

Conflict, Discipline & Grievance

People Skills for Managers

Samuel A. Malone



SAMUEL A. MALONE

CONFLICT, DISCIPLINE & GRIEVANCE

PEOPLE SKILLS FOR
MANAGERS

Conflict, Discipline & Grievance: People Skills for Managers

1st edition

© 2018 Samuel A. Malone & bookboon.com

ISBN 978-87-403-2400-6

CONTENTS

	Introduction	6
1	Conflict Management	7
1.1	Types of Conflict	7
1.2	Causes of Conflict	10
1.3	Five Steps to Conflict Resolution	13
1.4	Managing Conflict	15
1.5	Styles	19
1.6	Advantages of Conflict Resolution	21
1.7	Summary	22
1.8	Five Steps to Improve Your Conflict Resolutions Skills	22
2	Discipline, Grievance & Counselling	23
2.1	Types of Disciplinary Problems	24
2.2	Disciplinary Interview	29
2.3	Principles of Natural Justice	31
2.4	Management Handling Styles	32

CMO INSPIRED CONFERENCE
25 OCTOBER | DE VERE BEAUMONT ESTATE | OLD WINDSOR UK

Join Over 100 Chief Marketing Officers & Digital Innovators

2.5	Manager's Conduct When Disciplining	34
2.6	Grievance	35
2.7	Grievance Procedure	37
2.8	Counselling Interview	38
2.9	Summary	48
2.10	Five Steps to Improve Discipline/Grievance/Counselling Skills	49
	Acknowledgements	50
	About the author	51
	References and bibliography	52

INTRODUCTION

The People Skills for Managers series of books are aimed at managers who want to acquire the vital people skills needed for success in a management career. This book covers the skills of conflict management, discipline, grievance and counselling. Each chapter starts with questions to prime the mind for learning and includes a summary and ends with five practical things you can do to improve your skills in the specific areas covered. Acronyms, inspirational quotations, illustrations and diagrams are sprinkled throughout the text to further enhance and consolidate the learning process.

Conflict is a natural and inevitable part of life. Managers should know how to handle conflict situations in a satisfactory conciliatory manner. Conflict can be interpersonal, group or organisational. Interpersonal conflict can be caused by different perceptions of roles. Group conflict can be caused by a lack of common goals. Organisational conflict can be caused by poor organisation structure, systems or office politics. Minor disputes, if not resolved at source, may fester into major conflicts. Personality clashes can lead to needless arguments and disputes and can result in a lack of cooperation between departments and employees.

Managers need the skills to handle discipline, grievance and counselling situations. A disciplinary situation arises if an employee breaches a rule, or consistently fails to reach the required level of job performance. Disciplinary problems include breaking health and safety rules, tardiness, unacceptable behaviour and insubordination. The disciplinary action steps include informal talk, oral warning, written warning and finally, dismissal. The principles of natural justice include the right to question, defence, and to consistency and fairness of treatment. When an employee alleges that the manager has acted unfairly against them you are dealing with a grievance.

Counselling is the process of helping employees recognize their feelings about issues, define personal problems accurately and find solutions, or learn to accept a difficult situation.

After reading this book you will be able to:

- Identify the types and causes of conflict
- Resolve conflicts in the workplace
- Deal effectively with discipline, grievance and counselling situations
- Conduct disciplinary and counselling interviews

Samuel A Malone

August 2018

1 CONFLICT MANAGEMENT

What are the types of conflict?
What are the causes of conflict?
What is conflict resolution?
How can I manage conflict?
What are the five steps of resolving conflicts?

1.1 TYPES OF CONFLICT

There are three types of conflict; namely, interpersonal, group and organisational.

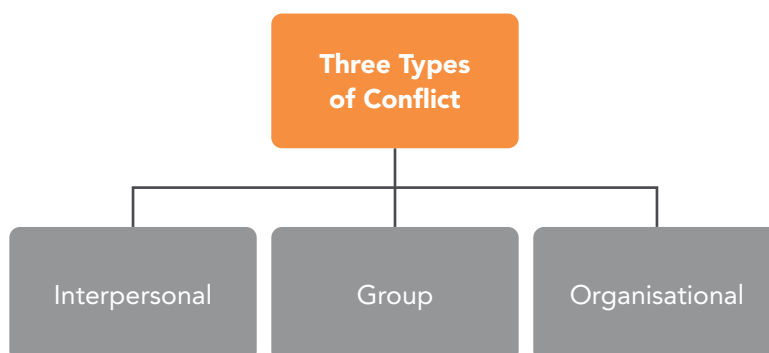


Fig. 1.1. Three Types of Conflict

INTERPERSONAL

We are programmed with a territorial instinct. Like other primates, humans try to protect their space or territory, and feel threatened, vulnerable, upset and resentful when it is invaded. Role conflict arises when our job role is not clearly defined. There may be conflict between an employee's values and sense of ethics and that of the company's culture. There may be conflict between the employer's expectations and those of the employee's trade union and family.

Most people perform several roles in their lives, and as a result often find that the demands of one role conflict with another. A shop steward may experience conflict between his role as an employee and a union representative. A supervisor is often put in a “no win” situation, having to deal with the conflicting expectations of managers and workers simultaneously. A professional woman may experience conflict between the demands of her job, the professional standards of her profession and the needs of her family.

It has been found that introverts react more negatively to role conflict than extroverts; they experience more worry, tension and poor interpersonal relations. In addition, studies have shown that anxious people are more likely to suffer role conflict than people who have a more calm and adaptable approach to life.

Role conflict can include role incompatibility, role ambiguity, role overload and role underload. *Role incompatibility* arises in organisations when some roles are naturally incompatible with others because of different goals and priorities. Roles can also be incompatible with a person’s values because of ethical considerations and conflict of interest.

Role ambiguity refers to a lack of clarity about how to perform one’s job. It may include uncertainty about goals, how best to achieve them and how performance is evaluated. A job specification can help to clarify the scope and nature of roles.

Role overload is where you have too much to do and can lead to stress and ultimately burnout. Role underload is where you have too little to do and this can result in job dissatisfaction and boredom. Workers in this situation often think up things to do to fill the time available. Some of these activities may not be in the interests of the company.

Personality clashes arise when people do not get along with each other because their temperaments, objectives or points of view are different. Competing for limited promotional opportunities may cause conflict amongst employees. Conflict may arise when employees feel they have not been kept informed about what is going on in the company particularly about issues concerning their immediate jobs.

“All men have an instinct for conflict: at least all healthy men.”

– Hilaire Bellor

GROUPS

Conflict may arise within groups when members feel that there is a lack of goal congruence where they are not pursuing the same goal and are working to different agendas. The decentralisation of management means that teams are now expected to take on more responsibility, work longer hours if necessary, and make decisions that were the prerogative of managers in the past. This causes stress and conflict. Personality clashes often arise where people work in close relationships as in teams. The convergence of different temperaments and people with different attitudes and viewpoints working closely together can cause friction.

There is inherent conflict in the business context between quality versus quantity, the demands for higher productivity versus the employees' need for compensation, the need to maintain ethical standards versus the need to compromise, and short-term results versus long-term implications. Conflict may also arise if some group members fail to conform to the norms or expectations of the group. In such circumstances group members may be ostracised.

