role in the life of the individual, consuming larger portions of the individual’s time and energy while other aspects of social life, such as family and community activities, diminish. Many individuals are increasingly reliant on the workplace for achieving a sense of belonging and social identity. This section briefly describes the changing role of the firm, specifically the broadening responsibilities of a modern competitive firm in the context of a knowledge-based society. Finally, there is short review on how the concept of industrial citizenship informs this discussion of the development of grievance resolution systems.

The traditional market based value of profit maximizing in organisations, including the emphasis on the valuing of monetary profit over other outcomes, has shaped operational and strategic decisions about how organisations are structured and managed, how risk is identified and measured, and what programs and expenditures can be undertaken. These corporate values have been historically upheld as legitimate by the legal system. The management historian, Wren (2005), cites a number of cases which depict the interaction between the legal principle of a limited charter of powers and the concept of management as trustee of the shareholders property. The following examples establish the limits to corporate concern for employees. In 1883
Lord Justice Bowden overturned the West Cork Railroad Company's attempts to compensate its employees for job losses arising from the dissolution of the company. He ruled that:

*Charity has no business sitting at the Board of Directors…. (they) can only spend money which is not their's, but the companies, if they are spending for purposes which are reasonably incidental to carrying on the business of the company* (1883).

At the other extreme, Steinway v Steinway & Sons Pty Ltd, established the goal of improved employee relations as legitimatizing the purchase of land for a church, library and school for the employees use (1896). For most of the last century, these cases have operated as book ends to the legal restrictions on a firm’s activity concerning the wellbeing of employees.

Concepts of social responsibility have a long history but it was the corporate irresponsibility leading to the collapse of the economic systems and subsequent Great Depression that led to the merging of management responsibility for increasing shareholder profit, and responsibility for the social and environmental outcomes of the organisations activities. This greater focus on the impact of corporate activities on society is described by the managerial concept of trusteeship (Carroll, 2008). By the 1950s the:

*Socially responsible firms …balance(d) a multiplicity of interests. Instead of striving only for larger profits for its stakeholders, the responsible enterprise also takes into account the interests of employees, suppliers, dealers, local communities and nations.* (Johnson, 1971 p.50)

The Committee for Economic Development went further when it observed that a *business functions by public consent and its basic purpose is to serve constructively the needs of society - to the satisfaction of society* (1971). While this statement inverted the dominance of the shareholders and gives society, in the broadest of terms, primacy, the actual impact of these intentions is questionable. For example, some commentators claim the recent global financial meltdown resulted from rampant corporate irresponsibility, and in some cases illegal behaviour, which suggests that serving the needs of society was neither a prime corporate motivator nor constraint.
Associated with the growing power of profit making organisations, and despite mixed evidence of links between corporate responsibility and financial performance, there is social pressure on firms to protect and enable human rights (Carroll, 2008; Margolis & Walsh, 2003). Neither an isolated profit focused corporation, nor a charitable benefactor, the corporate social responsibility (CSR) approach focuses on the interdependent relationship between the community and the organisation that is exemplified by the catch phrase *doing well by doing good* (Kurucz, Colbert, & Wheeler, 2008). In the corporate social responsibility paradigm, employees are viewed not as stakeholders, but as citizens whose rights the organisation has a responsibility to protect and enable (Crane, Matten, & Moon, 2004). This shift has significant implications when considering employee expectations of the behaviour of the organisation during grievance resolution procedures.

The concept of individual rights and obligations in organisations have been referred to as *industrial citizenship* (McCallum, 2005). From this perspective, the employment contract can be viewed as *an instrument of government, not merely an instrument of exchange...* collective bargaining agreements provide their own administrative or judicial machinery (Cox, 1959 cited in ; McCallum, 2005). Although this writer referred to the USA, the Australian experience is that successive labour legislation has set out model dispute resolution clauses that lead to arbitration at the federal tribunal. These model dispute resolution clauses cover individual grievances. Further, industrial citizenship suggests that determinations of grievances will be made based on industrial norms, rather than legal norms (McCallum, 2005).

Changing social expectations of corporations are accompanied by a marked shift in the power of individuals. Consumer power has grown through increased public access to communication technology, resulting in organisations being alert to both the positive impact of social cause marketing and negative impact of a failure to meet stakeholders expectations of their reputation (Kurucz et al., 2008). Organisations that fail to appreciate the speed and strength of information spread by individual employees about grievances and grievance resolution are blind to the impact these stories have on their recruitment and retention activities and outcomes, and on the organisations performance more generally.
In order to address these changes, approaches to the management of personnel have been modified. There has been an increase in the role and impact of human resource policy in day-to-day management. At one end of the continuum the authoritarian approach is used in such industries as call-centres, which rely on scripted exchanges. From the other end of the continuum is a more relationship based approach, such as unitarist practices that nurture a psychological contract of cooperation (Abbott et al., 2005). There has also been some change in the distribution of decision-making authority through greater use of participatory practices such as teams, flatter structures, and total quality management (Abbott et al., 2005).

As described earlier in this Chapter, organizations are facing increasing complexity in terms of technology, global competition and workforce diversity. Consequently, more flexible employment relations systems are being introduced. Changes such as increasing usage of part-time and casual workforce, greater spread of working hours, outsourcing, contracting and so on (Abbott et al., 2005). In return for this flexibility, industrial citizens demand fair treatment (McCallum, 2005). This increased managerial complexity increases the need for expertise in specialist areas of human resource management, specifically in handling conflict and managing grievances.

4.3. Implications for systems of grievance resolution

There is a growing interest from human resource and management professionals in the role of a systemic and strategic approach to grievance resolution systems. This reflects the changing social reality, the influence of the legal environment and the weight of academic research that reveals correlations between unfairness, stress and workplace performance. This section discusses these influences on conflict management and grievance resolution policies and procedures in organisations.

Human resource management practices have shifted from assumptions of homogeneity in the workforce to a recognition that a firms competitive advantage lies in recognizing and working with the differences of individual employees (De Cieri & Kramar, 2005). However, coupled with this recognition of complexity and the accompanying raised expectations, lies increased opportunities for misunderstandings, for conflict and for expectations that grievances will be resolved within the organisation without resort to termination of the employment relationship.
A grievance is usually located within the broader arena of conflict. Historically, within the dominant concept of *management prerogative* there is little toleration of dissent and significant latitude for autonomous management direction of work. *Conflict* was viewed as dysfunctional and those responsible for drawing attention to *conflict* were often punished through overt or covert labour market mechanisms. This traditional view of *conflict* is associated with competitive strategies and a contending conflict management style (Lewicki, Saunders, & Barry, 2006). The countervailing view held that, properly managed, conflict could be constructive (Follett, 1951). This approach relied on cooperative communication, the unity of the common goal and the centrality of the situation in determining decisions. Follett’s conflict resolution theories are based on humanist and relational ideologies of employer-employee relationships. Today, these theories are embedded in a unitarist approach to human resource management, an approach that has been broadly adopted.

The choice of resolution strategy adopted by an organisation often reflects the senior managers' personal values about conflict and conflict resolution (Lipsky et al., 2003). A competitive approach, reflected in a zero sum view, can lead to strategies that focus on victory for the organisation, and the adoption of *winning by any means* tactics. Organisations using the traditional contend strategy, characterized by vigorous defence of the organisation, rely on their reputation as strong defenders together with an unwillingness to concede or compromise to deter potential complaints and grievances (Lipsky et al., 2003). Managers in this type of organisation would consider that a less aggressive approach undermines their authority.

Lipsky et al. (2003) hypothesize that environmental factors also influence the choice of conflict resolution strategy. They present a dichotomous model, suggesting that large multi-nationals and organisations with experience of major lawsuits tend to prefer preventative and cooperative strategies because of the desire to control costs. These organisations will make a tactical use of a range of alternative dispute resolution strategies to settle matters with overall goal of minimizing cost in money, reputation and time for the organisation. Organisations in less competitive markets have less need to avoid litigation (Lipsky et al., 2003).
Many organisations are prompted by the courts findings about their vicarious liability and what constitutes reasonable actions to address this liability. The findings from Howard v Geradin Pty Ltd (2004) VCAT 1518 and Dee v Commissioner for Police, NSW, Police & Anor (No 2) (2004) NSWADT 168 established a standard set of actions an employer needed to demonstrate they had undertaken to limit their vicarious liability. These actions included establishing a grievance resolution process that includes effective and timely procedures, and adherence to principles of natural justice.

The ideas of affirmative action and managing diversity arose in the USA as a positive alternative route to equality of treatment and opportunity that would balance the preventative approach of anti-discrimination legislation. However, while these management strategies were insufficient in themselves to cope with grievances related to bullying behaviours, they do provide some insights into strategies that may be usefully incorporated into a full system of grievance resolution.

Comprehensive contemporary systems rely on a prevention strategy and then a cooperative inquisitorial approach to resolving grievances (Lipsky et al., 2003). These systems generally include multiple access points, a range of methods to achieve resolution, and are voluntary (Lipsky et al., 2003). Many multi-nationals use a system of ombuds. For example, a General Electric induction booklet invites all employees who have a question or concern about what is proper conduct...to promptly raise the issue with your manager (or) a GE ombudsperson (Immelt, 2005 p.1). It is worth noting that this statement is raised in the positive, with regard for improving employee autonomous proper conduct, rather than as a list or definition of what is bad behaviour by others.

This section has identified some influences on the design of grievance resolution systems. These include senior managers’ understanding of conflict, the environment and the outcomes of matters heard in courts. Human Resource practitioners also look to the effectiveness of similar systems such as their Affirmative Action and Equal Employment Opportunity policies, and managing diversity strategies, when considering their grievance resolution systems.
4.4. The Australian experience

This section briefly reviews the dispute resolution processes imposed by successive pieces of industrial legislation in Australia. This includes the changing role of the independent commission, the AIRC, and changing requirements of grievance resolution processes in employment contracts.

In Australia, shifts in the social, industrial relations and economic landscape has led to an increasing focus on enterprise level resolution of industrial disputes and more formalised employment grievance resolution processes. Arguably, the crisis of Australia balance of payments in the mid 1980s led to calls for greater labour market flexibility to promote higher productivity and from there a shift to decentralized enterprise collective bargaining (Van Gramberg, 2006b). The focus on the enterprise as the unit of bargaining reinforced the workplace as the primary location of dispute and grievance resolution.

As discussed, Australia has historically relied on a centralized conciliation and arbitration processes undertaken by the state and federal industrial relations commissions, to resolve workplace disputes. However, by 1990 an increasing percentage of individual grievances were being resolved at the workplace level (Van Gramberg, 2001). This followed increasing calls for greater employee involvement in decision-making at the enterprise level, primarily in relation to negotiating workplace conditions and wages. By 1993, provisions in the Industrial Relations Reform Act (1993) mandated a grievance procedure that included attempts at resolution at the workplace level. Despite this, a very large percentage were unresolved within the firm and were taken to the AIRC for conciliation and often, voluntary arbitration. Despite this failure, there was still some degree of movement of the dispute and grievance resolution process from the public arena to the private arena. One indicator is that the percentage of organisations with a formal internal grievance resolution procedure increased from 49% in 1990 to 71% by 1995 (Van Gramberg, 2001).

In 2006 the WorkChoices Amendment Act continued this trend, stipulating that parties must prove that genuine attempts at resolution must be made at the workplace level before the matter can be taken to the AIRC. The 2006 Act also encouraged a
wider range of ADR process, beyond conciliation and arbitration, by including references to conferencing, assisted negation, neutral evaluation and case appraisal. As with previous legislation, Section 353 states that an employment agreement must include a provision for dispute settlement, and Section 694 provides for a model dispute resolution process. However, this model is very thin; essentially it contained two parts, first that the parties genuinely attempt to resolve the dispute at the workplace level. If that failed then the parties were to engage an agreed third party to use an ADR process. Finally, Section 697 required no interruption to work while the dispute was being resolved. A significant change was that parties could elect a private ADR provider or to take the matter to the AIRC. However, this attempt at privatisation failed, in part because the AIRC continued to provide services at a nominal cost to the parties.

The Fair Work Act 2009 also provides for model dispute resolution processes in the workplace. There are a number of differences with the new model; the parties may appoint a representative, then if resolution at the workplace level is unsuccessful the matter is referred to Fair Work Australia rather than the appointment of a third party to assist. As with the previous legislation, Fair Work Australia will attempt to resolve the matter using mediation or conciliation in the first instance, resorting to arbitration if those processes fail (2009). Under the new regime, preventative functions are handled by the Fair Work Ombudsman, however these are limited to advice, generic training and investigation. There is no provision for flexible targeted responses as undertaken by Acas (see the section on the UK experience), rather the Fair Work Ombudsman is limited to a training and compliance role.

Australia’s federation split powers and functions between the national government and the states. With the exception of Victoria, which handed over its powers to the Commonwealth in 1996, each state has its own industrial tribunal. In line with federal legislation, state legislation enabled parties to voluntarily refer disputes to them. At the same time, preventative roles have been undertaken by state government agencies.

In Australian the recent federal legislation provides only the most general requirement for the establishment of an internal grievance resolution system. Failing resolution at the workplace level, parties can access conciliation and arbitration services at Fair
Work Australia. Despite evidence of greater use of ADR processes when conflict occurs in the workplace there is little information about cooperative work practises and management of harassment and bullying behaviours in Australia (Forsyth & Smart, 2009).

4.5. Conclusion
This Chapter has highlighted some broad social changes and their impact on the workplace that act as motivators for organisations to introduce systems that accommodate the diversity of current social expectations. There are a number of key aspects that human resource practitioners consider when designing procedures and accompanying policies. Regulatory changes require grievance resolution systems to acknowledge duty of care responsibilities in regard to the behaviour of employees towards each other. Court findings highlight the importance of procedural justice and vicarious liability. Social pressure on organisations to adopt a role in protecting the rights of their employees continues. Individuals have greater expectations to be treated with respect and included in decision-making process. Managers must grapple with a number of competing demands inherent within the employer employee relationship, plus the broader goals of the economy and society, and the complexity of the regulatory framework.
5. Case Study 1: Asset-Org

5.1. Introduction
Chapter 3 provided a detailed description of the methodology and methods adopted in this research. It set out the rationale for the data collection and analytical techniques employed to address the research questions. This Chapter uses descriptive narrative techniques to illustrate the findings collected by interview, texts and observations gathered from the first case study, namely Asset - Org.

It will be recalled from Chapter 2 that this study is exploring the question *Why are expectations of grievance resolution systems often not met?* In order to gather data that will lead to analysis of this general question, the following questions are posed. They include:

*I. What did you expect the grievance resolution system to do?*
This question establishes a benchmark of each person’s expectations of outcomes, behaviours and attitudes, from which a judgment can be made about the success or otherwise of the system in meeting those expectations. Themes are derived from the organisation’s texts, and then each individual’s interpretation of the organisation’s justice themes are drawn from the interviews.

*II. What happened in the grievance resolution process?*
An analysis of the interviewees’ interpretation of their experience, and their observations of the experience of other participants, is presented using key themes. This enables a process of matching their interpretation of the organisation’s policies and procedures, and the lived experience of those who participate in the resolution process.

*III. What were the indirect outcomes from the grievance resolution process?*
This question establishes the results of the process and leads to identifying gaps between expectations and outcomes. These findings create a map of evidence firmly
located in the context of the industry and entity, which enables an exploration of the lived phenomena and leads to an analysis of the relationships between key factors. This Chapter is organised in the following manner. Section 5.2 locates Asset – Org within the context of the Australian public service, including a description of the governance model. In Section 5.3 an outline of Asset – Org’s characteristics is set out, including details of interviewees, and then key themes of Asset – Org’s organisational culture are illustrated by quotations from the interview and the texts. Section 5.4 depicts and describes Asset – Org’s grievance resolution system. Material from the interviews and the texts is arranged in the next three sections. Section 5.5 begins with the key themes of the expectations of a grievance resolution system, those created through the organisations texts and those held by the interviewees. Next, Section 5.6 describes the interviewees’ experience of participating in the resolution process. This is followed by Section 5.7 which reveals the interviewees’ perceptions of the outcomes of the resolution process for the grievant, the alleged perpetrators and the organisation.

As described in Chapter 3, interviews have been conducted with three different types of personnel. The first group includes those who had a role influencing the design of the grievance resolution process, labeled for this purpose as Grievance Policy Writers (GP). The second group, Grievance Handlers (GH); are the personnel who had a role in resolving or investigating a grievance, and are thereby users of the process. The interviewees in the final category are also users of the system; they had appealed to Alliance – Org for relief and resolution of their grievance, and are called Grievants (G). Details of the interviewees are shown in Table 5.1. The findings reported in this chapter are derived from a thematic analysis and are illustrated by quotes from interviewees. Section 5.8 concludes this Chapter by identifying gaps between the expectations, the experience and the indirect outcomes for the participants’ and the organisation. This enables a map of the relationships to be drawn and an exploration and analysis of the data.

5.2. Industry Context and Governance Model
The Australian system of government consists of the national parliament, six states and two territories and multiple local governments. At each level of government a separate public service, which is politically neutral and operates impartially, exists to
administer the functions of government. Nationally, the public sector employs just over 17% of a total workforce of 7,668,210 people, 56% of whom are female (ABS, 2007a). In 2006, despite a 7% drop in union membership in Australia during the preceding 12 months, 42.6% of public sector employees were trade union members compared with 15.2% in the private sector (ABS, 2008e).

The public service offers a secure career with graduate recruitment occurring at the entry level and, until recently, limited lateral entry appointments. However, while security brings benefits such as stability and corporate memory it also leads to certain vulnerabilities such as politicization, inflexibility, unresponsiveness, inefficiencies and lack of accountability (Morley & Vilkinas, 1997). In response to perceived inadequacies in the traditional bureaucratic model, the new public management paradigm adopts a view of human behaviour as individualistic, rational and instrumental, leading to principles of competition, separation of functions and performance based management being adopted (O'Flynn, 2007). However, there is argument that these competition based techniques have fractured the relationship basis of the traditional bureaucratic model leading to destructive and risk taking conduct (O'Flynn, 2007).

Various reform programs have been adopted in order to address these issues, primarily to orientate the sector to a merit based system of human resource management; including introducing equal employment opportunity legislation, performance reviews, and contractual relationships especially at the senior level, and reviewing the appeals and grievance procedures (Dann, 1996). Despite this emphasis on the individual, 92.9% of public sector employees still work under a collective agreement (ABS, 2008e). Specialist services have been established with the specific aim to support public agencies with cultural and performance changes. At the federal level, the Australian Public Service Commission assists commonwealth agencies with merit based appointments, the implementation of EEO guidelines and the introduction of specific programs such as ethical decision-making, and the prevention of bullying and harassment. The State Services Authority undertakes a similar role in the state of Victoria. Chapter 4 describes a number of programs undertaken by various state authorities that address workplace behaviours; often requiring their public sector
organisations to have a grievance resolution system in place and providing model processes and guidelines.

5.3. Asset – Org’s Characteristics and Culture

Access to this research site arose spontaneously from an informal discussion with a member of Asset – Org’s Board who was concerned about the organisation’s handling of complaints from staff about bullying. The Director contacted the CEO, who then instructed the HR manager to make staff and resources available for this study. This personal referral resulted in this case study.

Representative samples of employees, who were known to be grievance handlers or grievants, were sent an email by the HR manager endorsing this research and inviting them to participate. The EEO manager provided internal documents and archival material, while further information about the Asset – Org’s values was obtained from publicly available material in the Annual Report, Mission Statements and Codes of Conduct. Details of the documents and archival material collected are located in Tables 3.6, 3.7 and 3.8. The Table 5.1 provides a profile of the six employees interviewed for this case study.

Table 5.1 Interviewees in Asset – Org

<table>
<thead>
<tr>
<th>Position/title</th>
<th>GP</th>
<th>GH1</th>
<th>GH2</th>
<th>GH3</th>
<th>G1</th>
<th>G2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender</td>
<td>F</td>
<td>M</td>
<td>F</td>
<td>F</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>Age</td>
<td>46</td>
<td>52</td>
<td>38</td>
<td>36</td>
<td>57</td>
<td>43</td>
</tr>
<tr>
<td>Length of tenure</td>
<td>3 years</td>
<td>24 years</td>
<td>15 years</td>
<td>5 years</td>
<td>23 years</td>
<td>8 years</td>
</tr>
<tr>
<td>Tenure type</td>
<td>Permanent – moving to contract</td>
<td>Permanent</td>
<td>Permanent</td>
<td>Permanent</td>
<td>Permanent</td>
<td>Permanent</td>
</tr>
<tr>
<td>FT /PT</td>
<td>FT</td>
<td>FT</td>
<td>FT</td>
<td>FT</td>
<td>FT</td>
<td>PT</td>
</tr>
<tr>
<td>Operational/Support</td>
<td>Support</td>
<td>Operational</td>
<td>Operational</td>
<td>Support</td>
<td>Operational</td>
<td></td>
</tr>
</tbody>
</table>

Source: Interviews conducted by author 2006

Asset – Org’s characteristics

Asset – Org is modelled on the traditional bureaucratic form with an independent board of governance and an executive team responsible for the day-to-day
management of the organisation. The organisational structure is by divisions; with four functional areas and five geographic areas. Each division is headed by a manager who reports directly to the CEO, whose performance is assessed annually. Table 5.2 outlines Asset – Org’s main characteristics. The human resource function is located within the corporate service division, although divisional managers have substantial independence to exert their authority in areas of performance standards and recruiting. The primary function of Asset – Org is to manage, maintain and enhance highly sensitive public assets. As with other public sector agencies, Asset – Org operates under principles of competitive neutrality, with organisational and individual senior performance measured by key indicators.

Table 5.2  Characteristics of Asset – Org (2006)

<table>
<thead>
<tr>
<th>Industry</th>
<th>Ownership</th>
<th>Size-operating revenue</th>
<th>Location</th>
<th>Geographical level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset – Org</td>
<td>Asset Management</td>
<td>Public</td>
<td>$140 million</td>
<td>Multi-site</td>
</tr>
</tbody>
</table>

Source: Annual Report 2006

According to Asset – Org’s 2004/5 Annual Report, merit and equity form the key employment and conduct principles that underpin employment relations. As set out in Table 5.3, there are about one thousand personnel who work under a two year collective agreement. The highly desirable nature of the working environment leads, in part, to ease of recruitment and minimal turnover. Asset – Org has made significant efforts to attract and retain indigenous employees and this is reflected in the figures shown in Table 5.3.

Table 5.3  Characteristics of the workforce of Asset – Org (2006)

<table>
<thead>
<tr>
<th>Size</th>
<th>% Non-Ongoing personnel</th>
<th>% Female</th>
<th>% Professional</th>
<th>Diversity – indigenous</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asset – Org</td>
<td>1,000</td>
<td>13%</td>
<td>38%</td>
<td>43%</td>
<td>5%</td>
</tr>
</tbody>
</table>

Source: Annual Report, internal statistic collected by author 2006
New personnel undertake a formal induction program and there are a range of training and development opportunities available. The round the clock nature Asset – Org’s functions result in a large portion of the personnel undertaking shift work, however this is strictly contained within the standard 38 hours per working week. There are very few consultants, casuals assist with seasonal fluctuations and there are limited numbers of part-time personnel. Although the incidence of injury is reducing steadily, the 2005/06 Annual Report shows 18% of all personnel reported an OHS incident in the preceding 12 months. While many of these reports will be of a minor nature, the rate is significantly higher than the WorkSafe statistics which show a Victorian state average of approximately 11 claims per thousand workers (WorkSafe, 2009). It was not possible to obtain a record of the number of written grievances reported in 2006. Asset – Org remains operational and will continue to be operational in the foreseeable future.

**Asset – Org’s organisational culture**

In order to explore and explain the rationale for, and expectations of, the grievance resolution system an understanding of its context is required. Thus far the industry context, and Asset – Org’s governance model and basic characteristics have been described. The next step is to provide a representation of Asset – Org’s organisational culture (see Chapter 2 for a fuller discussion of the concept of organisational culture relied on in this thesis). This system of shared meanings provides a benchmark from which employees will justifiably judge the behaviour of the organisation during the grievance resolution process. Organisations create their identity through various artifacts and stories, providing employees with a set of dominant values from which organisational behaviour can be predicted. This section begins with an analysis of the cultural themes that emerge from Asset – Orgs texts and then illustrates the organisational cultural themes which emerge from the interviews.

**Text generated cultural themes**

To demonstrate this, a number of texts from Asset – Org were reviewed; these are detailed in Chapter 3, in the Tables 3.4 and 3.5. The cultural themes identified in Asset – Orgs texts revolve around the following areas.
Responsibility to community
The texts reveal Asset - Org is very focused on its interface with the community. Most publicly available material reflects this, containing very little reference to internal practices and values. For instance, the responsibility to protect, preserve and present the assets under control to the public permeates every written piece. This is especially noticeable on the web site which contains some interactive sections.

Adherence to legislative requirements
Asset – Org is a public sector agency that was established by several acts of parliament and reports to a State Government Minister. Although the language used all through the texts is every day English, as Asset - Org is a highly regulated via numerous State and Commonwealth Acts, there are constant references to the statutes that frame operational activities. Documents that relate to the employee relationship reflect rights-based themes and are framed within legislative requirements.

Integrity and respect in relationships
The Code of Conduct is promoted as a vitally important internal document that sets out Asset-Orgs shared values. The first two are:

- We are fair, honest and consistent in our dealings
- We treat each other with respect and dignity

These statements reveal values of decency and integrity, suggesting that the organisation can be relied on to uphold common courtesies, to act respectfully and to have sound processes that will withstand scrutiny. These values begin with the responsibilities of the CEO. The Corporate Governance Charter requires the CEO to encourage cooperation and teamwork and to build and maintain staff morale at a high level and to build and maintain a strong sense of staff identity with, and a sense of allegiance to, the organisation. These three responsibilities are based on teambuilding concepts. Additionally, the CEO is required to ensure a safe workplace for all personnel. These requirements are not unusual within the Australian public sector.

Reasonable redress of unfairness
The Annual Report refers to the Public Administration Act (2004) and specifically mentions the principles of Merit and Equity that underpin human resource management activities, especially those relating to recruitment and promotion. This is extrapolated to include the notion of treating employees reasonably and fairly, and
ensuring that decisions should be based on merit. The Annual Report goes on to state that Asset – Org should ensure that there are *reasonable avenues of redress against unfair or unreasonable treatment*. This approach to grievance resolution is based on notions of universal fairness and the assumption that a process that meets legislative requirements will be reasonable and will deliver outcomes that are satisfactory to the appellant. The grievance resolution procedure is discussed below.

**Interview generated themes**

Interviewees were asked about Asset – Org’s culture with particular reference to how work was organised, to the communication patterns amongst employees and their managers, how rewards such as training and promotions were allocated, and how the grievance resolution system operated. Themes that emerged during interviews are discussed and illustrated.

**Strong teams operating under different standards**

Interviewees considered that work was primarily organised within team structures. They discussed the strength of relationships within these teams, the loyalty shown to each other and mentioned that individuals consistently offered flexible backup to each team member. The relationships between team members frequently extended beyond the work boundaries; for instance, there was social engagement between the families of employees and close personal communication. However, this strong in-group behaviour was counterbalanced by resentment about different standards of behaviour being applied to different groups, defined as a hypocritical stance taken by mid and lower level managers:

*[My satisfaction with work was] probably below average, as in how they treated me. Below average. [It was not part of the grievance] . . . I just put up with the little bit of nitty gritty type of thing. I just put up with it. The sort of things . . . just things like – there’s two – I can’t think of the word – ‘do as I say, not as I do’. There’s standards and one standard is what a certain group does and the other standard is what you do. So it’s very uneven, unbalanced in that way. We can do this, but you can’t. Things like . . . we relieve each other for lunch, and we have half an hour. And they time you. They’re pretty . . . but they’ll have as long as they want. ‘Oh, we haven’t finished our puzzle’, but they’ll look at us – ‘How come you’ve been so long. What have you been doing?’ But they can do whatever they like. All of that. A lot of ‘do as I say, not as I do’. G1 (6:35)*

This interviewee felt that she had been particularly targeted and treated badly by several managers, although she did not use the term, her description of the behaviours
meets the accepted definition of bullying. She also described how her entire team was
given stricter work conditions than were applied to other groups. Other interviewees
described how teams operated in competition with each other; they mentioned cliques
and division between groups:

There'd be a strong team effort outwards about managing [Asset – Org] ... 
although there would be different cliques within that team for the internal 
management. Where you've got the younger groups, the younger ones 
that are keen, up and coming, do a lot of work. Compared to some people 
that have been in the one spot for 30 years and are still under, you know, 
like under the union rush of the 70s. You've got that ... divide there 
between the young ones ... and the older workers who have been here 30 
years, I would guess, by and large they're not as highly educated as the 
ones coming through now? GH1 (13:07)

Groups formed for various reasons, some because they were co-located while others
formed because of like minded associations or in response to specific tasks
requirements. However, the team based structure was almost universal across Asset –
Org, it included virtual teams working on complex matters that went across regional
boundaries. The benefits of team based work were recognised by the interviewees but
these benefits were partially negated by the detrimental impact of the strained
relationships between teams. The positive aspects of team work clearly are of benefit
to Asset – Org, particularly where this is based on strong communication,
relationships based on trust and the desire to achieve operational goals. The between-
group problems appear to be an unintended and unacknowledged aspect of this team
based work. However, these between-group difficulties may have been confined to
locations with particular characterise such as the type of work performed, the numbers
and the ages of the employees.

Highly political relationship based decision making
A number of questions were asked of the interviewees that specifically focussed on
their understanding of the organisational culture. This included questions about
discretionary decision making such as promotions and training, and decision making
about granting entitlements such as recreational and sick leave. This interviewee
clearly identified that decision making about training being influenced by internal
politics rather than a merit.

Yeah, I think here at [this location] – I can’t talk for the whole of [Asset – 
Org] and it’s quite a big organisation spread across a long area. Here in 
[this location] it’s not what you know – it’s who you know. And if you’re
liked, you’ll go places. If you’re not like you won’t. Definitely here at [this location] – no questions asked. And that’s not just me saying that – that’s other people. If you are liked, you are so well looked after, and if you are not, you’re not. So it is that favouritism – I like you. G1 (53:20)

She went on to say that permanent promotions had occurred without being advertised, contrary to public service requirements, but that entitlements such as recreation leave were granted without any obvious bias. Another indication of a political climate was the power struggle between the teams, occurring particularly when groups were co-located for weeks at a time:

Well I mean if you’re working in ...[an office], you’ve got contact with a lot of people, but it’s not an ongoing day to day sort of basis. When you’ve got that ongoing, day in day out, a lot of the personal emotions and power struggles and all that come a lot more to the fore than when you’re dealing with people for an hour once a week or once every two weeks. G1 (13:00)

It seemed to be common knowledge, amongst this cohort of the interviewees that Asset – Org was a highly political organisation:

A lot of people say, ‘It’s not what you know in that place. It’s who you know.’ And it’s not just [my section]. It’s other areas as well. Some people...some of them say, ‘Oh you know, why on earth do they get on.’ And you’ve been around for years and you can’t do anything and you often wonder, but you think, ‘Oh well. Let it go.’ Nothing you can do about it. G2 (48:20)

Neatly expressed by G2, it’s not what you know but who you know is the commonly understood reference to a politicised workplace.

Conservative, risk averse and resistant to change
Like many public sector agencies Asset – Org has a highly stable work force with very little turnover. However, the other aspect to this longevity is a tendency for conservatism and resistance to change. This resistance to change was identified by several interviewees, including the grievance policy writer (GP), whose role included rewriting human resource polices to better align with current best practise and to incorporate organisational change directives from the Board. G1 also clearly identified resistance to change when asked about how she perceived the organisations culture:

Here at [this location] no one leaves, so there’s people here at 55 – XX’s one of them. He started at 17. I think that’s really bad because they get stuck in their ways and don’t see other people’s way. Does that make sense? That’s a culture. There’s a couple of managers here that are in
their 50s that have been with [Asset – Org] all their life and you have a half an hour lunch break and that’s what you have. You start at nine o’clock and you’re here at ten to nine. You know – but they don’t do it. But it’s very old school. There is definitely a culture and there’s two managers here – one’s XX – and another manager, and they get into the corner and they bitch about people and I sit there working going, ‘These are such old women.’ And it’s just really silly things that they bitch about and these are high senior management. So there’s definitely a culture. There is definitely a culture here and I think – because I talk to my husband about it – I think, and I could be terribly wrong, when you are put into a position in a company for so long, I don’t think that’s a very good idea, because they get stuck in their ways, they don’t like change, they don’t like to see change and they fight it. G1 (1:02:35)

In response to a question about the rationale for having a complaints or grievance resolution system, GP referred specifically to the organisational change process that she was undertaking.

I think it’s about change of culture. As I said to you, we’ve got staff who have been with us a long time. I think it’s been a very male dominated industry over the years. And I think that there’s some very entrenched culture and we recognized five years back that it was going to take us a long time to change that culture. It’s heartening to see there is a change of culture and it’s not just the young people. And it’s amazing the number of more mature staff, male and female, who will contact me with an email or ring me and say, ‘I just want you to know that I think that the advances we’ve made in change of culture have been really good’. And the interesting thing is that some of those people who have contacted me were people who used to be the worst offenders. GP (26:25)

Presumably the worst offenders referred to are people whose behaviours caused complaints in the past.

Although a small number of informants, there is some constancy between the text based cultural themes and the themes that emerged from the interviews. The themes of conservatism, risk aversion and resistance to change, parallel the text based themes of responsibility to the community and adherence to legislative requirements. As internal expressions describing the operational effect of organisational level values, these themes suggest dependability and predictability in managerial decision making. Despite the limitations of a small sample, there is little consistency between the text and interview generated employment relationship themes. The text promotes the values of integrity and respect, while the individuals working in Asset – Org described a highly political environment. Interviewees were aware of this
inconsistency and expressed some resentment and frustration about it. Similarly, the text based information about the grievance resolution system was not congruent with information from employees who had experience of the grievance resolution process. This is further explored in Sections 5.5 and 5.6. These two areas of inconsistency, between the espoused values of the organisation and the lived values, are further discussed throughout this Chapter.

5.4. The Grievance Resolution System
This section examines Asset - Orgs grievance resolution system more closely by describing its structure, its operating principles and its underlying justice values. Asset – Org has re-written its grievance resolution system as part of an overall cultural change process. This system uses trained employees to investigate the complaint and make recommendations to senior decision-makers. The core steps of the grievance resolution system are set out in Asset – Org’s Complaints Procedure. Targets of bullying or harassing behaviours are recommended to confront the perpetrator or to seek assistance from their supervisor in the first instance. If the target is not satisfied with the outcome they are advised to make a written complaint. On receipt of a written complaint, the Human Resource Department instigates the grievance resolution procedure. Initially, an internally appointed employee who makes recommendations, including finding whether the grievance is substantiated, carries out an investigation. As specified in the Complaints Procedure, the grievance handler has a responsibility to:

> Consider whether sufficient information is available to determine if the allegation happened on the balance of probabilities.

The human resource manager makes a decision about outcomes based on these recommendations, and a regional manager is responsible for ensuring corrective action is undertaken. This process is outlined in Figure 5.1 below.
Asset – Org uses a rights based policy framework for grievance resolution which includes a general policy regarding equality of treatment, a complaints procedure, a step by step investigation process and a discipline policy. The general policy states that Asset – Org will fulfill its ethical and legal responsibility to provide a work environment that is free of discrimination and harassment and references eight pieces of Federal and State based legislation. It provides definitions of specific behaviours that are covered by the policy and procedures, and also sets out recommendations for action. Where the grievant cannot obtain satisfaction through their own efforts, they are referred to a complaints procedure which provide(s) a procedure by which individuals can resolve work-related complaints quickly, constructively and without
harm to the ongoing employment relationship and states that all parties will be treated in a fair and confidential manner, with minimal disruption to the workplace. The steps are described above. Although this document is drafted for the average employee to access, it is complex and detailed, and relies substantially on professional terminology and jargon. For instance, there are lists of Accountabilities and Responsibilities, a section on the Rights, Obligation and Responsibilities of Parties to a Complaint, and a ten point step by step Complaint Procedure. However, a diagram showing the decision pathways is simpler to follow.

A number of possible outcomes are identified; these include mediation, the claim being substantiated or unsubstantiated, disciplinary action or a combination of these. While these are called outcomes, clearly they relate to different steps in the process. Mediation is a process not an outcome, although a successful mediation may result in specific actions by the individuals and the organisation. Similarly, deciding if a claim is substantiated is a decision, what actions flow from that are critical, the decision in its self may or may not be considered an outcome by the grievant. The grievance handlers revealed the grievant had no influence over the types of recommendations put forward, and their role was limited to finding the claim(s) substantiated or unsubstantiated. This also means it would be difficult to ascertain if the grievant was satisfied with the outcome.

A discipline policy operates in tandem with the grievance handling policies, and it refers to exercising the test of fairness and lists types of misconduct for which an employee can be summarily dismissed. Although it states that the principles of natural justice will be applied, these are not enunciated. For example, there is no provision for assuring the aggrieved that they will see, or know about, all the evidence that the decision maker relies on. However, the procedures do make provision for the grievance to de-escalate; which is an important element of conflict management and maintaining relationships. The procedures have a loop back mechanism, which allows the aggrieved to request the matter be brought to mediation at any time. The procedures also clearly identify the position responsible for following up outcomes, thus ensuring some degree of closure.
An overview of the characteristics of the appellants, respondents, the grievance and the respective outcomes as described by the interviewees, informs the emerging understanding of Asset – Org’s grievance resolution system, see Table 5.4. In three matters there were multiple parties; two perpetrators in one case and two targets in two of the reported cases. The employees involved can be categorized using Lepak and Snell’s (1999) human resource architecture typology based on characteristics of value and uniqueness. This categorization process provides a useful avenue for further analysis. In Asset – Org, general managers and front line supervisors fit the Lepak and Snell characterization of a Developing Human Capital employee. These employees are difficult to replace because they have high value knowledge of the operational aspects of Asset – Org. They tend to be long term permanent employees. The personnel in Asset – Org who meet the characteristics described by the Acquiring type generally have professional qualifications but limited knowledge of the operational details and history of Asset – Org. The type called Contractors are not personnel engaged by a short term employment contract; rather they occupy positions in Asset – Org that only require a limited skill set, usually manual labour or basic administration skills, and are therefore readily replaceable.
Table 5.4  Grievances discussed by informants

<table>
<thead>
<tr>
<th>Type of matter</th>
<th>Grievant(s)</th>
<th>Alleged perpetrator(s)</th>
<th>Outcomes for grievant</th>
<th>Outcomes for alleged perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bullying</td>
<td>Contracting</td>
<td>Developing</td>
<td>Bullying ceased Passive retaliatory action occurred</td>
<td>Guilty No action taken</td>
</tr>
<tr>
<td>Bullying</td>
<td>Contracting</td>
<td>Acquiring</td>
<td>Nil</td>
<td>Not guilty</td>
</tr>
<tr>
<td>Intimidation</td>
<td>Acquiring</td>
<td>Contracting</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Bullying</td>
<td>Contracting</td>
<td>Developing</td>
<td>Nil</td>
<td>Guilty &amp; training</td>
</tr>
<tr>
<td>Bullying</td>
<td>Acquiring</td>
<td>Developing</td>
<td>Bullying ceased</td>
<td>Guilty &amp; training</td>
</tr>
<tr>
<td>Bullying</td>
<td>Contracting</td>
<td>Developing</td>
<td>Bullying ceased</td>
<td>Guilty &amp; apology</td>
</tr>
</tbody>
</table>

Based on Lepak and Snell’s (1999) Human Resource typology

- **Descriptor of personnel involved in grievance**
  - Developing: high value, high uniqueness
  - Acquiring: high value, low uniqueness
  - Contracting: low value, low uniqueness

This selection of grievances shows some diversity in the personnel types of the parties involved and in outcomes for the parties. The majority of cases discussed were downward bullying, including one case of mobbing where one manager initiated the bullying and this was copied by another manager, as can be seen in the first matter where there are tow alleged perpetrators. There were also two cases where the alleged perpetrator bullied junior staff, and in both cases, two of whom then lodged a written grievance. In both cases the perpetrator was found guilty and the bullying behaviour ceased. There was one case of upward bullying, in this matter the alleged perpetrator was from a special status minority group, the informant was distressed because there was no action taken to protect the grievant from a threatened physical assault.

The policies and procedures provide for a range of behavioural change strategies to be implemented when the grievance is substantiated. Of the five alleged perpetrators who were found guilty, none were disciplined and only two were required to undertake training. Each of these perpetrators was a higher status employee than their
target. Although clearly not conclusive, this gives the impression that Asset – Org is favouring senior staff even when they behave in an inappropriate way.