ORGANISATIONAL

The Iceberg Model can be used to understand conflict in organisations. In this model conflict is either overt (the ice evident above the water line) or covert (the ice not evident below the water line). The overt conflict sources are apparent from organisation charts, procedures and policies, plans, strategies and budgets and in job descriptions. Poor systems, policies and procedures often hinder rather than help employees from working effectively. Policies considered unfair by employees might cause resentment.

Covert conflict is hidden and arises through informal organisation, power struggles, office politics, company culture and hidden agendas. Traditionally there is conflict between departments who have different objectives and compete for limited resources. Marketing usually wants to carry sufficient stock to meet customer demand, whilst finance is interested in optimising stock levels to reduce costs. Research and development might find it difficult to get Manufacturing to do a few basic tests on a prototype because they don't consider it a priority in relation to their ongoing responsibilities. Operations see marketing as the glamour department who take clients out wining and dining, while they get their hands dirty doing the essential work.

"A good manager doesn't try to eliminate conflict; he tries to keep it from wasting the energies of his people. If you're the boss and your people fight you openly when they think that you are wrong – that's healthy."

– Robert Townsend

1.2 CAUSES OF CONFLICT

Managers and employees cause conflict such as the following:

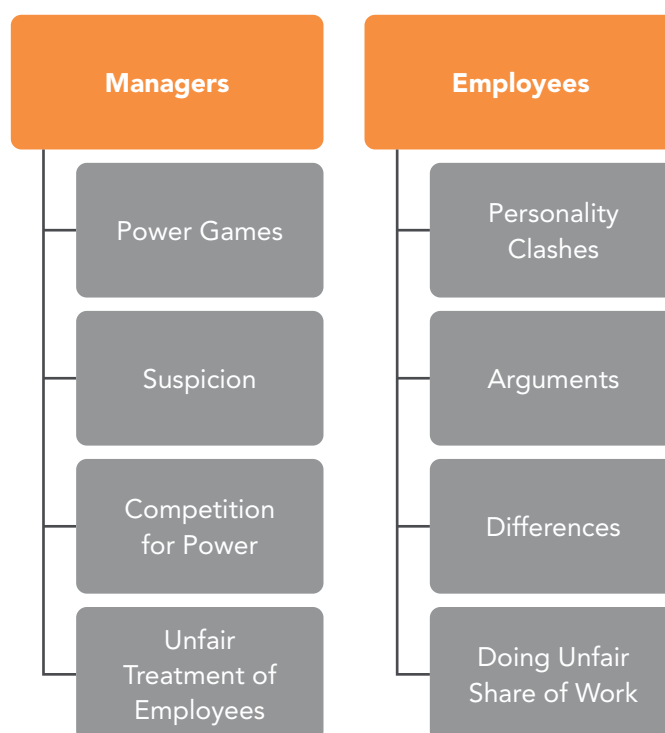


Fig. 1.2. Causes of Conflict

MANAGERS

- Managers playing power games such as maliciously forgetting to invite someone to an important meeting. This will undermine the victim's status and hurt their pride and cause anger and resentment and even a desire for revenge and retaliation.
- Mutual suspicion and lack of trust between management and employees. Under the confrontational model of industrial relations, trade unions view management as the enemy. On the other hand, managers may view trade unions as troublemakers and employees as untrustworthy, lazy and lacking commitment and initiative. Consider the situation in Ryan Air where for many years where they were openly antagonistic to the unions and refused to recognise the pilot unions until a change of heart in 2018 due to threatened strike action.
- Competition for status and power between different departments and groups within the company. Interdepartmental rivalry and competition for scarce budgetary resources are key reasons for organisational conflict. Traditionally departments such as Finance, Marketing, Human Resources and Operations do not see eye to eye as they have different priorities and objectives. Some managers may monopolise resources, such

as people, time or equipment, because of superior negotiation skills. This creates resentment from those who feel they are not getting a fair share of the cake.

- Managers not treating their employees equally and fairly. Showing preference for one employee over another is a recipe for disaster. Grievances are often caused when employees feel that they are unfairly treated in comparison to others. Managers should treat employees in a consistent and equal fashion. Employees may be unfairly blamed for something without getting an opportunity to explain or defend themselves.
- The lack of emotional intelligence in company managers. It is now accepted that emotional intelligence is very important to good interpersonal relationships between managers and between management and staff. A manager shows a lack of emotional intelligence when he unfairly criticises employees, uses sarcasm and is generally insensitive to their feelings and needs. People tend to take criticism personally. If you must criticise you should direct it at the deed or act rather than the person.
- Poor communication between departmental management and employees. Communication channels are inadequate for the needs of the company. Information is viewed as power with departments reluctant to share it with others. When a company has poor communication systems the grapevine will take over. Rumours are often untrue and may lead to false expectations, arguments, accusations and confrontation. The sooner a manager denounces untrue rumours the better.
- Some managers refuse to admit to being wrong or making mistakes because of arrogance or pride. This can be a source of resentment. Taking responsibility for mistakes is not a sign of weakness, submission or loss of control. It takes courage to admit you made a mistake, accept responsibility and say you're sorry. There can be no learning without mistakes.
- Managers who fail to keep employees informed about developments in their particular work areas, and about the financial and commercial prospects of the company. Some managers may withhold information or even purposefully mislead others by giving them wrong or false data. Some operate on a need to know basis only providing information to employees that is essential for them to know to do their jobs.

EMPLOYEES

1. Personality clashes and personal antagonism between workers. People from different cultures with different beliefs, values, attitudes, philosophies and religions may experience difficulties in understanding, getting along, and agreeing with each other. This is the prime source of most problems in the workplace.
2. Employees getting involved in arguments rather than in positive communication and resolving problems. Some employees are naturally argumentative and so should be handled sensitively and diplomatically to address their concerns.

3. Employees having different likes and dislikes, perspectives and expectations and pursuing different goals will find it difficult to collaborate, as they may not agree on how things should be done. The job as manager is to create and sell a harmonious vision and win the commitment from employees to back and pursue it.
4. Team members who don't pull their weight and do their fair share of the work. This will cause resentment because of the extra work burden put on the shoulders of the other workers. People who don't contribute effectively to a team should be weeded out and put elsewhere.
5. Rapid political, economic, social and technological change will cause unease and uncertainty among employees. They become fearful for the security of their jobs and because of this are actively opposed to change.
6. Thoughtless employees who do not load up the photocopier with paper after using it or do not clean up after they have used the break area for their morning coffee. They do not understand the concept of the internal customer and the need for good housekeeping. When they use something, it should be left ready to be used by the next customer.

"Change means movement. Movement means friction. Only in the frictionless vacuum of a non-existent abstract world can movement or change occur without that abrasive friction of conflict."

– Saul Alinsky

UNRESOLVED CONFLICTS

The effects of unresolved conflicts are many and include the following.

Unresolved Conflicts			
May fester into bigger ones	Poor communication	Warring Factions	Territorial Disputes

Fig. 1.3. Unresolved conflicts

- Unresolved conflicts tend to smoulder, fester and grow into bigger ones. Small issues often evolve into major industrial relations problems if they are not attended to and solved. Don't imagine that they can be swept under the carpet and just disappear! Poor interpersonal relationships, jealousy and a lack of co-operation

between employees will have an adverse effect on productivity and performance. It causes low morale and increases labour costs and the likelihood of accidents.