5.5. Expectations of the Grievance Resolution System

The expectations individuals hold will create a benchmark from which the behaviours and attitudes expressed during the grievance resolution process can be assessed. These expectations are formed by the values expressed through the organisation’s texts and by values embedded in the organisation’s communications and actions. It is the individual’s interpretation and sense making of these texts and behaviours that form their expectations about justice, what it means and how it will be delivered at Asset – Org.

Text generated expectations

As outlined in Section 5.4, Asset – Org relies on a suite of policy documents to describe the grievance resolution system, to inform employees of the standards of behaviour expected and the avenues available when these standards are not met. A decision tree flow chart is available but its distribution is limited to grievance handlers and the HR Manager. The texts are complex and rely extensively on the use of jargon. This acts to limit accessibility to the grievance resolution system and discourages the ordinary employee from seeking their rights.

Legally enforceable rights and obligations; ethical and fair behaviours; caring responsibly.

Asset – Org values are imbued with concepts of legally enforceable rights, obligations and responsibilities. These values are evident throughout the texts, where the terminology used is primarily legalistic and rights based. This encourages the search for definitions of behaviours based on objective observable actions and decision-making based on verifiable evidence. The concepts of ethical and fair behaviours are established by reference to their opposites, for example the negative behaviours that comprise victimisation or the behaviours that could be labelled as bullying. The positive standards of behaviour are set using neutral terminology; hence there will be a reliance on established organisational norms to identify these specific actions. Through out the texts there is an underlying value of caring for the well-being of the employees. In line with accepted best practise of conflict resolution grievants are
encouraged to attempt resolution at the earliest opportunity and at the lowest level, on the basis that this will minimise damage to all parties. Similarly, managers are required to act promptly, with a focus on stopping the unwelcome behaviour. These values of caring responsibly and ethical and fair behaviour are reflected in Asset – Org’s Code of Conduct which include the following:

- We are fair, honest and consistent in our dealings.
- We treat each other with respect and dignity.
- We behave professionally and are responsible for our actions and accountable for their consequences.

The texts form justice expectations of a reliable and robust process that will operate in line with Asset –Org’s behavioural norms of fairness.

**Interview based expectations**

Key themes of individual expectations have been identified through the positive statements by interviewees and also through their negative comments. When an interviewee expressed a frustration that something should have but didn’t happen, this pointed to an expectation that was thwarted. Selected quotes illustrating key themes are referenced using the interviewee identifier as shown in Table 5.1, plus the time position. Figure 5.3 describes the key themes that emerged from the interviewees.

![Diagram of Expectations](image)

Interviewees expectations ranged from being very closely aligned with the organisations texts, such as having a fair process, to reflecting specific personal work based values such as aiming to de-escalate the conflict. The grievance handlers and grievance policy writers were focussed on the organisational level outcomes of the
grievance resolution system; their comments were permeated with a general concern for avoiding litigation. Grievants expressed expectations for protection, often for both parties, and for equal treatment.

Individual concerns about justice were mostly revealed indirectly. All grievance handlers were sensitive to issues of procedural justice, especially the need to be impartial and to keep an open mind while gathering evidence about the grievance. Grievants talked about how satisfied they were with the outcomes and with how they were treated after the complaint was finalised. In this way they described their justice expectations.

**Avoiding litigation**

All interviewees concerned with the handling of the grievance were clear that meeting legislative requirements was paramount in both the design and implementation of the grievance resolution system. This emphasis was also embedded in the training in investigative processes the grievance handlers undertook.

> [Asset – Org] were very keen to - and I’m not sure how closely aligned – but they were very keen to develop a process that was aligned, strictly within the relevant legislation and that. So, I think there was a fair bit of work done on those lines. And then our training was ... certainly in keeping with their commitment to equal opportunity. GH2 (2:53)

This emphasis on meeting legislative requirements included some detailed comments about ensuring that processes were robust and would withstand external scrutiny. Informants were aware that grievants could access an independent agency such as the Equal Employment Commission or could enlist the support of their union. This placed pressure on those responsible for handling the grievance resolution process, as stated, to:

> be seen to be accountable and objective about the process, in case one of the parties takes [Asset – Org] or their concerns outside, we would need to be able to demonstrate that the process was clear and reasonable, a fair one. GH3 (4:07)

By complying with their training and the guidelines set out in the policies, grievance handlers aimed to manage the grievance resolution process internally. However this approach also led to an organisation centric risk analysis, rather than a global approach of assessing the risk to all parties. According to one interviewee, the
decision to intervene in a matter was not always triggered by a complaint. He complained that requests from front line managers for protection from upward bullying had been denied, or delayed, on the basis of an assessment the degree of risk to the organisation. He said:

_I reckon they just put [the policy documents] out to cover their arse. To make sure that they have got the process in place so that they look good from the outside. And then they assess the damage of what it’s going to cause internally, whether they act on it or not. I have seen a document which says that every grievance that goes up has a risk management assessment on it in terms of how much damage it’s going to do to Asset - Org._ GH1 (33:28)

Although clearly angry and distressed when making this comment, GH1 was a very long term, loyal employee who had extensive experience in handling a range of different types of complaints and grievances. However, his experiences in attempting to get a resolution had been mixed, he believed that on some occasions the lack of action or support from Head Office caused the problems for the individual employees to fester or even escalate.

This hesitation to intervene may have sprung from the competing need to avoid litigation. Once the organisation has officially intervened then Asset – Org concerns about the matter progressing to the courts would become paramount. This line of thinking is based on the assumption that the facts need to be established by evidence prior to a decision about the resolution. According to one interviewee, this could be through witnesses or by unpacking lies, unpacking evidence. For example:

_If some one said “he abused me or he bullied me at such and such a meeting” and the respondent said “how could he say that, I wasn’t even at that meeting”, then to determine who is telling the truth one way would be to sight the diaries of both people and if the respondent does have that forum in their diary then it is obvious that he was at that meeting and there is a likelihood that person did bullying the other person at that forum._ GP (5:22)

The expectation that the grievance resolution process would allow Asset – Org to avoid litigation was a distinct theme that was repeatedly drawn on by interviewees.

**Resolution**

All interviewees referred to getting the complaint resolved in some way or another, although the idea of resolution took different forms. In the most limited sense,
resolution means that the situation that was complained about no longer exists. A broader understanding may include restitution to the previous state, a commitment that the offending behaviour will not reoccur and possibly some compensation for the damage caused. For some interviewees, resolution meant cessation of the bullying or harassing behaviours.

Well we thought – when we went to HR we thought maybe they’d have a chat with him and just say, “Look.” The HR Manager did ask us at the time, “What do you want out of this?” And we said, “All we want is for him to stop screaming and calm down.” But he didn’t seem to take it on board. It might happen for a week or two and then he’d start again. Something did go wrong and off he’d go exploding, but – what can I say – yeah, basically all we wanted was for him to stop, but he just didn’t do it. I think bringing the union in was the last straw. G2 (26:35)

Other employees simply wanted to be treated equally, as this would mean that they would not be bullied. This was an expectation about how the organisation should treat all employees; that the rules and behavioural norms are the same for staff at all levels. In this instance, the managers had applied the rules differently, singling out some groups for criticisms. De-escalation of the conflictual and harassing behaviour was also mentioned as an aspect of resolution. One interviewee said that he wanted skills to help him manage the day to day aspects of the conflictual behaviour. He described his frustration with the training:

And with, like the things I got was like going through the Acts and the Regs and blah, blah, blah. And a couple of examples of, you know, with names deleted here, at how reports were written up as opposed to, like it was a purely investigative thing rather than giving you well, how do you manage this person or this sort of what you could do to get them to open up, get them back on track. Not that you have to be a social worker, but just to get them – open them up, moving on. GH1 (50:20)

Rather than just investigating what happened, he wanted his intervention to have a positive impact on the relationships in the workplace.

A fair process

Interviewees expected that Asset – Org would have fair processes to handle grievances. Fairness is a complex concept that has different meanings depending on the context and the perspective of the individual. Both the legal and management literatures define fair processes; as natural justice and procedural justice respectively. Procedural justice requires investigators and decision-makers to be independent and
impartial; to be able to suppress any bias they have. In order to achieve consistent processes all the employees who could potentially be investigation officers undertook training. Consistency and impartiality was the focus of several of the interviewees. Additionally, a search was conducted to ensure that there was no conflict of interest at the initial appointment of each investigator. One interviewee described her understanding of Asset – Org’s concerns as:

they’re wanting a consistent process to be followed by all their investigations officer. And I suppose also they want to be able to demonstrate that it’s a fair and objective process. So I certainly was given some guidance about, you know, making sure that I was, you know, all my discussions were confidential, that there was no discrimination shown by me in conducting the investigation. So I guess [Asset – Org] needs to try and ensure that their process is accountable and objective, I guess, in the instance that one of the parties takes [Asset – Org] – or takes their concerns outside the organisation. We need to be able to demonstrate that our process internally is a clear and reasonable one, and a fair one. GH2 (5:05)

Fairness also implies that the grievance resolution policies and procedures are easily accessible to all employees. They need to be clear, easily understood, readily available and straightforward to follow. The formalizing of the system enabled this:

I think it was sort of to ... enable people that had a potential grievance for an avenue for them to have somewhere, some avenue to explore or contact or go to. And also a process that would be fair and do a fairly thorough investigation, again underpinned by legislation and that. And then come out with a resolution, one way or another. And then they were putting steps in place for - depending on what the case was, it would then be determined that the outcomes, if it was proved, what would be put in place. Whether it be re-education for the person who was ... or whether it would be, yeah, a move from that work centre or whatever. It might be an apology to the person that was ... Or whatever. But it’s a three stage sort of ... somewhere for the person with a complaint to go, the process. GH2 (5:05)

Employees were selected to be trained to investigate a grievance based on their ability to maintain confidentiality, to be able to produce a written report while remaining detached and to perform the role impartially. Getting an unbiased opinion was crucial to the investigation process as one element in establishing a credible finding. Some of the interviewees became distressed when recounting their experiences. One technique to manage this was to ask them to design the perfect grievance resolution system. This interviewee’s experience of the grievance resolution process was characterised by avoidance and neglect on the part of the organisation. In recounting
her perfect system she focused on the well-being of the grievant, bearing in mind that this person has presumably already experienced significant bullying or harassment.

*I would focus on the person who doing the grievance and make sure that that person is well looked after and cared for. I would ask the person on a regular basis what they want the outcome to be – am I comfortable going back into the workplace – which they never asked me, and I never was. I remember the first day I started back here I was ill just thinking about climbing up and going up those stairs and facing everyone, because everyone knew what had happened. They never asked me whether I was OK was that, because if they had I would have said, “No.” What you’ve got to do when someone does this, that’s quite a serious complaint is make sure that that person’s wellbeing is the most important...G1 (1:10:35)*

Additionally, there was an expectation that even the existence of a grievance resolution system would contribute to the well being of the employees.

*I think that the fact we have a [grievance resolution] process, we advertise that the CEO supports every ones right to lodge a complaint it’s a bit like a safety net. The staff are saying that they are in a safer workplace. GP (7:05)*

The concept of safety was expanded on to include psychological safety and the impact that an unsafe workplace can have on an employee’s home life and on their career prospects.

*Well, when it’s not safe is, as I said before, my psychological wellbeing has impact on my emotional. My physical health is impacted on, all those sort of things. It’s also I hate to get up and go to work in the morning and I’ve got to go to work because I’ve got to earn a living. Any career opportunities could be held back because I might have a manager who is my respondent, so to speak, and is stopping me from advancing. So it could be about career, psychological, physical, all those things. GP (8:35)*

**Meeting community expectations and standards**

The GP’s role in redesigning the grievance resolution system for Asset – Org was evident when she analyzed the distinction between the drivers for the organisation and the general community expectations. In the following statement she aligns Asset-Org with society’s greater sensitivity regarding workplace safety, specifically acknowledging the psychological impact of grievances on the individual’s life outside the workplace. At the same time she also acknowledges that distinct financial drivers operate within the organisation.

*Oh, well I think the drivers would be different for, you know, the community. I mean they’re not worried so much about the dollars, I
suppose. But I think there’s been a change in society and I think yes, we all do want safer workplace, whether we’re in [Asset – Org] or anywhere else. And I think they all, everyone, feels the impact of a complaint. Or, you know, where there’s an EO issue, the fact that it can reflect or impact right back into our home life and your relationship with your partner. So, you know, community in general. But like [Asset – Org], cultures take a long time to change. And I know there are a lot of organizations and a lot of the community who have yet to get on board with, you know. GP (30:35)

These expectations of a fair process that meets community and legal norms while achieving a reasonable degree of resolution fit within the current Australian public service culture. Asset – Org was undertaking a cultural change process, moving from a homogenous workforce and resulting mono-culture, to a more diversified workforce and management practices that reflected changing community expectations.

5.6. The Experience of Participation in the Grievance Resolution System

The grievance resolution system in Asset – Org is well documented and supported with definitions of terminology, references to relevant legislation and simplified step by step guides. Figure 5.2 sets out the grievance resolution process, while Figure 5.4 sets out the key themes of the experience of participating in the process as they emerged from the interviews.

Figure 5.3 The experience of participation: Key themes

- **Participation**
  - **Delay in beginning process**
    - organisation’s refusal to act on verbal complaint
    - matter escalated before intervention
  - **HR department involvement, inadequate**
    - no advice regarding entitlements
    - variable support for grievant during process
    - aggressive response to union involvement
    - inadequate protection from retaliation
    - variable support for grievance handler during process
  - **Resolution Process, limited**
    - guidelines assisted emotional distance
    - provided certainty
    - sometimes confusing
    - limited scope of investigation
    - no opportunity to make counter claim
    - confidentiality
Grievance handlers described their experience as investigators as controlled but limited in scope. They appreciated the clear framework established by the guidelines but at the same time expressed a degree of frustration caused by a lack of support from the human resource specialists and concerns about the limitations the process placed on them. This lack of support, at times viewed as neglect, from the human resource department was also felt keenly by the grievants. Grievants in particular held the human resource department responsible for the actions of Asset – Org throughout the investigation and resolution stages. They also measured the human resource group’s actions against Asset – Orgs written information and commitments to fairness. The following section examines in more details the key themes, as outlined above, and illustrates them with direct quotes from the interviewees.

**Delay in beginning the grievance resolution process**

Several interviewees noted that Asset – Org would not activate the grievance resolution process until the situation was considered to be beyond the capacity to the parties to resolve themselves. It was reported that this delay occurred in two different types of circumstances. When the situation was considered to be unlikely to dissipate without a third party intervening, then the grievance resolution process would be activated.

*As far as my involvement in it, it’s really only just to when things reach a point of no return for negotiation or anything like that. And it comes to a head. GH1 (3:17)*

However, this also meant that the parties were often in deeply entrenched positions, there may have been an appearance of tacit approval for the behaviours that had been complained of, and grievants may have given up seeking redress or protection. Grievants also reported that the human resource department had refused to act unless they put their complaint in writing. Interviewees noted that they were required to have a diary of events before the human resource department would accept their grievance. In reality, this meant that the grievant had to withstand a further extended period of bullying and harassment before they had any hope of Asset – Org intervening.

*Basically it was myself and the other girl and I suppose the supervisor – he’s a Manager. He’s a man with a very short fuse - put it that way. ...[B]ut he used to, if things didn’t go his way, he used to start screaming*
and getting really uptight. And this started at Kew and we went to HR twice and basically they didn’t do anything. We spoke to him a couple of times and, ‘OK, fine, OK. I’ll get… I’ll take you…’ – in other words ‘I’ll take it on board’, but he didn’t. G2 (15:07)

These delays were described as refusals by the human resource department to act; interviewees explained various responses to this stance. Some expressed frustration, expressed as anger that the organisation did not act to defuse a threatening situation. It was also felt that some grievants simply withdrew, despite having a legitimate complaint. The possibility that this strategy was an effective mechanism to allow the natural de-escalation of a situation was not canvassed.

**Inadequate support from the human resources department**

Grievants and grievance handlers expressed their disappointment that the human resources department did not provide the level of expert support and assistance that the expected. Both grievants reported that they were not advised of their rights and entitlements during the grievance resolution process. This included not advising that they could take sick leave if they experienced distressing psychological or physical symptoms because of the bullying. Neither did the human resource department put in place any strategies to protect the grievant from ongoing bullying during the resolution process.

*When I was going through the process [Asset – Org] never said to me, ‘Take time off.’ VECCI did. VECCI said, ‘Are you still there working with those two people?’ I said, ‘Yes I am.’ She goes…they were horrified. They said, ‘Has [Asset – Org] told you are entitled to be…’ I said, ‘No.’ She said, ‘I’m ringing [Asset – Org] this minute.’ She went and rang them and said, ‘What the hell are you doing having her still working under that circumstance.’ [Asset – Org] never mentioned to me that I could have time off. Just things like that. That they just – they just didn’t want to know about it – and still don’t want to know about it. G1 (38:35)*

This interviewee experienced many disturbing psychological symptoms throughout the initial period of bullying and then during the two months of grievance resolution process, including pain attacks and extreme anxiety. She also had physical side effects such as a 12 kilo loss in weight in 2 months. She claimed Asset – Org was aware her husband had just been diagnosed with a brain tumour and has lost his job.

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7 VECCI; Victorian Employer’s Chamber of Commerce and Industry. This organisation was engaged by Asset – Org to handle the grievance.
After VECCI intervened, insisting that she be protected from further bullying during the investigation process, this grievant was re-located from her original workplace which was five minutes from her home, to a workplace that was one hour away. The combined actions and inactions of Asset – Org during the grievances resolution process led this grievant to feel extreme anger, frustration and helplessness.

The actual process of conducting an investigation into allegations of bullying and harassment is a highly specialised task. The training provided to the employees chosen to be grievance handlers focussed on specific sections of relevant legislation and how to meet the requirements of confidentiality and impartiality. There was less focus on specific techniques of investigation such as questioning and responding to emotions. This gap was felt keenly by those grievance handlers who were dealing with contested cases of bullying and harassment. Often both parties were highly sensitized, tending to react negatively often exacerbating the distress.

This lack of support from the HR department, at times combined with a reluctance to act, had serious consequences for some interviewees. The incidents described included significant threats of violence for one person and, in a different matter, a potential job loss for another person. The following quote comes from a grievance handler who was trying to intervene and de-escalate an upward bullying matter.

*I feel like we were let down by lack of support from the organisation, not my immediate supervisor. I had words to my supervisor and said ‘look I have to get out for a while.’ I was going home and just abusing the kids and bloody yelling and screaming because I’d had a gutful. I was just angry and tense I reckon. He organized the shrink and I took time off.*

*GH1 (42:35)*

This grievance handler experienced a new workplace injury that he attributed to a seriously deficiency in the level of support he received during his attempts to resolve a grievance. He describes the consequences for his health and well-being, and refers to the deleterious effect on his family. Additionally, the workplace was also negatively affected; his workplace commitment was lowered, leading to changes in his performance the workplace.
Resolution and Investigation process

Asset – Org provided the grievance handlers with a clear step by step process, supported by a short training program that gives a structure to the investigation process. This also gives grievants some consistency and certainty about what will happen. However, the confidence this instilled in the grievance handlers depended to a certain extent on their existing level of skill and experience in grievance resolution processes. The first quote comes from a grievance handler who had gained familiarity with the grievance resolution process in a prior role as an official support person.

So I felt fairly supported with the knowledge of the training, and I virtually had a direct link to the then Manager of HR. So he was ... we had a chat and I was fairly clear on – from him and from the training – of the parameters of what I was to do. GH2 (5:35)

On the other hand, employees with less familiarity with the formal process struggled with the execution of the investigation process.

While the policy is useful in general terms...I don’t think there was enough detailed in terms of how I actually go about undertaking an investigation. GH3 (17:35)

The role of the grievance handler was limited to making recommendations that a senior employee would base a final decision on. They were required to establish whether there was reliable evidence to substantiate the claims made by the grievant. Additionally, the formality of the process assisted the grievance handlers maintain an emotional distance.

Then I put a sort of summary because the [chronology] was quite a document. Then I put a report together just listing the background, the summary of allegations and outcomes sought. And the response from the respondent, the outcomes they wanted. Then I put some comments together and some recommendations, six to ten recommendations. My whole approach was...not to get involved emotionally, personally or whatever. GH2 (15:40)

The separation between the grievance handler and the decision-maker provides space for the grievant to detail the actions that would satisfy their grievance. On the other hand grievance handlers who felt compelled to achieve more than a neutral review of the circumstances surrounding the grievance felt frustrated.

They’ve got all their forms and everything like that in place. But when it comes to backing it up, there’s not a lot of support. And you’re left ... it’s
the [grievance handler] who’s left holding the can, I reckon. There’s a few ... I know in here and a couple of other [locations] have been burnt trying to bloody raise the bar and yeah, no support, or verbal support and not much more. GH1 (25:35)

There were also suggestions that the different elements of the grievance resolution system were confusing:

_Sitting from where I am most of [the verbal support] came from my Regional Manager. Yes, but we should have ... I was just a bit bemused, I suppose, from all the misinformation and different processes that were available to us._ GH1 (30:35)

Some grievance handlers sought a broader role that set out in the grievance resolution procedures. For instance, this interviewee expressed concerns about the limitations that the process placed on them:

_There was a lot more going on than what I was investigating. Something was going on. I certainly didn’t come to the conclusion that nothing was going on, but I was not able to substantiate those particular claims as [it] was written._ GH3 (18:10)

The role is limited to investigating the grievance as it is actually written. Therefore the skill in articulating what is generally considered a difficult area, bullying and harassment, is directly linked to resolution options. An associated fact is that the grievant is not given the opportunity to hear the other party’s evidence, information or opinion about what happened. Thus, there is no opportunity for the grievant to dispute or refute the gathered evidence, which is contrary to the espoused adherence to principles of natural justice.

Despite Asset – Org’s commitment to confidentiality, both grievants interviewed believed every-one in their immediate workplaces knew of the grievance. This included knowing about the alleged bullying behaviour before the grievance was lodged as well as the progress of the grievance resolution process.

The experience of using Asset – Org’s grievance resolution system did not align with the promoted material. Neither the grievants nor the grievance handlers received expert support and advice in a timely way. Additionally, grievants considered they were deliberately victimized during and after the grievance resolution process, in a passive and indirect way. Grievance handlers felt that they were not equipped with the skills or expert advice they needed to intervene, albeit at an investigative level.
only. Despite the adherence to legal requirements none of the interviewees reported sufficient confidence in the system that they would use it themselves or recommend it to others.

5.7. Indirect Outcomes of the Grievance Resolution System

No matter what the result, participation in a grievance resolution process has an effect on the all individuals involved and, by implication, on the organisation. In order to fully comprehend these outcomes, this research distinguishes between indirect outcomes for the grievant, the alleged perpetrator and for the organisation. While dealing with the contentions of the parties separately in this section, they will be considered together in the Discussion section. Additionally, it should be noted that the interpretation of this evidence assumes the information provided by each individual is correct from that person’s perspective. It should be noted that the information about indirect outcomes for the alleged perpetrators is not from first hand evidence, but gathered from the grievance handlers and the grievants. Outcomes relate to whether the grievance was sustained, the action to remedy the matter and the grievant’s satisfaction with the action. Indirect outcomes refer to the indirect effects on the organisation, and on the individuals who participated in the resolution process. These indirect effects include the psychological and physical impact on the individual’s health and well-being, and the impact on career opportunities. Figure 5.5 illustrates the key themes that have emerged for the grievant, the alleged perpetrator and the organisation.

Figure 5.4 Indirect outcomes: Key themes

The indirect outcomes for each of the groups will be discussed separately.
Indirect outcomes for the grievant

Even though most of the grievances discussed were substantiated, interviewees reported a wide range of indirect outcomes for grievants at Asset – Org. All the indirect outcomes described were negative, from the decreases in self-efficacy to reduced promotion opportunities and becoming the target of ongoing retaliatory actions. Additionally, interviewees noted that the impact spread from the workplace to the home life of the grievants. The key themes that emerged for each category of stakeholder are discussed in more detail and illustrated using direct quotes.

Psychological and physical reactions

Despite their grievances being validated, the grievants reported a range of significant indirect outcomes that impacted negatively on their health, self-esteem and family life. For instance, this grievant described the outcomes of the investigation:

They did an investigation, X was found guilty, Y wasn’t. The reason Y wasn’t they said was because there was only one incident, whereas X had lots of incidents and there were witnesses, but with Y I didn’t, they called it bullying. G1 (18:03)

Her next description of what happened during the grievance resolution process, how she had been treated and the range of psychological and physical reactions she experienced were at odds with the findings of the investigation. Although presenting as a bright and cheerful person on the day of the interview, there was a degree of anguish and despair in some of her comments, feelings which are barely captured in the written transcript of her interview.

I was on medication. I went on anti-depressants as well as Calmer (sic) tablets. I had to take one of them because I was so sick. I’ve lost so much weight it was the best thing that ever happened to me. I lost about two stone in weight because I couldn’t eat because I was choking when I was eating.

And I knew – I knew if I took this [action to make the complaint formal] it would make my panic attacks worse. My doctor was fantastic – fantastic. Kept a record because I went to the doctors. I was very sick with panic attacks. It nearly immobilised me. Feared to go out the front door, in fear of having a panic attack. Still now have – get a bit claustrophobic because when I had a panic attack I needed to escape. Like one time I was in the hairdressers getting my hair cut and I had one and I couldn’t go on, I couldn’t stay. My hair was wet and she was cutting my hair, I just had to leave.
So I was fairly heavily medicated while I was going through this and I had to be. I don’t think I really would have coped – really would have come out the other end – if I wasn’t medicated. But the doctor was really really good and he told me to keep going for it and fight. And I do believe that it’s made me a stronger person at the end of it. G1 (54:35)

In addition to these psychological reactions this grievant also lost 12 kilos in body weight over the period to the investigation. Other grievants made similar comments about increased anxiety during the investigation, leading to eating difficulties and anger management problems. Whilst these symptoms may have arisen from a combination of causes, in the minds of the grievants they are attributed to the handling of their grievance. In regard to liability, the organisation cannot divest itself of liability if the actions of the organisation contributed to the exacerbation of a pre-existing condition.

**Employment status**

The grievants believed that their employment opportunities had deteriorated since making the grievance. Although unable to prove a direct connection, the sequence of events supported beliefs of victimisation. For instance; one grievant had held a permanent part-time position for several years prior and, despite several equivalent fulltime positions becoming available, her application to be full-time was never successful. The other grievant was very keen to move back to the type of work she had originally undertaken, but:

> I’ve applied for promotion but I never been successful. You get the impression sometimes you seem to be [this section] and that’s where you stay. They say I haven’t got the experience but “How the hell am I going to get experience if you don’t give me a chance?” G2 (45:04)

The grievants had retained their positions but felt that they were being overlooked for other opportunities within the organisation.

**Passive and overt retaliatory action**

Grievants also reported changes in the attitudes of some managers towards them, this change occurred both during the process and continued for some time afterwards:

> [The HR people], they were OK. I suppose deep down you thought there was a bit of hostility, but not a lot. But you could feel that something was there. [There was some kind of underlying hostility] that you had actually gone ahead and done a grievance (sic). G2 (32:00)
One grievant vividly describes how, after the resolution of the grievance, she felt a sense of exclusion and confusion. Her self-efficacy had been undermined during the bullying episodes and the grievance resolution process had compounded this.

Some people get rewarded for performance, some don’t, there is a person here who is well liked and she gets away things other people wouldn’t. But I don’t know what it is that makes people bend over backwards for them. And that puts doubt into my mind, what is it about me that people don’t like? I ask the question all time. Because I had these three people after me the whole time. This harassment complaint has brought a lot of self-doubt. G1 (59:17)

Negative impact on family

The impact of these outcomes was not limited the individual employee. Extreme psychological reactions such as panic attacks and claustrophobia can affect families, especially where there are young children involved, and in this case a spouse with a life threatening medical condition. The human resource department had belatedly offered this employee counseling, however the service was located a one and a half-hour drive away. The impost of the drive for this young mother had significantly reducing the benefits from the counseling. Instead, this grievant incurred the costs for counseling services that were more conveniently located.

Indirect outcomes for the alleged perpetrator

Information about the indirect outcomes for the alleged perpetrators comes from the grievants and the grievance handlers. These indirect outcomes go beyond the actual findings of the investigation and refer to what happened in the workplace after the investigation was concluded. For all alleged perpetrators there were consequences. However, most of these were neutral or positive outcomes. Notably, none of the alleged perpetrators lost their position or were demoted. In fact, several were promoted, while the other remained in their roles. Those who remained in their roles were offered training and counseling, and there were some adjustments made to the way work was organised to assist the parties relate in a more productive way. Additionally, it was noted by grievance handlers that some alleged perpetrators were impacted psychologically by the fact of the grievance and found the grievance resolution process difficult. These themes are explored and illustrated with direct quotes.
Changes in employment status

The only significant changes in employment status that occurred was the promotion of the alleged perpetrators who had been named as bullying a junior employee. One had been found guilty, while the other had not because only one incident could be verified. The tight definition of bullying relied on by Asset – Org excluded single incidents of harassment. When the grievant was notified in writing that X had been found guilty she was not expecting X to be promoted:

I would have expected X not to be in the position that she’s in. And actually probably at least pushed aside and not – what’s the word – moved sideways. What’s happened since then is the two people I complained about, Y and X, have been extremely well looked after. You ask anyone here and they’ll tell you the same. They have both been extremely well looked after. Y’s got this big job now. X’s got this promotion. They were really well – in my eyes there was no punishment at all or repercussions for what they did. G1 (28:28)

Other grievants referred to during the interviews did not have any change in their employment status. Indeed, the remaining perpetrators remained as supervisors of the individuals they had targeted.

Training, behaviour change and monitoring

Overwhelmingly perpetrators were required to undergo training and in some instances to receive counseling. This was aimed at behaviour change and gaining a better understanding of the impact they had on their staff. Another recommendation to assist the perpetrator to change their behaviour was monitoring.

There were recommendations about...the behaviours and ...some potential strategies to assist the respondent with his behaviours. I also talked about putting him on a trial type system so that he was more closely monitored in the way he actually interacted and behaved with the staff. I [recommended] some training on management style and skill. GH3 (12:20)

Direct training that targeted particular skills gaps was one option; another was to provide counseling and mentoring. The evidence from the grievants was that some perpetrators did alter their behaviour as a result of these types of interventions. As this was the primary outcome required, grievants were satisfied with the external change:
We got the impression something had been said to him and he calmed down a lot. G2 (22:10)

Training and counseling were often the first options considered by the grievance handlers as a way of resolving the grievance. They can be a non-threatening and positive approach to addressing both the short term and long issues associated with about bullying or harassment.

However, Asset – Org struggled to follow through with more direct action. There were no known incidences of a guilty verdict resulting in discipline, despite clear provision for this in the policies.

I suspect that we are not very good at [disciplining] a person. We are good at processes...[but] I am not sure whether we are good at the implementation of the outcome. GH3 (41:35)

Several of the issues raised in grievances discussed were undoubtedly serious, including ongoing bullying behaviours witnessed by others and a witnessed threat of physical assault. An inability to act decisively and firmly, on the basis of a substantiated grievance, sends mixed messages to all employees.

Changes in work organisation

Another option available to the organisation is to make changes in the way the work tasks are organised. This may include removing the grievant and the alleged perpetrator from each other’s sphere of activity or changing the work load of the alleged perpetrator to reduce opportunities for friction to occur. In the following instance front line mangers reorganized the workload so that the alleged perpetrator could not interfere with other employee’s workflow. In short this meant other employee’s would not be in the position of having to ask him, put more acid on him, a colloquial expression that meant they would not need to ask him when would his work be completed?.

We sat down with him and tried to maneuver some of his work to some [of his work mates] ... there’s the ‘have to dos’ that weren’t negotiable but there was a few that we sort of ... we struck projects to him to try [to relieve the pressure on him]. We tried to get stuff away from him that we relied on heavily, that we were sure we could get done without having to go to him and put more acid on him on a daily basis. GH1 (25:35)
These strategies were particularly useful in managing bullying behaviour when more direct strategies were not possible.

**Psychological reaction**

While some alleged perpetrators resisted the claims against them others were shocked and distressed that their behaviour had had a negative impact. In this situation the alleged perpetrator will admit to the behaviour, making the investigation much simpler and the recommendations easier to implement.

*it was just a really big gap of communication break down, if you like. And the respondent just had no idea. I believe he honestly had no idea of the impact. It wasn’t like a malicious ... deliberate, if you like. And he just basically had no idea, and was quite shocked and regretful of the situation once it all had come out. GH2 (25:35)*

Alleged perpetrators also find the grievance resolution process stressful on two counts. The examination of their actions by an independent third party, who can call witnesses, can leave the alleged perpetrator feeling vulnerable to claims that are difficult to prove or disprove. Additionally, the alleged perpetrator may believe that a substantiated claim may affect future promotional opportunities.

*I think we shouldn’t underestimate the impact that those sorts of matters have on the respondent as well. [I]n my experience the respondents were very nervous, and concerned about the impact [the investigation of the grievance] might have on them.*

*I think the respondent was particularly upset that the complaint had been made...and was even suggesting that is was almost a bullying tactic against them GH3 (38:40)*

This demonstrates a wide range of perpetrator outcomes; from the external organisation driven changes such as gaining a promotion or undertaking training, to personal responses such as an increase in anxiety.

**Indirect outcomes for the organisation**

The indirect outcomes for the organisation are inferred from information from each of the interviewees. Direct questions were asked of each of the interviewees regarding how they thought the grievance resolution process has influenced their workplace. Additionally, there were indirect questions that related to third parties and general management systems. Some of these outcomes are specific, such as an increase in
absenteeism and changes to relationships within work groups, while other outcomes are generalized such as relationship training for all managers.

**The impact on relationships and third parties**

Much of the work undertaken by Asset –Org is organised into teams, and for teams to operate effectively the relationships amongst members need to be sound. Clearly for a grievance about bullying behaviours to have been lodged there had been a significant disruption in these workplace relationships. However, the grievance resolution process did not address relationships, indeed several interviewees noted that the grievance resolution process was not initiated until the relationships were unworkable.

*My feeling would be that we are not very good at following through ... with issues that we consider to be serious enough. Particularly if they are behavioural problems for a work environment,...to substantially alter some-one’s behaviour I suspect that we don’t do terribly well. I certainly don’t think the process helps them to repair their relationship. But I also think that their relationships are so fractured and so dysfunctional that nothing would quickly assist.* GH3 (40:56)

One interviewee was keen to de-escalate the conflict in order to preserve relationships; he was interested in attempting a restorative justice process, but was unsure of his skills and organisational level support. The strategies and skills necessary to attempt this were not included in the training or identified in the policies and procedures.

**Absenteeism**

There is an apparent link between grievances and increased absenteeism, which is supported by the literature (Klaas et al., 1991). Every interviewee mentioned an increase in absenteeism; the grievant and some alleged perpetrators took sick leave, as well as the bystanders and other support people.

*There was (sic) a lot of days where they had to go home early just to get away from each other and stuff like that. Both parties took sick leave.*

*It had a pretty big impact on the whole group where, like, DD had time off. I took two weeks off because I’d just had a bloody, you know, gutful of it all, just to get away and clear the head. So it wasn’t just those two, it was the whole group.* GH1 (40:35)
These leave days were not recognized or measured by the organisation as a by-product of the bullying behaviour and the resulting grievance. However, employee by-standers and the local managers would have been aware that they were associated.

**Changes in work performance**

Several interviewees stated that it was extremely difficult to maintain a normal level of work performance during a grievance resolution process. One interviewee, who described how the whole work team had been affected adversely by the grievance and the grievance resolution process, considered that it was twelve months before that team returned to full productivity.

**Changes in work place management**

The grievance resolution system in Asset – Org was designed to allow organisation level recommendations to be brought forward. Several grievance handlers noted that their recommendations had been implemented across the entire organisation. This included providing generic training in management skills as well as specific changes to policies and procedures:

> Well, there were things like managers failing to – as I said – abide by policy and guidelines. So my recommendations focused about ways to help managers in the future.

> I recommended a flow chart timeline indicating key actions that they should follow in such a case. Providing them with reference to the relevant Section of the EBA and the Asset – Org policy, contact details, a little bit more that they feel supported and they’ve got someone to ask.

> Most managers went through what we called a focus management training program. So, sort of an increased empathy with staff could have been perhaps emphasized in that sort of training. The need for communication, the need for provision of correct information to staff and that sort of stuff, was another recommendation.

> Another process, sort of thing, was the acceptable time frame for handling documentation and not delaying ... yes, advising employees sooner rather than later of things. GH2 (20:35)

The organisation had anticipated that upgrading their grievance resolution system would benefit the employees, specifically by addressing health and wellbeing objectives. However, the employee responsible for the grievance resolution system was not confident enough of the process that she would use it herself.
And I think just ... and the knowledge – or people knowing that that process is available to them, I hope, gives them some comfort that they, you know, that if they do make a claim their claim is taken seriously. And supported in seeking the, you know, the truth if you like. But having said that I don’t know if because I don’t know if I’d be game enough if it actually happened to me to follow it through. GH3 (42:12)

Undertaking a grievance resolution process has ramifications for the individual and the organisation. Individuals undergo a number of changes in their attitudes, relationships and work behaviours. Despite attempts to confine the knowledge of a grievance, third parties are often witness to the bullying behaviours, the resolution process and its outcomes. The organisation’s responses become part of its narrative and its identity.

5.8. Discussion
The primary research question is: Why are expectations of grievance resolution systems often not met? In order to collect rich data, three open ended questions were explored. They were:

I. What did you expect the grievance resolution system to do?
II. What happened in the grievance resolution process?
III. What were the indirect outcomes from the grievance resolution process?

These questions aim to identify any gaps between the participants’ expectations, their lived experience and the outcomes of a grievance resolution process. This identification of gaps will then create a map of evidence that enables an exploration and analysis of the relationships between key factors, within the context of the industry and entity. Clearly the limited number of interviews conducted means this evidence is not generalisable; rather this deep exploration of the lived experience of selected personnel highlights a number of interesting issues for consideration. Figure 5.6 outlines the different themes of the organisational culture that emerged from analysis of texts and interviews.
As noted in Section 5.3, there are gaps between the espoused organisational culture and the descriptions of the organisational culture provided by the interviewees. While the texts promote the organisation as operating with values of respect and integrity, the interviewees overwhelmingly mentioned the politicised nature of the organisation. When a workplace is politicized this indicates that decision-making is tends to be influenced by relationships rather than operational merit. The written grievance resolution system has a rights based framework, although procedural justice is not guaranteed. Its strong focus on credible evidence, and establishing facts to substantiate claims, replicates the Australian legal system. Additionally, this internal organisation system of justice claims to be able to resolve grievances fairly, quickly, and constructively without harm to relationships and minimal disruption to the workplace.

Asset – Orgs documents, policies and procedures create expectations in individuals about how justice will be applied when an employee has a grievance. In essence these texts promote the prospect of a reliable and robust process that adheres to Asset – Org’s behavioural norms of fairness. The three primary characteristics portrayed by the texts are that the process will be based on legally enforceable rights and obligations, that fairness and ethics form the behaviour standards, and that these operate within an ethos of caring responsibly. However, as described, the organisational justice values promoted by the texts were not fully aligned with the interviewees’ expectations. Justice expectations that emerged via the interviews included managing the process to ensure litigation was avoided, achieving a resolution that satisfied the grievant, and undertaking a process that met reasonable expectations of fairness. Additionally, interviewees expected Asset – Org’s grievance
resolution processes to reflect community standards of justice. Figure 5.7 demonstrates this gap.

**Figure 5.6   Gaps: Text and interview generated expectations**

<table>
<thead>
<tr>
<th>Text based expectations</th>
<th>Interview based expectations</th>
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<tr>
<td>• legally enforceable rights and obligations</td>
<td>• avoiding litigation</td>
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<tr>
<td>• ethical and fair behaviours</td>
<td>• resolution that satisfies grievant</td>
</tr>
<tr>
<td>• caring responsibly</td>
<td>• a fair process</td>
</tr>
<tr>
<td></td>
<td>• reflecting community expectations</td>
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There is some congruence between these different themes; suggesting that during the implementation phase there has been a translation of values rather than a complete abrogation. For instance, the text-based theme centering on rights and creating a quasi-legal process has been converted into strategies to avoid litigation and minimize risk to the organisation. A similar conversion appears between the next text based themes, ethicality, fairness and caring responsibly and the interview based themes of resolution and a fair process. The extent of these gaps becomes relevant in the review and analysis of the themes emerging from the participation in the process and the outcomes of the process. Figure 5.8 maps the themes relating to expectations, participation and the indirect outcomes of the grievance resolution process.
Interviewees were expecting harm minimisation strategies to be implemented immediately on notification of the grievance. At the level of the organisation this appears as aiming to avoid litigation and to minimise financial risk by managing the grievance resolution process in-house. While at the individual level this appears as seeking a resolution that satisfies the grievant and expecting a fair process. This is in line with the basic legal concept of mitigation, where all parties have a responsibility to minimise the potential for harm to themselves or other parties as soon as they become aware of the risk factors.

According to the evidence from the interviewees, what actually occurred was quite different. The gap between the expectations that had been established by Asset – Org and their experience with the process had left some interviewees angry and frustrated, others were mildly disappointed. Delays in activating the grievance resolution process after a grievance was lodged may have been promoted by the organisations wish to avoid litigation. But these delays frustrated grievants and third parties, and
undermined confidence in the organisation's commitment to providing a reasonable avenue of redress. Additionally, delays may increase the likelihood of litigation occurring. This reluctance to initiate the grievance resolution process is followed by a deficit in providing timely information about rights and entitlements. It is also unclear whether any action was taken by the human resource department to protect the grievants from retaliation, or if it took action that was ineffective. Conversely, there may not have been a clear strategy to prevent retaliation beyond the statement contained in the relevant policy.

The grievant's experience of the grievance resolution process was in marked contrast to the tenor and content of Asset – Org’s texts. By limiting their support and failing to act to minimize the negative impact of participating in the grievance resolution process, the human resource department sent clear negative signals to the employees about grievances:

*What they did was make me doubt that I whether would do it again. And I do believe that that’s what they wanted to do. I don’t think that they really like, they promote all this but once you are in they don’t support you.* G1 (1:05:07)

This case demonstrated that even when claims of bullying behaviour were substantiated, the grievants’ experience during the resolution process was less satisfactory. Additionally, the indirect outcomes for the grievants were overwhelmingly negative. Despite the CEO explicitly stating that Asset – Org cared about the well-being of staff, the organisation was unable or unwilling to focus on the grievant’s health and well-being. Additionally, the grievants raised concerns about disruption to their career prospects and other passive retaliatory actions. Conversely, information gathered about the indirect outcomes for the alleged perpetrator suggests that they were assisted to reach the acceptable standards of behaviour, with no suggestion of disciplinary action or negative impact on their career. The organisation’s experience was increased absenteeism and negative impacts on workplace relationships and potentially on work performance.
The structure of this grievance resolution system allows for wide ranging recommendations to be put forward by the grievance handler. Often these included organisation wide changes such as training for all managers, or changes to policies and procedures. This capacity to make broad recommendations has resulted in some positive changes for Asset – Org. However, the parties to a grievance, in particular the grievance handlers who often made these systemic suggestions, were not aware of the positive impact their claim made on the whole organisation.
6. Case Study 2: Alliance – Org

Chapter 4 provided a detailed description of the methodology and methods adopted in this research. It set out the sampling rationale for the data collection and established the analytical techniques employed to address the research questions. Chapter 5 presented the findings of the investigation of Asset-Org in relation to the research propositions and the questions that drive the data collection and analysis. This Chapter also uses descriptive narrative techniques to present the evidence collected in the Alliance – Org case study. The purpose of this chapter is to illustrate the findings collected by interview, texts and observations gathered from Alliance – Org.

This Chapter is organised in the same order as Chapter 5. Section 6.2 provides contextual informational about the engineering construction industry in Australia, and then describes the generic alliance governance model. Next, Section 6.3 outlines Alliance – Org’s characteristics and describes key themes of Alliance – Org’s organisational culture, as revealed through the interviews and the collected texts. Section 6.4 depicts the grievance resolution systems of two of the partner organisations and then examines Alliance – Org’s informal grievance resolution system.

Following that, material from the interviews and the texts is arranged in the next three sections. Section 6.5 is devoted to exposing the key themes of interviewees’ expectations of the grievance resolution process at Alliance – Org. These personal expectations are compared to the expectations established by the texts. Section 6.6 describes what actually happened during the resolution process according to the interviewees. Section 6.7 differentiates between direct and indirect outcomes of participation in the resolution process and establishes the composition of these.

As with Chapter 5, findings reported in this chapter are derived from a thematic analysis and are illustrated by quotes from interviewees. As described in Chapter 5, interviewees include policy writers, handlers and grievants. However, in Alliance –
Org the grievance resolution process is informal, but for consistency across the thesis the title for the first group of interviewees remains Grievance Policy Writer (GP). Details about each of the interviewees are shown in Tables 6.1 and 6.2.

6.1. Industry Context and Governance Model

Industry Context
The Australian engineering construction industry undertakes large infrastructure projects such as roads, public buildings and utilities. Previously the industry was dominated by public projects, but now the private sector is undertaking work of greater value than the public sector (Toner, 2008), partly as a result of new governance structures and funding arrangements. There are nearly one hundred large businesses in the industry which is also characterised by a plethora of small operators. Work patterns are characterised by a six day working week and long working hours, between 62.5 hours (Lingard, Brown, Bradley, Bailey, & Townsend, 2007) and 42 hours (ABS, 2008a) and a high level of paid overtime, nearly 10% of total paid hours (ABS, 2008a). However, changes to the traditional work patterns include the intensification of subcontracting and growth of self-employment (Toner, 2008). In 2005-2006 the construction industry employed 8.7% of the Australian employees; that is 870,000 people stated they were in paid work for one hour or more per week, with just over 35% operating as independent contractors (ABS, 2008d). The total workforce engaged in construction increased by about 100,000 over a ten year period (ABS, 2008a) which reflects the growing value of the work completed.

The construction industry has an established history of high levels of interpersonal and interorganisational conflict (Loosemore & Galea, 2008) arising in part from the nature of the industry. Construction work is inherently dangerous and difficult, and is conducted under time and money pressure. It is defined by complex contracts that include drawings and designs from which the construction occurs, complexity which creates space for the multiple interpretations and expectations. The high risk to individuals is reflected in the number of work related injuries annually, approximately 10% of workers in the construction industry report injuries (ABS, 2008c). This combination of high risk, resource pressure, and uncertainty inevitably leads to disagreements and disputes. Add into this mix a strong masculine culture (Hofstede,
1993), typified as insensitivity to feelings, high individualism and high levels of assertiveness, and the consequential conflict results in adverse actions such as strikes, lockouts and claims of workplace violence, bullying and stand over tactics by all parties. The industry norms in conflict resolution styles would be contending and aggressive posturing (Lewicki et al., 2006).

These high levels of interpersonal and interorganisational conflict, with underlying themes of coercive and fraudulent behaviour by individuals, led the Cole Royal Commission (2003) to declare that there were hundreds of cases of lawlessness in the industry (Williams & McGarrity, 2008). Although these claims were contested, citing concerns about the credibility of evidence and lack of testing of allegations, it remains undisputed that the industry has been beset with a conflict culture and a high level of industrial unlawfulness (Goodwin, 2009). This industrial lawlessness is not the focus of this research, but simply part of the description of the industry.

In a controversial move, industry specific workplace regulations were created by the Building and Construction Industry Improvement Act 2005 (Cth) s 3 (1) (the BCII Act), which operated in tandem with the Workplace Relations Act 1996 (Cth) and now operates with the Fair Work Act 2009 (Cth). The BCII Act also created the Australian Building and Construction Commission, which has special powers to compel a person to give evidence against their fellow workers, and where failure to do so can result in six months imprisonment. While the BCII Act has no direct reach into the management of workplace grievances, the strong punitive approach the Commission has taken, may influence front line managers’ attitudes to conflict management or may be a reflection of industry custom and practise. Conflict at any level in a project remains a topical concern in this industry as it is closely associated with delays and increased costs, with the safety of the workforce and the quality of the constructed project.

The Construction, Forestry, Mining and Energy Union (CFMEU) is the main union for on-site trades people and skilled non-trades construction workers such as crane drivers, steel fixers, operators; and construction labourers. The CFMEU has a strong history of militant fights for conditions and wages, and claims that ‘(it)is not just a workers’ organisation but an integral part of the campaign for a just and more equal
society’ (CFMEU, 2008). In 2008, the CFMEU reported membership of over 63,500 (CFMEU, 2008), this level of membership possibly reflects the recruitment of independent contractors (Toner, 2008). This represents about 13% of the employees in the construction industry and cross references accurately with Australian Bureau of Statistics figures that show approximately 16% of the construction industry belongs to a union (ABS, 2008b). The remaining unionized construction workers are spread across other unions, such as the Electrical Trades Union and the Plumbing Trades Employees Union. There is also some variation in union density by occupation, for instance, machinery operators and drivers have the highest proportion of employees who are union members, at 28% (ABS, 2008b). However, despite the apparently low union density, these unions have considerable influence in the industry.

The professional association, Engineers Australia, provides member services for 85,000 members, 5,000 of whom are identified as construction engineers. The primary roles of Engineers Australia are the accreditation of professional programs conducted in the higher education sector, provision of ongoing professional development skills and knowledge, the establishment of a code of ethics and a disciplinary procedure to manage breaches of that code. Many of the individual interviewed for this case study were professional engineers.

This industry has historically experienced high levels of industrial and interpersonal conflict. The polarization between the employee groups and the employers has led, in part, to the establishment of industry specific workplace regulations and regulator. However, traditional modes of governance are starting to give way to new approaches, where standards of trust and the quality of the relationship between the different occupation groups are changing.

**Governance Model**

The traditional single organisation approach to the management of engineering construction projects has been diminishing in the face of large sophisticated projects and increasingly competitive markets (Das & Teng, 1998; Ngowi, 2007). In order to survive many construction companies have established alliances as a way of leveraging their capabilities to deliver large projects, particularly infrastructure construction such as roads.
Alliances are arrangements whereby two or more entities combine their complementary capabilities for a defined period to provide a service or product that neither could provide on their own (Dalton, 2009). While each entity may contribute both tangible and intangible resources, they also share reward and cost risk (Das et al., 1998). This sharing of risk is significant because it reduces the incentive for one entity to gain at the expense of the others, increasing the need for cooperative behaviour between entities (Lingard et al., 2007). These alliances are formed before costs are established, therefore to be selected parties need to demonstrate capabilities in managing complex relationships and to foster value adding innovation (Lingard et al., 2007) rather than relying on a cost based advantage.

As signatories to one agreement, the partners seek to create value for the alliance rather than for each individual entity. They cooperate and integrate knowledge, and in doing so become mutually interdependent and therefore vulnerable to each other (Ireland, Hitt, & Vaidyanath, 2002). This collective arrangement, using techniques such as open book accounting, also allows for opportunistic behaviours, suggesting that interfirm trust and cooperative behaviour become key elements of success (Das et al., 1998). However, trustworthiness can minimise the need for complex contracts (Ngowi, 2007), and by avoiding close monitoring, enable a freer and more flexible partnership to emerge. A successful alliance requires people with the ability to work as a team under pressure with others from different organisations. For this reason, selecting the right partner is crucial to the collaborative management of resources, risk and reward in a highly competitive environment.

**6.2. Alliance – Org: Characteristics and Culture**

Access to the second case study arose spontaneously. The CEO was a student in a Practitioners Certificate in Mediation course that I was teaching. As part of my introduction to the students I briefly explained this research project. This student offered his organisation, an alliance of three parent organisations, as a case study. He was very interested in the role that conflict played in Occupational Health and Safety incidents and was keen to identify ways to manage conflict constructively. The CEO set up a meeting with himself and another manager, allowing me to describe my working hypotheses and potential for feedback from my data collection. Their combined enthusiasm led to this case study, known as Alliance – Org.
Alliance – Org was a project based alliance of three parent organisations, a construction organisation, a design organisation and the owner organisation. Documents from two of the three parent organisations and the alliance were available prior to interviews being conducted. Documentation from the design organisation was not available. However, as no interviews were conducted with personnel from the design parent organisation this was accepted. Details of these documents are located in Tables 3.4 and 3.5. All personnel located in Alliance – Org were sent an invitation to participate in the study. The following Tables, 6.1 and 6.2, detail the personnel who were interviewed. Three informants, noted as a, b and c, described incidents across multiple roles. As the events were discrete the information provided by these people has been analysed separately.

Table 6.1 Interviewees in Alliance – Org

<table>
<thead>
<tr>
<th>Position/title</th>
<th>GP1</th>
<th>GP2</th>
<th>GH1</th>
<th>GH2</th>
<th>GH3</th>
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</thead>
<tbody>
<tr>
<td>Gen. Manager</td>
<td></td>
<td>OH&amp;S Consultant</td>
<td>Operations Manager</td>
<td>Contracts Manager</td>
<td>OH&amp;S Consultant</td>
</tr>
<tr>
<td>Gender</td>
<td>M</td>
<td>M</td>
<td>M</td>
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<tr>
<td>Length of tenure</td>
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</tr>
<tr>
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</tr>
<tr>
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<td>FT</td>
<td>FT</td>
<td>FT</td>
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</tr>
<tr>
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Source: Data collected by author 2007
Table 6.2  Interviewees in Alliance – Org

<table>
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<th>Position/title</th>
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<th>G1</th>
<th>G2</th>
<th>G3</th>
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<td>c</td>
<td>b</td>
<td>c</td>
<td>a</td>
<td></td>
</tr>
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<td>F</td>
<td>M</td>
<td>M</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>Field Supervisor</td>
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<td>M</td>
<td>M</td>
<td>M</td>
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<tr>
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<td>M</td>
<td>M</td>
<td>M</td>
<td></td>
</tr>
<tr>
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<tr>
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<td>Operational</td>
<td>Operational</td>
<td>Operational</td>
<td>Support</td>
<td>Support</td>
</tr>
</tbody>
</table>

Source: Data collected by author 2007

**Alliance – Org’s characteristics**

In this case study, Alliance – Org, was an alliance of the owner, the designer and the constructor of an infrastructure project. The owner partner was a public sector entity, and the construction partner was a large national engineering construction firm which undertakes infrastructure and large commercial building projects. The design partner was very large multinational engineering organisation involved in a very wide range of projects across the world. Table 6.3 sets out the characteristics of Alliance – Org.

Table 6.3  Characteristics of Alliance – Org (2006)

<table>
<thead>
<tr>
<th>Industry</th>
<th>Ownership type</th>
<th>Operating revenue</th>
<th>Location</th>
<th>Geographical level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Engineering</td>
<td>Alliance – Owner, Designer and Constructor partners</td>
<td>$150 million</td>
<td>Single site</td>
<td>State, international and national respectively</td>
</tr>
</tbody>
</table>

Source: Annual report 2006

The three partners were bound by a single agreement, so the obligations to deliver a successful project were collective. The financial arrangements supported this joint approach, with rewards gained from the cost savings shared according to a pre-agreed formula; 50 per cent going to the owner partner and the remaining partners sharing the rest. Once the alliance was formed then a senior management group, which includes equal numbers of representatives from each partner, quickly established working behaviours that support the selected personnel from each partner organisation to
perform effectively in a team. Personnel remain employed by their parent organisations during their secondment to Alliance – Org.

In order to facilitate a flexible approach to decision-making, Alliance – Org minimised the number of alliance specific policies it created, with the result that no formal grievance resolution was created. Despite this, the senior managers of the alliance were cognizant of the high likelihood of disputes and conflicts arising. Accordingly, the senior management group was authorised to promptly resolve any dispute elevated to it by the [site management group] on a best for project basis. This role was publicly displayed, and formed the basis for the structure of the informal grievance resolution system established within Alliance – Org, as set out in Figure 6.4.

The three organisations each contributed employees to Alliance – Org, all of whom were located on-site. All personnel were bound by the employment conditions of their partner organisation plus any new conditions imposed by Alliance – Org. As with many construction projects, there were a large number of contractors and sub-contractors engaged on the project. Table 6.4 sets out the characteristics of the combined workforce of Alliance – Org.

Table 6.4  Characteristics of the workforce of Alliance – Org (2006)

<table>
<thead>
<tr>
<th>Number of personnel</th>
<th>% Non-Ongoing personnel</th>
<th>% Female</th>
<th>% Professional</th>
<th>Diversity – indigenous</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>205</td>
<td>60%</td>
<td>9%</td>
<td>16%</td>
<td>3%</td>
<td>7%</td>
</tr>
</tbody>
</table>

Source: Annual report 2006, internal statistics collected by author 2006

It was not possible to obtain information about numbers of grievances from each of the partners. However, the General Manager was clearly concerned to minimize grievances during the life of Alliance – Org. A Well-Being Survey had been conducted by an independent consultant three times during the first 12 months. The first survey reported that people indicated high levels of management commitment, supervisory and co-worker support for OHS but indicate that they are very dissatisfied with the management of workers health safety and wellbeing. The author then assumed that the people responding this way had misunderstood the question,
saying it is probable that these people ticked the wrong end of the scale for these questions. However, employees’ perceptions of management’s commitment to OHS fell continually over the next two surveys. This suggests that an ongoing failure to actually manage OHS may have led to a lowered perception of management commitment to OHS. Management demonstrated their receptiveness to employee input and willingness to change by making the comments in the survey public, including management responses such as noting where further action would take place. This receptiveness would encourage employees to continue to voice their concerns about the actual management of grievances and disputes on site.

Alliance – Org existed for a period of two and one half years, the first six months was spent planning the staffing profile and organising operational plans, over the next two years the construction of the project was undertaken. The project was completed ahead of time and under budget, and the Alliance has since disbanded.

**Alliance – Org’s organisational culture**

Following on from the overview of the industry context, Alliance – Org’s governance model and basic characteristics, this section describes Alliance – Org’s organisational culture as derived from an analysis of it texts. These espoused values are illustrated by selections from the texts. Next, the key cultural themes are identified from an analysis of the interviewees’ perceptions and are depicted by selected quotes.

**Text generated cultural themes**

Narrative analysis of a number of Alliance – Org’s texts, as detailed in Chapter 3, in the Tables 3.4 and 3.5, were undertaken to reveal the key cultural themes. These texts reveal that Alliance – Org was concerned to be a courageous forward thinking and moral organisation, with a unified long-lasting team of equals and to leverage the alliance approach of collective responsibility to creative conflict and dispute resolution. The final theme highlighted the legacy left by Alliance – Org, and its personnel at the completion of the project. Overarching these four key cultural themes is the decision-making heuristic, *best for project*, which underpins all activities and aims for project completion under budget and within the contract timeline.
Courageous forward thinking and moral organisation
The Vision Statement emphasises a courageous forward thinking moral code, using words such as front of mind, unleash, channel talent and courage and freedom to voice, and thirst to challenge. These statements imply leaping forward, the combination of forward movement and challenge indicate a desire for innovation in productivity techniques. This is expressed concisely as; striving to achieve excellence in production. At the individual level this is expressed through the theme of the hero explorer (Sinclair, 1998). The following phrases invoke images of individuals with moral and intellectual courage; including seek out deeper understanding, spirit of discovery, leaps of faith, demands resourcefulness and being proactive. Clearly associated with creativity and innovation, these phrases are aspirational and permission giving, encouraging certain thinking patterns amongst personnel. However, these aspirational messages do not assume that the individual is entirely responsible; rather a structural approach is taken. One principle in particular takes a holistic approach, stating that the way Alliance – Org works is to Maintain an environment that enables us to challenge norms, be innovative and creative.

This theme of the hero is also found in the Code of Ethical Conduct, where strength and resoluteness is declared through the use of absolutes; must comply, must provide, must take into account. Absolutes engender a sense of decisiveness, suggesting clarity of mind and certainty of moral codes. These are attributes of the modern leader as a hero (Sinclair, 1998) and fit within the challenge of innovation within this engineering construction industry. The theme of the heroic leader, as the person responsible for completion of major infra-structure projects and large numbers of hard-working, mainly male, construction workers, resonates as a desirable self-image and also acts iteratively to support the attributes and behaviours the organisation believes will carry it forward.

A unified long lasting team of equals
Two dominant messages about how people work together are located throughout the texts; working together respectfully and creating lasting relationships. Alliance – Org’s Objectives seek the improved well-being of team members and a community legacy. Another document, Our Principles, which refers to act(ing) as one team, ensur(ing) the safety and well-being...of our workmates and respect(ing) each other and build(ing) relationships that last beyond this project is prominently displayed.
throughout the site. A range of strategies are used to achieve this ambition. The staff room is decorated with staff profiles and photos, and fresh fruit is freely available. Team games, such as tug-of-war, are played between the different workgroups on Fridays afternoons provide another opportunity for developing relationship beyond the limitations of professional interaction.

The most accessible documents and posters at Alliance – Org use the language of equality, implicitly seeking to recognise the unique contribution each person can make. The Ground Rules poster, which is prominently displayed throughout the office, includes the following dot points:

- Respect each other’s time
- Listen and seek to understand
- Help other understand your point of view
- Speak openly and honestly - we can’t solve what we don’t understand
- Don’t set out to score points
- Don’t set people up for ridicule
- No such thing as a silly question
- Everyone equal in the room

This poster provides straightforward guidance in cooperative and respectful communication. These communication patterns, when followed, would build trust and support relationships while enabling robust engagement with problems and issues arising from the project.

**Legacy**

Alliance – Org introduced the concept of legacy, which unifies and makes sense of the other dominant values. The concept of legacy was not found in the documents of any partners, and yet this focus on what is left behind at the end of the project permeated many of the distinctive characteristics described in Alliance – Org’s texts. For example under the heading Development in the Cultural Management Plan it states: *As part of ensuring project legacy, staff will be asked to commit to specific actions to share learnings with their parent company.* With a particular emphasis on relationships, between personnel, between the organisations and with the broader community, the concept of leaving behind a legacy focuses attention on the longer term ramifications of actions and decisions.
Collective responsibility for positive conflict and dispute resolution
Alliance – Org’s Implementation Plan seeks to establish a working environment that ensures errors are reported and resolved without blame. This assumes that conflict can be resolved constructively, with the possibility of new ideas emerging through that process. This theme is reinforced in the Cultural Management Plan which states the [Alliance] agreement between member organisations is based on collective responsibility in a no-blame environment. This no-blame approach focuses on the situation rather than individuals, and assumes that problems and mistakes can be addressed through a cooperative information sharing approach. The Implementation Plan states the Alliance will commit to a culture of no fault and no dispute to avoid all disputation and litigation which would encompass personal grievances, particularly if there was a possibility of an external agency becoming involved. This approach is in alignment with the governance principles of an alliance model; where cooperative trust based relationships replace highly prescriptive contracts.

These four themes are enunciated clearly by the main Objective of the project, which seeks a significant increase in capability to deliver. Within the six month start up period, Alliance-Org brought together the organisational cultures of the three partners and created a unique set of shared values and behaviours.

Interview generated organisational culture themes:
Interviewees were asked about Alliance-Org’s culture with particular reference to their experience of working on the project. Themes that were consistently reported by interviewees are illustrated by direct quotes.

Reliance on strong relationships and reputations
Many of the interviewees described very strong relationships between the senior managers, and between the senior managers and their direct reports. Relationships were considered key to organisational performance by several interviewees.

I think our values are built on relationships – qualities of relationships with other people we work with external to the company. That we have a high level of respect for our clients and our other companies, subcontractors, that we don’t treat them poorly. GH4 (38:32)

Indeed, relationships and a person’s reputation as an employee were identified as pivotal in the way work was organised. For instance, field supervisors were named as
being unassailable because the work they controlled was carried out through the exercise of relationship power rather than one of the many other management mechanisms such as via objectives, procedure or accountabilities. This reliance on relationship, and hence reputation, meant gossip was a competitive tactic to be used to adjust workplace conditions to meet self-interest needs.

I guess the industry’s such a tough industry out there that you hear a lot of hearsay. There’s a lot of rumour and innuendo and there’s a lot of reputations at stake. GHI (60:35)

I’m not painting a bad picture ‘cause it’s fantastic to work in the construction industry, but it can be a real bitch of an industry out there. And it’s all about this reputation thing, particularly for workers and senior personnel on the site. It’s all about reputation. GHI (1:12:25)

At the senior level, relationships were described as multi-level and multi-faceted. Senior employees worked very closely together for several years on a project and then might not work together for some years. This changing workplace structure led to broadly based relationships that went beyond the workplace and which built both knowledge based trust and identification based trust (Lewicki et al., 2006).

Competitive team based work
This focus on relationships is also reflected in the team based organisation of work. Some interviewees suggested that different work teams strongly identified as a unit, with clear ‘insider-outsider’ behaviours. Contractors who were new to the unit were closely monitored and behaviours that were not in line with the accepted norm were viewed with disdain.

So it was always difficult, particularly coming in to try and penetrate a – penetrate I guess a team or sort of fit into like a fairly big organisation like [Alliance – Org]. There’s a lot of experienced supervisors and superintendents out there, cause it was always going to be a big challenge coming in that way cause you’re always to have people – you were always going to have that feeling, threatened and just sort of monitoring constantly the situation and knew what decisions he was making with you. GHI (1:10:36)

The strength of the field team to determine behavioural norms had other implications. One interviewee, a fairly senior manager, said that mob mentality rules, referring to his inability to interfere with, or over ride, a group decision of the work team. Indeed, the senior managers routinely used a group based decision making processes, and expressly when dealing with grievances and complaints. Interviewees universally
noted that the professional teams and the field based teams were two quite separate
groups who had vary degrees of distrust between them.

Avoidance of difficult interpersonal communication and decision making
Several interviewees felt that senior managers justified bad behaviours, while other
interviewees were more circumspect, saying that senior managers did not adequately
manage difficult behaviours.

Some were making excuses for their behaviour and saying well, look, you
know, we’ll let this go, you know. It won’t happen again. But what
basically happens, that attitude has been going on for years out there.
And what happens is you end up with the wrong people in charge. You
end up with the wrong leaders, because they condone that ‘Oh look, I’ve
got away with it. G4 (9:36)

This suggests that control over the field staff was tenuous, and that remedies for
behaviour transgressions needed to be in line with group expectations and the self-
interest of key employees.

A number of interviewees described an organisational preference for decision making
that used a cut and burn approach, referring to quick decisions that assume people are
disposable and readily replaceable.

there’s still that – I don’t know if it’s culture, but there’s an expectation
by some, particularly I’d say from the field area, that that’s the way you
deal with situations. You don’t let them fester. You quickly get the facts,
you make a decision and you move on. G2 (47:53)

This decision making approach fits with the description of the workplace as very
competitive and also with the theme of hero that emerged from the texts. Quick
decision-making was linked to the best for project heuristic however; the result was
described as getting rid of the problem not the underlying cause.

It’s a pretty strong culture in the construction industry that the way you
deal with issues is you basically excise the problems, you get rid of them.
I mean, there’s a degree of – yeah, law of the jungle. GH2 (50.45)

In contrast to the cooperative relationships and heroic moral code espoused by the
texts, interviewees revealed a darker side of Alliance-Org. Competitive teams with
strong boundaries were able to dominate senior managers. Time pressure forced
quick decision-making rather than a careful and more time consuming review and
analysis of grievances. The project based nature of the industry led to a heavy
reliance on reputation with an ensuing potential to use tactics of defamation and
gossip to favourably leverage one’s own position. Throughout this Chapter these gaps between the espoused culture and the revealed culture will be further explored in the context of the findings regarding the interviewees’ expectations, participation in, and outcome of the grievance resolution system.

6.3. The Grievance Resolution Systems

This section details three grievance resolution systems, those of the owner partner, the construction partner and then Alliance – Org’s. Many of the personnel working on this alliance project were long-term employees of one of the partner organisations, and as such, would be familiar with their existing grievance resolution system, and the way grievances were handled. In order to ground the expectations of the personnel in Alliance – Org the grievance resolution systems of two of the partner organisations are summarized. As there were few employees from the design partner located physically within the alliance project, and none who volunteered for this project, its grievance resolution system was considered irrelevant for the purposes of this research.

The owner partner’s grievance resolution system

The owner partner’s grievance resolution system explicitly refers to bullying and harassing behaviours, directing employees to WorkSafe’s *Prevention of Bullying and Violence at Work* guidelines and the Victorian state OHS legislation. The system contains a policy, which sets out definitions and general principles, and a grievance handling procedure. The procedures refer to the role of third party witnesses and include workplace activities outside normal office hours. It outlines what happens for each party to the grievance; including the grievant, the respondent and witnesses. The procedure sets out informal and formal steps for resolution as shown in Figure 6.1, appeal to an external body is also an option.
An informal verbal grievance can be made to the alleged perpetrator, the line manager or directly to a senior manager or the EEO manager. The line manager can intervene by contacting the alleged perpetrator; however, they have no power except that of persuasion to influence the behaviour of the perpetrator. The senior managers and the EEO manager have a range of approaches they can adopt to resolve the grievance and a wide range of outcomes they can elect to implement. A formal written grievance is made via the senior managers or the EEO manager, and then an investigation must be carried out. However, the formal process arrives at the same range of potential outcomes and the informal process. This grievance resolution system also advises grievants that WorkCover claims may be made, that an internal appeal on the basis of procedure not being followed can be made and that the grievance can be dealt with by external agencies, such as the Equal Opportunity Commission or the Ombudsman.

**The construction partner's grievance resolution system**

The grievance resolution system of the construction partner covers five types of unacceptable workplace behaviour, providing detailed descriptions of what behaviours constitute discrimination, vilification, sexual harassment, bullying and
victimisation. These procedures are set out in Figure 6.2, appeal to an external agency is another option available.

Figure 6.2  Grievance resolution system of the construction partner

The grievant is encouraged to use the informal procedure in the first instance requesting a behaviour change by the alleged perpetrator. A formal written grievance will activate a step by step procedure beginning with an investigation, then a final report which makes recommendations to the decision-makers. This procedure also gives guidance about how certain factors will impact on the outcomes; these includes the severity and frequency of the behaviours, the weight of evidence, the wishes of the grievant and the level of contrition of the alleged perpetrator.

Comparison between the partners’ grievance resolution systems

There are some distinct structural differences between the two partners’ policies. Verbal grievances in the owner partner can transition through all stages of the organisations responses, whereas at the construction partner a verbal grievance cannot
progress to an investigation and organisation sanctioned outcomes. At the final step, 
the construction partner relies on group decision-making and does not indicate a right 
of appeal or the right to access external agencies. However, it does refer to the 
Contact Officer’s responsibility to ensure that a satisfactory resolution is found. Both 
organisations include mediation as a possible process to arrive at a satisfactory 
resolution. When describing the resolution process neither organisation provides any 
guarantee of procedural justice to the parties.

Differences in possible outcomes include the construction partner’s acknowledgement 
that a grievant may have incurred costs, including use of sick leave and medical cost, 
and the possibility of formal apology. Whereas the owner partner’s possible 
outcomes are all focused on the alleged perpetrator who can be either a manager or an 
employee. Both organisations emphasise confidentiality, although the construction 
partner acknowledges the possibility of information being made public in certain 
circumstances. The owner partner recognises the role of third parties and their 
responsibility for reporting unacceptable behaviour, whilst the construction partner 
provides penalties for vexatious complaints. Neither organisation acknowledges the 
extent of harm and damage that can be caused to an individual by the behaviours that 
initiated the original grievance.

Alliance – Org’s grievance resolution system
While there are a number of different polices that provide general direction for 
grievance resolution, there was not a unique Alliance – Org grievance resolution 
policy and procedure. The only direct reference to a grievance resolution system is in 
the Industrial Relations Policy which states that: Alliance – Org will adhere to 
grievance procedures and dispute resolution procedures with the emphasis being on 
employees attempting to resolve problems with their supervisor in the first instance. 
As presented in Figure 6.3, initially an employee should attempt to resolve problems 
with their supervisor. If the supervisor is unable to provide a resolution, the next step 
is to take the matter to the management team and from there to the leadership team for 
a decision. This means in many instances the matter will be considered and decided 
by a group who will promptly resolve any dispute elevated to it...on a best for project 
basis.
A marked difference in this system is that there are multiple entry points and pathways along which progress could occur simultaneously. Allowing multiple pathways to exist could result in confused communication. Also, there is no guidance for decision makers about the process of making a decision, for instance whether by consensus or by investigation and recommendation, nor what outcomes can be selected.

An overview of the characteristics of the grievants, the alleged perpetrators, the grievance and the respective outcomes as described by the interviewees, informs the emerging understanding of Alliance – Org’s grievance resolution system. It became apparent that personnel held distinct, and different, status within the organisation. This status appears to relate, in its crudest form, to the intrinsic value the individual had for the organisation. For instance, several interviewees noted that supervisors were *untouchable*; they would not accept criticism or admonition and their behaviour could not be contained or controlled. Supervisors played a critical role in the completion of the construction project as they ensured that the physical tasks of construction were actually competed as prescribed by the engineers and designers.
The different categories of personnel may be presented by their characteristics of value and uniqueness (Lepak et al., 1999). Two groups of personnel fit into Lepak and Snell’s description of Developing Human Capital (Developing) employees, as highly unique because they are difficult to replace and have high value skills. The first of these are the field supervisors who, as already mentioned, have a critical position in the organisation by virtue of the key knowledge they hold and their power in their relationships with contractors and sub-contractors. The following quotes build a picture of the supervisors and the power they wield on each project.

*I guess the industry’s such a tough industry out there that you hear a lot of hearsay. There’s a lot of rumour and innuendo and there’s a lot of reputations at stake and I think particularly for people like superintendents out there or supervisors out there. For them it’s their bread and butter. They don’t have like a – like a degree as such like engineers do where we can fall back on a degree. They’ve come up from the grassroots, so they’ve done their apprenticeships, they’ve been on the tools, they’ve worked their way up into a supervisory role, so they deal a lot with the guys out in the field to get things done. So they rely a fair bit on their reputation to get around the industry. GH1 (1:00:00)*

*The big influence there was the superintendent. The company relies heavily on their expertise to get a job delivered. GH1 (1:17:36)*

These field supervisors are proficient in managing teams of contractors to build unique projects. They rely on their reputation to get work and to get work done.

The second category of Developing personnel are high value professionals, usually engineers, who carry out professional decision-making responsibilities and who have long term career potential within one of the organisations. These two types of Developing personnel are differentiated by the varying degrees of value and uniqueness, with the field supervisors having a lower value and higher uniqueness than the engineers.

A number of engineers and supervisors are engaged on a contract basis. They fit the Lepak and Snell (1999) typology of Acquired personnel, as valuable but not unique. Their skills and knowledge are sufficient for the tasks of this project; therefore they make a significant contribution to the organisational performance immediately. However, flexibility requirements result in these highly skilled personnel being contracted on a project by project basis. The final group, the Contractors, comprises
those individuals who have generic skills and who are readily replaced, typically they operate the heavy machinery used to build the construction project.

Table 6.5 provides a summary of the grievances talked about by the interviewees; it defines the parties based on Lepak and Snell’s (1999) HR architecture, and provides a simplified descriptor of the grievance and the outcomes for each party. Note that GP1 and GP2 did not discuss specific grievances during their interviews and therefore they are not located on this table.

Table 6.5  Grievances discussed by informants

<table>
<thead>
<tr>
<th>Type of matter</th>
<th>Grievant(s)</th>
<th>Alleged perpetrator(s)</th>
<th>Outcomes for grievant</th>
<th>Outcomes for alleged perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mis-representation</td>
<td>Acquiring</td>
<td>Developing 1 (a)</td>
<td>Contract terminated early</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Threats</td>
<td>Acquiring</td>
<td>Developing 1 (a)</td>
<td>Contract terminated early</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inappropriate behaviour</td>
<td>Contracting (group)</td>
<td>Acquiring (b)</td>
<td>Nil</td>
<td>Contract terminated voluntarily</td>
</tr>
<tr>
<td>Threats/</td>
<td>Acquiring (b)</td>
<td>Developing 1 (a)</td>
<td>Contract terminated voluntarily</td>
<td>Employment relocated</td>
</tr>
<tr>
<td>Mis-representation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bullying /name calling</td>
<td>Contracting</td>
<td>Developing 1 (a)</td>
<td>Nil</td>
<td>Training</td>
</tr>
<tr>
<td>Bullying /name calling</td>
<td>Developing 2</td>
<td>Developing 1</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Mis-representation</td>
<td>Developing 2</td>
<td>Developing 1</td>
<td>Employment relocated</td>
<td>Nil</td>
</tr>
<tr>
<td>Neglect</td>
<td>Developing 2</td>
<td>Developing 2</td>
<td>Issues rectified</td>
<td>Training</td>
</tr>
<tr>
<td>Harassment</td>
<td>Developing 2</td>
<td>Developing 2</td>
<td>Issues rectified</td>
<td>Nil</td>
</tr>
<tr>
<td>Bullying /threats</td>
<td>Acquiring</td>
<td>Developing 1 (a)</td>
<td>Contract not renewed</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Adapted from Lepak and Snell (1999) Human Resource typology

Key
- (a) and (b) Signifies the same person.
- Descriptor of personnel involved in grievance
  - Developing 1: lower value, higher uniqueness
  - Developing 2: higher value, lower uniqueness
  - Acquiring: high value, low uniqueness
  - Contracting: low value, low uniqueness

This table shows that the majority of matters involved downward bullying with only two matters involving personnel of nominally equal power, that is, both the target and perpetrator were described as Developing personnel. In these matters the grievants were very satisfied with the response of the organisation and the outcomes of their
grievance. Seven of the ten matters described involved a field supervisor as the alleged perpetrator, and one field supervisor was named in five different matters. There was no direct outcome on three occasions for this particular field supervisor, on the next he was required to undergo training, and after the final matter he was relocated. Outcomes for the other five perpetrators included training and an early termination of employment contract. Overall, the alleged perpetrators experienced a nil outcome in six of the ten matters raised, but importantly this did not correlate with whether the offensive behaviour had been found to have occurred. In particular, high value perpetrators did not experience adverse outcomes despite allegations being proven.

Outcomes for the grievants were generally not positive; five of the ten grievants experienced a significantly negative impact on their employment status. For four of them this meant ending their engagement, although not technically a termination as their contract was either not renewed or terminated early. Only two grievants believed that their issues were rectified, while the other three had no outcomes.

This brief overview of the grievances discussed during the interviews suggests that the odds for obtaining a resolution that would satisfy the grievant at Alliance – Org are not high. Conversely, Alliance – Org has signaled that there is no punitive reaction to perpetrators of bullying and harassing types of behaviours.

6.4. Expectations of the Grievance Resolution System
As noted in Chapter 5, expectations about justice and how the organisation delivers justice create the benchmark from which individuals will assess the organisations performance during the grievance resolution process. The following section explores the expectations embedded in Alliance – Org’s texts and illustrates the key themes arising from the interviews.

Text generated expectations
Alliance – Org relied on its Cultural Management Plan as the source of direction for workplace behaviours, and there was no specific grievance resolution system drafted. Two of the partners’ grievance resolution procedures were made available for this research project. However, no-one who was interviewed was aware of personnel
using a partner’s grievance resolution process during the life of the alliance. All grievances were handled on site, within the organisational hierarchy of Alliance – Org. Justice expectations derived from Alliance – Org texts are inferred from generic texts such as the Vision and Mission Statements, the Cultural Management Plan and the Our Principles documents, these are detailed in Chapter 3, Tables 3.4 and 3.5. A discussion of the justice values embedded these documents is located in Section 6.3, Alliance – Org’s Organisational Culture, and are summarised here.


The texts specific to Alliance – Org built organisational values of equality and group belonging. These values translate into justice expectations of being treated with respect and dignity during a resolution process, where decision-makers could be expected to behave courageously in their pursuit of the truth and at the same time act to protect the individual parties’ well-being and relationships. The texts also lead to an expectation that outcomes would be cognizant of the need to leave a legacy and so would incorporate actions such as learning and restoration of relationships.

Interview based expectations

The key themes of individual justice expectations are illustrated by selected quotes. These are referenced by the interview transcript, using the interviewee identifier as shown in Tables 6.1 and 6.2, plus the time position. Figure 6.4 describes the key themes as they surfaced from the interviewees.

Figure 6.4 Individual expectations: Key themes
The interviewees revealed a range of expectations about what would be achieved and how a grievant would be treated. Most interviewees expected that the managers would have a degree of expertise in the resolution process and in managing conflict that was at a commensurate level with their professional expertise in other areas. For some, this expectation crystallized around custom and practice, with assumptions that decision-making about complaints and grievances at Alliance – Org would conform to existing industry norms. This included beliefs about management capacity to take responsibility, and appropriate guidance from head office. Another group of interviewees were imbued with Alliance – Org values of cooperation, respect and legacy and they interpreted these global values into concerns about minimising damage during the grievance resolution process.

Issues of justice were not as strongly enunciated; some interviewees confused concepts of justice with revenge, while others linked justice and fairness, such as referring to honest dealings. A number of the grievants referred to a lack of respect, this included breaches of confidentiality and misrepresentation. Reciprocity was a unique theme, discussed obliquely but at length by a grievant, who was fixated on the underlying disloyalty shown by the organisation in its poor handling of his grievance. The following discusses each of these themes in more detail and illustrates them with direct quotes from the interviewees.