- Poor communication channels mean messages are unclear, incomplete and often not delivered on time. This will often give rise to unfounded gossip and rumour through the grapevine. Wasted time correcting unnecessary mistakes and disputes – the results of miscommunication or poor attitude. Getting it right first time should be the norm.
- People may take sides so that conflict becomes institutionalised with warring factions within the company. This often provides an opportunity for trade unions to get involved. Turnover and absenteeism of staff can be high, as people do not like working in an unhappy, stressful and conflict-ridden environment. They may vote with their feet and seek employment elsewhere!
- Political and territorial conflicts between departments and groups results in lack of collaboration and will affect overall company performance. These power struggles are a feature of organisational life. Litigation may be resorted to if internal mediation and arbitration processes fail to resolve conflicts. There are many laws on the statute books protecting the rights of workers. An organisation does not want the bad publicity that goes along with such cases that get media attention.

1.3 FIVE STEPS TO CONFLICT RESOLUTION



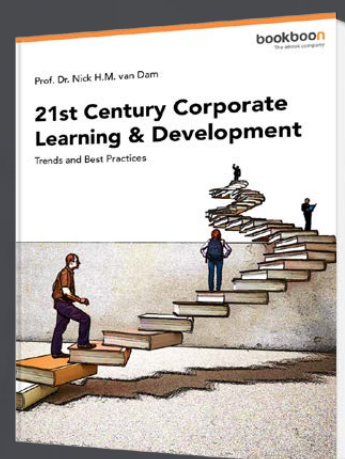
Fig. 1.4. Conflict Resolution

1. Describe objectively the types, sources and causes of the conflict. Visualise the conflict resolution process and the positive outcome you want to achieve and the values you want to retain.
2. Ask the other parties how they see the conflict situation and the way they would like to see it resolved. This is an obvious common-sense approach that is sometimes not taken. Addressing the reasonable wishes of employees is a sensible approach to solving problems in the workplace.
3. Respond with the appropriate style. Darling et al (2001) reports that these styles are relater, analyser, director, or socialiser. The *relater* is likely to use empathy when solving interpersonal relationship problems. They are good at co-operating with others. Their sense of trust brings out the best in others. The *analyser* looks at issues in a systematic way. They like to have the facts before they arrive at conclusions. *Directors* tend to have a low level of emotion and a high level of assertion. They are often pragmatic, decisive, objective and competitive and tend to resist compromise in conflict situations. The *socialiser* is good at human relations while at the same time being assertive. Socialisers are outgoing, optimistic, and enthusiastic and like to be at the centre of things. The appropriate style adopted by a manager depends on the context and could be a mixture of all four.

Free eBook on Learning & Development

By the Chief Learning Officer of McKinsey

Download Now



4. Jointly agree on how to resolve the conflict. It takes two to settle a dispute and without compromise and give-and-take disputes are unlikely to be settled satisfactorily. Jointly commit on an agreed solution. Agree an action plan and summarise the actions to be taken by each party that will resolve the dispute to each party's satisfaction.
5. Henceforth promise to resolve the conflict sooner. Reflect and learn from the mistakes of the past and your conflict resolution performance.

"Nothing is given to man on earth – struggle is built into the nature of life, and conflict is possible – the hero is the man who lets no obstacle prevent him from pursuing the values he has chosen."

– Andrew Bernstein

1.4 MANAGING CONFLICT

McGrane (2005) reports that there are three methods of dispute management namely fight, flight, and intervention. Fight results in conflict or hostility. Fighting aims to identify a winner and a loser. Employees may resolve to fight a perceived injustice by invoking an organisation's grievance, mediation or arbitration procedures to solve their dispute. They may even resort to industrial strike or to law if other means of address prove unsuccessful.

Flight is another method of dispute management, and results in withdrawal or avoidance. Here managers ignore the issue hoping it will go away and the affected employee may leave the organisation in disgust. Employees respect and trust managers who confront and solve issues rather than ignoring them and allowing them to fester.

Intervention is the third method of dispute management. Employees request that their line managers intervene and solve their dispute. This presupposes that the manager has the requisite conflict resolution skills to negotiate and solve the dispute to the satisfaction of both parties.

Managing conflict can be approached from two perspectives: those dealing with management and those dealing with staff.

MANAGEMENT ISSUES**Fig. 1.5.** Management issues

1. The manager should look, listen and learn and analyse why conflicts occur. Reflect back what you hear by asking clarifying questions. Demonstrate what you hear by validating what you agree with. Have the flexibility to adapt your behaviour as needed. Practise patience and self-control. Empathise by identifying with the feelings of the other party. Understand their values, beliefs, and respect their point of view, and explain your position. Get them to explain the difficulties and problems they are experiencing. Being in control of your feelings means that reason is more likely to prevail. If the other person gets angry, don't get angry back, as losing your temper will only add fuel to the fire and worsen the situation. Step back and acknowledge that both of you are upset and enquire how the other party thinks you could sort the problem out. There may be a case for postponing the meeting to allow tempers to cool and sense to prevail. Model ideal behaviour and walk the talk. Don't resort to aggressive, passive/aggressive or bullying tactics. Reward behaviour you want to encourage by conciliatory words and by positive body language responses, as behaviour that's rewarded is reinforced. Managers with facilitation skills will help teams collaborate better and avoid conflict. They know how to calm the waters, get people on their sides and do everything possible to facilitate agreement. Move on when the dispute is settled by putting it behind you and getting on with your life. It achieves no purpose reliving past resentments, frustrations and experiences,

such as what was said or done in the heat of the moment during the conflict resolution process.

2. Stick to facts. In the absence of factual information managers sometimes waste time in pointless debate over opinions and suppositions. Try to be non-judgemental, and if you have to criticise, criticise the behaviour not the person. Focus on issues and not personalities. Depersonalise the conflict and encourage behaviour change. Respect individual differences by acknowledging that other people will have different perspectives and viewpoints. Use humour appropriately to release tension and promote collaboration. The manager should aim for win-win solutions. Break the conflict resolution process into parts and put them aside as issues are addressed and agreement is reached. Try to develop options for difficult parts so that you don't get bogged down. If you feel you are making progress, no matter how small, it motivates you to continue with the process.
3. The manager should undergo a 360-degree feedback. This is based on observation and not opinion. If people become aware of their dysfunctional behaviour they are in a position to do something about it. Often managers are unaware of the way their behaviour impacts on other people. They must have the maturity to accept negative feedback and then take corrective action to put it right.
4. Reframe situations. The manager should view conflict as a creative force and an impetus to learning. Encourage constructive conflict leading to innovation rather than destructive conflict leading to poor relationships. Praise and reward employees for new and unusual ideas. People should be encouraged to disagree openly and challenge each other. A healthy corporate culture supports diversity of all kinds, including diversity of thought, opinion and beliefs.
5. The manager should think positively. Tell yourself that issues can be resolved satisfactorily by collaborative discussion. This will enable you to respond more positively to the concerns of others. In the final analysis, if you feel that the viewpoints are irreconcilable then you could agree to differ and get on with your life. Fair budgetary allocation. The way budgets are divided up between departments is often a source of dispute and conflict. Institute fair budgetary negotiation procedures to minimise this source of possible disagreement.

"I loathe conflict, and I loathe not getting along well with people, so I always try very hard to be on the best terms with the people I work with."

– Joan Collins

STAFF ISSUES**Fig. 1.6.** Staff issues

1. Train and develop staff to be competent in doing their jobs. Provide courses in conflict resolution, interpersonal relationships, communication and problem solving. The more educated and trained the staff the less possibility of misunderstanding and trouble arising. Many disputes arise because of a misunderstanding or appreciation of the other party's point of view.
2. Implement suitable employee friendly policies and procedures. Encourage the sharing of knowledge and the establishment of corporate instead of functional viewpoints. Policies and procedures should be established for conflict resolution, grievance and discipline, collective bargaining, mediation and arbitration. These should be written in booklets and made freely available to staff.
3. Job satisfaction. People who are happy with their jobs are less likely to get involved in conflict. Redesign jobs to make them less stressful and more intellectually challenging and motivational.
4. Employees won't feel threatened if change is managed incrementally. People naturally resist change, and if managed inappropriately can be a major source of conflict between managers and employees in organisations. Change normally puts employees under pressure because they are uncertain about their future, afraid of the unknown, and have to learn new things and meet new challenges. Change should be agreed with staff and introduced gradually and tactfully.

"Conflict is the gadfly of thought. It stirs us to observation and memory. It instigates to invention. It shocks us out of sheep-like passivity and sets us at noting and contriving."

– John Dewey

1.5 STYLES

As illustrated on the diagram there are five styles of resolving conflicts. These are:

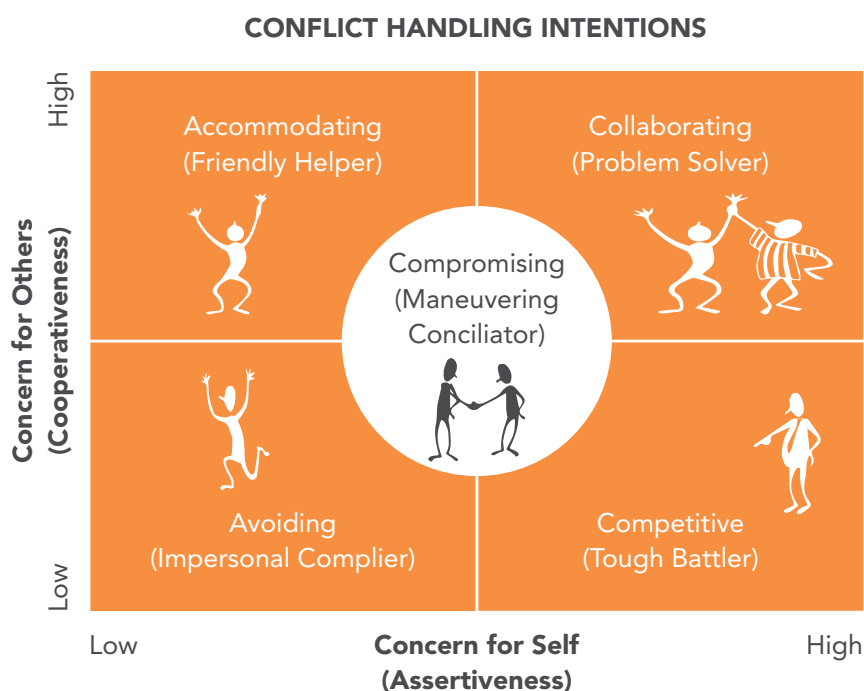


Fig. 1.7 Thomas-Kilman model of conflict resolution.

Accommodating. This is an assertive but co-operative style. This is a type of appeasement, where common goals are stressed, agreement is sought, and differences played down. It is altruistic to the extent that one party puts the other party's interest first for the sake of peace and harmony in the workplace. The manager may feel the other party is right and wants to maintain good relationships or build up goodwill for the future. Also, the issues involved are not of critical importance and the manager is prepared to concede for the sake of harmony and peace.

Collaborating. This is an assertive and co-operative style. Through a win-win approach it achieves the common goals of both sides. Both achieve what they want to achieve and the relationship is strengthened at the same time. This style of management emphasises openness, transparency, trust, spontaneity and genuineness. Differences are clarified and the full range of alternatives to resolve the issue is considered before a meeting of minds is arrived at.

Avoiding. This is an unassertive, passive and uncooperative style. This is the style of management that tries to sweep the problem under the carpet hoping that it will go away. It is a type of withdrawal and suppression. It is merely a short-term solution, as the problem is likely to fester and raise its ugly head again in the future. At this stage it may become more urgent and difficult to resolve. This style may be effective when dealing with trivial

conflicts to build relationships but otherwise it is not recommended. It may be appropriate to adopt when we feel it is the wrong time to deal with the conflict.

Competing. This is an assertive, selfish and uncooperative style. It is a win-lose style of management. There may be a lack of common goals between the opposing sides. The manager decides that he must win at all cost, or is convinced that he is right, and is not prepared to entertain the views of others. Managers with this style use their formal authority, power, threats, and coercion to get their way. It is a suitable style where success is vital, and the manager is working under time pressure, or in an emergency situation and possesses the knowledge and expertise to do what is required. However, it is almost certain to lead to further conflict because the other party will feel uninvolved, resentful and seek retaliation in the future.

Compromising. This is a middle of the road style. It is fair but does not achieve the aims of either side. If one party gives ground on a particular issue, the other yields something of equivalent value in return. Thus, both parties finish up with less than they originally desired. It is often the style adopted when negotiating with trade unions on wages and conditions of employment. It suits a lot of situations such as negotiations on prices with customers and suppliers, and difficult seemingly irreconcilable political issues.

“There are three ways of dealing with difference: domination, compromise, and integration. By domination only one side gets what it wants; by compromise neither side gets what it wants; by integration we find a way by which both sides may get what they wish.”

– Mary Parker Follett

1.6 ADVANTAGES OF CONFLICT RESOLUTION



Fig. 1.8. Advantages of Conflict Resolution

1. Constructive conflict arises when differences are valued and the parties to a conflict agree to disagree. They respect and try to meet each other's point of view. They give and receive feedback in an appropriate way leading to dialogue, debate, shared ideas, trust, innovation and creativity.
2. Better communication and interpersonal relationships with staff, trade unions, suppliers and customers. Wise trade-offs benefit both employees and the organisation and prevent resentments and frustrations occurring which may cause further disputes arising in the future.
3. Avoids emotional wear and tear and thus makes the workplace more stress free. Anger is nipped in the bud and is not allowed to develop and poison the atmosphere of the company. Thus, further industrial relations disputes and even possible litigation are avoided.
4. Faster and better decision-making and improved productivity and motivation as rows and resentments are put aside and people get on with the job. Costs are reduced through co-operation, agreed methods and sharing of resources. Less time spent in conflict means more time to do productive work.

"Conflict cannot survive without your participation."