**Expertise in managing conflict and grievances**

In response to its alliance governance model, Alliance – Org had promoted a culture of cooperation and trust, initially amongst its senior management team with the expectation that this would have a flow on effect throughout the project. This open sharing of information and building of relationships was an approach that came under tension during conflict and subsequent grievances. For instance, the acting general manager was confronted with resistance from the field staff when he attempted to take a cooperative approach to resolving a conflict:

> there’s a expectation, probably from a team like this…and when I say ‘a team like this’ particularly out in the field, that decisions are made quickly and cleanly. You make a decision and cut and you go and the decision to I suppose cut people is almost taken very lightly. Whereas I guess from a personal point of view I know I like to think that there’s good in people and you forgive and you can rehabilitate something like work.
Group pressure eventually forced this manager to revert to the traditional approach to handling a grievance; quick and decisive decision making, with the result that the alleged offender’s contract was terminated on short notice. This manager had ongoing concerns about this incident, he considered that the investigation process was hasty and did not allow the alleged offender any opportunity to hear the charges or defend himself, and that the outcome was in contradiction to the values promoted by Alliance – Org. This lack of consistency in values across operational and conflict management activities, was also identified by the safety manager:

> But there’s no, you know, all the warm and fuzzy stuff is good but it’s not good if you don’t deliver it throughout the whole project. And that’s where it’s gone down. And that’s disappointed me because I felt that this could have been handled better. You know, the whole situation could have been handled better. GH3 (28:35)

Management expertise in handling grievances, and in taking appropriate action to manage bad behaviour, was questioned. This was expressed as a belief that some managers rationalized bad behaviour of key personnel because these personnel were critical to the success of the project. Other interviewees found that some managers were able to acknowledge the bad behaviour and expressed sympathy with the target but avoided taking action. The safety manager analysed his concerns about the long term impact this would have on the organisation:

> I believe they understood, but I don’t believe they respected it. And it doesn’t help when your senior management level turn around and start making excuses. Everybody keeps thinking it’s a punishment thing, but at the end of the day ... Some were making excuses for their behaviour and saying well, look, you know, we’ll let this go, you know. It won’t happen again. But what basically happens, that attitude has been going on for years out there. And what happens is you end up with the wrong people in charge. You end up with the wrong leaders, because they condone that ‘Oh look, I’ve got away with that, that’s alright, that’s acceptable because, you know, of who I am. GH3 (9:36)

For many managers handling overt conflict and grievances in the workplace is challenging and many revert to their natural conflict handling styles, or follow normal industry practice. At Alliance – Org, the managers only had the specific grievance resolution policies and procedures of their parent company to turn to. Each grievance handler was asked about the level of support and guidance they received from either
senior managers or their head office. In this first illustration, a senior engineer linked his reluctance to seek personal guidance with an industry wide cultural value of letting a conflict run its natural course:

_No._ For me personally how to deal with that issue? No. I didn’t have any guidance, but then I didn’t go looking for it either. I guess it’s – yeah, it’s one of those things. It just seems to be such – I don’t want to paint a bad light on the industry, but it just seems to be the norm out there. Like there’s just so many egos and tend to have – yeah, you tend to have egos clashing on the job that results in those sorts of things – those sorts of incidents where there’s any – you know, it’s a big push and shove and it’s a conflict where someone’s going to allege something to try and get rid of the other person on the site._ GH1 (1:04:35)

Another approach was the informal peer discussion used by the acting general manager when dealing with an allegation of corrupt behaviour and recommendations by the immediate supervisor that a restorative justice approach was taken:

_Did I get any advice? Not directly. Ah...I had a long discussion with one of [my peers] after – that afternoon, after the incident had been reported to me. And that person expressed his concern about it – the way it was being handled and why and expressed his views which was fair enough._ GH2 (1:12:06)

However, the safety manager sought direct assistance about what to do with allegations of intimidation. The response appears to be one of avoidance; two senior managers acknowledged the request for assistance but did not follow up with specific action or recommendations:

_So I said, ‘[General Manager] what do I do with this information? What do you want me to do?’ And he told me to ring [a Head Office manager], who did [know what to do]. He’s head of Civil Engineering at [Construction parent organisation]. So I notified [him] and he said to me, ‘I’m in the midst of doing a pretty important project, but can you give me time?’ I said, ‘Look, in all fairness I will.’ I haven’t heard back from any of them in regards to this. It has been four weeks. Nothing has been done about it._ GH3 (24:02)

This expectation of expertise in managing grievances suggests that the skill of handling conflict was considered a normal part of a senior manager’s skills. Whether revealed through a belief that no outside guidance was required or that guidance is only needed in an indirect informal way, this assumption of management expertise sets a clear benchmark.
Minimising damage, a legacy approach

Alliance-Org’s texts specifically state that a no blame approach will be taken when mistakes are made, rather the interest will be on addressing the underlying problems with attention to the project outcomes. This stance adopts a view of conflict as an opportunity to re-assess the situation and to find a creative solution, and, if extended into the interpersonal arena, leads to concepts of minimising harm and restorative justice. The acting general manager had made this conceptual progression, seeking damage minimisation as a prime goal of a grievance resolution process:

*During that week I had many conversations with the original person just to try and keep them from doing something drastic, such as leaving.* GH2 (27:50)

Initially the acting general manager was simply aiming at minimising the damage the grievance could cause individuals, but over the course of the resolution process and in consultation with the immediate supervisor he developed a belief that a restorative justice approach might be beneficial to all parties and to the project as a whole. A restorative justice approach to resolution incorporates corresponding actions by the perpetrator and the harmed parties facilitated by a neutral third party, ultimately restoring relationships (Kidder, 2007). The perpetrator acknowledges their act and accepts responsibility for the harm it caused, accompanied by an apology. The targets, if they accept these responses, then receive the perpetrator back into the group. This approach was considered as a reasonable alternative to the customary industry practise of getting rid of the problem:

*I was talking to the superintendent for the works – there was an alternative proposition put to me that I suppose resonated with the way I think is a good way to deal with people and that was for this person to front the guys that he works with and to apologise to them for doing the wrong thing and for basically like impacting on their name – besmirching the reputation of the site I suppose. And yeah apologising you know – asking them to accept his apology to allow him to keep working.* GH2 (68:45)

Although this approach to grievance resolution was not adopted in this instance, this senior manager felt it was a justifiable expectation in line with the promoted values of Alliance – Org.
Justice and fairness

Interviewees were directly questioned about justice; in particular they were asked if the grievant received a just outcome. Of the ten matters that were specifically discussed during the course of the interviews, six were not resolved satisfactorily. In five of these matters the interviewees claimed that issues raised in the grievances were not addressed at all. This suggests that the most fundamental level the informal grievance resolution system at Alliance – Org. was not operating to resolve the issues for the grievant.

*Do you reckon [the grievant] got justice? (long pause) Oh, that’s a real hard one isn’t it. Based on more recent events, I would say no. GHI (41:35)*

For some the concept of justice was only associated with the legal system:

*I wasn’t really after justice. If I wanted justice, I mean going to court and suing them is more like getting revenge than getting justice. I wasn’t thinking so much of court, just in terms of having the matter resolved. I wasn’t confident that that wouldn’t create a bigger division. G1 (1:06:35)*

While for the grievants whose complaints were resolved, there was an element of surprise that the organisation had taken them seriously and had acted to address the issues raised.

*Looking back at it I probably wasn’t expecting anything out of the conversation. I thought it’d be just one of those other conversations that we’d had before. ‘Oh yes, we hear your concerns and we’ll give it a go’ or ‘I’ll do this for you’ and it never get done. So I’ve been there and heard it before and that was probably my expectation. I was probably going in there pretty cynical about the whole thing. (Laughs) G2 (37:10)*

On the other hand, a senior engineer, who was happy with the result of her grievance, found that the ramifications that arose later were unexpected. She was confronted many times over the years by senior employees who knew about her complaint and the outcomes. It was a reputation that was not welcome:

*Like I was happy with the result, initially but it just surprised me later how much impact that had. G3 (11:20)*

Justice and fairness were viewed by all as a reasonable expectation, although many indicated this expectation by way of a negative comment.
Dignity during the process

Clearly all interviewees expected that throughout the resolution process all parties would be treated with respect and dignity. This aspect of the justice process, known as a interactional justice, has been articulated in the literature (Bies et al., 1986). One aspect of interactional justice, interpersonal justice addresses how people are treated during a process, specifically with reference to truthful and respectful dealings. While both policy writers expressed the belief that parties would always be treated respectfully, several grievants told stories that showed the reality was different:

Well, I would have expected them to be 100% honest about it, for a start. I would have expected them, if they were going to make a video, a safety video or a training video about it, that they would have if not asked my permission, at least let me in on it and tell me. G1 (51:35)

The experience of one grievant, a senior engineer, led her to believe that the act of making a grievance impacted on your reputation, often in ways that you couldn’t foresee and had no control over:

That’s the choice. I think it’s hard to know what the right path is to take when someone’s got a grievance because I don’t – often if you take up a grievance, like myself – and over history and over time things have been dealt with differently. It’s become a lot more – uhm – it seems that there’s a lot more support for dealing with those things, but still…it can still follow you in your career and become part of your reputation. …G3(7:35)

Based on her own knowledge of relationships amongst the senior group, of which she was one, she knew that professed confidentiality was not maintained:

Yeah, that’s one of the biggest things that I’d like to – that it stays – if you’ve got an issue it’d be nice for it to be – you know, that it would be not discussed, but it definitely is. G3 (14:35)

While the intention was to treat all parties with respect and honesty, the evidence from the interviewees suggests that structural and other factors may be impeding this aim. The model of group decision-making about the outcomes of complaints and grievances inevitably leads to a wide circle of individuals knowing the details. The strong reliance on relationship may also contribute to the spreading of confidential information, as the sharing of secrets can be a way of establishing trust.
Reciprocity and the return on loyalty

An interesting theme of reciprocity emerged during the interview with one grievant, a field supervisor. His expectation was that his loyalty to the organisation would be returned, that the organisation would demonstrate its loyalty by accepting his version of events, even where this meant the organisation had to accept responsibility for bad behaviour. He described his efforts to reduce the costs to organisation of a previous injury, and considered that this established reputation as a faithful and reliable member of the organisation:

And so I’ve sort of taken a bit of pride in the fact that I don’t just willy nilly go and hurt myself and then claim WorkCover just because I’ve got an excuse to take a couple of days off. And then the one time that I actually did have an injury and it turned out to be bad enough that I needed the time off – because I actually had one other injuries with the company. It was a broken foot. And I came to work every day even though I couldn’t do anything. I just came, got somebody to drive me in. I think one day they got a taxi in for me, and I just sat in the office and typed letters or something for somebody just so it didn’t show up as a lost time injury, which I thought would have sort of proven my (credibility) G1 (21:35)

The expectations of expertise, harm minimisation, justice, dignity and reciprocity all resonate with the organisational culture of Alliance-Org. They go beyond the industry norm of highly conflictual relationships, and are more closely associated with the values and characteristics of the alliance governance model. Indeed, some of the normal ways of resolving conflict, the cut and burn approach, were regarded as outdated. These expectations form a benchmark against which this research will analyse the actual experience of participating in a grievance resolution process and the outcomes.

6.5. The Experience of Participation in the Grievance Resolution System

Alliance – Org did not have written grievance resolution policies and procedures, rather, parts of each parent organisation’s grievance resolution policies were drawn from and applied informally, with some reference to industry custom and practice, to create an informal flexible approach. Figure 6.4 depicts the basic decision-making tree and elements of the process as described by the interviewees. If the initial approaches to alleged perpetrators failed to achieve a resolution, then the verbal
grievance led to informal interventions strategies by the immediate supervisor. If these failed, or the matter was serious, then the problem was elevated to the senior management team where a group decision was made. Interviewees were asked about their experiences in resolving grievances at Alliance – Org and the key themes that emerged are illustrated in Figure 6.5.

Figure 6.5  The experience of participation: Key themes

Grievance handlers described their experiences as sometimes out of their control; they were uncertain about what steps to take and received little guidance in response to requests for assistance. Specific concerns were raised about the investigation process, particularly around aspects of evidence gathering and testing, and allowing parties to be informed and to be heard. This disquiet about the process was not alleviated by the group decision-making, particularly as some interviewees believed that gossip, or group pressure, had influenced the decision-makers.

Grievants expressed a general feeling that the organisation attempted to avoid the grievance, noting difficulty in accessing decision-makers, a tendency to shift blame or use delaying tactics to avoid dealing directly with the issues presented. Whether the organisation responded to the grievance or avoided it, all the described experiences were characterised by procedural injustice. The following section examines in more details the key themes, as outlined above, and illustrates them with direct quotes from the interviewees.
Management expertise in grievance handling

The interviewees, both grievance handlers and grievants, gave numerous examples of senior managers avoiding a direct response to requests for information or action. In its mildest form the response was sympathetic but non-committal, for example when this grievant explained the details of his complaint he was seeking an active response, instead he got murmurings of sympathy:

I have in the time since brought it up to sort of specific people. Nobody has ever said, ever explained it all. They just say, ‘That’s terrible, they shouldn’t have done that. G1 (36:35)

This grievant never got a clear response to his complaint of serious defamation occasioned by the making of a film which portrayed him as grossly negligent. His approaches to the alleged perpetrator, a senior manager, were soundly rebuffed:

And as soon as I got the full story I went back to [my manager] who organised this and I approached him about it and he just flat out denied it. He said he didn’t know what I was talking about. G1 (41:35)

He persisted, making verbal complaints and comments over an extended period, but felt completely shut out and which in turn led to feelings of powerlessness. A formal complaint was not contemplated by this grievant; he believed that this avenue should only be used if there was malicious intent. However, by continually deflecting the query, the organisation presented an opaque front to the grievant:

And as it's turned out, I never really found out how far up the directions came to do this or whether it was just the people on my site, if you know what I mean. G1 (46:35)

This use of avoidance as a coping strategy by Alliance – Org was not limited to dealings with grievants. While not all grievance handlers looked for guidance, those who did seek advice from their head office were disappointed when their requests were ignored. Others sought out their peers for guidance, but the degree of helpfulness they received varied.

Did I get any advice? Not directly. Ah...I had a long discussion with one of the [management team], after the incident had been reported to me. And that person expressed his concern about the way it was being handled and why, and expressed his views, which was fair enough. I could ring my manager or director and have a chat to them. Other people you could speak to would be peers. GH2 (1:14:06)
Inadequate, or inappropriate, responses to requests for guidance were one aspect noted by grievance handlers. Other interviewees considered that these types of responses covered up a lack of expertise and understanding of grievance handling. In describing the response of his senior managers to his complaint about intimidation to commit fraud, the safety manager thought they didn’t know what to do, in fact he felt that they were confused about the possible approach to investigation and possible outcomes:

*I believe they understood, but I don’t believe they respected it. And it doesn’t help when your senior management level turn around and start making excuses. Everybody keeps thinking it’s a punishment thing, but at the end of the day it’s about getting it right… GH1 (8:00)*

This sense of impotence in the face of actual complaints of bad behaviour was a recurring sub-text to many of the concerns raised by the grievance handlers. A grievance handler with extensive experience as a manager particularly noted this lack of expertise:

*Uhm, but I don’t find the senior management are very proactive in dealing with grievances. I don’t think they have enough training. I don’t think they know – or perhaps wish to assert their authority in situations.*

*GH4 (25:13)*

These interviewees said that they were unable to accessible expertise in grievance handling and conflict management when they needed guidance and support. The avoidance tactics displayed by senior managers were one way of meeting these requests. Others concluded that senior managers did not have the necessary skills and competence to provide sound advice or assistance.

**Investigation process unreliable**

The confusion and vagueness about the resolution process was particularly evident when the interviewees turned to the actual investigation process used. Bearing in mind that grievance handlers in this situation were also members of the management teams who made final decisions, concerns about evidence not being tested lead to concerns about the reliability of the outcome. This was expressed in the following quote where the interviewee was not confident that the evidence available was sufficient to make a judgment:

*But these allegations came out of it which of course – it never got followed though to actually document that evidence as such – to*
demonstrate that that was happening. It never came out in the open. GH1 (1:06:16)

Other procedural issues were also raised. This grievance handler noted that one party to the grievance did not ever have an opportunity to be heard or to defend himself from the allegations:

*I don’t think he ever got given an opportunity to plead his case. ...I think if I had my way again, I think he should have been given an opportunity to speak directly to those people, and never got given that, which is I think...so all they got fed was stuff that was coming in from the [other parties] side of things. GH1 (1:13:03)*

The lack of containment of the grievance was also mentioned as impacting on the final outcomes. In one matter, this was felt so strongly that the decision-making group specifically noted that they had to avoid the pressure of the grievants peer group. Gossip about the process during the process seemed to create pressure; pressure to act decisively, pressure to act in accordance with the expectations of the peer group and pressure to act quickly. In the following situation there were two processes occurring simultaneously, with leakage of information and influence occurring randomly:

*the allegation was that there was an investigation that was going on behind the scenes and there was a number of people – there was a lot of innuendo and a number of people that apparently knew of something. GH2 (30:18)*

Another interviewee indicated that because grievances are dealt with by a group of managers a lot of people know about it, and therefore confidentiality is not possible. The project nature of the industry, with teams forming and disbanding regularly, plus group decision-making means that knowledge about a grievance you have made is carried across the parent organisation:

*It’s very well known. Everybody knows and so everyone will remember from here to the next to the next one. GH4 (21:35)*

Two matters were rectified quickly, in these cases the information from the grievant was trusted and relied on, without being tested. This lack of attention to the process of evidence gathering and testing led to concerns and questions about the validity pf the decisions.
**Flawed decision-making process**

A number of interviewees provided information about significant flaws in the decision-making process. A lack of consistency, potential inaccuracies and a display of bias towards different categories of personnel were identified. At times the whole decision-making process seemed to be confused, this included confusion about who was responsible for the final decision:

> After the remedy had been put in place a senior person came in and wanted to override that. He basically wrote an email to say, ‘Well, based on dah dah dah this person should go’. GH2 (43:34)

The confusion was typified by disjointed communication amongst the senior group about the grievance resolution process as it was underway. There was also pressure to make quick decisions, which may have excluded the opportunity of following certain lines of enquiry:

> I guess my natural tendency would be to take in the facts and mull them over and then come up with an answer; I didn’t feel I was able to do that in this instance. So yes, the time pressure I think also was a negative I guess in terms of the way that happened. GH1 (1:15:08)

Several interviewees made specific comments about the group decision making process. Both considered this final stage of the process to be reasonable, and in line with the normal day to day decision-making processes:

> And there was sort of a pow wow of the (management team) and this I think was a reasonable action where the (management team) got together and discussed the issue, put all their views forward, and there was a – how do I put it – a reasonable compromise made in terms of dealing with the situation. GH2 (47.50)

> But the structure in [Alliance – Org] is quite good that issues that have come up can be dealt with – if they become a big enough of an issue they can be dealt with at our management level, which then, if it’s still being raised as an issue, can be dealt with at our leadership level. And I think that works quite well. GH4 (36:35)

Some interviewees questioned the aims of the decision making in the grievance resolution process. In this example, the decision was focused on achieving appropriate outcomes for the project as a whole rather than justice for either party. The reference to clean[ing] up the situation implies a desire to return the workforce to a conflict free state, with minimal residue of negative emotion:
In terms of the way that we went about it, I guess that the ultimate resolution was about trying to save face. And I think in the end the person who had done whatever he done was probably almost a side consideration, I think if I was honest. Yeah. I think that’s the way I felt about it anyway. We needed to clean up the situation, and it just happened to be that this guy... would have gone anyway, so well, we’ll make him go. GH2 (1:02:35)

The grievance resolution process was potentially vulnerable to charges of bias. This experienced project manager noted that different processes were used for different groups of personnel:

That probably really makes things easier because as a sub-contractor you’ve got a bit more power I guess, and less process you need to follow. Whereas if it had of been an employee within, there’d be more formal processes I’d imagine you know, from the point of view of union representation and the like. GH2 (55:35)

As evidenced by these quotes, decision-making processes about grievances in Alliance – Org were not reliable. Interviewees exhibited some concerns about the clear variations in the process, especially where personnel from different groups were involved.

These illustrations suggest that the management of grievances at Alliance – Org was not in line with the expectations created by the organisational culture. The experience of these grievance handlers and grievants describes an organisation that is uncertain of basic procedural justice rules, with limited available expertise to handle conflictual relationships and grievances, and decision-making rules that were not suitable for confidential matters.

6.6. Indirect Outcomes of the Grievance Resolution System

Outcomes refer to whether the grievance was sustained, the types of actions taken to remedy or rectify the matter and the grievants satisfaction with the action. Outcomes also refer to the unintended indirect effects on the organisation, and on the individuals who participated in the resolution process, for instance the impact on the grievant’s health and well-being. Figure 6.6 illustrates the key themes that have emerged for the grievant, the alleged perpetrator and the organisation through the information provided by the interviewees.
Indirect outcomes for the grievant

Interviewees reported a significant impact on the reputation and relationships of grievants within the industry and, for some, within their particular workgroup. Some interviewees observed grievants becoming isolated and withdrawn from their peers. Together, these testimonies suggest grievants’ sense of belonging to the group was in some way jeopardized. Another theme revolved around the grievants sense of self; with many indications of a negative impact on emotional well-being. This was also associated with a loss of self-esteem and reduced decision-making capability. In turn this potentially led to changes in career aspirations; that is, young professionals would choose a section of the industry where they were less likely to be bullied or more likely to be protected. Several grievants changed their employment status voluntarily after discussion with senior managers, some relocating while others terminated their contracts early.

Group belonging challenged by gossip and reputation damage

Group belonging emerged as a key theme for the grievant via the perceived impact on their professional reputation and their relationships with their colleagues. Reputation was considered a critical professional identifier in an industry environment of short term projects and few major organisations undertaking those contracts. The importance of reputation was as an entrée to the next job, and to enable the quick development of team based work groups. One supervisor spoke extensively about his belief that his professional reputation had been badly damaged by his informal grievance. He chose not to make a formal complaint about defamation, considering that a formal complaint would have harmed his reputation even further, instead he
relied on the slow process of restoring his reputation through repairing his relationship one by one:

*After, six months later, when I went to other jobs, I had a few other supervisors and they talked to me about it after I got to know them. And a few of them actually said, ‘When I heard you were coming to my job I wasn’t all that happy because I thought you were a bit of a scammer and a bit of a trouble maker.’ So like they told me that after they got to know me and they were comfortable with me.* G1 (46:35)

This concern about reputation was also evident for those whose grievance was upheld and who were satisfied with the actions taken to remedy the matter. This grievant considered that being stereotyped as a complainant, rather than being known for her professional performance, was an unexpected and unwelcome affront to her reputation:

*Yeah, I think like maybe two or three years later when I was told the story back to me, some young female engineer went and complained and this happened and that happened and blah, blah, blah. And I thought, ‘Oh, that’s me!’ And I thought, ‘How do you know?’ I guess it made me, as a person – as a – and now as a more senior person – it makes me more wary of my impact on others.* G3 (35:35)

The importance of reputation in this industry is clearly explained by the following contractor. After a complex grievance that had included claim and counter claim, this grievant believed that the other party was making negative comments about him across the industry. Once he became aware of this, via feedback from several sources, he restricted his attempts to seek resolution for the initial grievance:

*And it’s evident now because I mean I can tell you now, I’ve rung a few civil construction companies putting my name down for a similar role and I do know that he’s very well connected and that I’m getting a different reaction from the people than I was getting six months ago, definitely. Absolutely, definitely. And I feel that if I go push this issue, do I destroy my chances totally in the industry? What do I do? So it’s been a pretty tough couple of weeks.* G4 (25:35)

This contractor’s admission of ‘a pretty tough couple of weeks’ suggests there was a detrimental impact on his emotional well-being.

A senior engineer noted that the group decision-making exposed the grievant and therefore had a direct effect on a target’s decision to make a complaint. In effect this potential exposure and likelihood of becoming the object of gossip meant that targets of bullying behaviour became quite withdrawn and isolated within their group:
Yeah – I feel it’d be really hard, because it isolates you in the group. And I think what I’ve noticed from some of the young guys, is that they have an issue – they know there’s an issue. They’ve maybe been treated – bullied – inappropriate behaviour. They know their behaviour wasn’t inappropriate, but they don’t want to be the focus of the attention. GH4 (41:35)

The choice to lodge a grievance, or not, comes at some personal cost. Inevitably making a complaint about another’s behaviour will expose the grievant to a range of unanticipated effects on the grievant’s reputation and relationship with colleagues:

So I think as a junior person it’s really hard to stand up to someone who’s quite senior and that’s kind of what I was doing and whether that had – I don’t know if it had positive or negative impacts for me. I think they were positive because people said, ‘Oh hang on, this person’s not gonna just toe the line’. But I can’t – it’s a personal decision that each person’s got to make. G3 (12:35)

Well-being and sense of self impaired

A number of interviewees described the negative impact that making a grievance had on the grievant’s well-being. There was reference to a decrease in self-esteem, changed decision-making patterns, changes to career aspirations and a decrease in emotional well-being. The impact of bullying is magnified and distorted when the target believes that there is no point in making a grievance:

I think it affects the younger guys and girls. I think it definitely affects their self esteem, especially because mostly they’re men – the younger guys there. Not a lot of them are extroverts. They’re typically engineering people. They’re quiet. They’re fun, but they’re not – so I think they take it home with them, some of them. I think they would end up with – if they don’t have issues resolved – it could influence their career somewhat as to which direction they travel. Well, you can do other things in the industry. You can go and do less construction-oriented things that won’t expose you to that type of thing. GH4 (20:50)

Even when the grievances were upheld, the grievant described negative emotional consequences and changes to professional decision making strategies:

You keep going back to it and saying, ‘It’s a major influence and maybe you wouldn’t have done it’, but you give a sort of cognitive answer that it’s a good thing, but emotionally... I think it – has it affected me? Has it affected me to stand up and do that again? And I think probably it has. It’s made me more cautious. G3 (38:5)

Although, another whose grievances were upheld, found the experience was a validation that his assessment has been correct and his concerns legitimate:
I think probably some sort of acknowledgement on their part that the concerns that I’d raised weren’t taken seriously enough. Hadn’t been previously taken seriously enough or acted on more quickly than what they should have done. G2 (26:35)

Thus, making the grievance, which in this case was well received, enhanced this grievant’s professional sense of worth, leading to increased performance.

**Employment certainty and continuity**

Of the ten matters discussed during the interviews, five resulted in the grievant leaving Alliance – Org, involuntarily as a result of not having their contract renewed, or voluntarily. In keeping with the espoused organisational values of maintaining relationships, some effort was made to minimise the trauma and maximise the potential for the individual to be engaged on another project:

*It never got to that because he chose to leave based on [two senior managers] having discussion with him. GH1 (37:35)*

It was also clear that grievants were reluctant to come forward in the first place, as they were concerned about losing their job:

*They knew better, but there’s this thing about ‘will I lose my job?’ GH3 (45:35)*

Leaving aside whether the grievance was upheld, and even whether the grievant was satisfied with any remedy that was subscribed, there are a range of disappointing outcomes for a grievant working for Alliance – Org. In an industry that is heavily reliant on relationship and reputation to obtain work and to undertake work, any threat to an individual’s sense of belonging to a group will be significant. Similarly, when lowered self-esteem and emotional distress impacts negatively on professional decision making, the organisations performance will also be negatively affected.

**Indirect outcomes for the alleged perpetrator**

The information provided by interviewees suggests that being named as a perpetrator in Alliance – Org was not cause of angst or result in significant changes in their professional work life.
**No change**

Despite each perpetrators being confronted about their behavior, either by the target or by a senior manager, a number made no changes in their behaviours. For instance, they continued to spread rumours as a strategy to bring other personnel down and to protect their own territory. This senior project manager, when speaking of his experience in resolving grievances noted that the bullying and intimidation continued, despite the lodgment of the grievance:

> There’s absolutely no doubt in my mind. That’s ongoing. It just sort of continues on. It’s all about protecting your turf I guess, but unfortunately you burn people along the way and it’s not the right thing to do. GH1 (1:01:25)

Others noted that personnel who were habitually displaying bullying and other bad behaviours seemed to be given *second chances ad infinitum*, and wondered how this affected the overall standard of acceptable behaviour in Alliance – Org.

> The concern – all bullies will be different types of behaviour, but the concern I have is that if this type of behaviour is a personality, not a slip up – not just a once-off occurrence – then if you’re letting that person...giving them a second chance all the time. You’re just letting them be part of the team, giving them a second change. How many second chances do they get? GH4 (48:35)

This interviewee’s concerns were legitimate, by careful cross referencing of the stories of the interviewees, and although not named, it became clear that one perpetrator was responsible for five of the ten allegations of bullying behaviour. This was repeat behaviour over an extended period of time.

**Employment status**

Of the ten matters raised during the interviews only one alleged perpetrator changed their employments status as a direct result of the grievance. This alleged perpetrator held a contract position which was terminated early. One person was repeatedly named as a perpetrator, and after the fifth complaint he was relocated. The other alleged perpetrators remained in the same positions they held prior to the allegations being made.
**Behaviour change**

Behaviour change was the objective of mandatory counseling and training sessions for a repeat offender. However, it was not reported whether there was any consequential change in attitude or behaviour:

*The issues of intimidation he has. I believe they’ve organised [a major law firm] to come in and speak to him about it. GH3 (25:35)*

This interviewee worried whether the training aimed at eliminating bullying behaviours was effective or whether the perpetrator simply moved elsewhere and continued the same behaviour:

*It’s possible that they can behave poorly and the way that modern offices seem to work these days is that if you admit to that and you agree to implement a type of change, then you’re giving that opportunity, whereas I think we’ve moved away from a disciplinary type of management.*

*So people might know and think that OK we’ve managed that, we’ve agreed to a new plan of behaviour, we’ve tried to resolve the grievance, but then it might happen again with someone else. So ... does the process start again or does that history of the original grievance follow them? It’s a difficult [question]. GH4 (33:45)*

From this information it appears that bullying behaviour in Alliance – Org was not actively managed despite verbal grievances being made. As there were further complaints made about this person it is unclear whether counseling or training elicited a change in the behaviour. Although one alleged perpetrator had their contract terminated early, by and large there was no discernable penalty or punishment for the alleged perpetrators.

**Indirect outcomes for the organisation**

Interviewees’ impressions of the impact of the grievance resolution process on the organisation were drawn from their examples of grievances. The difficulties associated with maintaining confidentiality, and gossip associated with the grievance, will effect the organisation’s reputation amongst its employees. The management of grievances has also influenced operational matters; employees who were reluctant to come forward with complaints then managed their own work differently in order to cope with the unchecked bullying behaviour. The way grievances were managed impacted on internal relationships and it was speculated that it would also impact on
external relationships. This was particularly because of the alliance governance structure, where personnel from different organisation work side by side, and unedited stories would be retold at respective head offices. It was suggested that this may impact on future tenders and possible project alliances.

**Internal reputation**

There were two aspects related to the organisation’s internal reputation. One related to the difficulty associated with confidentiality and the ensuing gossip. Gossip about a grievance resolution process invariably leads to an impact, usually negative, on the parties’ professional and personal reputation. This in turn leads to reluctance by other employees to make a grievance, thereby diminishing the value of any grievance resolution processes in place.

The other outcome associated with the organisations internal reputation is more complex. It relates to allowing certain individuals to establish reputations that put them above the normal behavioural rules of the organisation and the impact this has on performance. The evidence is that grievances were handled differently depending on who made them and who is the alleged perpetrator. A misplaced allegation could lead to considerable trouble for the grievant; as certain personnel were prepared to protect their reputation very aggressively:

> And maybe vendettas from it probably – possibly. Security – good security – that you know, it may get leaked out there and people may find out about it. That you’ll never particularly depending on the level – well, depending on what your grievance – or who your grievance – and who it’s well too and where they sit in the organisation I think plays a significant part. So in these instances, like with the superintendent – I mean, you want to make sure your ducks are in a row because the repercussions are massive. GH1 (1:32:35)

This interviewee is saying that it would be unwise to complain about the behaviour of certain personnel, no matter what they did. By establishing a reputation of aggressive and retaliatory actions, some personnel created a culture of fear and dominance. This meant that certain aspects of the workplace, in certain locations, were beyond the control of the organisation.
**Operational issues**

A reluctance to report bullying behaviour, whether because of concerns about the efficacy of the grievance resolution process or because of concerns about retaliatory action, had consequences. It was suspected that covert bullying behaviour, left unchecked, had an impact on the target’s professional decision-making processes. This may have significant operational flow on, as decisions influenced by personal pressure would not necessarily be merit based. The following quote illustrates how bullying behaviour can lead to undue weight being given to the opinions of the field supervisor over the knowledge of the professional engineer:

*It’s more about gross generalisation – you know – but there’s often a difference between the people – the engineers who are the educated people and the foremen who have come through a trade, that they then need to assert their authority, so they then insult all of the engineers grossly, like generally. To come in the office and just say, ‘You’re all idiots’ or ‘You’re all here only part time. You don’t work hard enough, you’re useless’. And so I think that’s wrong. But it does happen. And they choose their moments so that someone like me wouldn’t be there, but you know – they choose their moments when only junior people are around so they can influence their behaviour. And it does influence their behaviour. I’m really – I guess I’m too concerned about it.*

*How does it influence their behaviour?*

*Oh, I think they’re cautious about decisions they make. They might think they have to check things with the foreman first before they can make decisions. GH4 (19:35)*

The covert nature of this interplay suggests that it occurs without the knowledge of the senior engineers, leading to sub-optimal operational decisions. Instead of checking with their supervisor, a senior engineer, this target was subverting the organisation's decision-making hierarchy by checking decisions with the field supervisor. It is possible that this *de facto* control over operational decision-making was the outcome intended by the bullying field supervisors.

**Impact on professional relationships**

This impact on relationships extended to how particular personnel related to the industry. Although there was no evidence of an impact on the organisational relationship, there was the suggestion that targets would leave the industry rather than persist in a situation where they were unprotected:
Targets might leave that sector of the industry, (the organisation) might lose highly qualified people because they are being bullying. Good people will leave. But I think that they might – it might really be something that’s detrimental to the industry. Like good people would say, ‘Oh, I don’t to do that. I’ll go into something else’. They don’t want to expose themselves to that personally. GH4 (35:35)

It was also suggested that inter-organisational relationships would also be affected. This is because personnel will eventually return to their own organisations, taking with them knowledge of how Alliance – Org managed grievances. This may influence inter-organisational relationships later, and the potential invitations to join other alliance projects.

It’s really concerning, and I think that almost drives how we deal with grievances more than what the grievance is. So if that person is gonna be left with a poor feeling about the company, here the situation is that there’s three companies working together, so if an [owner partner] employee is left with, ‘I didn’t like working with [the construction partner] then that’s bad for us going along in the future. So that’s been quite – I mean it’s driven a lot of our behaviours. And it’s put our management teams in a position where they can’t just ignore an issue. They have to deal with it. They may not have the skills to deal with it, but they realise that it’ll affect their business, so they need to make the decision for what’s best from the business point of view as well. So yeah, it’s really quite important. GH4 (57:36)

We’re talking about something that – how would [the owner partner] foresee a company that they’re working with just saying well, you’ve done nothing about this, you’ve allowed this to happen. GH3 (45:35)

External agencies became involved when one grievance, which had included intimidation and threats of violence, had led to a formal investigation involving the Union and WorkSafe.

Confusion about who was responsible for resolving the grievance and subsequent communication chaos resulted in decision-making that was more focused on the two grievance handlers than the original parties:

And it was done in a way that tried to save face of both the [manager] and the superintendent because of the opposing – they had almost diametrically opposed views [on how to handle the grievance]. GH2 (24:35)
This suggests that the grievance spilled over to a number of parties, some of whom were not essential to the resolution process. Professional relationships were prejudiced, and in some examples counter complaints and complaints about the grievance handlers were made.

### 6.7. Discussion

This case study explores the justice expectations promulgated by Alliance – Org and understood by the informants at Alliance – Org, and compares these expectations to their lived experience of grievance resolution. Additionally, a review of the outcomes of a grievance resolution process allows an analysis of the system from the perspective of the personnel involved in order to understand whether the grievance resolution system delivers justice. This analysis will create a map of evidence to further explore the relationships between key factors, within the context of the industry and the entity.

As noted in Section 6.3, there are gaps between the espoused organisational culture and the descriptions of the organisational culture provided by the interviewees. Figure 6.7 illustrates the key themes and highlights the differences between the text and interview based themes of organisational culture.

#### Figure 6.7  Gaps: Text and interview themes of organisational culture

<table>
<thead>
<tr>
<th>Org. Culture portrayed by texts</th>
<th>Org. Culture revealed in interviews</th>
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<tbody>
<tr>
<td>• courageous forward thinking &amp; moral organisation</td>
<td>• avoidance of difficult interpersonal communication and decision making</td>
</tr>
<tr>
<td>• collective responsibility for +ve conflict resolution</td>
<td>• reliance on strong relationships and reputations</td>
</tr>
<tr>
<td>• unified team of equals</td>
<td>• competitive team based work</td>
</tr>
<tr>
<td>• legacy</td>
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There are three significant differences between how the text based narratives and the interviewees’ narratives portray the organisational culture. The texts emphasize the heroic qualities that the organisation aspires to, and when these are interpreted from a grievance resolution perspective they imply that those responsible will uphold a just process and be able to withstand pressure from powerful interests. The texts also state clearly that conflict and complaints will be resolved in a no-blame environment.
However, the interviewees said that managers did not engage actively with the grievances, this was either a deliberate avoidance strategy or a lack of competence. Some interviewees explicitly recognized this clear gap between the organisation’s espoused values and their lived experience. A second fissure between the espoused values and the described values revolves around the teams. The texts referred to unified teams of equals; however, according to the interviewees the most salient aspect of the teams was the competition between them. In some instances this competition was associated with bullying behaviour and stand over tactics, such that resolution processes could not be implemented effectively. In effect, the strong intra team relationships led to a mob mentality. Additionally, the emphasis on professional relationships increased the relevance of maintaining one’s professional reputation.

There also appears to be a fracture between the Alliance – Org value of leaving a legacy, with the implication that this will be a positive long-term contribution and the observed patterns of avoiding difficult communication and avoiding difficult decisions. The avoidance strategy can be either a personal preference or a deliberate strategy based on rational criteria (Lewicki et al., 2006). However, it is identified as an organisational cultural characteristic, suggesting that it is a behavioural norm in response to a wide range of conflictual circumstances.

The interviewees’ narratives revealed shared beliefs and assumptions about Alliance – Org’s dominant value structure. These narratives provide a deeper view than the observable symbols found in the organisation’s texts. These behavioural norms, in addition to policies and procedures relevant to grievance resolution, contribute to the formation of justice expectations of the personnel at Alliance – Org. Figure 6.8 illustrates the gaps between the expectations generated by the texts and the key themes revealed by the informants.
All interviewees had an expectation that action would be taken in response to a grievance. Their expectation was that experts relying on a harm minimization approach would carry out resolution processes. In part, this expectation was based on a belief in reciprocity of their loyalty and commitment to the organisation. Additionally, some interviewees described their concerns about the impact a flawed grievance resolution process might have on operational decision-making. The outcomes, both direct and indirect, for the majority of grievants were overwhelmingly negative, where as for the alleged perpetrator there were minimal indirect outcomes. Figure 6.9 illustrates the differences between expectations of the justice process, the implementation of that process and its indirect outcomes, which are then discussed in more detail.
All interviewees anticipated organisational expertise in handling grievances, specifically that senior managers would have certain capabilities and competencies related to the management of interpersonal conflicts. This expectation led to a belief that the senior managers would be capable of mitigating damage to the parties and to the organisation. Harm minimization was a base line expectation; some interviewees went further, explicitly relying on promotional material that claimed Alliance – Org would be different, extending the concept of harm minimization to restorative justice (Strang, 2002). This is an approach to grievance resolution as a mechanism to create better people through forgiveness and rehabilitation while retaining the person within the team. This fits with Alliance – Org’s announced aim to leave a legacy for all stakeholders. All interviewees expected grievants to be treated with respect and dignity; these attributes of interactional justice were also heavily promoted via Alliance – Org’s texts. For the long-term employees there was also a very strong sense of entitlement of reciprocity. These grievants expected the organisation to return the loyalty and commitment shown, though a demonstration of procedural fairness and substantive justice.
Alliance – Org’s grievance resolution process meant that confidentiality was hard to maintain and evidence was not reliably gathered. Breaches in confidentiality led to the use of gossip to impair reputations, and a reluctance to make a grievance because of the potential for publicity. Additionally, the lack of proper processes to collect and assess evidence led to decisions based on the power of the particular parties to damage the project rather than the merits of the situation.

When examining the data of the organisational responses, three main themes and two distinct patterns emerged. The first pattern clusters around matters where the organisational responses varied around a general theme of avoidance. Analysis of this cluster identified the pattern of a grievant with a lower status, as define previously, than the alleged perpetrator. This avoidance response could be categorized into those actions, or inactions, that concerned addressing the issue, those actions that concerned attending to the grievant and those actions that related to the process of handling the grievance. Theoretically these relate respectively to distributive justice, interactional justice and procedural justice.