– Wayne Dyer

1.7 SUMMARY

Conflict can be categorised as interpersonal, group and organisational. Role conflicts can be a source of interpersonal conflict. Group conflict can be caused by a lack of common goals. Organisational conflict can be overt or covert. Overt may be due to poor organisation structure. Covert may be caused by office politics. Minor disputes if not resolved at source may fester into major conflicts. Personality clashes can lead to needless arguments and disputes and lack of co-operation between departments and employees. A six-step process can be used to resolve disputes.

There are five styles for resolving conflict: competing, accommodating, avoiding, compromising and collaborating. Ways of managing conflict include aiming for win-win solutions and implementing a fair negotiation process for the allocation of budgetary resources. The advantages of conflict resolution include better relationships with unions, staff, suppliers and customers and improved performance.

1.8 FIVE STEPS TO IMPROVE YOUR CONFLICT RESOLUTIONS SKILLS

1. Visualise the conflict resolution process and the outcome you want to achieve. Focus on common interests, beliefs, shared goals, and win-win solutions rather than differences.
2. Ask the other person how they perceive the conflict situation. Ask clarifying constructive questions and reflect back what you hear. Empathise with the other person by identifying with their feelings. Get them to explain their position and any difficulties that they might have in reaching an agreement. Explain your position and try to reach a middle ground by considering what can be done to resolve the situation. Stick to the facts by avoiding assumptions and opinions. Depersonalise the conflict by focusing on issues not personalities.
3. Use an appropriate conflict resolution style such as collaboration. You want to meet your own needs as well as the needs of the other party. Study and get familiar with the conflict management model.
4. Jointly agree how to resolve the conflict. Gain people's commitment to change their attitudes and ways of communication. Use the chunking approach by breaking the conflict solution process into parts. Where you have agreement on parts, put them aside and then concentrate on the outstanding issues. This will prevent needless backtracking and motivate you to go forward.
5. Jointly commit to a solution. Summarise the action that each party to the agreement is to take. Follow up to ensure that everybody is working to the agreed solution. Reflect and learn from the process so that you can apply the lessons to future conflicts.

2 DISCIPLINE, GRIEVANCE & COUNSELLING

What are the types of disciplinary problems?

What are the disciplinary action steps?

How can I conduct a disciplinary interview?

What is a grievance?

How do I conduct counselling interviews?

Definition

If an employee breaches a rule, behaves in an unacceptable manner or consistently fails to reach the required level of job performance then a disciplinary situation can arise. The manager must exercise sound judgement and be sensitive to employee feelings when taking disciplinary action. The goal of disciplinary action is to improve the conduct of the employee so that similar bad behaviours will not occur in the future. The disciplinary interview should be run in a fair and equitable manner.

The best discipline is self-discipline. Most mature reasonable employees accept the idea that they must follow legitimate orders, do their job in a responsible way and to an acceptable standard of performance, and that good behaviour is necessary in the workplace. Thus, most employees believe in doing a job to the best of their ability, coming to work on time, behaving themselves, being honest and refraining from misconduct of any kind. When people come to work they accept that they need to subordinate their personal interests, needs and idiosyncrasies in line with the culture of the company, and for the good of the organisation. However, in any organisation there are likely to be a small minority of employees who from time to time create problems and will need to be disciplined.

Companies can pre-empt disciplinary problems by implementing a range of employee friendly policies. These might include employee assistance programmes, holding periodic staff meetings, job flexibility, managers showing understanding about employee's personal problems, and generally adopting an informal relaxed attitude in the workplace.

"Right discipline consists, not in external compulsion, but in the habits of mind which lead spontaneously to desirable rather than undesirable activities."

– Bertrand Russell

2.1 TYPES OF DISCIPLINARY PROBLEMS

There are many types of disciplinary problems and a variety of steps can be taken to deal with them. The following are the most frequent types of disciplinary problems you are likely to come across in the workplace. They can be considered under breaches of rules and inappropriate behaviour.



Discover the truth at www.deloitte.ca/careers

Deloitte.

© Deloitte & Touche LLP and affiliated entities.

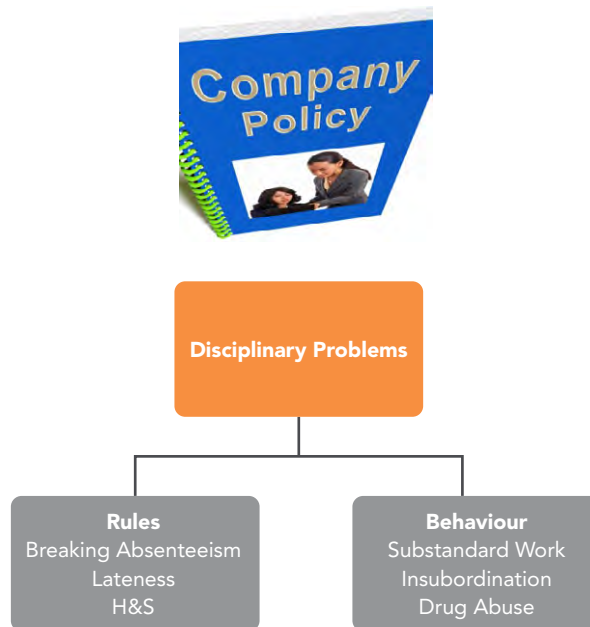


Fig. 2.1. Disciplinary Problems

Rules

- Breaking rules such as exceeding the time permitted for rest breaks and leaving work before finishing time are not acceptable. These should be nipped in the bud early before they develop into a routine and become perceived as an established right.
- Absenteeism. Chronic or excessive absenteeism is a just and equitable cause for dismissal. However, it's important that the reason for the absenteeism is established before any action is taken, as in certain circumstances there may be very valid and genuine reasons for absenteeism.
- Lateness at arriving to work. This is a minor offence. However, lateness over a long period may be considered serious, as managers are likely to view persistent lateness as disrespectful to others and undermining the manager's authority. It also acts as a bad example to other employees. Here again there may be valid and genuine reasons for lateness. This may be due to congested traffic conditions, delayed public transport or an unfortunate puncture.
- Breaking health and safety rules. There is a legal duty on the employer and employee to ensure that health and safety legislation is complied with. Because peoples' lives and bodily integrity may be at stake, it's essential that breaches of health and safety rules be handled with the utmost seriousness. The employer can be held legally responsible for breaches of health and safety laws. They may also have to meet the compensation claims of injured employees.

Behaviour

- Unacceptable behaviour. This might include discourtesy to customers and suppliers, disrespect to managers, supervisors and other employees, and serious interpersonal relationship problems with colleagues. Such behaviour is also disruptive and disturbing to parties not directly involved.
- Sub-standard work performance. Unsatisfactory work performance justifies corrective action. It could be due to carelessness, incompetence or lack of training. Carelessness may be due to negligence, lapsed concentration or inattention to established procedures and work methods. Incompetence is the inability to do a job because of lack of aptitude or a deficiency in knowledge or skill. Coaching and training can be used to address a skill deficiency.
- Insubordination such as refusal to obey a legitimate order from a superior or manager. This is a cardinal offence since it violates the legitimate right of management to direct their employees to carry out the duties of the job, and thus undermines their authority. A company cannot function if employees are unwilling to carry out legitimate orders.
- Alcohol or drug abuse. Drug abuse would include cannabis, heroin, cocaine and prescription drugs. This affects the performance of employees and may put their own lives and the lives of others at risk. Therefore, it should never be tolerated. Some organisations run programmes to help employees with alcohol or drug related problems.

“Disciplinary procedures should not be viewed as a means of imposing sanctions. They should also be designed to emphasise and encourage improvements in individual conduct.

– ACAS Code of Practice

DISCIPLINARY ACTION STEPS

The following is a list of suggested steps of progressive disciplinary action that many companies have found to be workable and desirable:



Fig. 2.2. Disciplinary Action Steps

- ***The informal talk.*** Minor disciplinary issues may be diffused by an informal friendly chat between the manager and the employee. The manager discreetly brings to the attention of the employee that his behaviour is deemed unacceptable in relation to the policies, rules and norms operating within the company. Make sure the employee understands what they are doing wrong, and what they need to do to rectify the problem. In most cases this should be sufficient to solve the problem. Take a note of when and where the issue was discussed, the action agreed, and when it should be resolved. This is essential for future reference.
- ***Oral warning.*** If the employee's unacceptable behaviour persists then the manager will warn the employee that his behaviour could lead to serious disciplinary action if it's not discontinued. The date, time and type of issue giving rise to the warning should be recorded. The vast majority of problems are solved at this stage and go no further.
- ***Written warning.*** This is an official formal warning that becomes part of the employee's record, and is the normal procedure followed by the Human Resource Department in a unionised company. The document will serve as evidence in the

case of a subsequent grievance procedure. Invite the employee to a meeting for a formal discussion and remind him that he or she has the right to be accompanied by a colleague or trade union representative. If you're not satisfied with the employee's explanation you should send a letter to him. This should specify the problem, what needs to be done in the form of improvements you expect to see by a future date, and the steps you will take if there is no improvement.

- ***Final written warning.*** This follows if the previous written warning has been ignored and has had no effect. It should contain details of and the grounds for the complaint. It should warn the employee that failure to improve behaviour could lead to serious repercussions including dismissal. Managers should always have a colleague with them as a witness when issuing a final warning. Employees should be told that they have the right to appeal.
- ***Disciplinary action such as suspension.*** This may be resorted to where the offences have been repeated despite the written and oral warnings. If suspension is not provided for in the contract of employment it may amount to constructive dismissal. Constructive dismissal happens where the employee is forced to leave their job not because they want to, but because of the employer's conduct. The resignation could be due to bad working conditions or changes in the terms of employment which leaves the employee with no other choice but to quit.
- ***Dismissal.*** This is drastic disciplinary action and should only be resorted to for very serious offences. Never dismiss an employee for a first disciplinary offence, unless it is a case of gross misconduct. In particular you cannot fairly dismiss a woman for becoming pregnant or a trade union official or a health and safety officer for carrying out legitimate duties. If a dismissal is contested in an industrial tribunal it's important that the correct disciplinary procedure has been followed as otherwise it may be considered invalid.

"Informal warnings can range from glancing at a watch if a person is late, or the raising of the eyebrows at some other transgression, to a forceful telling-off that is noted in the manager's diary. By these means a sensible level of control can be maintained which actually reduces the scale of disciplinary problems. If such methods are not used, a vacuum can be created that can cause an organisation to lose control of employee behaviour."

– Rees (1997)

2.2 DISCIPLINARY INTERVIEW

The disciplinary interview can be divided into three stages: before, during and after.



Fig. 2.3. Disciplinary Interview

BEFORE

- **Consider the purpose of the interview.** Decide exactly what you want to achieve by writing down the agenda, what you intend to say and interview objectives. Give the employee adequate notice of the meeting. The employee should be informed of the complaint against him, and of his right to be accompanied at the meeting by a colleague or union representative.
- **Check to see if a disciplinary action has been taken against the employee previously** and particularly note the outcome. An employee with a good work record and long company service will be viewed more favourably than an employee with short service, particularly where it's a first offence or one of a minor nature.
- **Familiarise yourself with the disciplinary procedure and policies for your company.** This should be available from the Human Resource Department. It is the

manager's responsibility to be thoroughly familiar with your company's disciplinary procedure and policies.

- **Clarify the authority you possess** and the support you have from your own manager for the proposed action. Check this out before the interview to ensure that you are operating within your authority level and that you have the backing of your manager.
- **Check out the facts.** Try to establish the truth as hearsay, assumptions, and opinions are insufficient and dangerous to accept at face value. You must be seen to be factual, impartial and credible.
- **Think in advance about the likely reactions of the employee** so that you're prepared to deal with any counter arguments. Rehearse your possible reactions so that you leave nothing to chance.

DURING

- Get down to business quickly. Be serious but polite and courteous by creating a formal business-like climate for the meeting from the start. Explain the purpose of the meeting, clearly and concisely.
- Describe the offence clearly, factually and without emotion. Present your evidence frankly and tactfully while emphasising the employee's need to improve. The manager's expectations for future improved performance should be made clear.
- To be seen to be impartial get the employee's side of the story. They may explain, justify or deny the offence. Watch for non-verbal communication such as manner, facial expressions and tone of voice as these may betray what the employee is really feeling.
- Summarise and adjourn the meeting if necessary to recheck the facts if any doubts arise during the interview. For example, the employee might dispute the factual basis for some of the complaints.
- Verify the cause of the problem. Get the view of the employee on how the problem arose and how it might be resolved. If you fail to resolve the issue, impose sanctions in line with the company's disciplinary procedure. Explain the reasons for any penalties imposed. You must be seen to be firm but fair. Summarise the proceedings.
- Agree an improvement plan on how the desired standard of behaviour will be achieved and monitored. Provide the necessary support such as training. Finally, agree a review date to ascertain and reflect on what progress has been achieved since the last meeting.

AFTER

- Record the proceedings of the interview. A written impartial record of all stages is essential to safeguard against future accusations of unfairness.
- Write to the person about what was agreed, and about the expectations regarding future attitudes and behaviour. In the interim, organise support such as counselling, coaching or training.
- Monitor performance at agreed intervals. Praise, reward and encourage progress.

2.3 PRINCIPLES OF NATURAL JUSTICE

These are basic standards of decency, equity and fairness that you should abide by when dealing with disciplinary or grievance problems.