Distributive injustice included shifting the blame from the organisation to an individual, and not addressing bullying behaviour. Actions that did not meet procedural justice standards include hiding evidence, not testing evidence, denial of the existence of a problem, and a general opaqueness that senior managers employed when approached by the grievant about the grievance. Decision-making located within a group structure also raised concerns about procedural justice. For instance, a high level of gossip and rumours about grievance was linked by several interviewees to this group decision-making process. Some interviewees came to the conclusion that senior managers did not know what to do when faced with a grievance, and in particular when they actually came face to face with one of the parties. Three of the four grievance handlers indicated that, despite their clear requests for direction, they received no guidance from head office on how to manage the grievance.

In six of the ten grievances discussed, the organisation avoided addressing the matters raised. Subsequently, four of these grievants either lost their employment or lost the particular position they held. Grievants with negative outcomes reported feelings of betrayal, emotional distress, changed attitudes to the organisation and a significant
negative impact on their professional reputation. Those grievants who remained employed at Alliance – Org were reported as becoming increasingly isolated. This group were observed to have their decision-making autonomy impaired, reflecting a lowered of self esteem and leading to changes in career aspirations to avoid being placed in positions of vulnerability.

The second pattern of organisational responses clusters around the theme of action. In four of the grievances discussed, the organisation actively addressed the issues raised. In half of this group the grievant was of a similar status as the alleged perpetrator, and these grievances were rectified fully. These grievants expressed feelings of relief and validation. One grievance the organisation responded to was lodged by a group, and the grievance handler reported considerable pressure to act in accordance with this group’s wishes. In this matter the alleged perpetrator was a key employee on a contract, the allegation was sustained and the contract terminated early. However, the grievance handler reported feeling uncomfortable about the process, believing that it had been unfair. In the final matter the alleged perpetrator was some-one who had been named numerous times for bullying behaviour. Alliance – Org finally took action, initially requiring attendance at a training session, and then relocating the perpetrator. Interviewees reported that the grievants in these two matters expressed their satisfaction at the actions taken.

This uncertainty about how Alliance – Org would manage a complaint, and an inner turmoil about the clash of values with regard to reporting bad behaviour, lead to physical response in the safety manager:

“I’ll deal with this issue. I felt uneasy for two reasons. One is I’ve never been a lagger in my life when it comes to things like that. Secondly, there were huge implications for this. Being it wasn’t just [Alliance – Org’s] money, it’s government money. So that made me squeamish in the stomach as well GH3 (53:35)
Prior to undertaking the field work to gather data in the final case study, Edu – Org, a review of the literature was undertaken. This revealed Hodson, Roscigno and Lopez’s (2006) systemic analysis of the organisational context of bullying behaviours. This large scale content coding of one hundred and forty eight ethnographies revealed certain configurations of factors such as powerlessness and chaos to be associated with patterns of bullying. This led to the inclusion of the organisational climate factors identified by Vartia (1996), specifically the communication climate and the social climate, into the data collection process. The interview guides were redrawn to more closely rely on the definitions of the organisational characteristics provided by Hodson et al and to include a series of questions based on Vartia’s findings. The revised interview guides are located at Appendix 2.

The findings of the investigation of Asset – Org and Alliance – Org are set out in Chapters 5 and 6 respectively. In this Chapter the evidence collected in the Edu – Org case study is deconstructed using descriptive narrative techniques to reveal underlying themes. This Chapter illustrates the findings collected by interviews, texts and observations gathered from Edu – Org.

This Chapter is organised in the same order as Chapter 5 and 6. Section 7.2 provides contextual informational about the higher education industry in Australia, and then describes Edu – Org’s governance model. Then, Section 7.3 describes how the case was located and provides information about Edu – Org’s characteristics and sets out the interviewee’s demographics. Interviews and texts are deconstructed to reveal key themes in Edu – Org’s organisational culture. The following section, 7.4, describes Edu – Org’s grievance resolution system. Using quotes to illustrate the emerging themes, Section 7.5 discusses interviewees’ expectations, Section 7.6 describes what actually happened during the resolution process and Section 7.7 discusses the outcomes. Section 7.8 wraps up the case study, providing a summary of the key findings and tentatively creates some theoretical links.
7.1. Industry Context and Governance Model

Industry context
Over the past 30 years there have been major structural and cultural changes in the higher education sector. These changes are associated with shifts in the underlying ideology and governance of higher education institutions. In the early 1970s federal government initiated structural reforms brought wide scale amalgamations of Universities with Technical and Further Education Institutions (TAFEs) and Colleges of Advanced Education. This change was associated with a shift to mass participation in higher education away from the perception of higher education as an elitist pursuit. Another shift occurred in the mid 1990s, when the prevailing ideological belief in the broad social and economic value of higher education was progressively replaced with a view of it as a commodity (Burns, 2002). This shift was accompanied with decreasing ratios of funding by the Federal government, and active encouragement for institutions to become more competitive and commercial in their operations. Drives for increasing efficiency and productivity, and cost minimisation, are associated with work intensification, a relative diminution of salaries and casualisation of the workforce (Lafferty & Fleming, 2000; Pick, 2004). Consequently, the workforce is aging and with a global shortage of academics, there is competitive pressure to attract high quality scholars (2009).

These changes in the external environment has led the higher education sector in Australia to adopt an increasingly managerial and marketing approach to its governance (Pick, 2004). The move from the traditional model of the University as a community of scholars whose governance was characterised by collegiality, independence and academic freedom, has also been prompted by greater exposure to the emerging international education market place and deregulation. However, deregulation has accompanied a greater requirement for accountability, leading to greater external scrutiny through audits and assessment such as those by the Australian Universities Quality Agency. Additionally, deregulation has impacted on the internal governance structure, encouraging decision making to become increasingly centralized (Pick, 2004).
Universities in Australia are established by state, territory or federal legislation and receive about 40% of their funding from the federal government (Lindsay, 2009). Fees and charges to students and others comprises about 20% of funding with the bulk of the remaining 40% coming from private funds (AVCC, 2007). Education is now Australia’s third largest export industry, with international students comprising up to 25% of the 380,000 enrolments in a higher education institutions (ABS, 2009a). These numbers have increased rapidly over the past ten years and, despite attempts to counter their impact, engender a degree of reliance on the income generated and influence resource planning. Conversely, the volume of international students has also exposed the industry to risk from a range of external factors beyond the control of individual institutions, such as changes in currency exchange rates, perceptions of safety and security, and access to Australian immigration entry points.

In 2006 there were 92,000 people employed in the Australian higher education sector, with 40,000 or those working as academics (ABS, 2009a). The primary employee association is the National Tertiary Education Union (NTEU) with a membership of 26,000, or 28% of the workforce, in 2010 (NTEU, 2010). A number of other Unions also cover certain employees in the sector. The roles undertaken by these respective unions include assisting enterprise level employees to negotiate Enterprise Agreements, undertaking industry wide research, making submissions to governments, and assisting individual members resolve workplace grievances.

Associated with these structural and economic changes are significant increases in the size and complexity of modern Universities. These changes are associated with a shift from the contemplative scholarly institution to systems of corporate managerialism (Winter, 2009). Governance is increasingly centralized and concerned with performance management, budget control, maximizing income, maintaining management hierarchies (Winter, 2009) and international competitiveness (Lafferty et al., 2000). Many academic employees struggle to integrate the requirements of the current managerial ideology and their beliefs about the roles and obligations of scholars, incorporating notions of autonomy, collegiate governance and academic freedom. Challenges to the traditional professional identity of academics, continual shifts in the ideological approaches to funding mechanisms and regulation plus
increased exposure to external risks all combine to increase uncertainty within the
sector.

(The) tendency to reduce the cultural purposes of the university in favour of
corporate objectives ...is associated with an anxious and unstable
combination of managerial aggression, academic falter and plastic imitation
(Marginson & Considine, 2000 p 244).

The challenges arising from the conflicting roles of corporate managerialism and the
professional academic identity have fuelled policy debate, research and moderate
levels of industrial action (Marginson et al., 2000; Winter, 2009). There is also some
evidence that the increasing commercialization and the market based approach has
influenced organisational decision-making about student discipline (Lindsay, 2009)
and reflect a shift in broader organisational values (Winter, 2009).

Governance model
Although broadly similar, the generic governance model of Australian higher
education institutions is adapted and individualized by each institution. Each
institution uses different systems of naming, and variations in the structural forms of
the academic divisions and associated administration support services. Universities in
Australia are governed by a Council, or Board of Governors, or Senate, and are
headed by a Chancellor. A number of positions on this governing body are reserved
for government appointees, while the remaining members are selected from the
community or elected by the academics and students. The Vice-Chancellor has the
role of CEO and oversees both the administration of the University and the academic
faculties and departments. Traditionally, universities utilize a hierarchy of committee
structures in decision-making, leading to decision ratification at the Council level.
The committee framework offers a method of obtaining advice from across the
University community; however, it also acts to obscure the real loci of decision-
making. Universities are organised into groups of academics by disciplines or field of
study; these go by the titles of faculty, college, school and department.
Administrative employees are attached to each division and there are separate, central
administrative divisions that manage non-academic aspects, such as corporate affairs
and marketing.
7.2. Edu – Org: Characteristics and Culture

The staff association at Edu – Org had been agitating for a comprehensive review of the organisation’s bullying policies and was therefore receptive to this research proposal. A general email to all association members elicited a response from a number of employees from the categories of grievants and grievance handlers. After a direct approach to Edu – Org’s HR manager, two senior staff with relevant experience in policy writing were given permission to participate in the research. Detailed statistical information about staff and relevant internal policies and procedures were provided by the HR department. Tables 7.1 and 7.2 provide details of the demographics of interviewees at Edu – Org.

Table 7.1 Interviewees in Edu – Org

<table>
<thead>
<tr>
<th></th>
<th>GP1</th>
<th>GP2</th>
<th>GH1</th>
<th>GH2</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Position/title</strong></td>
<td>EEO Manager</td>
<td>EEO Officer</td>
<td>Academic</td>
<td>General Manager</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>F</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td><strong>Age</strong></td>
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<td>29</td>
<td>54</td>
<td>51</td>
</tr>
<tr>
<td><strong>Length of tenure</strong></td>
<td>30 years</td>
<td>3 years</td>
<td>22 years</td>
<td>4 years</td>
</tr>
<tr>
<td><strong>Tenure type</strong></td>
<td>Contract (Previously permanent for 26 years)</td>
<td>Permanent</td>
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<td>Permanent</td>
</tr>
<tr>
<td><strong>FT/PT</strong></td>
<td>FT</td>
<td>FT</td>
<td>FT</td>
<td>FT</td>
</tr>
<tr>
<td><strong>Operational/Support</strong></td>
<td>Support</td>
<td>Support</td>
<td>Operational</td>
<td>Support</td>
</tr>
</tbody>
</table>

Source: Data collected by author 2008
Table 7.2  Interviewees in Edu – Org

<table>
<thead>
<tr>
<th></th>
<th>GH3</th>
<th>GH4</th>
<th>G1</th>
<th>G2</th>
<th>G3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position/title</td>
<td>Academic</td>
<td>Academic</td>
<td>Manager</td>
<td>Technician</td>
<td>Supervisor</td>
</tr>
<tr>
<td>Gender</td>
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<td>F</td>
<td>F</td>
<td>F</td>
<td>F</td>
</tr>
<tr>
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<td>54</td>
<td>59</td>
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<td>54</td>
</tr>
<tr>
<td>Length of tenure</td>
<td>8 years</td>
<td>10 years</td>
<td>19 years</td>
<td>6 months</td>
<td>17</td>
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<tr>
<td>Tenure type</td>
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<td>Permanent</td>
<td>Contract</td>
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<tr>
<td>FT/PT</td>
<td>FT</td>
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<tr>
<td>Operational/Support</td>
<td>Operational</td>
<td>Operational</td>
<td>Operational</td>
<td>Support</td>
<td>Support</td>
</tr>
</tbody>
</table>

Source: Data collected by author 2008

Edu – Org’s characteristics

Edu – Org is typical of higher education organisations in Australia with several central administrative divisions, a number of academic divisions and a large number of semi-autonomous controlled entities. Some of these entities are both semi-autonomous and academic divisions, complicating the reporting and accountability lines. Each division, both administrative and academic, is headed by a senior manager who reports to a committee of senior executives. Additionally, academic divisions have a dual reporting line through an Academic Board directly to the Council.

As a consequence of institutional amalgamations and mergers in the 1980s, Edu – Org operates educational and research activities at a number of locations across the state of Victoria. The human resource functions are primarily located in a central administrative division, with some functions devolved to academic divisions. As a publicly funded organisation established by state legislation, Edu – Org operates under principles of competitive neutrality, and a comprehensive statutory reporting framework. Table 7.3 outlines Edu – Org’s key characteristics.
Table 7.3 Characteristics of Edu – Org (2007)

<table>
<thead>
<tr>
<th>Size</th>
<th>% Non-ongoing personnel</th>
<th>% Female</th>
<th>% Professional</th>
<th>Diversity – indigenous</th>
<th>Turnover</th>
</tr>
</thead>
<tbody>
<tr>
<td>7,100</td>
<td>17%</td>
<td>52%</td>
<td>42%</td>
<td>0.006%</td>
<td>16%</td>
</tr>
</tbody>
</table>

Source: Annual Report, internal statistics collected by author 2008

The majority of Edu - Orgs employees are covered by a three year Enterprise Agreement, although during the research period all new employees were offered an individual contract known as an Australian Workplace Agreement. A substantial proportion of senior personnel are hired on an individual employment contract. Edu – Org offers public service conditions of employment, with a number of attractive working conditions including a generous superannuation scheme for permanent employees. The centralized human resources division is responsible for devising and implementing organisation wide programs to support Edu – Org’s strategic aims, in particular to achieve change management objectives. Despite the attractive employment conditions Edu – Org has a relatively high turnover rate of 16%, although this is slightly lower than the industry average. Continued efforts to engage and retain indigenous personnel have not been converted into an increase in actual numbers, and hence there was a slight decrease in percentage of indigenous people in Edu – Orgs workforce from the preceding reporting period. Table 7.4 sets out these statistics.

Table 7.4 Characteristics of the workforce of Edu – Org (2007)

<table>
<thead>
<tr>
<th>Industry</th>
<th>Ownership</th>
<th>Size – Operating revenue</th>
<th>Locations</th>
<th>Geographical level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>Public</td>
<td>$1,432 million</td>
<td>Multi- site</td>
<td>State based</td>
</tr>
</tbody>
</table>

Source: Annual Report, internal statistics collected by author 2008

A formal induction process is available to all new employees. However, casual employees, whose actual numbers can reach as high a 5,000 annually, were generally not provided with either induction or orientation activities at the time of this data collection. As a self-insurer, Edu – Org does not publish statistics on workplace injuries or claims, rather an annual estimate of the cost of outstanding claims liabilities is provided to the government, in 2006 this was $5,000,000 (VWA, 2007). Comparing this information to the Victorian WorkCover Authority’s average amount
per claim of $40,000 and an average prevalence rate of 1.28%, suggests Edu – Org achieves the average number of claims per year, assuming that claims are settled within a twelve month period. Annually, Edu – Org engages over 150 consultants, including a small number of high value consultancies costing nearly five million dollars. Records of grievances are not kept, although reliable senior employees estimated that less than ten written grievances were lodged annually.

**Edu – Org’s organisational culture**

As with Chapters 5 and 6, this section completes the description of Edu – Orgs organisational context. By illustrating the values espoused by Edu – Org’s texts this section will represent the dominant organisational values as they are portrayed to its personnel. The values portrayed through Edu – Org’s text form one part of the system of shared meaning that creates Edu – Org’s unique culture. The value based themes that are revealed through Edu – Org’s texts are then compared and contrasted with the organisational cultural themes that surface from the interviews.

**Text generated cultural themes**

The texts that have been reviewed are detailed in Chapter 3, Tables 3.4 and 3.5, and include the Annual Report and the Enterprise Agreement along with six internal human resource policies that have direct relevance to this research. A narrative analysis of the texts reveals the following themes.

**Compliance with codified principles**

As an organisation established by statute, Edu – Org is required to comply with a range of external legislation. Additionally, there is a plethora of internal statutes, many of which are linked to external generic regulations such as the *Freedom of Information Act, Vic 1993*, as well as an extensive array of internal strategic plans. These internal statutes run along side the committee hierarchy, such that decisions can be linked to statuary responsibilities.

Organisational level performance indicators aim to align operational practices with key targets. Strategic priorities are set for the entire organisation and then the responsibility to meet these targets is devolved to the functional divisions and the operational level. This establishes a generic, values based framework that acts as a guide to operational decision-making. For example, the Annual Report notes that
reward and retention employment policies were recently adjusted to increase the focus on excellence of individual performance.

Importance of external recognition
The texts signal the primacy of external recognition of Edu – Orgs achievements in eyes of the executive and governing bodies. Descriptions of awards and public recognition dominate the pages of the Annual Report, while organisational aims and goals focus strongly on national and international reputation based on externally set objective criteria. This strongly promoted ideal of external acknowledgement dovetails with the endorsement of individual achievement.

Rewarding outstanding individuals
Much of the promotional material published by Edu – Org re-iterates themes of excellence and quality. These descriptors are liberally applied to the projects, performance, and people associated with Edu – Org. For example, the term quality is used as an adjective rather than a noun, which avoids addressing what type of quality is being referred to. There is an underlying value that personal excellence in specific fields of endeavour is the prime aim of the organisation. For example, awards and citations for outstanding achievements by individuals are heavily promoted, while there is no acknowledgement of the role of the supporting team, nor suggestion that collective characteristics, such as decency or compassion, are valued or encouraged. Similarly, although some documents state that diversity is valued; this is not reflected throughout with acknowledgement of the role and potential impact of a diversity of employees. Additionally, there is no acknowledgment of the ordinary employee and their importance to the functioning of the organisation, or how their needs might be met. This theme of individual excellence is supported by encouragement of a competitive approach to performance.

Fair workplaces
Cultural characteristics that are specifically pertinent to this thesis are those that associated with justice and fairness. These values are raised in the section on grievances and dispute resolution in the enterprise agreement. Specifically, there is a simple statement that links fair procedures in the grievance resolution process with a productive workplace. However, the examined texts do not reveal statements about rights or provide sufficient details of justice processes that would allow an informed party to judge whether they meet the established criteria of organisational or, more
specifically, procedural justice. By obscuring the details of this process Edu – Org appears to give the impression of being arrogant, and without regard to its obligation to inform its personnel of its practices. This also removes, or at least diminishes, the possibility of personnel establishing that a particular practice did not meet certain criteria.

This section has identified some of the key organisational values that are both relevant to this research and are readily established by examining the publicly available material produced by Edu – Org. Employees and personnel associated with Edu – Org form their beliefs about Edu – Org’s corporate values and identity by integrating the information gathered from its textual material with information gathered by personal observation and participation in the organisation. The next section identifies organisational values that are revealed in the interviews. These two sets of values are then compared and contrasted.

Interview generated organisational culture themes:

Interviewees were asked directly about certain aspects of organisational culture and in some cases the informants raised particular cultural features during their responses to other questions. A number of questions relating to the communication climate and the social climate were posed, as well as questions that addressed the level of chaos or coherence of the operating environment, the organisation’s capacity to control employees and the level of visibility of employees. The use of Vartia’s (1996) survey questions to draw out inferences about the communication and social climate is limited by the size of the sample. However, these individual opinions add context to their personal narratives. Dominant themes emerging from the interviews are illustrated by direct quotes and discussed. These themes reveal an individualistic and conservative culture where the human resource practices rely on a unitarist approach, work is organised through hierarchies and the protection of Edu – Org’s reputation is cited as a prime underlying rationale for decisions.
Individualistic
As identified above, Edu–Org prizes individualistic behaviours and encourages competition. Interviewees also noted that work was primarily organised around individuals rather than on a team basis, although decision-making frequently occurred at the committee level. Some interviewees felt that the poor communication climate in their area was a reflection of this individualistic and competitive nature. The refusal of co-workers to train or show a new employee how to undertake certain tasks, with holding of information and supervisors who exhibited envy reinforces the primacy of the individual.

And then I was trying to get a fee exercise, I need this girl to help me, she was very angry with me; ‘No, this is not my job, this is your job’. I think she refused to train me to do the work. G2 (15:35)

An organisation that is highly individualistic expects employees to operate with self–interest and it appears to value competitiveness within the work place. However, one negative aspect is that individuals can be attributed with more responsibility than the control they actually have, and then blamed for performance or outcomes beyond their control. This was identified as a blame culture by one interviewee, she said:

There is this culture of blame, especially among the senior staff, so that you are always terrified that you would be personally blamed. Issues were never really addressed, and it would happen so quickly so that a person’s reputation would be in tatters and they would not know why, really. The person would never be confronted, just talked about behind their backs. GP1 (3:45)

A blaming approach simultaneously targets one individual and absolves others of responsibility. It avoids the need to review systems and inevitably protects the reputation of the organisation by excluding the blamed individual from the circle of credibility amongst decision-makers and people of influence.

Conservative follower
Despite the extensive self-promotion of excellence, several interviewees identified Edu–Org as a follower of trends rather than an innovative trailblazer. When this human resource specialist was asked about how changes were made to operational functions, he answered:

And there’s a lot of consistency in that respect and I think that it’s 25 years of doing things the same way really. GP2 (14:50)
He elaborated by referring to evolutionary changes over the years, noting that there was an obligation to keep up with legislation. Indeed, he considered that changes in legislation were a bonus as it provided a rationale that was acceptable to the executive, thereby alleviating employees at his level from producing lengthy support documentation for new proposals.

The slow evolutionary changes in operational activities were matched with an established permanent workforce. Although Edu – Org reports a relatively high turnover rate of 16%, this rate disguises a large stable core of older employees. This interviewee, himself a young person, went on to say:

Retention is another key element, [Edu – Org] is very good at retaining its staff above the age of 35, very bad at retaining its staff below the age of 35. And I think that may be influenced by Generation X and Y factors, and their individual needs, but I think it also is a measure of how those demographics tend to be more exposed to alternate ways of working and maybe not stimulated by some of the ways that [Edu – Org] doesn’t embrace change. GP2 (19:10)

The conservative nature of Edu – Org was identified as a characteristic that was unattractive to younger employees. The impression given is of a rather slow and ponderous organisation, where decision-making is often well removed from the operational functions. When employees have limited power over the decision making that impacts them directly, they potentially become dis-engaged. One interviewee noted a sense of dis-engagement resulting from frequent re-structuring in the absence of real consultation and input from the affected people; she described the attitude of the personnel as resignation.

People are very apathetic and just don’t raise their voices. There’s a lot of apathy and just – the mood is worse than before when it was anger, it’s resigned…death almost in a sense. We just don’t care. They can ride over us. G3 (38:55)

The conservative nature of Edu – Org, where decision-making is located at the executive level, is matched by a strong organisational hierarchy of delegation and accountability.

Hierarchical
Three aspects of hierarchical organisations were identified by interviewees. The first is the way relationships in the workplace were based on the nature of the employment
contract. This interviewee noted that personnel on short term contracts were treated
very differently from permanent staff.

*Usually the contractor would be the first one to be…pushed around. It
seems to be the culture there because the permanent staffs (sic) are the
ones who have been there for a long time and most of them know their
stuff very well and most of them feel very arrogant attitude (sic) and most
of them are supporting each other. And the contractors – well from my
circle over there – are very well behaved because maybe they’re bit
afraid. G2 (1:03:35)*

The second indication of a strong hierarchy is associated with the mis-use of
positional power, and comes in this quote where the interviewee revealed that her
supervisor ordered her to breach national quarantine regulations.

*So Geoff sends me an email – ‘Get out a [sample] for this guy to take back
to Saudi’ and we look at the regulations. It’s totally against the
regulations. And I’m saying, ‘We won’t do it.’ He says, ‘Do it.’ G1
(55:35)*

This interviewee also expressed significant frustration that her supervisor utilised his
positional power over her to undermine her international credibility and interfere with
her working relationship with her peers. Her example of this order, which was illegal,
demonstrated the extent to which her supervisor considered himself invulnerable and
her powerlessness within Edu – Orgs hierarchy.

A third aspect of hierarchy is revealed by the next quote, which suggests that the
culture of Edu – Org has changed and this is reflected by the human resource
departments focus on assisting and supporting the managers rather than the entire
workforce. She said:

*Yes it’s definitely changed towards a more management-focused HR. I
think it used to be…when it was personnel it was people in general. Now
it’s definitely we are there to support managers and I think that’s the way
people see it. GH4 (23:45)*

These quotes suggest that Edu - Orgs culture is strongly hierarchical, delegation
boundaries are clear and strong and trust between the different classes of personnel,
both horizontally and vertically, is limited.

**Protection of reputation**
Pockets of unchecked and unrestrained power are a potential risk to any
organisation’s reputation. For Edu – Org, where a very high value is placed on
external reputation, the senior executives applied a number of different strategies and techniques aimed at containing the risk of damage to the organisation’s reputation. This was identified clearly by this informant when she noted:

*I think it’s just that organisations have become so risk-averse that you just have to say the word ‘risk’ to a senior executive and they just say ‘what do we do to stop that’* GP1 (45:35)

This risk adverse approach was codified by the development of an organisation wide compliance program which allowed managers to self-assess risk levels of the full range of operational functions and activities. This compliance approach to decision-making, extreme individualism and the primacy of the organisational reputation led to some unusual interpretations of the meaning of a grievance. In the words of a very long term employee, more than 30 years, a grievance was not *real* until it was put in writing and submitted to the CEO.

*And I think one of the problems with this is that, because we’ve become so compliance oriented and I’m talking about external regulation, is that the – and I’m only guessing – [Edu – Org] probably fears being named, complained about, by having not meeting a standard, by getting a black mark and so there is this feeling that you’ve got to immediately work to not allow it to become a real grievance. GP1(44:35)*

What is particularly interesting about this comment is despite the focus on Edu – Orgs reputation, the primary concern is to avoid publicity caused by a grievance rather than damage caused by the substance of the grievance. The fact of the grievance is viewed as a deviance to the norm, to be controlled and minimised.

**Unitarist**
The unitarist approach to strategic human resource management is based on the assumption that the efforts, interests and values of all employees are aligned with the organisations values and aims. Hence, under this ideological approach, which assumes cooperative relationships and shared goals, a conflict or disagreement is considered to be the product of a failure of communication. Individual employees who raise a complaint or grievance, in spite of opportunities to clarify the communication failure, are viewed as deviant or colloquially described by this interviewee as troublemakers:

*I suspect people think twice about going to a formal grievance because of the risk of maybe their careers not being successful after that….By the time it gets to the stage of being a formal complaints you’re a trouble maker at that point. GP1 (50:19)*
Other comments support the unitarist theme; for instance the achievement of organisational level goals relied on employees who are happy, presumably he meant expressing job satisfaction.

*I think that in order for [EDU ORG] to perform its function as well as it needs to do it needs to have happy staff.* GP2 (15:35)

One interviewee expressed her concerns about the negative impact a unitarist approach can have. At the conclusion of each interview, each informant was asked how they would make the grievance resolution system better. This interviewee identified the benefits of a pluralist approach and explained her analysis that loss of innovation as a long term effect of a unitarist approach.

*I do expect better, I expect them to have a pluralist view of a whole lots...lots of different kinds of personalities who can work in different ways to bring the whole product together. What they’ve done is always appoint people who are in their own image and that – you know that that’s how the whole structure goes. You don’t question. You just do what you’re told and they’re losing any dynamism. They’re losing any innovation or initiative and it shows. And they’re in trouble – terrible trouble in the section.* G3 (8:35)

There is a high degree of concurrence between the text and interview generated themes. An obvious parallel is the orientation to compliance, as derived from the text analysis, and the twin characteristics of conservatism and managerial hierarchy noted by the interviewees. Similarly the focus on external rewards and public reputations dovetails with the interviewees’ recognition of the importance of Edu –Orgs public reputation. Both the texts and the interviewees revealed that individualism was highly valued.

The focus on fairness was revealed by the texts but not identified by any of the interviewees, including the policy writers and the grievance handlers. One explanation is that the data is not collected a representative sample, rather a sample that has a particular interest in grievance resolution systems, and therefore their experience of organisational fairness is coloured by their experience of Edu Org’s grievance resolution system. Another explanation is that a unitarist ideology implies fairness in its dealings with the in group, while adverse actions towards an out group, or a deviant individual, are justified in order to protect the integrity of the in group.
This relatively high degree of agreement between the interviewees and the texts may be linked to the strength of Edu – Org’s organisational culture. In the following sections of this Chapter the grievance resolution system and the lived experience of the interviewees will be located within the context of Edu – Org’s organisational culture.

7.3. The Grievance Resolution System
This section reviews Edu – Org’s grievance resolution system by examining the texts and promotional material that refer to grievances, discipline and codes of conduct. As detailed in Chapter 3, these texts included the Enterprise Agreement, the internal Human Resource policies and procedures, the intranet site, internal posters and flyers. The policies and procedures require that grievances at Edu – Org are addressed to the immediate supervisor or that person’s supervisor if it is inappropriate for the immediate supervisor to be involved. If these attempts fail then the grievant can apply in writing directly to the CEO requesting a full review of the matter. The central human resource division has no role in the resolution process but can provide advice to the grievant including assisting the grievant to put the matter in writing. On receipt of a written grievance the CEO then appoints a person to investigate the matter.

The only process the grievance resolution policy refers to is investigation. Edu – Org’s documents do not refer to resolution methods or criteria, nor the decision criteria to be applied to the selection of the grievance handler. At the completion of the investigation the CEO decides, based on the arising recommendations, to either confirm the status quo or make changes, and provides reasons to the grievant. Figure 7.1 sets out the grievance resolution system in Edu – Org. This process is set out in the Enterprise Agreement and re-stated in the internal human resource policies and procedures.
This simplistic process outline belies the selection of investigation and arbitration as the default resolution process. Although these processes are usually used, according to all interviewees in this study, the relevant texts do not specify that all elements essential to this quasi judicial process are in place. At a minimum these elements would include the right to hear and to present arguments and evidence to a qualified, impartial and independent dispute resolution practitioner. These basic components of procedural justice are not guaranteed. The grievance resolution policy does inform grievants of external avenues of redress, although because of the immediate escalation to the CEO, there is no internal avenue of appeal. Process details are confined to the statement that the grievance to be resolved *quickly, impartially, and fairly* ...*[and]*  
*locally and informally.* Further, that *work shall continue according to custom and*
practice while the grievance resolution process is under way. The term, fairly, is used in conjunction with every document relating to grievances and suggests a great concern for ensuring that outcomes meet the procedural justice criteria of consistency, bias suppression, accuracy, correctibility, representativeness and ethicality (Leventhal, 1980). However, these are not detailed in the documentation.

There is a distinct sparseness in the policy and procedures, and associated flyers and posters, with regard to process criteria. There are also significant limitations in the information provided. There is no policy based definition of what matters or circumstances might constitute a grievance, although posters and flyers include some examples. Access to information about the grievance resolution system is made difficult by the obscure location on the intranet of the grievance resolution policies and guidance notes.

In the grievance resolution policy the word should is used repeatedly. This takes a positivist stance since it assumes there is a correct, and therefore incorrect, answer to the matter. Another indication of a positivist stance is the confidence in an investigation process that relies on testing evidence. A second assumption is that the original parties have the competence to accurately identify the issues and then develop options that will address the concerns and interests of all parties. This assumption avoids recognising that the original parties, who created the grievance, have not been provided with additional resolution tools or other forms of assistance that might allow them to remedy their initial problems. The next line in the grievance resolution policy relies on a double negative:

nothing in this policy precludes...raising a grievance directly with a senior [employee]...

The use of a double negative acts almost like a warning, it is not an invitation and read immediately after the should implies that this step can only be used if the matter or the parties are not normal; this becomes a label of deviance.

On the reading of the texts it would appear that the human resource division takes a very passive role. For grievances related to bullying, of particular interest to this thesis, the grievance resolution policy simply states:
For initial advice and information, contact [the human resource division].

There is no indication that there are other options available to the human resource division beyond the previously identified options of resolving the matter yourself, requesting assistance from your supervisor and putting a written grievance to the CEO.

Although clearly not a representative sample from which inferences can be drawn, this case study, as with the two previous case studies, benefits from a brief analysis of the characteristics of the parties involved in each grievance described by the interviewees. As neither policy writers had direct experience in grievance resolution processes at Edu – Org, there is no information about specific grievances from them. One grievance handlers had extensive experience in this role and so did not describe a single grievance resolution process, rather spoke generically about his experience.

As with the previous Chapters, this section categorises the parties using Lepak and Snell’s Human Resource Architecture typology (Lepak et al., 1999). In Edu – Org, a party with high value and high uniqueness is labelled ‘Developing’, and would typically have professional skills and a reasonable amount of organisation specific experience. They include managers above the front line supervisors and specialist professionals. The personnel characterised as ‘Acquiring’ would typically be entry level professionals or administrators. There were no interviewees categorised as ‘Contractors’, that is, personnel with low value and low uniqueness.
Table 7.5  Grievances discussed by informants

<table>
<thead>
<tr>
<th>Type of matter</th>
<th>Grievant</th>
<th>Alleged perpetrator</th>
<th>Outcomes for grievant</th>
<th>Outcomes for alleged perpetrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wrongful dismissal/Bullying</td>
<td>Developing</td>
<td>Developing</td>
<td>Claim not substantiated - Terminated</td>
<td>Nil</td>
</tr>
<tr>
<td>Bullying</td>
<td>Developing</td>
<td>Developing</td>
<td>Claim substantiated Voluntarily terminated</td>
<td>Not known</td>
</tr>
<tr>
<td>Physical threats</td>
<td>Acquiring</td>
<td>Developing</td>
<td>Claim not substantiated Nil</td>
<td>Voluntarily terminated</td>
</tr>
<tr>
<td>Bullying</td>
<td>Developing</td>
<td>Developing</td>
<td>Claim not investigated Nil – bullying continued</td>
<td>Nil</td>
</tr>
<tr>
<td>Bullying</td>
<td>Acquiring</td>
<td>Developing</td>
<td>Claim not investigated Nil</td>
<td>Transferred</td>
</tr>
<tr>
<td>Bullying</td>
<td>Developing</td>
<td>Developing</td>
<td>Transferred</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Adapted from Lepak and Snell (1999) Human Resource typology

Key
Descriptor of personnel involved in grievance
- Developing: high value, high uniqueness
- Acquiring: high value, low uniqueness
- Contracting: low value, low uniqueness

In this case, the typology shows that grievances between parties of similar characteristics, that is both with high value to Edu – Org and high uniqueness, resulted in poor outcomes for the grievant and nil outcomes for the alleged perpetrator. None of the matters described by the interviewees had positive outcomes for the grievants, although several reported a nil outcome. However, it was unclear in those cases whether the bullying behaviour ceased after the grievance was made. It should also be noted that the typology does obscure some significant differences between the parties. For instance in each of the matters where both parties fit the Developing type, the alleged perpetrator was the grievant’s supervisor.

None of the interviewees discussed a matter where the grievant was satisfied with the outcome. Indeed, the most experienced grievance handler interviewed believed that it was not possible to meet a grievant’s expectations. He said:

> Sometimes I think the aggrieved has such a sense of injustice about the way they’ve been treated that what they want is something different than what you can deliver for them. And I think in many cases, an aggrieved person wants a sort of vengeance and they want something righted and that’s not necessarily going to happen. GH2 (15:35)
This informant was aware of an important aspect of grievance resolution, namely the alignment of grievant’s expectations with outcomes that are reasonable from the organisation’s perspective. Indeed, this is central to this research.

The grievance resolution system in Edu – Org relies on the skills of front line supervisors to resolve matters in the first instance. The quick escalation of a grievance to the CEO is a disincentive for the ordinary employee to follow through if they are unsatisfied with the initial response. Of the limited numbers of grievances reviewed none had positive outcomes for the grievant. At the same time only one of the alleged perpetrators had an adverse outcome, although it is not possible to ascertain if the transfer was directly associated with the grievance.

7.4. Expectations of the Grievance Resolution System
As with Chapters 5 and 6, this section reviews the themes relating to expectations about the delivery of justice via the grievance resolution system. Firstly an evaluation of justice values permeating the organisational texts is undertaken, this analysis extends the previous analysis of the organisation culture. Secondly, the interviews are deconstructed to reveal the informants expectations. Themes from the interviews are illustrated by direct quotes.

Text generated expectations
The primary source of information about the grievance resolution process in Edu – Org is the Enterprise Agreement, the content of which is discussed above. This is supported by a generic internal policy that provides extremely limited additional information. Other sources that provide an indication of Edu – Orgs commitment to the delivery of justice via the internal grievance resolution system include posters and flyers that target specific bad behaviours. There is no single source of information about the standard of behaviour expected, such as a generic code of conduct, that is widely publicized, although the Conditions of Employment does contain some limited information about general standards of behaviours. An extensive array of policies and regulations dictate the conduct of personnel in specific circumstances. Although all these texts are located on the intranet, nevertheless they are difficult to locate.
Exemplar adherence to codified principles, match and exceed community expectations, fair workplaces

Edu – Org’s texts forcibly extol its ability to exceed normal performance across a range of endeavours. By placing a very high value on excellence in performance Edu – Org creates an environment where the ability to report superiority becomes paramount. This also leads to a no tolerance approach to managing improper behaviour; in reference to compliance with certain statutes the Annual Report states:

> It tolerates neither improper conduct by ...staff...nor the taking of reprisals against those who come forward.

Also taking a no tolerance approach is the ‘NO Bullying’ glossy brochure, which states:

> There is no place for bullying at [Edu – Org], where safe and respectful environments are a priority.

This brochure was only available at the door of the human resource department, located in a separate building with access difficulties. A no tolerance approach is attractive to policy makers and senior executives because it implies a strong stand will be taken. This approach also tends to give comfort to the broader personnel, as they assume it means that strong action will be taken. However, the statement in itself does neither of these things. A more detailed discussion of the no tolerance approach and its implications will be undertaken in Chapter 8.

Generic information about behavioural standards is limited to a clause in the Conditions of Employment contract. It says:

> All staff to maintain a high standard of conduct and work performance, and observe standards of equity and fairness in dealing with students, members of the public and other staff.

The terms equity and fairness can be interpreted liberally. Specifically of interest is the choice of the term equity, rather than equality. As discussed in some length in Chapter 2, equity relies on assessments of relative value, such that ratios between input and output are kept equal across individuals. The interpretation of equity and how it translates across to policy implementation and behaviours is problematic. For example input is often categorised as the value of the individuals work, and output is frequently defined are remuneration. Equally, output could be defined broadly as
what you get back from the organisation. Thus, equity principles can readily be interpreted to allow lesser treatment of staff whose work is of less value. Within an organisational culture that prizes excellence, encourages competitive individualistic behaviours and institutionalizes extreme hierarchy, the principles of equity may give license for poor behaviour towards less powerful staff.

At the time of this research Edu – Org’s web site information about grievance resolution makes several references to fairness, it said:

*Fairness and impartiality shall prevail throughout the appropriate resolution policy.*

*Confidentiality, natural justice and protection of the individuals are important principles underpinning [Edu – Orgs] grievance procedures.*

*Written complaints are directed to the [CEO] who may appoint an independent grievance conciliator to investigate the complaint and facilitate a fair conclusion as quickly as possible.*

However, as they are not supported by clear performance criteria and provision for a suitable range of actions, these could be classified as *motherhood statements*. As noted in the discussion of a *no tolerance* approach, a mere statement of intent does not make a policy and procedures framework.

**Interview based expectations**

As with Chapters 5 and 6, analysis of the interview transcripts identified both positive and negative comments that were based on each individual’s expectations of the grievance resolution process. Analysed from the perspective of the underlying justice assumptions, these themes are discussed and then illustrated with direct quotes. A set of descriptors for each individual interviewed is found in Tables 7.1 and 7.2. This code, and the time place in the interview, identifies each quote. Figure 7.2 shows the key themes drawn from the interviews.
Interviewees were asked a number of questions that gave them an opportunity to reveal their expectations about how the grievance resolution process would operate. Some interviewees spoke generally and in broad terms about achieving a resolution that met the needs and concerns of the parties and was contained within the operational parameters of Edu – Org. These comments indicated a sophisticated level of knowledge of resolution processes. Other interviewees were more focused on the grievant, and through this focus expected the grievance resolution process to fully satisfy unmet needs and concerns. Some interviewees noted how a process can put very specific boundaries around what is to be addressed. Mention was made about particular aspects of procedural justice, with substantive justice being referred to more generally, although there was confusion about what constitutes procedural justice. Some raised questions about the competency of the managers responsible for grievance resolution. Several interviewees linked a successful grievance resolution system with the operational performance of Edu – Org.