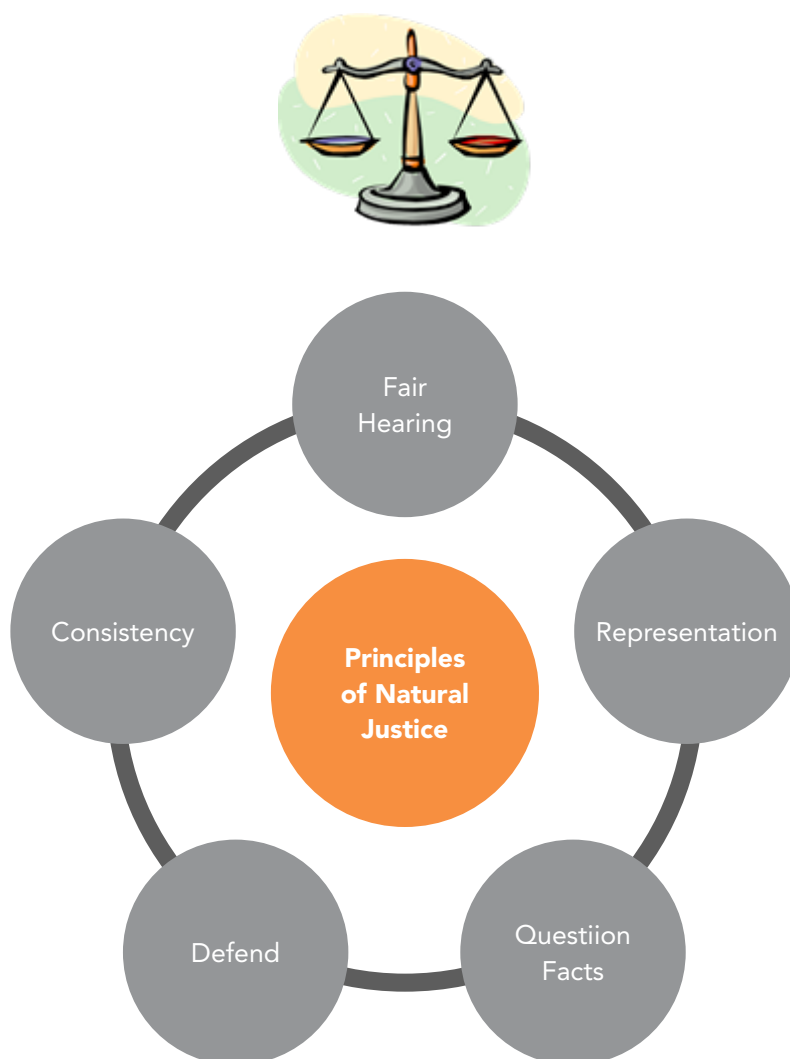


Fig. 2.4. Principles of Natural Justice

- **Fair hearing.** This means letting the employee explain their side of the story. They should know what standards of performance are expected and what rules they've broken. They should know what they are accused of and the evidence against them and given the opportunity to improve.
- **Representation.** They have a right to be accompanied by a colleague or trade union official to the disciplinary meeting to make sure that everything is above board. The meeting must be held at a time and place that are reasonably convenient to the manager and to the employee and their representative.
- **Right to appeal.** If the employee does not agree with the manager's decision he has the right to appeal. The manager has an obligation to explain the appeals procedure to the employee.
- **Question facts.** The employee is entitled to cross-examine their accusers and give evidence on their own behalf. An employee has the right to present a defence and explain the background and any mitigating circumstances affecting what happened.
- **Consistency.** Those sitting on the hearing should be impartial. The employee is entitled to due process and to have the rules consistently and fairly applied. Consistency is determined when we compare one employee's treatment to that of others under similar circumstances. One of the aims of having standard discipline and grievance procedures is to ensure consistency and fairness of treatment. Where an employee pursues a grievance and is not treated consistently with that given to others he may in extreme cases claim constructive dismissal.

"The principles of natural justice are an important and integral part of the corrective approach; the employee ought to have a right to fair hearing, the right to representation, the right of appeal, to question the facts as presented, and the right to present a defence.

– Fenley (1998)

2.4 MANAGEMENT HANDLING STYLES

The handling style adopted will vary according to the nature of the issue and the manager's attitude and whether or not the company is unionised. Managers who view discipline as a punishment for employees who are misbehaving will tend to be autocratic. In contrast, managers who see disciplinary situations as problems to be solved will tend to use a participative and open style.

Managers may react negatively to employees who file grievances relating to the manager's behaviour. In a unionised company, managers may be extra careful in how they handle the

situation for fear it could be criticised through union scrutiny and even become publicised in the media. Styles represent a continuum from tells, to ask, and listen. Between these two extremes comes the joint problem-solving approach, where power and involvement are shared.



Manager's Handling Styles					
Tell	Tell & Sell	Tell & Listen	Ask & Tell	Joint Problem Solving	Ask & Listen

Fig. 2.5. Management Handling Styles

- **Tell to improve or warning.** This is an autocratic approach. The manager expects the employee to do what he is told and does not encourage dialogue, discussion and debate. The employee has no say in the matter and may feel that he hasn't been given a chance to tell and explain his side of the story.
- **Tell and sell.** The manager informs the employee of his decision, and then tries to persuade them that it's right. The advantage of this approach is the interaction between the manager and employee will be brief, and the message about unacceptable standards of behaviour will be clear. However, since the employee is not involved in the decision there's no incentive for him to alter and modify behaviour.
- **Tell and listen.** Here the manager is prepared to listen but has already made up his mind. The input of the employee is unlikely to influence the manager's decision.
- **Ask and tell.** Here the manager is prepared to explore issues with the employee and may take the concerns of the employee into account when arriving at a decision. This is moving towards a participative style of management.
- **Joint problem solving.** This is where a manager and an employee analyse a problem together and tries to find a mutually acceptable solution. This approach is probably more suited to the grievance situation. However, some might argue, since the aim of disciplinary interviews is to change behaviour, a more participative approach is more likely to bring this outcome about.
- **Ask and listen.** Here the employee does most of the talking. The style is very open, and the employee has a greater degree of control. However, because of this the manager may be in danger of losing control over the situation.

2.5 MANAGER'S CONDUCT WHEN DISCIPLINING

Fenley (1998) advocates the value of metaphor as a means of understanding organisational behaviour and uses four animal metaphors to describe four distinct types of management conduct in disciplinary situations.

1. **The lion**, although ruthless, is generally regarded as killing for a specific purpose and good reason. This manager is strong but fair: – someone who is meeting good employee relation's practice and organisational needs. A rule stating an employee could be dismissed for one instance of "being under the influence of alcohol at work," is clear and justifiable to all. Employees will have little grounds for complaint provided managers conduct a proper and unbiased investigation in line with the company's disciplinary procedures. Such managers are feared but respected.
2. **The buffalo**, is the most feared animal amongst natives being regarded as dangerous, aggressive, and unpredictable. Similarly, this manager is strong, but mean and unpredictable. This may be bad employee relation's practice offering no guarantee that the needs of the company will be met. For example, an employee may be dismissed for taking one drink where management previously turned a blind eye to this behaviour perceiving it as a slight and minor infringement of the rule. The policy and rules may not be clear to employees, and there may have been no

© 2013 Accenture. All rights reserved.

be > your degree

Bring your talent and passion to a global organization at the forefront of business, technology and innovation. Discover how great you can be.

Visit accenture.com/bookboon

Be greater than.
consulting | technology | outsourcing

accenture
High performance. Delivered.

proper investigation. In these circumstances the workforce and external bodies will consider the action as illegitimate.