Unlike the previous cases studies, Chapters 5 and 6, there is not a clear delineation between the comments made by grievants and the others. For instance, policy writers, handlers and grievants all made comments that referred to the link between successful resolution and the organisations performance, at some level. The next section details themes revolving around the interviewees expectations.
**Complete Process**

A number of the interviewees expressed their expectations about how the grievance resolution process would operate. It was expected that adherence to the process would reveal the truth, and that the process would allow a full consideration of the context. From a different perspective, there was an expectation that the process addressed the issues of concern to the grievant. One interviewee expressed the view that if the grievance resolution process focused on the grievant, this would ensure that the full story would be understood and this would inevitably lead to the truth being revealed.

> It was a most unpleasant process for the person who was dismissed and I have to say I felt the whole process, whilst it was handled appropriately within the framework, didn’t really address the sorts of issues that should have been addressed by the process. GH1 (29:10)

In this matter, the grievance handlers considered that the decision-making criteria established by the grievance resolution system actively hindered the panel of decision-makers from collecting relevant information and therefore acted to protect managers accused of improper decisions.

> No, I’m still – I’m not pleased with the outcome. I’m not pleased with the process I have to say, and I still feel uncomfortable about the fact that we came to the conclusion that we did, in the sense that we couldn’t disprove that it was a dismissal for budgetary reasons, but I think all three of us believed that it was based on personal reasons. GH1 (54.50)

This interviewee described in some length how the evidence submitted was incomplete and inadequate, which led to considerable frustration. However, the requirement to disprove the motivations of the alleged perpetrator was primary, and led to a focus away from the grievant. This grievance handler was genuinely concerned about the grievant and establishing the full story of what had happened. In response to a question about his motivation during the grievance resolution process he said:

> Oh, the most appropriate outcome for the complainant and for addressing the issue. GH1 (43:45)

In this matter, the interviewee went on to say he considered that the limitations of process forced an unsafe outcome. An outcome is termed *unsafe* if it does not sufficiently address the grievant’s concerns, thereby increasing the likelihood that the grievant will continue to pursue satisfaction by taking the matter to another arena.
A number of interviewees referred to the possibility that the outcomes could include a systemic review of the context in which the matters complained or arose. The option of training and/or counseling as outcomes were considered a kind of catch all generic outcome that did not necessarily address the issues contained in the grievance.

**Justice and fairness**

This thesis takes the view that substantive justice in an employment grievance relates to the actual determination of the grievance; for example whether the grievance is accepted and acted on, whether it is proven or not, and whether the alleged perpetrators are found guilty or not. Interviewees were asked directly if they believed that justice was achieved in the matters that they knew about. The terms *substantive* and *procedural justice* were not used by the interviewer. As indicated in the section above, this grievance handler had serious misgivings about the grievance resolution process. In his response to a question about justice he said:

> Justice would have been probably a way of finding the truth of the matter, rather than working within a particular framework that to a certain extent obscured some of the truth of the matter. GH 1 (48:25)

This interviewee expressed considerable inner turmoil, on one hand he believed he has operated ethically and appropriately because he had adhered to the requirements of the grievance resolution process as it was laid out in writing. On the other hand he steadfastly believed that the grievant did not get justice, that the truth of the matter was not revealed and that therefore the grievance resolution process acted to re-affirm an incorrect action.

This was the response of this grievance handler to probes about procedural justice;

> What in the process were you satisfied with?

> Probably only the fact that we followed the process appropriately.

> Generally, it sounds as you were pretty unhappy about the process.

> I'm fairly unhappy about the process relative to that particular event. Whether it would work better in other circumstances I don’t know. I think one of the influencing factors here was the involvement by senior management ...in terms of supporting the case of the manager who had dismissed the staff member with information which was contradictory in itself, but that [senior manager] is probably the biggest bully that I’ve met
within the organisation and his method of managing at that senior level was to effectively bully those underneath him. GH1 (49.10)

In short, this interviewee identified consistency, and possibly bias suppression, as elements of procedural justice that were met. By omission he raised accuracy, representativeness and ethicality as procedural justice elements that were not met. The sixth element, correctibility is met by referral to the CEO or to an external agency; in this case it would have been the Australian Industrial Relations Commission8 (AIRC). However, as the chairperson of the panel was a part-time member of the AIRC, the likelihood of the grievant appealing to the AIRC was minimised.

In common parlance the terms procedural justice and natural justice are often interchanged, although in the literature procedural justice is used by management scholars while natural justice tends to be used by legal scholars. As procedural justice relates specifically to the steps taken in a grievance resolution process a clear enunciation and understanding of the six principles would appear to be the policy drafters’ lexicon. This area was probed:

*Your policy says ‘quickly impartially and fairly’, what does that mean to you?*

*It’s natural justice.*

*What does that mean?*

*Natural justice is what you afford an individual who has made a claim / an allegation made against them to ensure that they have fair treatment when the allegation is being considered. GP2 (1:1:45)*

He went on to provide text book descriptions of impartiality and then to describe fairness as ensuring that both parties have the opportunity to be heard GH1 (1:4:45). This lack of detailed understanding of the elements of procedural justice was replicated by the most experienced and qualified grievance handler.

*When you were trying to find a resolution for a grievance and you were thinking about justice, what kind of values did you have in mind?*

*I was thinking about fairness really. I think there’s two types of fairness there and one is in implementing the procedure fairly and one is in being fair in your dealings with aggrieved parties, and the other side for that*

8 Now Fair Work Australia
This interviewee was not wrong, just incomplete in his understanding of procedural justice and its cousin interactional justice. The phrase *implementing the procedure fairly* could apply with implied meaning to any one of the six principles of procedural justice. Similarly the phrase *being fair in your dealings with aggrieved parties and the other side* could be referring to the construct of interactional justice. [note, there is debate about whether interactional justice is subsumed by the elements of procedural justice].

Clearly, consistency of application of explicit policies and procedures neither addresses internal consistency of those policies and procedures, nor other aspects of procedural justice. From the perspective of these two interviewees, so long as the grievance handler has followed the procedures as they are set out, and without regard to the inherent fairness of those procedures, then the process was fair. As the next quote indicates, grievants did not experience this close adherence to the prescribed steps as fairness, although their ability to articulate details of procedural justice was more limited.

*I think I’ve been treated unfairly, so probably just take it easy, not to think that ‘I deserve this, I should deserve that, I shouldn’t be treated unfairly like this’. And true anyone shouldn’t be treated like this, but maybe I can as for myself I can do something better. I don’t know what. But maybe next time I can do something better not to be emotionally affected. G2 (46:35)*

This interviewee has made a link between being treated unfairly and her emotional response. This is particularly interesting in light of some recent evidence from the field of neuroscience which found consistent brain activity in response to perceived unfairness (Singer et al., 2006). It appears that following the rules of the existing grievance resolution process will not necessarily provide justice to the grievant:

*I think that the rules that it has doesn’t make it the kind of system that gives aggrieved people the capacity to take the grievance through the system, so it’s not a trustworthy system. You can have a system which means we’ll get only one or two a year and it’s so difficult for the person to take it through and everything’s fair and working correctly, but still not a trustworthy system because it’s not working for all the people. I’d say that it’s not giving the aggrieved satisfaction, rather than worrying about the perpetrator. I guess that there’s a lot of changes that need to be made,
there’s not a culture in HR at the moment that makes you feel very comfortable in terms of taking...even ringing them up. GH4 (23.16)

This knowledgeable grievance handler linked Edu – Org’s very low grievance filing rate with a system that deliberately obstructed genuine grievances from being brought forward and dealt with constructively for all parties. These comments are in line with previously reported comments from GP1, a long term senior member of Edu – Org, who made comments about the need to stop the grievance becoming real.

Quality of Resolution

One interviewee raised specific aspects of the principles of resolution, particularly those that related to the quality of the outcome. He was interested in achieving a durable and practical resolution that the parties had ownership of. He talked about ensuring that the resolution was a practical solution that worked for Edu – Org.

Organizations employ people to mediate disputes because they want the dispute resolved, right, in a way that’s going to work practically, right? So in the back of your mind you’ve always got that thing well, you know, I’ve been engaged to resolve this dispute and I need to try to resolve it. GH2 (11:35)

He detailed some outcomes that would not be considered by Edu – Org, including removing the alleged perpetrator from their position, whether or not they were found guilty of the conduct complained of. As a very experienced and well qualified dispute resolution practitioner, GH2 also expected to be able to come to a durable resolution that the parties had created themselves and hence had a degree of ownership of the outcomes.

In the end there has to be ‘buy in’ by the parties to the outcome, right? If there’s not buy in from the parties then it’s not going to work. So you try to negotiate an outcome that’s going to be acceptable and you can’t impose something and just walk away from it and think, okay that’s what it should be and then the whole thing just unravels. You want something ‘durable’. GH2 (13:35)

This view of resolution is in line with accepted alternative dispute resolution practises, where the individual involved in the conflict work together, with the help of an independent neutral expert, to gain a shared understanding of the issues and their impact and to create solution that meet the needs and concerns of all parties. However, there are many other elements for consideration during the implementation
phase, including some further elements of outcomes and other principles which relate to other active phases.

**Expertise**

Expectations about the level of conflict resolution expertise that should be held by managers were also expressed. This new employee expressed concern that managers did not have the level of general management expertise, including complaint management skills, that was commensurate with Edu – Org’s self-promotion.

*I think a top university or a top organisation should come with the top management and the people who are the employee’s should be at the top level and the high level. And to me I don’t think they are adequate. They’re not competent to their position. I can do much better job than them.* G2 (1:12:35)

This expectation of competence had been thwarted, leading to expressions of frustration and mild disgust. Other thwarted expectations about conflict resolution expertise came from the Union support person who was reported to have said:

*[He] felt that the process that we went through and certainly his comments I think reflect both his opinions of the way [the other Panel member] conducted himself and I conducted myself in the process was appropriate. *[He] had some concerns about the Chairperson, the independent arbitrator.* GH1 (38:45)

This interviewee also made muted claims regarding his concerns about the conduct and expertise of the Chairperson, a man of high social standing. However, he did refer obliquely to these concerns twice throughout the interview.

**Protection of the organisation**

A number of interviewees mentioned that the grievance resolution process would protect Edu – Org in some way. On one hand this was considered as part of Edu – Org’s responsibility under OH&S legislation, in this guise an adequate grievance resolution system was considered as part of the system for providing a safe workplace.

*[Edu – Org] is committed, I imagine, to providing an equitable and safe and fair workplace.* GP2 (41:35)

One grievance resolution policy writer, GP2, was able to describe in some length how a fair workplace was linked to a safe workplace, including linking psychological
safety with managing bullying behaviours and fair resolution processes. The other grievance resolution policy writer negatively linked a well functioning grievance resolution system with an automatic examination of the underlying causes of a grievance or complaint. She said:

\[T\]he worst risk in actual fact is not so much that, because I think people do get scared and go away at some point, but more likely you won’t ever really get to the root cause of the risk \[GP1 (46:00)\]

On the other hand this grievance handler considered problems with the grievance resolution system at Edu – Org reflected deeper cultural problems that were demonstrated by the lack of respect given to a grievant by management and cited an overall distrust of the systems and the people responsible for implementing it.

And I’ve seen it too often that even in the discussions that management have between themselves when you are defending or supporting someone, and I have been in that situation on at least seven occasions I’d say in a formal way…I’ve seen the managers talk about the people often in that way. It’s just – it just happens. So I mean, I just don’t believe that [Edu – Org] has a system that people have got faith in. And it shows in the figures and the numbers of people who take up grievances. It’s minimal – it’s appalling And that’s the way they like it – obviously the less problem you’ve got, the less…but I think in the long run it’s not a good thing for them, because I think that if they have a system that people believed in and was transparent and was trustworthy, it would help. \[GH4 (22:35)\]

Expectations of Edu – Org’s grievance resolution system were mostly expressed as a thwarted ideal that had been initially created by Edu-Orgs self-promotion. The grievance resolution process was described as inadequate by interviewees. They cited its lack of focus on the satisfaction of the grievant, its limited use of procedural justice elements, the lack of specified options for outcomes for either the grievant or the alleged perpetrator and the limited expertise demonstrated by the personnel authorised to handle the grievance.

7.5. The Experience of Participation in the Grievance Resolution System

In Edu – Org the grievance resolution system is narrow and restrictive by virtue of its limited steps and lack of procedural justice criteria that would enable a disinterested party to establish whether procedural justice had been achieved. Additionally, the minimal documentation that does exist is difficult to locate. Clearly, the ramifications
of these difficulties were understood by this interviewee, a senior manager with over 30 years of service at Edu – Org.

One of the problems with our policies and procedures as I see it is that there isn’t always an alternative to if the person who’s harassing you or bullying you is your head of department who you can go to – other than going to the Vice Chancellor – but that’s not what everybody wants to do.

GPJ (10:35)

For those few who made formal grievances either to a senior manager or the human resource department, the experience was unsatisfactory. Additionally, the grievance handlers uniformly expressed frustration arising from the limitations in the policy and procedure documentation. Concerns were raised about the ability of Edu – Org to protect witnesses from retaliatory actions, passive or overt, and the general lack of active support for the grievant.

Several grievants approached the union for support; they were very satisfied with the practical advice and availability of union personnel to accompany them to relevant meetings. Grievants also expressed a global distrust of Edu – Org, in part in reaction to the muted responses at the first level of complaint. Figure 7.3 sets out the deconstruction of the interviews by themes associated with their participation in the grievance resolution process.

**Figure 7.3  The experience of participation: Key themes**

![Diagram showing themes associated with participation in grievance resolution process]

- **Org. Unsympathetic**
  - protect perpetrators
  - ignore grievance
  - not trustworthy

- **Union**
  - practical support
  - advice

- **Skills of grievance handlers**
  - no training
  - experienced & qualified
  - empathy & instinct

- **Limited HR involvement**
  - narrow policies & procedures
  - doubtful protection of witnesses
  - operational focus
  - limited support for grievant

**Unsympathetic responses from Edu – Org**

Some grievants made verbal complaints to their managers, including approaching the managers in the next level up. Other grievants made their concerns known in writing. However, neither type of action elicited a satisfactory response from the managers.
As there was little evidence from grievants in this case study who were satisfied, and with the obvious limitations imposed by this research methodology, comment about overall satisfaction is unavailable. However, as this research deconstructs the lived experience of the participant in a grievance resolution process, the details and structure of the complaints is of interest. Of particular interest was the lack of active response from the divisions of Edu – Org one would normally expect to provide this service. Several interviewees mention their surprise, and then frustration, at the overt lack of response to their initial complaints. In the following example this interviewee was describing a lengthy scenario of bullying and attempts to protect the target, she said that in line with the general organisation wide responses, her direct request for specific support from the counseling service was rejected.

*I’ve actually been through the Counseling Service here and said, ‘You put out your glossies. I work for a bully. You give me strategies to work with a bully’ and the service said, ‘Well, now it’s coming up to term time the students have got more needs than you’. They won’t see me. G1 (50:35)*

By refusing service on policy grounds, i.e. the students needs take priority over staff needs, the counseling service division avoids being able to measure the extent of the problems and possible damage. References were also made about a climate of obstructing or hindering the progress of a complaint, and an unwillingness to address the issues raised.

*so the ...professors protect him and we’re just the ... lackies ...(24:35)*

*The first time I went to the Head of the Department, they’ve been cronies. They’re both medical and they’ve both worked together at the [hospital]. G1 (43:35)*

This interviewee went on to say that she had been thwarted by each senior manager she approached. In describing how this happened on several occasions, she extrapolated her individual experience to a general belief that Edu – Org was permeated with an attitude of protection of the alleged perpetrator. As already quoted, one grievance handler generalised further, expressing the view that Edu – Org’s response to complaints and grievances contributed to organisational distrust.

**Union involvement**

For a grievant experiencing a new culture, along with a workplace grievance for the first time, the whole experience was very distressing emotionally. This interviewee
cried during the research interview, although she expressed a wide range of coping skills including stating that she would not be so emotionally involved next time. She expressed her gratitude to the union she had sought help from.

*The union organiser* is very good. He gave me ideas and he basically encouraged me and gave me suggestions, very good suggestions, and gave me a chance to talk. And he’s a very good mentor and also as a friend too he helped. He was very good. G2 (42:45)

This support role offered a different perspective on the grievance from the approach adopted by the initial recipient of the complaint. In providing this differing perspective essentially on what was to be considered as appropriate behaviour in the circumstances, the union support person was able to reduce this grievant’s anxiety and position her to more ably argue her case.

*So he give me a support as if like a shoulder I can sort of know, that yes, what I have done is correct. I’m not wrong and they shouldn’t be treating me like this and I have a support and I should stand for myself.* G2 (52:35)

The existence of, and the active involvement in grievance handling, by an employee association indicates some real support for a pluralist approach to employee relations at Edu – Org.

**Skills of the grievance handlers**

Most of the personnel who were called on to perform a role in resolving a grievance had no relevant training, nor were they provided with specialist training as part of their role as grievance handlers. Whether the process required an investigation, a more straightforward analysis of presented material as occurs in an arbitration, or a more party focused process such as mediation, most grievance handlers had no specialist skills. Grievance handlers with no specialist skills expressed a sense of being overwhelmed by the task.

There was one grievance handler who had specialist qualifications in arbitration and mediation. However, he expressed concerns about how the existing grievance resolution procedures limited the types of approaches he could use to resolve the matter. According to him, these procedural restraints resulted in judgments made by instinct.
In the end I think you have to make a judgment yourself about where you think it lies and it will – some of that will be gut feeling in the end. You can’t – because of the constraints on the procedure – you can’t necessarily corroborate it like you would in a court. GH 2 (11:40)

This grievance handler considered it essential to establish trust early in the process; he demonstrated understanding of the role of empathetic listening in collecting information and evidence about the grievance.

I think the person, the complainant is usually so traumatized,... they’re already feeling very bruised by the whole thing and you’ve got to establish some empathy to get what they feel they should tell you across, because if you don’t establish some empathy and trust I think you’re not going to get much at all. GH2 (10:10)

This degree of competency was not expressed by the other grievance handlers interviewed; rather they displayed an earnest desire to undertake the implementation of the process to the best of their ability. No particular criticisms of the skills of the grievance handlers were voiced.

Limited human resource department involvement

As noted there were frequent comments from the interviewees about how the narrowness of the policies and procedures, in their existing form, unduly and possibly unreasonably limited the resolution processes. This included the scope of the matters that could be examined and the type of information that could be relied on when making a decision. Additionally, the decision making criteria was not public, nor were the range of options delineated.

It was a most unpleasant process for the person who was dismissed and I have to say I felt the whole process, whilst it was handled appropriately within the framework, didn’t really address the sorts of issues that should have been addressed by the process. GH1 (29:10)

I think personally [the other panel member] may have shared some of my concerns [about the process], but ...had to concede that that the information wasn’t there to prove what we may feel personally was the true reason for the dismissal, as distinct from what we were able to ascertain in terms of presentation of evidence at the end. GH1 (36:35)

Other frustrations also appeared. This grievance handler found that the existing policies and procedures did not support making a selection from a range of suitable alternative disputer resolution processes.
Can you just think back to the situations that you’ve been in, how much guidance have those policies and procedures actually given you?

Not a lot. They don’t talk, in my experience, most of them don’t talk about methodologies of resolving things, so that’s left to you. It’s more about procedural things, you know, who you can talk to, how you go about reporting an end result, how you go about reaching a conclusion. It’s sort of procedural steps in a way. I don’t think it gives you much help at all about, you know, I mean that’s where your own skills and professional body of knowledge has to be employed. GH2 (15:35)

Responsibilities associated with the implementation of the grievance resolution system are not limited to drafting the grievance resolution policies and procedures. Organisational level responsibilities include maintaining confidentiality to protect the privacy of parties and the protection of parties from retaliatory actions. One grievance handler was uncertain about Edu – Orgs willingness and capacity to protect witnesses. He believed that this was directly related to the reluctance of potential witnesses to come forward. He said:

there were other parties interviewed and there were also other parties that wanted to be interviewed, but were managed by the same Manager and were reluctant to be interviewed because they felt that it would impact directly upon their position. GH1 (41:25)

Another grievance handler revealed an implicit operational focus in the grievance resolution process. In this response he discusses the need to focus on what is best for the individual however, these statement emanate from a position of assumed organisational primacy.

So you have to be a little bit pragmatic about it, but in the context of that – I mean what I try to focus on is what’s going to be best for that individual. And I have to make some assumptions about that and, you know, again it’s a judgment thing about what is going to be in the best interest of that individual. And if the best interests of that individual and the corporate organization aims don’t coincide, then that’s a difficult situation. GH2 (12:35)

The opening line of to be a little bit pragmatic implies that the answer will rest within the dominant power structure, in this case a practical solution that meets the needs and interests of Edu – Org would be selected if there were competing interests. As a grievance is by nature a complaint about a matter in which the organisation is considered to be derelict, presumably unknowingly, this appears to run counter to the prospect of a fair outcome being achieved. This is particularly concerning where the
organisation does not carry out a review of the context of the grievance to identify systemic issues.

All interviewees reported that the human resource group had provided no support for the grievants. Some parties considered it would have been appropriate to have been given information about what to expect during the process, including what might be the normal range of outcomes. One grievant, who was fairly new to Australia, felt out of her depth because she didn’t understand the cultural norms regarding complaints and grievances.

*I was very afraid and uncertain what should I do or am I right or wrong, or is this the culture here, whatever. No idea. G2 (52:35)*

Some grievants made very direct approaches to the human resource department. This interviewee describes words of sympathy and then acknowledgement that no action would be taken. She was not advised of the existence of a grievance resolution process, rather the opposite occurred. This grievant was given to understand that her account of bullying was accepted but that the manager in question was beyond the control and direction of central administration.

*What sort of reactions did you get from HR?*

‘Oh, isn’t that sad. Yes, we’ll try, but we really can’t…there’s a culture in the… Department, well we’ll try and do something, but you know we really can’t do much. G1 (44:35)*

Apart from the reports concerning the involvement of the union, the overwhelming experiences are described as passively negative. Organisational responses included avoidance strategies, restrictions in the processes, lack of attention to ancillary matters such as protection of witnesses, and reliance on front line managers and front line grievance handlers with limited skills in conflict resolution or complaint handling.

This suggests that the experience of participating in a grievance resolution process at Edu – Org did not match the interviewees’ expectations of a full and complete process that would address both substantive and procedural justice and provide durable solutions. Additionally, competency in conflict resolution and complaint handling strategies was not in evidence during the processes, while real concerns about maintaining confidentiality and protecting parties from retaliation existed.
7.6. Indirect Outcomes of the Grievance Resolution System

As this research is taking a holistic view of the grievance resolution system from the perspective of the individuals who participate in the process, outcomes refer to the direct results and also to the indirect changes in attitudes, behaviours and positions of each of the parties. The direct outcomes refer to the substantiation or otherwise of the claim, the proposed remedies and the grievant’s satisfaction. Indirect outcomes capture the passive and covert responses to the grievance. These include the health and well-being of the parties, perceptions of changes in career opportunities and changes in work performance. This section reviews the collected information and deconstructs the key themes. Figure 7.4 details the indirect outcomes for the grievant, the alleged perpetrator and then finds themes relevant to the organisation as a whole.

Figure 7.4 Indirect outcomes: Key Themes

Indirect outcomes for the grievant

During the interviews only one matter was mentioned where the grievance was investigated and subsequently substantiated. The other matters were either never brought to the formal investigation stage or, when investigated, the claim was not substantiated. As the literature says, perceptions of fairness are primarily linked to procedural justice rather than substantive or distributive justice, hence we could have found high levels of satisfaction with the grievance resolution process despite the negative direct outcomes for the grievant. However, this was not found in this case study. Participants revealed gaps in the application of procedural justice and a general attitude of blocking the grievance.
Each grievant interviewed, plus comments from grievance handlers who were familiar with the indirect outcomes for grievants, emphasized the negative impact on their career, their health and well-being and on their work performance.

**Negative impact on career**

All the grievants interviewed believed that since making their grievance their career prospects had been severely curtailed. They gave clear examples of applications for positions that they were well qualified for, where no acknowledgement of their application was received.

> Last year there was a senior lectureship going at the department. I have a friend who is a lobbyist. Her salary is $750 an hour – that’s the level – she lobbies to government in Australia – does things all over the place. She spent the minimum ten hours on a letter and cleaning up my CV and she said to me, ‘Apply for the position and I’m impressed by your CV.’ I handed it in, the department didn’t even give me an interview and when I asked why I wasn’t successful, the Professor in the department said…well, his attitude was, ‘Well, how impertinent of you to even think you could apply for this job.’ I met every selection criteria for the job and they didn’t even have the courtesy to say to me, ‘We won’t accept you.’ G1 (20:45)

Beside the overt rejections for promotions or more suitable positions, grievants also felt that they were being deliberately restricted in their day to day functions.

> I’m just at my limit. I love the work. I talk. I’ve done radio, I’ve talked and I don’t care. I’ll sit and do the routine work, but his thing to me is, ‘Diane, you’re not employed to any of this fancy stuff.’ G1 (31:35)

In this context fancy stuff is read as the opportunity to do advanced work, an integral component of demonstrating competency and readiness to be promoted, and possibly a hurdle requirement established by the human resources department. Another grievant described a similar indirect outcome; initially she was relocated and not given tasks in which she could demonstrate high levels of competence. She said:

> I was put in a new section where everything that I’d ever done before had no meaning, and everything that was given to me was totally new.

> Was that a direct response to you making the complaint?

> I think so. Whether it is or not, I still think so. And after that I would say that I have (been discriminated against)...I then put in applications for positions which I’m very qualified for because I have a Masters level and have been a lecturer. I didn’t even get interviews G3 (5:15)
The follow up probe elicited the information that she also considered that her career prospects had been severely hampered by her grievance activity. Whether or not it was true or could be proven, this grievant believed she was the subject of passive retaliatory actions by Edu – Org. When these negative perceptions are revealed to peers, they become part of the organisational narrative that forms the organisational culture.

**Negative impact on well-being**

All grievants reported a significant negative impact on their physical health and their psychological well-being. Physical reactions included increased blood pressure and disturbed sleeping patterns. This grievant, a fairly new employee, describes how she informed her manager of her psychological reaction of depression.

*Did it affect how you feel about yourself?*

*It did. I actually told my manager – I said I was depressed. I actually went to see (the union) – I was crying. I was depressed and I couldn’t sleep at night for quite a long time. I had to work extra hours to cope with the tasks. But I’m the sort of the person I’m very bad because I think it’s probably my personality as well. If I have something, especially before I go to sleep – if I have a bad day I probably wouldn’t go to sleep in the night.* G2 (41:35)

She went on to reveal that her doctor had prescribed medication for anxiety and depression as well as recommending she consult a professional counsellor.

*I have talked to my doctor about the depression and the sleeplessness. (My doctor) gave me some tablets for temporary short period and he suggest me to see counselor, but I didn’t because I was getting the help from (the union) as well as my husband, so – no I didn’t feel like I was that desperate to see a counselor. The tablets are for mental anxiety and sleep* G2 (44:00)

Another grievant describes the link between her increased blood pressure and her workplace.

*I can walk down to work and have no blood pressure. One night I got so steamed up after work I had to lie on the floor because I thought I was going to faint and from then on I’ve been on blood pressure tablets. And it’s registered with my doctor and I’ve registered it in my Human Resource notes. I have been to the doctor thanks to you that the boss that you won’t do anything about, I’m now on blood pressure tablets.* G1 (34:35)
The continued resentment caused by the inaction by the human resource department is also evident in these comments. She went on to say that her psychological well-being had declined to such an extent that her friends outside the workplace noticed changes in her demeanour.

*My friends have been telling me that I’m getting negative and that I’m niggly. Uhm…I’m easily triggered.* G1. (51:35)

Comments about increased anxiety leading to increased depression and sleep disturbances were common. Similarly, grievance handlers expressed concern for the well-being of grievants but were unable to support these concerns with direct information.

**Negative impact on work performance**

Changes in work performance during the grievance resolution process were noted by both grievance handlers and grievants. There was direct information from grievants stating they believed that their concentration and ability to undertake tasks was impaired. There was also indirect information about change in communication strategies in the work environment which lead to reduced ability to function effectively. Instead of fortnightly meetings with all this team, this grievant reported that she was being deliberately excluded from work based conversations. In her mind this occurred because of a breach in confidentiality, she believed that she was being shunned because other staff knew that she had made a grievance.

*It must have been spread around. I didn’t, but it has been spread around. Don’t know who and how. So they are very close to the managers, so I’ve been seen as a separate person from that group. So a lot of things that – your discussion and the works going on, I’m not included. So I feel very strange, but I have been putting up with it.* G2 (40:35)

Another grievant said she had been moved to an area where her previous work had no relevance and required to undertake entirely new tasks at a lower level. This lateral internal transfer was demeaning for this grievant, particularly because it undervalued her existing skill set and did not recognise her career aspirations.

Another type of indirect outcome for a grievant was continued escalation of the bullying behaviours that she had initially complained of. A clear signal was sent to the alleged perpetrator when no action was taken in response to the complaints made
to the appropriate senior manager. In this case the senior manager refused to accept the complaint, and as he had been identified previously as a crony of the alleged perpetrator, it is possible that the alleged perpetrator was informed. According to the grievant, the alleged perpetrator continued to mis-use his positional power over her leading to fraudulent activity.

No Justice

All the interviewees were asked directly if the grievance resolution process achieved justice. This is a difficult concept as there a multiple interpretations that can be applied in every day conversation, such that justice becomes a proxy for fairness, the truth and more broadly for satisfaction of the grievance. In several matters mentioned the grievant’s claim was substantiated, but then the grievant left the organisation. It is impossible to ascertain how that meets justice criteria, specifically the requirement to protect grievants from retaliatory actions. The following quote exemplifies the most negative response to this question:

*In your own situation, do you think you got justice?*

*Oh no, no. I still would consider taking it up at some stage, but to what end? To a certain extent I think my career’s ruined here because although I’m still on all of the national bodies…they haven’t pulled me out of that and to a certain extent they can’t, because I have recognition outside of the university, so it’s a strange one for them. I think that they just want me to slowly disappear. I don’t think they want to destroy me. I just think they want to make me want to go.*

*By doing what?*

*By not giving me the positions or the recognition or the work I want to do.*

G3 (39:45)

In this case study the specific indirect outcomes of reduced career prospects, decreased health and well-being, and lowered performance at work were very quickly generalised to global beliefs about Edu – Org. The vacuum left by the human resource department was quickly filled by the individuals involved with their own constructed meanings. It is beyond the scope of this thesis to explore how these narratives impact on the employment relationship between interviewees and Edu – Org, and more broadly on the creation of Edu – Orgs culture.
Indirect outcomes for the alleged perpetrator

\textit{Nil outcomes, fixing the perpetrator, change in employment status}

Little was known about the outcomes for the alleged perpetrators, with neither the grievance handlers nor the grievants having first hand knowledge of the outcomes of the matters that they were associated with. Of the references to outcomes the most common was that it was not known what happened, other generic comments suggested that when the claim was substantiated the focus was on \textit{fixing} the perpetrator through counseling or training. Two alleged perpetrators changed their employment status, although it is not clear if this was done on a voluntary basis or involuntary basis, nor whether the changes occurred as a direct result of the grievances. In neither case were the claims substantiated.

Indirect outcomes for the organisation

According to one informant, promotion to management level in Edu – Org frequently occurred for reasons other than the person’s people skills. It was therefore of no surprise to this interviewee that front line managers, often the first point of contact for a grievance, frequently did not have sufficient interpersonal and communication skills to adequately manage grievance. Issues relating to the organisation that were directly raised by the interviewees included the potentially negative changes in the workplace, particularly in terms of the communication climate and the level of job satisfaction being experienced.

\textit{Impact on external relationships}

An indirect outcome of the failed grievance, in this instance, was that the bullying behaviour continued. As a result of the senior manager refusing to acknowledge this junior person’s professional knowledge, i.e. continued bullying behaviour, the unit failed to meet international auditing requirements. For an organisation focused on external reward and recognition, potentially this reputational damage was significant and avoidable.

\textit{And so I’ve been to Honolulu, Hong Kong, Tokyo and I’ve going to Calcutta very soon and the American Public Health pay for me. And I come back and say what we do is wrong – it isn’t good. He just says, ‘It’s none of your business.’ And we failed the international Quality Assurance Programs because of this technique. G1 (35:35)}
Additionally, the standard of workmanship in this unit declined, with the result that work began to be sent to other laboratories and subsequent loss of income and potential impact on reputation for Edu – Org.

**Impact on work performance**

Several interviewees mentioned that the failure of the grievance, particularly where Edu – Org refused to make a formal response, lowered moral and job satisfaction for the grievant. There was also indication that third party bystanders, i.e. co-workers, were also negatively affected.

> I think that the basis is that everybody's just upset that they're not ... they're not enjoying what their work is. G1 (37:35)

The loss of a competent staff member is of concern to an organisation. In this lengthy quote this grievance handler explains that losing a competent and well-regarded staff member as a result of an inadequate grievance resolution system has negative consequences more broadly for Edu – Org.

> Do you believe that in that sort of situation that getting to the truth would have been beneficial to the organisation?

> I think it would have – actually I think it would have – and I don’t think the organisation has benefited at all from the outcome, apart from a manager getting rid of somebody who basically was difficult in their relationship because the staff member disagreed with the manager and had a different view about delivery of components. Now I’m not qualified in that particular area ...because I don’t teach in that area and that was relatively new at that stage as well. But I think it was...my personal view was it was personal conflict. It was the reason for the...and it was certainly not – and I can say this with some confidence – it was certainly not criticism by the staff member’s students - she was managing a number of research – Masters by Research – appeared to be highly regarded by those students who took her elective subjects and/or had her as a supervisor. One of our staff members down on campus was actually doing her Masters with this staff member as a supervisor and spoke very highly of her, so there was no suggestion there of academic lack of rigor or lack of competence. It was I believe really just a very difficult situation between a staff member who was prepared to speak her mind to a manager who was not prepared to listen to that. GH 1 (53:35)

In this matter the manager, who was found to have acted properly, continued to engage in behaviours that other staff found difficult and this continued to have an impact on the division. The grievance resolution process did not allow the kernel of
the initial complaint to be addressed, that was the management skills of the alleged perpetrator.

This person who was dismissed (the grievant) was not the only person that had difficulty with her as a Manager within that area. GH1 (40:00)

The particular behaviours that the grievant displayed, speaking her mind, are encouraged by Edu – Org’s self-promotion as a collegiate and fair workplace. Wide spread knowledge about the termination, the grievance and its failure, would challenge the accepted values of collegiality. This is potentially a significant harm to Edu – Org’s internal reputation.

G2 also mentioned that there was a reduction in the frequency of team meetings and subsequent decline in legitimate workplace communication as a consequence of her grievance. Communication in the workplace is critical to ensure information flows to the relevant areas in a timely way.

**Turnover and absenteeism**

When reviewing the emerging themes that related to the organisational level outcomes, there is reference to an increase in turnover.

My manager’s left, and her manager’s left, and then there’s this new one – the Acting Manager – and then we have so many people actually left the place, there’s a staff [sic] actually took one level down just to leave the place. G2 (55:35)

This suggests that the climate within this section was not healthy. For an employee to accept a lower level position in order to transfer, then it is reasonable to assume that the push factors were stronger than the pull factors. Additionally, some interviewees acknowledged that they had taken some sick leave to cope with the unresolved matters of their grievance. The literature identifies a link between increased absenteeism and grievance filing (Klaas et al., 1991).

**Reputation**

Edu – Org’s reputation is raised as an outcome because it was mentioned in relation to the grievance resolution system. Reputation is a construct with multiple views on how it can be defined, created and altered. For the purposes of this thesis a simple approach is adopted, namely that organisational reputation is created and expressed
through its texts and the lived experience of its stakeholders as expressed through their narratives (Fombrun & Shanley, 1990).

In the case of Edu – Org, suppression of complaints and grievances acted to amplify and generalise the effect of the individual’s dominant discourse. This can be seen in the negative narratives of individual grievants which became generalised to the broader organisation, where questions were raised about the overall trustworthiness of the organisation. Statistically, the prevalence rate for bullying in the workplace is 1-4% for extreme bullying and 8-10% for moderate levels of bullying (Zapf et al., 2003b). On this basis, a reasonable estimate is that between 70 and 700 individual staff members in Edu – Org would experience being the target of bullying behaviours annually. A grievance resolution system that acts to suppress genuine complaints and grievances, while it may reduce the reportable evidence of bullying behaviour, will not address the actual behaviours and may lead to the spread of the negative narratives about Edu – Org’s responses. In the long term, these narratives may become part of the organisational culture, and as such, part of the organisation’s reputation.

7.7. Discussion
As discussed at the beginning of this Chapter, there has been a progressively increasing level of exposure to risk from external factors for the entire industry, leading to a climate of uncertainty. This uncertainty is reflected in and amplified by the current Global Financial Crisis, which impacts on Edu – Org’s income producing activities. Uncertainty is now systemic in an industry that historically functions through slow and quiet reflection. This industry and organisation level uncertainty may have some impact on the style of grievance resolution system adopted by Edu – Org; however it is beyond the scope of this research to discuss this in detail.

Using a narrative analysis of this case study, this thesis is exploring the reality as expressed through the lived experience of the participants. By identifying key values espoused by the organisation and held by the actors, and juxtaposing these values between the relationships, congruency and gaps are identified. Identification of these gaps and congruencies aims to better understand theoretical frameworks of the delivery of justice in organisations. Figure 7.5 sets out these key themes of the organisational culture to enable gaps and congruency to be easily identified.
As noted in Section 7.3 there is a high degree of concurrence between the espoused organisational culture and the themes deconstructed from the interviews. The espoused value of *rewarding outstanding individuals* fits with an *individualistic* ideology and the aim for *external recognition* is matched by a concern for *protection of public reputation*. Edu – Org announces that it is an exemplar in its compliance with all statutes, regulations and voluntary codes, both external codes and internal policies and procedures. With this focus on meeting regulatory requirements it is not surprising that the interviewees viewed Edu – Org as conservative, a follower of trends and found it to be very hierarchical in its management structure.

Text based references to a *fair workplace* are limited to specific comments within the documents on grievances and dispute resolution. There was no matching interview based theme. Except for one human resource policy writer who quoted verbatim from the policies, none of the interviewees identified workplace fairness as a characteristic of Edu – Org. The interviewees did expose an underlying unitarist ideology operating within Edu – Org. This view appears to align with the historical formation of universities as a college of professors, all of whom *owned* the institution, although it may have been adopted as an accepted trend in human resource practises during the 1990s. Within a unitarist framework, the default position would be that the more senior party in a dispute or grievance would be correct because they are more closely aligned with the organisational goals. At the same time, the junior’s inability to adequately understand or communicate would be considered the source of the problem, unless they were being wilfully deviant.

Edu – Org’s texts are a primary source for personnel to access authoritative knowledge about its organisational justice values, specifically these texts provide
information that will guide personnel about what to expect if they lodge a grievance. Another source of knowledge about organisational values are the narratives individual personnel repeat to each other in the workplace. This research explores the congruency and gaps between the justice values promoted via the texts and the narratives of some individuals who have experience with Edu – Org’s grievance resolution system. Figure 7.6 portrays this.

**Figure 7.6  Gaps: Expectations drawn from text and interviews**

Edu – Orgs texts suggest that internal grievance resolution processes will meet all statutory requirements while exceeding community expectations of justice and fairness. The interviewees expressed expectations of the grievance resolution system that were in line with this. However, interviewees had a more detailed and nuanced view of the range and quality of responses to a grievance than the texts revealed. These individual expectations revealed a concern for the grievant in tandem with a desire to protect Edu – Org. They expected a high quality process that enabled consideration of the full context of the grievance to be carried out by experts. By implication this extends to an expectation of expertise in the person at the initial point of lodgment. Additionally, it is noteworthy that this system had no internal correction or appeal mechanism. If the system fails, or appears to fail, then the grievant would need to take the matter to an external agency. This characteristic demonstrates a legally driven approach to resolution of grievance, rather than prioritising the internal process and seeing the external avenues as a last resort.

The expectations revealed by interviewees are a logical extension of the expectation created by Edu – Orgs texts. How well these expectations were met is explored via the themes that emerged from the descriptions of the experience of participating in the grievance resolution process and analysing the indirect outcomes. Figure 7.7 sets out the themes that emerged about expectations, participation and indirect outcomes.
Unlike the previous case studies, there were no clear distinctions between the
grievants and the other interviewees in their expectations of Edu – Org’s capacity and
willingness to deliver justice. Uniformly, there were expectations that Edu – Org
would implement an exemplar grievance resolution process and that this process
would deliver justice. The concept of justice was enunciated as adequately addressing
the grievants concerns whilst protecting Edu – Org and achieving a durable resolution.
The interviewees detailed how adherence to elements of procedural and interactional
justice via the grievance handling expertise of those involved would meet these
expectations. These expectations of Edu – Org’s grievance resolution system are
reasonably in line with the values of the grievance resolution system, and the
organisational values, promoted in Edu – Org’s texts.

However, information about the lived experience of participating in the grievance
resolution process exposes activities by Edu – Org that have the effect of suppressing
grievances and impeding a full resolution process. Interviewees gave examples of
how the human resource division had almost no involvement in either supporting the
grievant in the early stages or providing adequate guidance for inexperienced and unqualified grievance handlers. The narratives included a generalised view that Edu – Org was unsympathetic towards grievants and acted to protect alleged perpetrators in preference to establishing a neutral or even handed approach to resolution. Grievance handlers admitted concerns about their lack of skills and expertise in grievance resolution processes, but pointed to significant limitations imposed on them by the policies and procedures. These included not embedding the elements of procedural justice within the process, thereby possibly avoiding the establishment of these criteria as rights. Certain practices also acted to curtail implementation, the use of an external arbitrator, an AIRC member, could prematurely narrow the parameters of the process.

Very few grievances in Edu – Org were formally addressed, and of the matters reviewed in this case study, none resulted in adverse outcomes for the alleged perpetrator. Although grievants discussed markedly negative indirect outcomes, negative outcomes for the organisation could not be directly linked to the grievance resolution system. The design of the grievance resolution system acts to dissuade individuals from bringing a grievance forward, and when they do, acts to obscure the full story from being considered. Narratives about the experience and outcomes of the grievance resolution process re-enforce the futility of making a grievance.

By establishing and maintaining a grievance resolution system with these characteristics, Edu – Org risks not uncovering situations of abuse of power, be they systemically engendered or arising from an individual. The potential impact on Edu – Org is both operational and reputational.
8. Discussion and Conclusion

8.1. Introduction
The primary aim of this research is to gain a fresh understanding of why expectations of organisational grievance resolution systems are often not met in order to assist organisations to design and implement processes that meet the reasonable expectations of stakeholders. It does not presume that all, or even the majority, of such systems fail as this would be very difficult to prove or disprove as a fact. Rather, this research accepts the limited evidence currently available (Boswell et al., 2004; Colsky, 2004; Daley, 2007; Guest et al., 2002; Van Gramberg, 2006c) that indicates these processes are not delivering anticipated outcomes and may be contributing unintended indirect outcomes to the individuals and the organisation. In adopting this stance, this research synthesizes wide ranging constructs and contemporary empirical data that may have relevance to understanding the operationalisation of the grievance resolution system. It proceeds by proposing an explanatory theoretical framework and then by applying data derived from contextually based narratives. This research then seeks explanations for theoretically unpredicted outcomes.

This thesis uses an inductive process to explore the underlying justice principles in organisational grievance resolution systems and how these impact on the lived experience of participants. It deconstructs the set of claims of the dominant propositions of justice in organisations, to discuss the implications of the underlying assumption that organisational justice motives and expectations are founded within social exchange theory. This line of enquiry is arises, in part, from the mixed results from a substantial body of work that tests perceptions of distributive, procedural, and interactional justice constructs (Cohen-Charash et al., 2001; Colquitt et al., 2001). In their review of the state of research and theorizing about grievance resolution Bemmels and Foley (Bemmels et al., 1996) argued that it was timely to utilize a subjective approach to exploring the operations of a grievance resolution process. This research attempts such an approach by taking a holistic view of the grievance
resolution system, adopting a social constructionist stance, collecting qualitative data from the participants and applying inductive reasoning to the findings.

This Chapter begins by integrating the findings from Chapters 5, 6 and 7, and contextualises these findings within contemporary Australian society. It then proceeds to apply these findings to the conceptual framework proposed in Chapter 2 to identity gaps and anomalies, and to uncover interesting relationships. The main findings are then presented. Finally, this Chapter acknowledges the limitations of this study and makes suggestions for future research on grievance resolution systems.

8.2. Integration of findings

The previous three Chapters have presented themes derived from case based descriptive narrative analysis that reflects the expectations and experience of the informants and the overt values of each organisation. The next step is to undertake a thematic analysis of the functioning of the organisation’s grievance resolution system with the aim of creating a narrative that unifies the data (Clandinin, 2007). This analysis uses hermeneutic techniques to discover common themes, and draws together interpretations of personal, organisational and social forces operating in the context (Polkinghorne, 1988).

Contemporary context

This section begins with a summary of the social and legislative context outlined in Chapter 4. Contemporary work based organisations have some significant differences to those described in the work by Stouffer (Stouffer, Suchman, DeVinney, Starr, & Williams, 1949). In that research Stouffer and his associates studied defense force personnel who had recently returned to the USA from the World War II campaign. From the data they collected, Stouffer and his colleagues extended early forms of Social Exchange theory by introducing the concept of relative deprivation thus laying the ground work for Inequity theory (Adams, 1965; Homans, 1961). This concept of relative deprivation was developed inductively; it was constructed after data collection to explain some of the results. Adam’s theory of Inequity is concerned with human exchange relationships (1965). Modern forms of Social Exchange theory (Blau, 1964) and Inequity theory have been applied to the workplace, particularly to
explain feelings of injustice around pay inequity and performance management, but also as foundation theories of organisational justice.

Workplaces have changed significantly since the era of these early researchers, and those changes have led to changes in employees’ expectations of their organisations. Unlike the early studies where the informants in the workplace were North American males, Australian contemporary workplaces include employees from diverse backgrounds. This diversity of gender, ethnic background and (dis)ability, changes the workplace landscape in a variety of ways. For instance, there are increased opportunities for miscommunication to occur, arising from stereotyping or inadequate grasp of the common language. The significantly increased proportion of women in the workforce has led to changes in expectations regarding workplace flexibility to engage in caring arrangements and shifts in family work priorities. Diversity brings changing organisational responsibilities; managers are expected to have the necessary interpersonal and communication skills to successfully handle this complexity.

At the same time there is evidence of work intensification, which is associated with an increase in work based facilities such as child care, meals and physical fitness opportunities. These changes are associated with changes in perceptions of group belonging and an increased reliance on employment status for whole of life well-being. At the same time as employee flexibility has increased jobs are no longer considered to be for life, and retraining opportunities and family responsibilities encourage employment mobility. These expectations are reinforced by legislation and ILO conventions as discussed in Chapter 4. Increased levels of education, and use of personal technology, lead to a more sophisticated workforce who demands respect and higher levels of participation in the workplace.

There is an increased awareness of the impact of bullying in the workplace, on the individual and also a clear liability for organisations to provide a workplace that is both psychologically and physically safe as established by OH&S legislation. This responsibility to provide a safe workplace could be interpreted as requiring that a grievance resolution process does not damage the grievant psychologically. In Australia, the provision of a safe workplace is an absolute responsibility and stands separate from the employment contract. Additionally, the employment contract goes
beyond the written documents and includes terms implied by custom and practise in an industry (Owens et al., 2007). Historically, the role of independent conciliation and arbitration to achieve justice and fairness has become deeply embedded in the psyche of Australian workplaces, (McCallum, 2005). Some also argue that notions of industrial citizenship in Australia, particularly the aspect of participation, lend weight to the idea that internal determinations of grievances will be made based on industrial norms, rather than legal norms (McCallum, 2005).

Within the definition of organisational culture adopted by this thesis, individuals will attempt sense making activities of their experiences of the grievance resolution system. Personal narratives about the operation of the resolution process and outcomes of a grievance have been construed as becoming part of an organisation’s culture and reputation. Hence, the operation of the grievance resolution system has both direct outcomes, e.g. whether the grievance was substantiated or not, and indirect outcomes, e.g. the impact on the health and well-being of individuals, impacts on reputations and employee workplace behaviours.

Degrees of justice value congruence
This section briefly reviews the findings of each case study by interpreting key themes from the perspective of the justice values embedded in the functioning of the grievance resolution process. The organisational culture and personal narratives supplied by the informants concerning their experiences are interpreted or deconstructed to reveal the underlying justice values. The themes identified in the earlier Chapters are used to locate each case across the conceptual framework proposed in Chapter 2. An explanatory narrative analysis process is then undertaken.

Findings from Asset – Org

Figure 8.1 summarizes and illustrates the degree of alignment between the justice values portrayed by Asset – Org’s texts and the values that the informants believed that Asset – Org demonstrated during the grievance resolution processes they were involved in.
Figure 8.1 Justice Values in Asset – Org

<table>
<thead>
<tr>
<th>Justice values portrayed by texts</th>
<th>Justice values revealed by informants</th>
</tr>
</thead>
<tbody>
<tr>
<td>• adhering to dominant social norms of ethical and fair behaviour</td>
<td></td>
</tr>
<tr>
<td>• valuing relationships equally</td>
<td></td>
</tr>
<tr>
<td>• active caring response to unfairness</td>
<td></td>
</tr>
<tr>
<td>• unequal treatment based on power relationships</td>
<td></td>
</tr>
<tr>
<td>• avoidance of interfering with established power structures</td>
<td></td>
</tr>
</tbody>
</table>

The justice values portrayed in Asset – Org’s examined texts appear to revolve around the relational model of employee relationships. The evidence suggests that Asset – Org wants to be viewed as deeply embedded in the community it serves and responsive to community held values and expectations. The key themes of Asset – Org’s organisational culture signal an approach that recognises the importance of relationships within the organisation and the responsibility of the organisation to extend an attitude of caring. The use of a term such as caring implies a concern for matters above and beyond the directly instrumental benefit that individual employees bring to Asset – Org. The use of the term unfairness implies an acceptance of dominant social norms of ethical and fair behaviour.

On the other hand, key themes drawn from the informants at Asset – Org about the values demonstrated throughout the grievance resolution process suggest that during implementation there was a shift in Asset – Org’s values. A key text based theme is Asset – Org’s focus on relationships, however the informants revealed that operationally this transformed into submission to the powerful interests within the organisation. This submission took a variety of forms including delaying intervention, avoiding assisting the grievant’s access to entitlements and support, and inadequate protection from retaliation. Each of these acts of omission serves to enhance the position of the more powerful and to disadvantage the grievant. Outcomes of grievances in Asset – Org also reflect a managerial reluctance to challenge alleged perpetrators who held positions of relational power. Indeed, it was only in the grievances where the perpetrator expressed remorse that the outcomes actively addressed the substance of the grievance [see Table 5.3]. In other grievances that were substantiated, but where the perpetrator did not take responsibility or
express remorse, outcomes for the perpetrator were positive or neutral. The justice values that emerge from the narratives of the informants appear as the negative aspect of the principles of equality, namely inequality. Some personnel were given assistance and support from the HR department during the grievance resolution process while others were not. Additionally, there appears that equity values also are engaged during the grievance resolution process. Personnel with higher status, by virtue of their seniority, or special status, by virtue of belonging to a protected minority or personal relationships with senior personnel, were protected from retributive justice even when they were found guilty via an evidence based investigation.

Asset – Org operates in a broader industry, the public service, which in Australia is undergoing a transformation from a highly bureaucratic structure to be more individualistic and competition driven. Asset – Org provides highly desirable work and highly desirable employment conditions such that there is very low turn over and considerable competition at entry level recruitment. These external pressures would encourage Asset – Org to become more instrumental in its approach to the employee relationship. This instrumental approach appears to have emerged as a grievance resolution process based on equity principles, or could be considered as a process that applied principles of inequality.

Key themes drawn from the texts and informants are plotted onto the conceptual frame to form a tentative understanding of the justice value structures operating in Asset – Org. Historically, Asset – Org has taken a relational view of the employee relationship, a view that is supported by the informants who identified the strong team ethos. However, informants also identified that different working conditions and operating rules were applied to the teams, suggesting a politicised workplace. The informants’ descriptions of participating in the grievance resolution process portray an equity based process. Table 8.1 plots these portrayed values at each level of the conceptual framework [see Chapter 2, Table 2.1 page 21].
Table 8.1  Asset – Org’s fit with the conceptual framework

<table>
<thead>
<tr>
<th>Organisational model</th>
<th>Social Exchange Theory</th>
<th>Social Identity Theory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisational view of employer relationship</td>
<td>Instrumental Asset – Org (current industry drivers)</td>
<td>Relational Asset – Org (historical)</td>
</tr>
<tr>
<td>Justice principle dominant in grievance resolution system</td>
<td>Equity / Inequity Asset – Org (actual)</td>
<td>Equality / Inequality Asset – Org (espoused)</td>
</tr>
<tr>
<td>Employee view of employer relationship</td>
<td>Self-interest</td>
<td>Group value Asset – Org Strong teams operating under different rules (negative aspect)</td>
</tr>
<tr>
<td>Employee orientation</td>
<td>Individualistic</td>
<td>Collectivist Team based work, Strong relationships (positive aspect)</td>
</tr>
</tbody>
</table>

Source: The author developed this framework based on the conceptualisation of Tyler, Boeckmann, Smith & Huo (1997)

How Asset – Org’s grievance resolution system functioned
Historically, the operational functioning of Asset – Org has relied heavily on team work; both the front line, where physical tasks were carried out, and at the policy and program development level, where virtual teams were used. Interviewees expressed a sense of equality in their view of the employee relationship. Both grievants and grievance handlers transposed this underlying organisational value of equality to the grievance resolution process, expecting it would deliver justice based on principles of equality.

Informants reported that Asset – Org was reluctant to become involved in grievances. Early responses to grievances included the HR department’s refusal to act on verbal complaints of harassment. Other indicators of this reluctance include neglecting to provide adequate information to the grievant to allow an informed decision to be made about external avenues of redress and entitlements for internal assistance. There was mixed information about the actual investigation processes undertaken. Some claimed this was done in a reasonably consistent, objective and courteous manner, with reasonable attempts to gather the full story. Others stated that witnesses who would provide supporting evidence were not interviewed. There was mixed evidence of concern for the grievant, both during the process and in managing the outcomes.
Universally, informants stated they would not make a grievance (again), or advise others to do so, citing the collateral damage to the grievant as the prime rationale. Additionally, there were mixed outcomes for the perpetrators who were found guilty, only those expressing remorse received an outcome that related directly to the grievance. Surprisingly, perpetrators who did not express remorse, and were also described as perpetrating the most extreme bullying behaviours, experienced few barriers in advancing in their career.

These mixed results suggest that the underlying concern was to avoid upsetting existing power relationships, and that rewards and punishments were allocated on the basis of protecting seniority or power. These are the types of results that would be predicted by an equity based grievance resolution system.

In this case, we find personnel with well founded expectations that the grievance resolution process will operationalise principles of equality, while the performance of the grievance resolution process more closely reflects equity values. Grievants and grievance handlers described extreme negative reactions; in particular they recount severe negative psychological reactions that persisted for years after their participation of the grievance resolution process. Participation in the grievance resolution process challenged their sense of self, particularly their identity as a worker. Their justice expectations, founded mainly on their experience working at Asset – Orgs and from its texts, were not met by the performance of Asset – Org’s grievance resolution system.

**Findings from Alliance – Org**

This section compares the justice values portrayed by Alliance – Org’s texts and the interpretation of justice values embedded in the informants’ description of Alliance – Org’s grievance resolution process. Figure 8.2 summarizes and illustrates the degree of alignment between these justice values.
Alliance – Org’s texts explicitly state that it has collectivist orientation with a group approach to resolving conflict and a group responsibility for achieving organisational goals. This view of Alliance – Org’s culture was supported by the informants who recognised the team based nature of the working environment and the importance of strong relationships in achieving project completion and in accessing further work. However, the informants also revealed a darker side of this collective approach; in particular they cited avoidance tactics and reversion to historical practises of conflict and grievance resolution. These were the quick decision-making processes that focussed on getting rid of the problem with minimal disruption to the work. Avoidance of difficult conversations can be attributed to a lack of confidence in one’s ability to undertaken the task without harm to one’s self. The focus on project outcomes, with the assumption that a quick resolution is paramount, can be at odds with a courageous pursuit of fairness and valuing individuals equally. However, a manager’s professional reputation in the organisation would be enhanced by a claim that the project schedule took precedence over engaging in time consuming grievance resolution processes.

Alliance – Org’s industry is historically characterised by overt conflict between managers and workers, and the use of heavy handed tactics to force resolution. An instrumental approach to the employee relationship has historically been adopted, particularly regarding the engagement of construction labourers. An ad hoc and incomplete grievance resolution process that forced quick and simple resolution is in line with industry custom and practice. In this case, the alliance governance model of project delivery was explicitly built on a relational model and deliberately attempts to move away from the underlying instrumental attitudes that formed the historical organisational model. However, personnel were clear that they were still reliant on
their professional reputation to ensure future work, either as contractors or as part of a team of professionals tendering for large scale construction projects. Table 8.2 locates these conflicting attributes onto the conceptual framework proposed in Chapter 2.

Table 8.2 Alliance – Org’s fit with the conceptual framework

<table>
<thead>
<tr>
<th></th>
<th>Social Exchange Theory</th>
<th>Social Identity Theory</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Organisational model</strong></td>
<td>Resource-based</td>
<td>Behavioural</td>
</tr>
<tr>
<td><strong>Organisational view of employee employer relationship</strong></td>
<td>Instrumental Historical industry approach</td>
<td>Relational Alliance – Org</td>
</tr>
<tr>
<td><strong>Justice principle dominant in the grievance resolution system</strong></td>
<td>Equity Alliance – Org (actual, custom &amp; practise)</td>
<td>Equality Alliance – Org (espoused)</td>
</tr>
<tr>
<td><strong>Employee view of employee employer relationship</strong></td>
<td>Self-interest</td>
<td>Group value Team based work</td>
</tr>
<tr>
<td><strong>Employee orientation</strong></td>
<td>Individualistic Protection of reputation</td>
<td>Collectivist</td>
</tr>
</tbody>
</table>

Source: The author developed this framework based on the conceptualisation of Tyler, Boeckmann, Smith & Huo (1997)

How Alliance – Org’s grievance resolution system functions
Distress amongst informants about their involvement with the grievance resolution process is described in terms of the gap between the actual performance and the aspirational goals established by Alliance – Org. Alliance – Org aspired to a no blame approach to grievance resolution, an approach based on principles of equality. In the absence of specific process criteria, some informants had built elaborate narratives about how managers with expertise in conflict resolution would be able to transcend the historical practise of quickly removing the person who was perceived to cause the interpersonal problems. This historical practise conformed to equity principles; whenever there were conflicts or grievances the person who was most crucial to the project retained their position without regard to the substance of the grievance. A cut and burn approach was used to deal with the other party.

Both grievants and grievance handlers expressed being disappointed by the actual practises employed by managers when dealing with grievances. However, this disappointment was not generalised to the organisational level. Rather, informants rationalised this inadequate performance but maintained that individual managers had
not been malicious; instead they had performed to the best of their ability. Trust in the organisation, and loyalty to supervisors was maintained.

Informants recognised the aspirational aspects of the grievance resolution system and incorporated their general experiences of Alliance – Org’s management practises into their judgments. There were limited reports of significant negative impacts on the health and psychological well-being of grievants. Instead, early termination of the employment contract, with no particular regard to the merits of the grievance, while retaining the professional reputations of all parties, was customary. Although this practice of quick termination appears drastic, by protecting the reputation of the dismissed person this practise may have minimised overall harm to the individual. In an industry that is project based, maintaining the reputation of the organisation and individuals is critical to obtaining future work.

Furthermore, there were some informants who reported some positive aspects in their experience of the grievance resolution process. One informant described how his concerns were validated and reasonable steps were put in place to address them and to ensure that they did not arise again. However, the lack of confidentiality and gossip associated with grievances lead another informant to express her concern that systemic problems may be pushed underground. This informant suggested that an individual’s fear of exposure, and the potential for unfair retribution because of an overly simplistic decision-making process, may lead to avoidance of reporting legitimate concerns. The informant considered that this could be detrimental to the organisation’s operational capacity and reputation in the long term.

The innovative management approach adopted by Alliance – Org, with its collective no blame conflict resolution strategy based on principles of equality, encouraged the interviewees to build elaborate narratives about management expertise in conflict resolution. When resolution processes reverted to historical practises based on equity principles, informants were disappointed but retained a positive perspective of themselves and the organisation.
Findings from Edu – Org

This section presents the degree of alignment between the values that are pertinent to justice embedded in Edu – Org’s texts and the interpretation of justice values from the informants’ description of the operationalisation of the grievance resolution process. Figure 8.3 summarizes and illustrates these justice values.

Figure 8.3 Justice Values in Edu – Org

<table>
<thead>
<tr>
<th>Justice values portrayed by texts</th>
<th>Justice values revealed by informants</th>
</tr>
</thead>
<tbody>
<tr>
<td>• individual excellence dominates all other considerations</td>
<td>• obstructive tactics are legitimate</td>
</tr>
<tr>
<td>• objectivity is the basis of decision-making</td>
<td>• external reputation is more important than internal fairness</td>
</tr>
<tr>
<td>• external reputation linked to being an exemplar of community norms</td>
<td>• grievants are troublemakers</td>
</tr>
<tr>
<td></td>
<td>• only factual evidence is relevant</td>
</tr>
</tbody>
</table>

Edu – Org’s texts imply that the individual excellence and advancement of its personnel is the primary organisational aim; suggesting an individualistic approach will dominate its organisational justice values. Additionally, the texts place high importance on garnering external awards, and present a strong imperative to enhance and protect Edu – Org’s organisational reputation. This strong focus on the instrumental value of personnel and the necessity for objective criteria and assessments of excellence places Edu – Org at the Social Exchange end of this research’s theoretical spectrum.

The inclination to view personnel instrumentally is supported by the attractive working conditions which facilitate the recruitment processes, such that Edu – Org is readily able to recruit high quality personnel. However, internal statistics and data from informants indicate a low retention rate for desirable employees. There could be a number of reasons for this. As discussed in Chapter 7, the unitarist approach underlying Edu – Org’s human resource policies can create an in group and out group mentality. To retain a position within the in group, personnel need to manage their relationships within the organisation; this may be at the expense of merit based decision-making, which is a proposition that is not always acceptable to individual personnel. Additionally, Edu – Org’s hierarchical and conservative nature were cited
as push factors, especially for younger personnel who are demanding higher levels of participation and respect in the workplace.

In contrast to this instrumental, individualistic and hence competitive approach, Edu–Org also claims to be an exemplar of social standards, which by implication in the Australian setting implies an adherence to principles of equality. As discussed in Chapter 4, Australia has created a strong multi-cultural approach to community engagement and is overtly committed to diversity in the workplace through legislation and customary practise. Historically, Australian society generally accepts the principle of equality of all people, specifically establishing affirmative action programs to overcome the disadvantage experienced by minority groups. However, this discrepancy between Edu–Org’s organisational norms and the social norms is not directly faced, as fairness is the terminology used by Edu–Org in its grievance resolution system. As discussed in Chapter 2, individuals make judgments of fairness, or justice, about a situation based on a range of differing values or principles, including principles of equity and equality. Table 8.3 plots the identified themes onto the conceptual framework.

Table 8.3  Edu–Org’s fit with the conceptual framework

<table>
<thead>
<tr>
<th></th>
<th>Social Exchange Theory</th>
<th>Social Identity Theory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisational model</td>
<td>Resource-based</td>
<td>Behavioural</td>
</tr>
<tr>
<td>Organisational view of employee employer relationship</td>
<td>Instrumental</td>
<td>Relational</td>
</tr>
<tr>
<td></td>
<td>Edu–Org Hierarchical</td>
<td></td>
</tr>
<tr>
<td>Justice principle dominant in the grievance resolution system</td>
<td>Equity</td>
<td>Equality</td>
</tr>
<tr>
<td></td>
<td>Edu–Org Actual</td>
<td></td>
</tr>
<tr>
<td>Employee view of employee employer relationship</td>
<td>Self-interest</td>
<td>Group value</td>
</tr>
<tr>
<td></td>
<td>Individuals produce excellence</td>
<td></td>
</tr>
<tr>
<td>Employee orientation</td>
<td>Individualistic</td>
<td>Collectivist</td>
</tr>
</tbody>
</table>

Source: The author developed this framework based on the conceptualisation of Tyler, Boeckmann, Smith & Huo (1997)
How Edu – Org’s grievance resolution system functions
The dominant characteristic of Edu-Org’s written grievance resolution system is its lack of detail; especially its lack of reference to procedural justice criteria, indeed there is an absence of process or steps to be undertaken. This lack of information creates uncertainty for both the grievants and the grievance handlers, and may be linked to organisation level trust judgments (Lind et al., 2002). A second major characteristic of Edu – Org’s grievance resolution system is that its policies and procedures, beyond some basic posters, are difficult to locate. The posters establish a No Tolerance stance and provide a contact point. However, as revealed in Figure 7. 2, the primary contact, the HR department, is not delegated to respond to a grievance and can only refer the grievant back to their supervisor, or they can advise the grievant to resolve the matter themselves. The HR department is not delegated to take an active role in the resolution process. Should the grievant seek further assistance their only course of action is to appeal directly to the CEO; not a course of action immediately attractive to many personnel. These attributes all have the effect of discouraging the employee from making a grievance and blocking the progress of a grievance.

Informants’ uniformly recognised that Edu – Org would be protected by the grievance resolution process; indirectly they acknowledged the primacy of Edu – Org’s needs over individual needs. In particular, grievants and grievance handlers referred to inadequate protection from retaliation and, indeed, a reluctance to put in place protective measures for the grievant. The grievance resolution system was focussed on obtaining objective evidence and presenting a case that would withstand legal scrutiny. Informants provided clear and unequivocal descriptions of bullying behaviour; hence their expectations that an exemplary resolution process would address the issues and protect the grievant were not unreasonable.

Generally speaking, informants accepted and expected that the grievance resolution process would be applied within the equity based framework established by Edu – Org, but the actual experience of this appeared to create a shock like reaction. Informants from each group described significant indirect outcomes for grievants, including long standing negative psychological effects and adverse effects on career
prospects. None of the interviewees reported positive outcomes for grievants, or felt that grievants were satisfied with the outcomes of the grievance resolution process. Overwhelmingly informants felt that there was insufficient concern for the well-being of grievants. Although Edu–Org implied that its internal process would meet the highest ethical standards, the lack of prescribed procedural justice left grievants without a guarantee of procedural fairness. Grievants described their uncertainty as a sense of floundering, indeed two informants displayed extreme distress during the interviews.

Edu–Org was the only organisation where research volunteers, despite being assured of rigorous tactics to protect their anonymity, withdrew from this research prior to being interviewed citing excessive fear of retaliatory action. This implies Edu–Org has a reputation for not protecting grievants from retaliation. These grievants felt vulnerable, even when considering discussing their grievance with an external researcher with guarantees of confidentiality.

Edu–Org unreservedly portrays itself as an exemplar of social standards which acts to establish a reputation for unassailable correctness of decisions. Combined with the implied intention to undertake a strenuous protection of reputation, this creates a strong defensive stance. This excessive focus on protecting its organisational image, and lack of empathy for the grievant, activities primarily aimed at denying what could be construed as criticisms, with self-aggrandisement were hallmarks of organisational narcissism according to Duchon and Burns (2008). Such an organisational identity enables predictive confirmation of the withdrawal by some from this research and the degree of fear expressed by some of those who were interviewed.

This analysis of Edu–Org’s organisational culture, identity and approach to the employee relationship is at odds with its self-portrayal. There appears to be a significant discrepancy between the expectations that grievants and some grievance handlers expressed and the underlying principles that are operationalised during the resolution process. Although informants recognised the primacy of Edu–Org’s goals, this did not translate to acceptance of group goals and collective identity to a degree that overcame the inequality of an equity based system as had occurred in the Alliance–Org case. Instead the unitarist approach promoted the labelling of grievants as
trouble makers, and resisted utilising the complaint as an opportunity to identify systemic problems. The design of the system discouraged airing of complaints and the quick escalation to the CEO effectively removed the possibility of an independent internal appeal mechanism. Edu – Org’s grievance resolution systems appears to act primarily as a protective devise for its reputation.

8.3. Discussion of main findings and theoretical contributions
This research interprets the subjective accounts of the actors’ experiences, contextualised within the broader structural framework of the organisation and its industry (Van Gramberg, 2006a) to understand how the organisation’s values are integrated by the individual to form their justice expectations. It explores the operation of a grievance resolution system within the boundaries established by its own underpinning conceptual framework. The study explains variations between the expectations and outcomes of the grievance resolution system from the perspective of the conceptual frameworks of the parties involved.

Based on a grounded theory approach (Charmaz, 2006), this research interprets the justice themes that emerge from the data to inform theory. However, in order to overcome some of the limitations of grounded theory methods this research incorporates extant theory early by explicitly identifying prior theoretical models and existing data to form guiding propositions (Layder, 1998). This has the added benefit of allowing the discussion of the emerging theory to extend and adapt existing theory. As established by the qualitative research tradition, Section 8.6 allows the data to speak, presenting findings that were unexpected or not predicted by the literature (Putnam, 2005).

Underpinning assumptions of organisational justice theory: equity and equality
As discussed in Chapter 2, organisational justice is defined in the literature as the distinct but related constructs of distributive justice, which refers to the allocation of outcomes, and procedural justice, which refers to the procedures by which outcomes are determined. A third construct interactional justice, sometimes considered to be an extension of procedural justice, relates to the interpersonal behaviour of the justice decision-maker during the process. Although at times referred to as types of justice, this research adopts the position that these constructs more accurately describe the
structural elements of justice. People assess the performance of each element according to their personal values. It is by judging the achievement of their expectations that a person decides whether justice has been attained and not necessarily by externally prescribed justice criteria. These are personal decisions about the degree of justice achieved at each part of the justice process; what happens, how it happens and what is the outcome. In order to take a fresh approach to justice research, and with a view to discerning the dominant underlying theories as they emerge from the data, this research takes a holistic view of justice in the data collection and analysis phases.

Historically, equity has been the underlying principle commonly accepted by organisational justice researchers as the value on which justice judgments and perceptions are based (Cohen-Charash et al., 2001; Sabbagh, 2005), although early justice theorists considered that other principles such as equality or need may be dominant in particular circumstances (Deutsch, 1975; Kabanoff, 1991). Additionally, the notion of personal values is embedded in early definitions of procedural justice, specifically in the rules of representativeness and ethicality\(^9\) (Leventhal, 1980).

Cultural differences, particularly relating to the individualist/collectivist dichotomy, have been posited as possible explanations for mixed results in perceptions of justice (Leung et al., 1986; Powell, 2005). This research extends these contentions by operationalising justice values within the specific circumstances of each organisation. Values are interpreted from different perspectives, thereby facilitating a multi-level exploration of the alignment of justice expectations and justice performance. By adopting this approach, the congruence of justice values is posited as particularly

\(^9\) The representativeness rule: An individual’s judgments of the procedural fairness may be based on the representativeness rule which dictates that all phases of the allocative process must reflect the basic concerns, values and outlook of important sub-groups in the population.

The ethicality rule: An individual’s judgments of the procedural fairness may be based on the ethicality rule which dictates that all phases of the allocative process must be compatible with the fundamental moral and ethical values accepted by that individual.

relevant to the type and valence of the indirect outcomes of the grievance resolution process for the grievants, grievance handlers and the organisation. Specifically, it is suggested that the degree of alignment between the justice values that individuals’ expect to be operationalised in the grievance resolution process and the justice values experienced during the grievance resolution process will have an impact on the intensity and valence of indirect outcomes. This understanding of justice can be applied to each of the structural elements of justice, distributive justice, procedural justice and interactional justice, such that it is the underlying justice principle that becomes the object of interest.

In the first case, Asset – Org, the grievance resolution system espoused principles of equality but instead equity principles dominated during the performance of the grievance resolution process. Grievants reported high collateral damage; in particular there was a significant negative impact on their health and wellbeing, and reports of retaliatory damage to their career prospects and to their current working conditions. They felt they had been treated unequally, and that the highly politicised nature of the workplace led to the alleged perpetrators being treated favourably. Of particular interest was the report from grievance handlers that they found the organisation’s responses challenged their values to such an extent that they felt their commitment and loyalty to the organisation was affected. Informants claimed, and demonstrated by their distress during the interviews, that the enactment of equity principles offended their sense of self, their self efficacy and their organisational commitment.

In the second case, Alliance – Org, the organisation sent two strong messages about the resolution of grievances, although it was clearly stated that the best for project heuristic would always take precedence. The second message, a no blame approach to resolving problems and errors is clearly based within principles of equality. The best for project heuristic is located within the equity paradigm, but appeared to be applied without contradicting the no blame approach because it takes the collective interest as the prime goal. Here, the equity principle was applied in a way that did not appear to substantially offend the informants’ expectations of equality. Collateral damage to the grievants was low, with minimal impact on the health and well-being of individuals, and importantly for this industry, informants reported minimal impact on their career prospects or professional reputation. Professional relationships which
were based on equality and supported by non-work based activities, appeared to lead to a better acceptance of equity based justice processes. Those informants who reported they had been unfairly judged or treated, still proclaimed strong loyalty to Alliance – Org and to the management team. The strong promotion of group goals and a collective identity may have reduced self-interest motives (Kazemi, 2006).

The third case, Edu – Org, espoused equity principles throughout its texts and, according to the informants, acted on equity principles when handling grievances. The texts lacked detailed information about the grievance resolution process which led to uncertainty in the minds of the grievants. This vacuum appears to have been filled by drawing on social norms, which in Australia revolve around principles of equality, with implied expectations of equality and rigour in the justice process. Extreme collateral damage was reported by grievants, including some volunteers withdrawing before the interview citing intense and overwhelming fear. Informants reported significant levels of damage to their health and well-being, as well as significant destruction to current working arrangements and career prospects. Additionally, grievance handlers expressed ambivalence about the process they undertook, with reports of unjust outcomes for the grievant while adhering to the established procedures. There was some evidence of a high risk of reputational damage for Edu – Org, particularly via internal narratives leading to unintended negative organisational outcomes.

Equity principles when applied in a grievance resolution process can appear as inequality; this can offend personnel, particularly those who have formed an expectation that justice will be delivered within an equality paradigm. This expectation may have arisen from the organisational culture or from specific promotional material about standards of behaviour and grievance resolution, as well as from Australian societal norms. The degree of incongruity between the justice principles espoused by the organisation and demonstrated during the grievance resolution process seems likely to be associated with the extent of the collateral damage. The degrees of collateral damage varied between the cases, more than the variation within the cases. There are a number of possible explanations for these variations. The data revealed that strong relationships based on principles of equality appeared to act as a protection from collateral damage. These relationships in the
context of the organisational culture may give rise to a process described as collective intentionality [see Van Gramberg 2006a] whereby individuals adopt the organisation’s intentions as their own, thereby prioritising the organisations needs. Additionally, the data introduced a temporal aspect of the justice judgment that could be obtained provided the relationship of equality was maintained. The prospect of later rewards, described as the protection of professional reputation and the assurance of future work, may have repositioned the expectation of treatment based on principles of equality. This research lends support to the proposition that multiple norms of justice operate concurrently [see Kazemi 2006].

Bullying has been constructed as an assault on the target’s self identity and workplace identity. When the grievance resolution processes also attack the target’s identity by viewing the parties instrumentally rather than as equals who have membership of a valued group, the effects of the initial assault are both confirmed and magnified.

**The control and choice in grievance resolution processes: Empowering or Dis-empowering the grievant?**

Grievance resolution systems inevitably require the target to attempt to resolve their complaint with the alleged perpetrator in the first instance. This requirement makes several assumptions. First, it assumes that the bullying, harassing or bad behaviour is a form of conflict in which both parties are equally able to defend themselves. Second, it assumes that the grievant is not experiencing psychological trauma to the extent that their ability to negotiate with the alleged perpetrator is impaired. Third, it assumes that the grievant has not already made any attempt to protect or defend themselves or that these attempts may also have exacerbated to the problems. Additionally, it ignores the evidence that targets of bullying are frequently too ashamed or too frightened to seek early intervention and so the problem is entrenched by the time assistance and guidance from the organisation is sought (Hubert, 2003). Grievance resolution systems that make provision for a support person to accompany the grievants may not be sufficient to allay all these concerns.

This inevitable first step, often referred to as the principle of resolving the conflict as close to the source as possible, assumes the grievant has the capability to exercise choice and control over both problem and the intervention. A number of
organisational tactics emerged from the data that appeared to be aimed at dis-empowering the grievant. These included obscured or difficult to find policies and procedures, restricting or thwarting access to external qualified support, and chaotic decision-making processes. A quick escalation to the CEO, with attended concerns about exposure to unknown persons within the organisation and loss of control over process, was cited as a grievance resolution system that was construed as being used to silence the grievant. As well as these deliberate actions, the data also revealed as widespread the general act of omission, namely a general lack of focus on the grievant, their concerns and well-being.

In a situation of a grievance there is a clear asymmetry of resources between the organisation and the individual making the grievance (Aksoy & Weesie, 2009). The grievant is significantly less powerful than the organisation. However, there is considerable potential for harm to the organisation to occur if the substance of the grievance is not adequately attended to. A strategy of dis-empowering the grievant is not consistent with (1) the organisation’s responsibilities under OH&S regulations, (2) with research that shows increased levels of satisfaction within an organisation when complaints are appropriately rectified in a timely manner, (3) with theoretical reasoning that links guaranteed fairness with increased trust.

Additionally, a dis-empowered grievant’s capacity to assist a search for systemic causes of the grievance problem is thereby diminished. A dis-empowered grievant will become self-absorbed, confused and over reactive, thereby reducing their ability to provide consistent and reliable information.

The organisation’s motivation for engaging in these dis-empowering tactics could vary from (1) an assertive risk management strategy, (2) an over inflated belief in the power of the grievant, (3) a belief that the grievant will go away if the process is made difficult, or (4) a belief that only serious grievances will overcome the barriers and proceed. The potential danger is that a grievant may have a prolonged association with feelings of helplessness, powerlessness and distress which may induce a significant psychological disability such as a learned helplessness or chronic depression and anxiety. The substantially increased risk of damage to the health and well-being of the grievant increases the likelihood of legal action and overt retaliatory
action, either self-directed such as terminating employment or suicide, or even
organisation directed aggression such as physical attacks on property or associated
persons. An organisational audit may conclude that these dis-empowering tactics
actually increase the overall risk to the organisation, as well as placing an
unacceptable burden on the grievant.

Organisational self protection
A common thread in each of the cases explored was the notion of organisational self-
protection. From one perspective this is hardly surprising, organisations exist to
achieve their goals and hence all activities could be described as directed towards this
purpose. Protecting the organisation from potential damage that might arise either
directly or inadvertently from a grievance could be a natural extension of this purpose.

The organisations studied were described as taking a risk avoidance approach in their
decision-making about the grievances. This began with an assessment of the risk to
the organisation at the point of the initial complaint, followed by actions aimed to
contain or block the grievance, especially to avoid the lodgment of a written
grievance. Intervention strategies were designed to protect the organisation from an
escalation of the grievance to an external agency and to ensure that if the grievance
did reach an external agency then the organisation’s actions complied with that
agency’s expectations.

Protection of the organisation’s reputation was also a key theme that was revealed by
the informants and by the organisational texts. This was achieved by three main
strategies; the first was the risk avoidance strategy, the second strategy was to
demonstrate that the organisation met societal expectations of justice. All the
promotional material reviewed for this study portrayed the organisation as meeting or
exceeding social standards. However, none of the organisations studied exposed
themselves to scrutiny by making data about their grievance resolution system
available to either their personnel or to the public. The third strategy was to rely on
industry custom and practice, adopting the justice decision-making tactics that
personnel were familiar with.
There is a conflict of interest inherent in the use of internal personnel to resolve the grievance. The key aspects of procedural justice, the independence and freedom from bias of the decision-maker, cannot be guaranteed by an internal justice system. The question becomes, can the organisation simultaneously meet its own goals and meets its obligations to deliver justice to its aggrieved personnel?

**Low level of knowledge about organisational justice processes**

Although senior personnel in each case were able to articulate a clear rationale for their grievance resolution system, the operationalisation of the system indicated some significant gaps in organisational level knowledge of justice processes. The representatives of the organisation often eloquently described the legislative imperative and incorporated the human resource theories of organisational commitment and job satisfaction into their rationale. However, this expert knowledge did not translate into managerial expertise in handling the grievance, nor to utilizing the event as a learning opportunity or to create resolutions that satisfied both the individual and the organisation.

Organisations, through their organisational representative, often did not have a clear understanding of what they want the grievance resolution system to achieve. Frequently, achieving fairness was cited as a process objective without regard to the specific elements of procedural justice. Fairness is also cited as an outcome objective, but without clear definitions and boundaries it becomes a slippery and often elusive notion. Common parlance shows that the term can be highly contested. It implicitly involves resolving competing interests, and balancing the rights and interests of individuals and the organisation’s goals. Fairness in an organisation could be defined as justice for the grievant, or alternatively it could be described as achieving an outcome that minimised disruption for the organisation.

There are a number of organisational objectives a grievance resolution system could achieve. Grievance resolution systems could act as a deterrent to bad behaviour. To achieve this, systems would need to be rigorous, with both the processes and the possible outcomes deeply embedded in the organisational psyche as reasonable and legitimate. It would also require a method of imparting the outcomes of the process to the workplace, while protecting the privacy of individuals and avoiding a public
shaming process. There was some limited recognition of the potential role of the grievance resolution system as mechanism for identification of systemic problems. Although complaints are recognised in the marketing literature as opportunities to identify systemic issues, this understanding has not yet been adopted by the management literature.

There was confusion between internal and external validity, with some grievance policy writers and grievance handlers assuming that a process implemented according to the policy and procedures was therefore valid. Some went further suggesting that this implied justice was achieved because there was consistency of application of the policies and procedures. Clearly internal validity does not mean external validity, as a process that does not meet basic procedural justice criteria does not achieve societal norms of justice. Confusion between distributive justice and procedural justice is also rife, as noted by MacCoun (2005) satisfying perceptions of procedural justice does not imply distributive justice has been achieved. Additionally, as established in Chapter 2 there is inherent bias and conflict of interest in an internal justice system.

Each of the studied cases displayed some difficulties in knowing what the appropriate response to the alleged perpetrator was, particularly when the investigation found them to be guilty. Perpetrators were rarely punished; in one case a single perpetrator was the centre of five grievances before the organisation acted against him. Prior to that no action was taken to protect the grievants, nor was there action to curtail the behaviours of the perpetrator. Other perpetrators did not have any adverse outcomes, indeed as noted by some grievants and some grievance handlers, they advanced rapidly in their careers immediately after the grievance. Organisations that had predetermined tactics to engage when allegations were validated were more successful. Strategies used included training in communication and interpersonal skills, and relocation. Linking the grievance resolution policies to the discipline policy was a strategy that enabled a wider choice of outcomes for perpetrators.

None of the organisations had avenues to ensure enforcement of grievance resolution policies. However, one case provided for appeals and did require that the senior manager ensured that the recommendations arising from the investigation had been undertaken. Similarly, none of the organisations provided for an audit process to
review the efficacy of the system. This lack of appeal mechanisms and audit processes are significant, particularly in light of the potentially serious ramifications of bullying e.g. suicide and PTSD, and the anecdotal evidence that employee are reluctant to pursue a grievance.

Stories about the experiences of grievants become part of the organisation’s reputation. Despite requests for confidentiality, some information does spread, especially when the grievance contains claims of bullying. Although each of the organisations recognized this in part, the policy writers did not have strategies to manage these stories, nor did they effectively incorporate this knowledge into the design of the system.

There was almost universal expectation that managers would have expertise in resolving grievances. The expectation was that the presenting problems would be clarified to determine whether it was an interpersonal conflict, harassment or bullying behaviour. Managers were expected to handle the emotional content of the grievance, as well as determine a strategy for resolving the presenting and underlying issues using interventions acceptable to the organisation. This required managers to choose the resolution process that was appropriate to the circumstances, then implementing that process competently.

The cost of justice was alluded to by several informants. Just as there is cost associated with unfairness (see Greenberg & Alge, 1998), there is also a cost associated with achieving justice, whether this is through the allocation of resources or via the expenditure of time by grievance resolution experts. Organisations may consider the cost of justice to be extravagant, however fair processes are effective in creating trust and building loyalty, especially if the organisation faces uncertainty (Lind et al., 2002).

Organisations used a number of tactics that appeared to restrict access to, or block the progress of a grievance. Informants quoted being given mis-information, no information, and sometimes chaotic information, which left them confused and frustrated. An interpretation by several grievance handlers was that policies were designed to restrict the engagement of reasonable processes. This was described as a
deliberate tactic to obscure the complete story from being revealed, full disclosure of which may have changed the outcomes for the grievant. Tactics of avoidance and denial have short term benefits for the organisation; however they place the organisation in some jeopardy as employees become more informed and have a greater sense of their entitlement to be treated with respect and dignity in the workplace.

8.4. Other important findings
This section identifies a number of other important issues that emerged from the data. They have practical implications but draw on theory beyond the scope of this thesis.

Normalising bad behaviour
Several informants, both grievants and grievants described how the bad behaviour central to the grievance was normalised by the recipient of the initial complaint. The bad behaviour ranged from the angry shouting of one supervisor, to threats of violence from a subordinate. Efforts by management to rationalise and excuse these forms of bad behaviour caused confusion, frustration and then despair in the grievants. Grievance handlers who witnessed this also voiced their confusion, and then a sense of detachment from the organisation. Grievance handlers suggested that one rationale was that the organisation was attempting to avoid a claim of discrimination being lodged by the alleged perpetrator. Other rationale suggested that certain managers had particular interpersonal styles that just had to be tolerated. The mixed messages conveyed by management appeared to undermine the employee relationship.

The role of grievance resolution system in building relationships and trust
A grievance resolution system is a basic mechanism for affording justice in the workplace as it is a visible mechanism for guaranteeing fairness. Several grievants in Alliance – Org discussed their surprise and relief when their concerns were given a careful and considerate hearing by their managers. They were afforded a speedy and positive resolution that addressed the core elements of their concerns while maintaining the integrity of the organisation’s goals and operational requirements. These particular grievants expressed a deep loyalty to their organisation, describing it as like a family. However, a number of grievants in Edu – Org generalised their
feelings of being treated unjustly during the grievance resolution process into lack of trust in whole organisation. This information leads support to the idea that the grievance resolution system has a role in promoting trust and may influence the participants’ global evaluations of the workplace.

**Definitional difficulties with grievances about bullying**
The complex nature of bullying interactions in the workplace can lead to beliefs that the target deserves to be treated in such a manner. This is especially the case where the bullying behaviours are covert, and can be viewed as deviating from the normal workplace behaviour only slightly, in that they could be interpreted as normal within the context of the organisation’s culture. In this scenario a legitimate organisational response would be to blame the target by attributing responsibility to the target for the responses and reactions they are getting (Saam, 2009). Informants from each of the cases described scenarios where they received no response to their initial complaints, and then described how the bullying behaviour escalated or became entrenched. Assuming organisational benevolence, this failure to respond may be attributed to a lack of understanding of the differences between bullying and interpersonal conflict (Ferris, 2004). A better understanding of the potential damage to individuals, and by association the organisation, would lead to the development of efficacious management and intervention strategies.

**Grievances as a learning opportunity**
Two cases, Asset – Org and Alliance – Org, regularly undertook a limited analysis of the content of grievances and applied the information gained to the entire organisation. Their senior managers had approached the researcher to offer their organisation as a research site. These organisations were already receptive to the notion of a grievance as a possible indicator of systemic problems. Both Asset – Org and Alliance – Org were keen to obtain an Industry Report based on the findings of this research, and both subsequently made adjustments to their grievance resolution systems. The third case, Edu – Org, became part of this study via its staff association and was not really receptive to feedback from this research.
8.5. Recommendations for organisations

The aim of this research is to provide guidance to organisations in the design and implementation of their grievance resolution systems. Within the identified limitations of inductive research, the following section translates the theoretical contributions into actionable recommendations. These recommendations do not attempt to be a panacea nor a best practice bible, rather they draw on the analysis of the data and the existing theory to provide specific strategies that can be interpreted by practitioners and applied within particular contexts. Some recommendations take a broad perspective, such as focusing on conflict rather than the subsets of bullying and harassment, while other recommendations purposely intend to address particular issues. This section does not integrate these contributions with existing practice. That undertaking is left to another endeavour.

The grievance resolution system

This research exposed a number of significant inadequacies in the grievance resolution system of the cases studied. The major theoretical contribution relates to the degree of congruency of the values that underpin the design and implementation of the system. The basic concept of inconsistency between the advertised materials and the operationalisation of the system resonated with the data collected, and provided one explanation for the intensity of collateral damage. Organisational policies and procedures are frequently written with objectives and goals as their starting point. These act to guide decisions where the circumstances are complex and ambiguous. Clearly enunciated aims and objectives, that are aligned with the organisations espoused values, will influence expectations and guide behaviours and attitudes during the resolution processes.

Recommendation 1:

Organisations need to ensure that implementation of the grievance resolution system can be consistent with its advertised material both in the spirit and the actual detail of the procedures.

As described, the experience of the informants did not reflect processes that met procedural justice standards. Some key informants, the grievance handlers, did not demonstrate skills and knowledge of procedural justice. Additionally, Human Resource departments were not cited as able to provide the required support and
guidance to achieve these basic expectations. Rights, such as the right to procedural justice, within a system are established by instruments of both implementation and enforcement.

**Recommendation: 2**

*Principles of procedural justice should be clearly stated in the written documents and adhered to during the implementation of a grievance resolution process.*

**Recommendation: 3**

*The grievance resolution system should include avenues for appeal when procedural justice criteria are dispute.*

Throughout this research dilemmas associated with the identification and assessment of the bad behaviour has been presented by a range of informants. Additionally, it is not established by theory or practise that a grievance resolution system should rely on prior categorisation to activate resolution processes. This presents both theoretical and practical predicaments. While the theoretical issues suggest future research, the practical concerns require immediate strategies.

**Recommendation: 4**

*Assessment of grievances should be conducted by a person with sufficient experience and qualifications that would equip them to assess the situation and assist the grievant to select suitable dispute resolution practices.*

**Expert grievance handlers**

The individual narratives explored showed that expectations of expertise in grievance handling were consistently not met. Both grievants and grievance handlers expressed their concerns, albeit from different perspectives, about the level of skill and knowledge of resolution processes that were available in the organisation. This included proficiency by the front line managers of the initial complaint and later, the grievance resolution skills of the central reporting unit, usually the Human Resource department. Increased capabilities within the organisation will facilitate early resolution and minimise collateral damage. However, from time to time complex grievances will arise that require both specialist skills and for the organisation to be able to demonstrate neutrality. One method of achieving this neutrality is to engage external consultants, and although there are also inherent conflict of interest issues in
this approach these can be more readily minimised than when using an internal expert
(Van Gramberg, 2006b).

Recommendation: 5

Line management skills should include expertise in complaint handling, and interpersonal conflict prevention and management.

Recommendation: 6

In order to avoid a conflict of interest and to gain access to specific capabilities, organisations should engage external experts to handle grievances.

Focus on the grievant

This research has exposed narratives of collateral damage to grievants and, to a lesser extent, to grievance handlers and the organisation. In particular, descriptions were given of repeated examples of the organisations’ actions that had the effect of disempowering the grievants. There were two different types of actions, (1) those that impeded the grievant receiving appropriate support and (2) those that reduced the grievants control over their working environment, and in particular their control over the grievance resolution process. Increasing the opportunities for decision-making by the grievant will increase their resistance to a range of negative psychological effects. However, this should be done in the context of providing appropriate legal and psychological support. A re-focusing of the grievance resolution system to meeting the needs of the grievant could be achieved without significant cost or damage to the organisation. Addressing these two areas would most likely reduce the extent of the collateral damage to the grievant, thereby indirectly reducing the likelihood of damage and subsequent cost to the organisation.

Recommendation: 7

Provide the grievant with early, and ongoing, access to independent and qualified specialist support.

Recommendation: 8

Provide multiple opportunities for the grievant to make choices about which grievance resolution practice to use.

Re-orientating the organisational approach to conflict

Although this research has focused on bullying and harassment behaviour, the recommendations at the organisational level deliberately take a broader view. This is
in part because of the difficulties for managers, as previously described, in
determining what type of bad behaviour they need to address. Hence, this section
focuses on conflict as the set in which bullying and harassing behaviour belongs, and
which may be usefully addressed as whole from the perspective of managers. An
adjustment in how managers conceptualise conflict would allow a natural shift in the
selection of strategies and interventions while remaining appropriately contextualised
within the industry. This shift would essentially be based on the concept of creative
conflict first enunciated by Follett (1951). To achieve such a shift, key senior
managers would need to be involved; the point of intervention would be dependent on
where the impetus for change came from.

Many managers have firmly held, but often unexamined, beliefs about the nature of
conflict and appropriate approaches to preventing and managing conflict.
Additionally, these beliefs may have been confirmed by their success and
advancement as managers. Hence, in order to facilitate a more useful understanding
of conflict, it is recommended that managers are exposed to training models that
reveal any shortcoming of their existing mental frameworks of conflict. Pedagogical
strategies such as experiential training and reflective learning techniques are effective
in shifting attitudes and beliefs (Tillema, 2000). Positive changes in organisational
attitudes to conflict will open the way to the adoption and the adaptation of innovative
conflict and grievance resolution processes such as restorative justice and
conferencing.

Recommendation: 9

Provide key managers with experiential training and reflective learning
about conflict situations that:

Expose the weaknesses in traditional methods of conflict prevention and
management, and

Highlights the effectiveness of cooperative approaches that recognise
differences and build collaborative relationships.

A key outcome of a shift in orientation from beliefs that conflict is usually destructive
to approaches that seek the informative and creative aspect of conflict will inevitably
lead to (1) a search for systemic drivers of conflict and (2) a separation of the person
from the problem. This approach is not an idealised view that there is no such thing
as bad behaviour; rather it takes an optimistic stance which allows for change at both
the systemic level and the individual level. Recommendations related to (2) are itemised above as in the section above. A systemic scan of the environment is an opportunity to engage a collaborative approach to problem solving, and to engage as a learning organisation.

**Recommendation: 10**

Reports of bad behaviours, including interpersonal conflict, harassment and bullying should be analysed at the systemic level in order to identify and take appropriate systemic action.

This research has highlighted that situations giving rise to a grievance are rarely completely private, and that confidentiality around the grievance is difficult to achieve. This reality needs to be handled positively. Additionally, research has shown that the appropriate rectification of mistakes, timely provision of remedies and harm minimisation activities serve to increase trust and satisfaction at an organisational level (Hui et al., 2001). The following recommendations address the opportunity to shape the narratives about grievances that circulate the organisation and thus influence the impact these messages have on its reputation.

**Recommendation: 11**

Appropriate announcements to stakeholders should be considered as part of the resolution actions of each grievance.

**Recommendation: 12**

De-identified information about grievances and their resolution should be made publicly available annually.

Sufficient information is now available to alert organisations to the potential prevalence of bullying in their industry. There is sound evidence of the types of reactions that may be the result of unchecked bullying behaviour, such severe depression, PTSD, absenteeism and suicide. Additionally, organisations in Australia have a clear duty of care established via OH&S regulation. Organisations need to know that their systems are working to protect their employees and to ensure a safe working environment is maintained.

**Recommendation: 13**

Organisations should include the grievance resolution system into their regular cycle of audits.
Changes to ILO conventions

Scholars researching the impact of harassment and bullying in the workplace have consistently found a high incidence of damage to the target’s health and well-being and position in the workplace. Although some countries have regulations that aim to protect workers from these behaviours and to support organisations to act, current ILO conventions do not address the right to be treated with respect and dignity in the workplace.

Recommendation: 12

*The International Labour Organisation should establish a convention which aims to establish respect and dignity in the workplace as the norm.*

Although in the cases examined trade union officials played no part, it should be understood that in Australian industry generally that unions features in dispute resolution processes, particularly where health and safety is concerned.

8.6. Limitations of this study

In this study there are a number of limitations that were established as boundaries. In order to limit its scope, only the principles of equity and equality were explored, both theoretically and empirically. This is not to say that these are the only values operating in the workplace, rather they were selected because volume of research already undertaken pertaining to these values that could be drawn on.

The open ended nature of this research has resulted in data that often didn’t match each other or directly relate back to the original research question. It also resulted in a fair amount of *noise*. Data analysis techniques were designed specifically to handle this.

The relation of the raw quotes to themes and theory relies on the author’s interpretation. Information about the author’s background was provided in Chapter 3.

Accessing appropriate organisations where multi-level information could be obtained was problematic. Organisations were reluctant to allow access because of the nature of the phenomena under study. Several organisations offered only limited or partial access were excluded from the study.
It is possible that this research is skewed towards negative indirect outcomes because grievants and grievance handlers with positive experiences did not volunteer to participate in this research in proportional numbers. This analysis has attempted to address this by refraining from claims that exclude the possibility of the grievance resolution system achieving positive indirect outcomes for volunteering participants.

A final boundary was the exclusion of alleged perpetrators. It was considered unlikely that individuals who would self-identify as perpetrators would volunteer to be part of this research study because of social desirability effects.

8.7. Future research
There are a number of aspects of grievance resolution systems that are relatively under explored but which have been touched on by this project. First, there needs to be further research conducted in the role of the individuals’ justice values in a grievance resolution process, how they interact and intersect during a grievance resolution process. Such research would build on the findings of this project and further extend earlier work that explored cultural differences in perceptions of organisational justice by locating the phenomena in the organisation rather than the nation. Additionally, the scope of this research was limited to the justice values of interest to equity and equality. Future research on the role of individuals’ justice values could attempt to find other justice values that may be activated during a grievance resolution process.

Second, research on grievance resolution systems could be conducted from the perspective of the organisation. In Australia, and certainly in other countries, there are some regulations that require organisations to have a grievance resolution system. However, the regulative imperative is not the only motivation, nor does regulation dictate the specifics of the system. Future research that examines the institutional logic of organisational grievance resolution systems would contribute to our understanding of how these systems operate and the impact that have on all stakeholders.

This research makes a contribution to the emerging field of study into the role of alternative grievance resolution process in organisations. This includes a range of
practices such as mediation and restorative justice. The field of mediation is vast, with practices including evaluative, narrative, transformative and facilitative, where each of these practices is based on different underpinning assumptions about justice and how it is achieved. Future research could target specific practices, exploring which justice values are activated by which practices.

Future research could explore the role of restorative practices in meeting justice expectations in the workplace. In Australia the relative new practice of restorative justice was originally located in the juvenile justice system and the indigenous justice system. These practices aim, amongst other objectives, to restore relationships. The theoretical contributions of this research, i.e. the expectation of equality and the role of social identity in grievance resolution processes, suggest that justice practices that support this approach should be investigated. Additionally, narrative mediation supports an approach that allows for the inversion of the dominant social paradigm by reconstructing the parties’ narratives (Winslade & Monk, 2008). With greater understanding of how these practices meet justice expectations, there may be a case for the selective adoption and adaptation of these practices for the workplace.

This research revealed some evidence of the role of procedural fairness in the acceptance of unfair outcomes identified by MacCoun (MacCoun, 2005) as false consciousness caused by procedural justice. There may be a link between a variation in justice values in operation during a grievance resolution process and the degree of acceptance of unfair outcomes. Future research could address the mechanisms of minority group acceptance of unfair outcomes, and the role that an individual’s justice values has in the acceptance of unfair outcomes.

Future research could be designed to assess the overall operation of a grievance resolution system. This would require a systemic analysis of the percentage of grievable events occurring annually, the percentage of those that are taken through the formal resolution process, participants’ evaluations of each grievance resolution process.

There are a number of issues raised by this research that would be of particular interest to practitioners. The No Tolerance approach to bullying behaviour was
adopted by Edu – Org, however it is difficult to find scholarly argument or empirical evidence to support this approach. Future research could examine and test the No Tolerance approach as a strategy to manage bad behaviour.

An important contribution of this research is to highlight the implications of facilitating the grievant’s choice and control over the grievance resolution process. Control is recognised as a significant moderator in satisfaction and health outcomes. Future research into the efficacy of grievance resolution processes could identify control factors as an independent variable. Selecting a grievance resolution process that is suitable for the parties and the particular grievance is not necessarily a straightforward matter. Future research could address the selection process by further exploring the salient features of grievances and how they respond to particular interventions and resolution strategies.

Future research could test the findings of this research using experiments or large survey in multiple organisations. Finally, future research could specifically test individuals’ preference for justice processes that are based on social identity, on group goals, or on multiple norms of justice operating simultaneously. This would build on the work undertaken by Kazemi and Törnblom (2008) where they considered a number of questions about justice principles and which principles where applied in which circumstances.

8.8. Conclusion

Research that deals with justice in workplace grievance resolution is rare. This research has contributed to the emerging field of interest in organisational grievance resolution systems. The findings support the theoretical reasoning that differences in justice values influence the collateral damage resulting from the grievance resolution system. The organisations studied promoted their systems as providing justice based on principles of equality, but informants described experiences that resonated with an equity based grievance resolution system. The implication of these findings is that multiple norms of justice are operating in organisations and the primacy of particular justice norms will vary depending on the organisational culture, the individuals pre-existing justice norms and the justice decision-making context.
This thesis makes a number of contributions. It highlights and contrasts the distinctions between the self-interest models based on the principle of equity and the relationship focused models based on the principle of equality. On a practical level this is especially salient when considering the efficacy of grievance resolution systems in handling bullying complaints. Where the justice decision-making context is equality based, as described in the identity and group relationship concerns of a bullying scenario, the use of an equity based grievance resolution system is particularly troubling and possibly dysfunctional.

This research tentatively extends the field of cross-cultural research on justice into the arena of organisational culture and its industrial context. These particular case studies have revealed information about the simultaneous operation of different justice values in organisations. In multi-cultural societies, and workplaces that value diversity, the interactive effects of differing justice values may produce unexpected results. A better understanding of the likely justice norms to be encountered will aid the design and implementation of grievance resolution systems.

This thesis makes some cautious contributions to explaining the discrepancies found between perceptions of distributive justice and perceptions of procedural justice. Described by MacCoun (2005) as a false consciousness, satisfaction with procedural justice has been shown to outweigh dissatisfaction with distributive justice. In the literature there is an overemphasis on the correlations between distributive justice and procedural justice, and findings of the inverse correlations are de-emphasised. Closer attention to the justice values, sometimes deconstructed into allocation rules, underpinning perceptions of distributive justice in organisations may expose the operation of more complete assessment of justice, as initially proposed by Törnblom and Jonsson (1985) in their total fairness model. This, in turn, may contribute to the development of more rigorous theories that support the implementation of justice in organisational grievance resolution systems.

The central focus of this inductive research was the dissonance between the expected justice values and the applied justice values of a grievance resolution system. This theoretical reasoning is supported by neurobiological evidence that negative behavioural responses and aversion feelings can arise from the perception of justice
rules violation (Beugre, 2009). In their presentation of a theoretical integration of
distributive justice, procedural justice and resource theories, Törnblom and Vermunt
note the lack of theoretical and empirical study of tensions resulting from violations of
rules other than equity (Törnblom, 2007 p.416). Inductive reasoning based on the
data collected in these case studies suggests that a failure of the grievance resolution
system to meet the justice values expectations of the individual is associated with
significant negative impact on the health and well-being. This will drive future
research in attempts to uncover explanations and to develop strategies that will
reliably reduce the incidence of collateral damage.

The dominant discourse in organisational justice has assumed justice judgments are
based on principles of equity, taking the foundational theoretical reasoning from
empirical studies conducted in the late 1940s on American men. For much of the last
century, and under pressure from funding bodies, main stream social research avoided
the study of values, such that the values underpinning theory often remained implicit.
However, there is mounting evidence that (1) increased levels of knowledge and
education, (2) changing social, economic and institutional circumstances and (3) the
increased interconnectivity that amplifies life experiences, have changed social norms
over the past seventy years. This research has explored the core values of equity and
equality underpinning the justice judgments of participants in a grievance resolution
process. By highlighting the values framework in which these expectations and
judgments are located, this thesis repositions values as a fundamental issue of concern
in organisational justice.

This research adds to the emerging field of interest in grievance resolution system as a
core element of employment relations. It considers the proper handling of employee
grievances as central to good governance. By considering the individual’s
expectations of a grievance resolution system as central to understanding the efficacy
of the process this study provides some insights that may prove useful in achieving
greater fairness in the workplace.

*Competitiveness in industry can be achieved through systems of
management and flexible highly trained employees, (however) ... for
flexibility to operate employees require guarantees of fairness. ...(T)he
state owes it citizens a duty to secure the traditional civil liberties in the
workplace (McCallum, 2006 p.135)..*
Appendix 1

Sustainable approaches to grievance handling in organisations

I invite you to participate in this PhD research project. The aim of this project is to explore the complex relationships between justice principles, such as equity and equality, the implementation of grievance systems and the outcomes for grievants and organisations. This research will develop practical recommendations for policy makers in organisations and regulatory bodies.

I have extensive experience interviewing people and I am a qualified, experienced and accredited workplace mediator who has in-depth knowledge of complex workplace issues. Some of my professional background can be viewed at www.management.unimelb.edu.au by following the links.

This project has been approved by the University of Melbourne’s Human Research Ethics Committee.

If you agree to participate you will be asked to answer questions about your experiences during the grievance resolution process. These questions concern your expectations of the process and how these expectations were, or were not, met during the process. The interview will be recorded. I estimate the total time required will not exceed an hour.

I will protect your anonymity and confidentiality of your responses to the fullest possible extent, within the limits of the law. In the final report, you will be referred to by a pseudonym. I will remove references to personal information that might allow someone to guess your identity. The data will be kept securely in the Department of Management for at least five years after completion of the research project.

Your participation in this research is completely voluntary. Should you wish to withdraw at any stage, or to withdraw any unprocessed data you have supplied, you are free to do so.

Should you require any further information, or have any concerns, please contact me on the numbers given below. Should you have any concerns about the conduct of the project, you are welcome to contact the Executive Officer, Human Research Ethic, The University of Melbourne, on telephone 03 8344 75077 or Fax 03 9347 6739.
Should you wish to participate, please indicate that you have read and understood this information by signing the accompanying contact form and the consent form and returning them to the researcher.

Yours sincerely

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CONSENT FORM

Research Project - Sustainable approaches to grievance handling in organisations

Name of participant:

Name of researcher: Penny Webster

1. I consent to participate in the project named above, the particulars of which – including details of the interview – have been explained to me. A written copy has been given to me to keep.

2. I authorise the researcher, named above, to interview me.

3. I acknowledge that:
   a. The possible effects of the interview have been explained to me to my satisfaction;
   b. I have been informed that I am free to withdraw from the project at any time without explanation or prejudice and to withdraw any unprocessed data previously supplied;
   c. The project is for the purpose of research;
   d. I have been informed that the confidentiality of the information I provide will be safeguarded subject to any legal requirements.

Signature       date

Ms Penny Webster
Tel 03 8344 0793 Fax 9349 4293
Email pwe@pgrad.unimelb.edu.au
Sustainable approaches to grievance handling in organisations

Contact Details

I agree to be contacted by the lead researcher, Penny Webster.

Please nominate the best times to make contact with you.

1. Time _______ to _______   Date________________

2. Time _______ to _______   Date________________

3. Time _______ to _______   Date________________

Please confirm your preferred name and phone number where I can contact you.

Preferred name:

The best number to contact me is:

Signature

Please return this contact details sheet and the consent form. The University ethics requirement means that we need to have the consent form returned before we can start the interview.

Thank you
Penny Webster

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Appendix 2

First round cases

Interview Guide Questions for the Grievance Policy Writers

Section A Individual profile and work background.
1. How long have you been working this organisation?
   a. What work do you do and have you held any other positions in this organisation?
   b. How many hours a week do you work? Tenure type?
2. Person profile: Age, sex, ethnic background, length of residency in Australia, education level, number of extended family living nearby
3. What work did you do before joining this organisation?
4. How were you employed by this organisation? (Recruitment and selection process)
5. Can you describe an orientation or induction process you had when you began with this organisation?

Section B The grievance system
1. How long has this grievance system been in place?
2. What was the design process?
   a. who drafted it, who was consulted? who had input or veto? and who approved it?
3. Why does your organisation have a grievance system?
   a. Whose expectations are going to be met?
   b. What are those expectations? Do you think those expectations are generally held within the community?
   c. What organisational level benefits? How effective is the grievance system in meeting these expectations?
4. Does the current system achieve this? If so, how?

Questions derived from desk top analysis of Asset –Org documents
1. The Complaints Procedures refers to, merit and equity principles and later to a ‘fair and efficient manner’ What do these terms mean to you? Does the system promote justice and reflect justice values? Or Human rights? How are they linked with the organisation’s justice values?
2. The Complaints Procedure refers to Transparency of decision-making, how do you achieve this?
3. A number of different positions hold various responsibilities and accountabilities, the GM, the Manager HR, Grievance Officers, Contact Officers and Supervisors and Managers generally. What training and or qualifications do you require from them? How do you translate information from your ‘written confidential reports’ to training programs?

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4. How does the organisation know how the Grievance system is operating? – what follow up information seeking do you do?

Section C  General questions about the organisation.
1. What are the criteria for selecting employees for training opportunities? Who decides what the criteria are?
2. How is it decided who gets leave and when they get it? What about sick leave?
3. What are the criteria for determining people’s promotion or allocation of special tasks?
4. How would you describe the relationships
   a. in the group you work with?
   b. between the supervisors and the workers?
5. How would you describe the organisational culture?
   a. Any problems that you can see with this kind of organisational culture?
6. Do your employees operate in teams? Is there an expectation that the team will be more than the sum of its parts, ie that there will be synergy? What activities are carried out in teams?
7. How well are individual employees known by the manager three levels up from them?
8. How easy is it to replace an employee?
9. How do new employees learn what standards of behaviour are expected of them?

Some specific questions from stats.
How many grievances go to mediation?
   What are the outcomes?
   What follow up is done?
How many proceed directly to investigation?
   What are the outcomes?
   What follow up is done?
How many grievances go from mediation to an investigation?
   What are the outcomes?
   What follow up is done?

Does the HR manager demonstrate?
- Freedom harassment in the workplace is a human right
- The concept of ‘Justice as Equality’ is understood
- The psychological relevance and importance of (social) identity in the workplace

Further Prompt questions
1. What are the messages you think the organisation’s grievance system sends to stakeholders (including the friends and families of employees) about your organisational culture? How do you achieve this? Or what do your stakeholders expect from your grievance system?
2. Thinking about your involvement in handling a grievance, wether assisting the Grievance Officer or the grievant, can you list the things you were most concerned about achieving while you were undertaking this process? How do you know if you have achieved any of these expectations?
3. What are the specific things that happened during the process that are important for you?
4. What response does the grievant expect and how would this benefit them and the organisation?
Interview Guide - Questions for the grievance handler

Section A Individual profile and work background.

AS ABOVE PLUS:

1. How typical are you of your workgroup? Sex, ethnicity, age, length of tenure, tenure type
2. How would you describe your satisfaction with your work?

Section B Specific questions about how you handled the grievance.

1. How did you get appointed to this role?
2. What training were you given? Can you describe it? Who conducted this training?
3. How were you notified of the grievance?
4. What was the attitude of the person who contacted you about the grievance?
5. Were you given any instructions about how to handle the grievance?
6. Did you get any indication about the organisation’s expectations about what the outcomes might be?
7. How do you know if you have achieved these expectations?
8. What happened then? What did you do next?
9. How did the grievant respond?
10. How did the respondent react?
11. Did you interview other parties? Eg potential third party witnesses? How did you know who to approach?
12. What guidance were you given during the process?
13. To what extent do the grievance system’s policies and procedures help you create a process?
14. What were you most concerned about achieving while you were undertaking this process?
15. How do you know if you have achieved your expectations?
16. Do you know what the outcomes of the grievance were? Or do you know if your recommendations were implemented? How do you know this?
17. Has the actions or attitudes of those who notified you about the grievance /or made the final decisions about the grievance changed how you were feel about the organisation?
18. Do you think the grievant got justice? What do you mean by that?
19. What were you satisfied with? And what were you dissatisfied with?
20. How could you improve this process?

Section C General questions about the organisation

AS ABOVE
Interview Guide Questions for the grievant

**Section A Individual profile and work background.**

**AS Above Plus:**

Organisational environment (workgroup) prior to grievance
1. How typical are you of your workgroup? Sex, ethnicity, age, length of tenure, tenure type
2. Before the grievance incident, how would you describe your satisfaction with your work?
3. How would you describe the communication within your workgroup?
4. How would you describe the information sharing within your workgroup?

**Section B Specific questions about the grievance, the grievant's expectations and how the organisation handled the grievance.**

**The matter**
1. What was the issue that resulted in you putting a grievance in writing? Can you describe the incident(s), when is happened, who was involved and how it progressed?
2. How did you respond? How did it affect you? (Behaviour at work, health, well-being) And what did you do?
3. Did you seek assistance from others in this organisation? Who were they? How did they react and what did they do?

**Expectations**
1. When did you become aware that the organisation had a formal grievance process?
2. What prompted you to use the formal system?
3. What response did you expect from the organisation? How would this have benefited or assisted you?
4. Would this have satisfied you?
5. Is this expectation different to what you would expect if the incident(s) hadn’t happened at work? Eg If you had been a customer? A member of the public?

**The process/what happened**
1. What happened after you lodged the grievance?
2. Was the grievance process discussed with you? And if so by whom?
3. Were you advised to seek assistance from any external person or agency?
4. What are the specific things that happened during the process that were important for you? Can you describe the attitude and actions of those who contacted you or who had any formal or informal discussions with you about the matter?
5. Did these actions and attitudes change how you were feeling about the matter? About yourself? About the other party? About the organisation?
6. What were the actions that made you feel better? What were the actions that made you feel worse?
7. What were the attitudes that made you feel better? What were the attitudes that made you feel worse?
8. What impact was there on other parts of your life? Your relationships with family, friends or your community activities? Your health, emotional well-being or your mental health?

Section C   General questions about the organisational environment

AS ABOVE

Section D Final questions

1. Did you get justice? What do you mean by that?
2. What were you satisfied with? And what were you dissatisfied with?
3. How could you improve this process?
Additional or reworded questions for Case 3

1. How would you describe the communication climate (Vartia, 1996) within your workgroup?
   Everybody is listened to at my workplace _____________________________
   Problems at work and differences of opinion are discussed openly _________________
   Everybody has the courage to express their opinion _____________________________
   Independence is appreciated and encouraged _________________________________
   Personal differences are accepted ________________________________________

2. How are differences of opinion usually settled at your workplace?
   Talking the matter over and by negotiating
   Taking advantage of one’s position or authority or by order
   We do not try to settle them

3. How would you describe the social climate (Vartia, 1996) within your workgroup?
   There is envy in my workplace
   Workmates compete against each other
   There are cliques and underestimation of people at my workplace

4. How would you describe your supervisor's relationship with you?
   (1) Envious / neutral / encouraging / proud of my professional competence
   (2) Envious / neutral / encouraging / proud of personal relationships with colleagues

5. What is the attitude to innovation in your workplace?

General questions about the organisational environment

6. Are the operating procedures for your workgroup clear and consistent? (Hodson et al., 2006)
   Clear bureaucratic processes
     a. Are there clear criteria for selecting employees for training opportunities/bonuses/special projects?
     b. Capacity to control employees through systemic rewards
     c. Who decides what the criteria are?
     d. Who makes the decision about who gets these rewards?
     e. What influence do you have in this decision? (Hodson et al., 2006)

7. What are the criteria for determining people's promotion or allocation of special tasks?
   a. Seniority, relationships with other staff?
   b. History with organization or merit, performance?
   c. What influence do you have? (Hodson et al., 2006) Capacity to control employees through internal labour markets

8. Is your work organized in a team structure? (Hodson et al., 2006) Visibility
SUSTAINABLE APPROACHES TO GRIEVANCE HANDLING IN ORGANISATIONS:
The impact of justice value incongruence during the implementation of internal grievance systems in contemporary organisations

Briefing Paper

Introduction
Contemporary empirical evidence form Australia reveals that some organisational grievance systems are associated with higher levels of employee withdrawal behaviour, such as turnover and absenteeism, than is measured in organisations that do not have formal grievance systems (Guest et al., 2002). Evidence from Scandinavian countries suggests that participation in the grievance system may strengthen and intensify negative indirect outcomes for the grievant (Boswell et al., 2004; Einarsen et al., 2003b; Ferris, 2004; Rayner, 1999).

This research will investigate the nature of the grievance system, specifically as demonstrated during the implementation phase, in relation to organisation typology, espoused organisational values and employee expectations. Complaints about bullying and harassment often form the bulk of an organisation’s grievances. However there are associated uncertainties of definitions, a lack of valid responses available to organisations and uncertainty about the extent of organisational responsibility that suggest that grievances about bullying and harassing behaviour provide a suitable test for the efficacy of the grievance system.

By understanding how congruence between different organisational paradigms and specific justice principles impacts on the indirect outcomes for individuals who complain, this research will develop practical recommendations for policy makers in organisations and regulatory bodies.

Literature overview
The substantial volume of empirical and theoretical organisational justice research accepts the dominant ‘justice as equity’ framework, however results are not consistent. The study of organisational justice
needs a fresh approach, one that takes more account of the multi-cultural nature and global context of organisations and that seeks to understand the relevance of other justice principles, such as equality.

Research into the efficacy and operation of grievance systems is generally limited to unionised settings in the USA and is not contemporaneous. The impact of bad treatment at work has been shown to be devastating; hence the operationalisation of a grievance system has the potential to compound or alleviate the effects. All employees have the right to be safe at work, and to have access to systems of appeal and complaint that alleviate rather than exacerbate the problems.

Research Aims

The broad aim is to illustrate the complex relationships between justice principles, such as equity and equality, the implementation of grievance systems and the outcomes for grievants and organisations. This will be achieved by exploring the different and combined influences of resource based and relationship based organisation models on the policy development and implementation of grievance systems. Further, by investigating how an individual’s social identity perceptions and justice values influence the strength and direction of indirect outcomes; namely decreases in well-being and increases in workplace withdrawal behaviours.

Sampling and Data Collection

Where the organisation (the Principle Organisation) engages an independent agency to receive the initial contacts or approach from complainants or grievants, that agency (the Contact Agency) must also endorse the research project.

Data collection will involve three methods;

- review of archival sources, such as employee turnover rates, grievance statistics, absenteeism,
- analysis of related policy documents, and
- in-depth semi-structured interviews with grievance decision-makers, grievance handlers and grievants.

The review of archives and policy analysis will require access to a selection of the Principle Organisation’s internal documents and reports such as: employee turnover rates, absenteeism rates, grievance rates, grievance outcomes, climate surveys, job satisfaction surveys, the grievance policies and procedures, discipline policy and procedures, mission statements, codes of ethics and similar such documents where they are in existence.

Three levels of interviews are held. This will include interviews with a person who has some responsibility for the design or approval of the grievance system, employees who have a responsibility for handling the grievance, whether as an investigator or decision-maker, and employees who have made complaints or grievances. In-depth interviews are conducted and recorded in private, in a location chosen by the interviewee, using a semi-structured interview guide.

Random Selection of participants

The preference is for random selection of grievants and grievance handlers in each organisation in order to more accurately reflect the reality within that organisation. The following method of sampling has
been devised to protect the privacy of the potential interviewees, ensure that there is no influence or appearance of influence from the organisation and to allow the potential interviewees to make a considered and independent decision about participation in the research.

The Sampling Process

- The research project is endorsed by the organisation
- The Information and Consent Pack, that explains the research project, state the organisations’ endorsement and invite participation are sent to two groups of employees;
  - all grievance handlers, and
  - all employees who have made a verbal or written grievance within the past few years.
- The Information and Consent Pack includes:
  - A shorter version of the details of the research project as provided in this briefing paper,
  - A consent form,
  - An authorization to contact form, and
  - An envelop, stamped and addressed directly to the researcher.
- Employees then self-select their participation by replying directly to the researcher.

Confidentiality protected

This sampling method ensures that the organisation does not know who has agreed to be interviewed by the researcher. Further it ensures that the researcher has no knowledge of the participant’s identity until that person volunteers for the project by contacting the researcher directly.

Timelines

Research time lines are as follows.

- Desk top analysis of archival material and policy documents: Nov 2006 to Sept 2007
- Interviews: Nov 2006 to Nov 2007
- Data Analysis: December 2006 to December 2007

Research Contribution

Despite persistent media attention and public concern about the reported outcomes for grievants of bullying and harassing behaviour, in terms of their ongoing relationship with their workplace, and their health and well-being status, there is very little contemporary empirical research on the implementation of grievance systems. This research explores grievance handling by asking the participants, both those who implement the organisation’s grievance process and the grievant, for their impressions and feelings about their experiences. The research is positioned within a theoretical model that is built around fundamental justice principles and classical social science theory.

By understanding how congruence between the different organisational paradigms and specific justice principles impacts on the indirect outcomes for individuals who complain, this research will develop practical recommendations for policy makers in organisations and regulatory bodies. Specifically, this study is seeking alternatives to traditional grievance resolution processes and is therefore expecting to make policy recommendations.
Researchers
Ms Penny Webster has extensive experience interviewing people and is a qualified, experienced and accredited workplace mediator who has in-depth knowledge of complex workplace issues. Penny conducts training in mediation for the Institute of Arbitrators and Mediators Australia and is an experienced counselor. With experience as a CEO in the NGO sector, significant management and policy development experience in the government sector, and from her role as a tribunal member, the Mental Health Review Board of Victoria, Penny brings maturity and depth to her research and interviewing skills. A summary of her professional background and academic career can be viewed at: http://www.management.unimelb.edu.au/staff/phdStudentPage.cfm?StudentID=273

A/Professor Ying Zhu is an internationally renowned academic in Human Resource Management and International Business Management. He has conducted field research in China, Japan, South Korea, Thailand, Vietnam, and Taiwan, and has over seventy publications. A summary of his academic career can be viewed at: http://www.management.unimelb.edu.au/Staff/staffPage.cfm?StaffId=42

Thank you for your consideration.

Penny Webster

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