3. **The elephant**, while appearing slow and ponderous, is strong, purposeful and regarded as intelligent. This manager’s style is soft, but fair. In the previous circumstances, the manager would give an employee the helpful opportunity to attend an employee assistance programme, as opposed to resorting to extreme forms of action. However, if these methods were unsuccessful the manager may dismiss the employee. The workforce and external bodies would be likely to perceive this as legitimate.
4. **The zebra** is one moment dormant and docile, but then swift and wild. This manager is deficient and disorganised. He fails to set standards or apply rules, and there is an over indulgent attitude towards rule breakers. There are blind spots, inconsistencies, over-reactions and delayed interventions to situations. An example, is a situation where heavy drinking is condoned, without regard to production losses or safety issues, and where rules on alcohol are improperly and inconsistently applied.

Disciplinary Styles Model	
Hard	Soft
<p>(Lion) PUNITIVE Dismissible Offences Few Procedural Stages But Rules Clear, "Due Process" Followed</p>	<p>(Elephant) CORRECTIVE Few Dismissible Offences Procedure Gives Lots of Opportunities for "Reform" and "Due Process" Imperative</p>
<p>(Buffalo) ARBITRARY Management - Capricious Fire at Will, Unpredictable Summary Treatment</p>	<p>(Zebra) LAX Failure to Set Standards Or Apply Rules, Over- Indulgent Attitude to Rule Breakers, but Inconsistencies.</p>

Fig. 2.6. Disciplinary Styles Model

2.6 GRIEVANCE

A grievance arises when a staff member alleges that a manager has acted unfairly against them. In contrast, discipline arises when a manager expresses dissatisfaction about the behaviour or job performance of an employee. Examples of grievance, include alleged discrimination, excessive workload, sexual harassment, defamation, bullying, poor working conditions, insufficient growth and promotion opportunities and breaches of the employment contract. Discrimination might relate to work assignments, performance appraisal, pay, promotions

and discipline. Sexual harassment and gender discrimination claims are usually by women and less frequently by men.

Defamation is the publication of false and derogatory information about an employee. Employers possess and transmit a lot of information about employees, factual and subjective. Truth is an absolute defence in a defamation claim. Nevertheless, employers need to be very careful in the way they handle and disclose information about employees. There is legislation protecting the right to privacy of employees. Bullying is now prevalent in the workplace and anti-bullying policies should be in place. Obviously, the employment contract is a binding document but less obvious are statements of company policy and goals, employee handbooks and firm promises made to an employee at the recruitment and selection stage.

Most companies have a grievance procedure for dealing with staff complaints. This should be promulgated throughout the organisation. Employees have the right to fair representation and to appeal decisions they disagree with. A good grievance procedure will handle and resolve employee's complaints in a fair, equitable and timely fashion. If perceived by employees as fair and just, it will be accepted by them even if outcomes are not in their favour. Some employees may be wary of taking or pursuing a grievance because of the fear of reprisal from spiteful managers, despite the official promise that this will not happen.

"One of the cardinal principles of effective complaints and grievance management is that workers must be aware of and have unencumbered access to well-defined procedures that are easy to understand and use."

– Nurse & Devonish 2007

Initially, the employee should set out their grievance in writing and then approach their immediate supervisor or manager. If it remains unresolved, the matter is passed to higher levels of management or to the employee's union. Remember that prevention is better than cure. Most managers do not like handling grievances, but grievances ignored are likely to fester and become more problematic and serious later on. In fact, grievances that are dealt with quickly and as near as possible to the source are the ones most often resolved successfully.

2.7 GRIEVANCE PROCEDURE

The grievance procedure can be considered in two phases: one is gathering information and two is resolution, followed by the possibility that there is no grounds for the grievance.



Fig. 2.7. Grievance Procedure

Gathering information:

- If you have an opportunity before the grievance interview, establish and check out the facts. Look into the background of the grievance and check what action has been taken in similar cases in the past. This could be a guide to what to do in the future. Distinguish facts from opinions, hearsay and assumptions. This may give you the chance to nip the problem in the bud early on before they become an issue. Grievances can become major industrial relations problems if left to fester.
- Invite the employee to talk. The employee has the right to fair representation and to be accompanied by a colleague or union representative as witnesses to the proceedings. The manager should handle the issue with great sensitivity and diplomacy, and listen with empathy, and facilitate the proceedings rather than direct them.
- Actively and attentively listen to the grievance by paraphrasing the content and feelings of the case. Probe as necessary, but preferably infrequently, to identify the problems, get additional factual information and clarify any underlying issues. While listening, study body language such as gestures, posture, facial expressions, manner and tone of voice. Provide the other party with the opportunity to let off steam if needed, but don't allow the situation get out of control.

- Factually summarise the details of the grievance and the person's feelings. Suggest a possible solution that is agreeable to the employee. If an agreed solution cannot be found, adjourn the interview if necessary to recheck the facts and reflect on the issues. Agree a date and time for a resumed interview.

Resolution:

- Give information about your findings. These may be in agreement with the person making the grievance or you may have come up with alternative versions of what happened. If the differences are minor it may not prevent resolution of the issue.
- Jointly explore possible solutions. Search for the best solution to meet both your needs. Agree a resolution of the issue. If it's not possible for a joint resolution, then you may have to impose a solution considered the best in the circumstances.
- Follow up to ensure that the action promised has been taken and that the matter has been resolved. Learn from any mistakes made and take steps to make sure that the issue will not arise in the future.

If no grounds for the grievance

- Discuss with your own manager the factual reasons why the grievance is not valid and get support for your decision. Explain to your manager why the grievance arose in the first place and what steps have been taken to prevent its recurrence in the future.
- Explain to the employee tactfully why you are rejecting the claim. Listen to reactions but emphasise again why there are no grounds for the grievance. Be firm but fair.
- Explain the appeal process available to the employee. This may be an internal adjudicator such as a more senior manager or an independent external Rights Commissioner.

2.8 COUNSELLING INTERVIEW

Counselling has been defined as the process of helping employees recognise their thoughts and feelings about issues, define personal problems accurately, find solutions or learn to live with a situation. Counselling should be done before disciplining and may pre-empt the need for discipline. Work related stress caused by work pressure, bullying, work related violence and lack of managerial support are the main work activities often cited as causing

work-related stress. While a little stress may improve motivation, productivity and efficiency, too much stress is counterproductive and causes low morale.



Fig. 2.8. Activities causing work related stress

Some organisations run formal employee assistance programmes to help staff cope with the anxiety and stress of family, personal relationships, legal and financial problems adversely affecting their on-the-job performance. Others offer an ongoing internal counselling service staffed by company welfare officers. Career counselling in the form of life and career planning are run by the more progressive organisations. Outplacement programmes may be run for employees made redundant, because of downsizing or reorganisation. The main purpose is to help employees find suitable alternative employment by providing them with helpful career advice, CV writing, interviewing and job searching skills.

Providing counselling services to staff has many benefits for both the organisation and staff. It can help reduce anxiety and depression, improve mental health, lower levels of sick leave, improve employee retention and increase job satisfaction, productivity, motivation and

commitment. It counteracts the effects of workplace stress, prevents employee burnout and offers a sympathetic support system for those who need it. It demonstrates to employees that employers really care in a constructive way about their mental welfare and improves its corporate image by showing the world that it is concerned about the well-being of its employees. Organisations meet their duty of care of providing a safe and healthy working environment. In these days of rapid change, it helps employees cope with the demanding effects of change.

Counselling sessions are usually confined to the manager, supervisor and the employee. Counselling is considered more productive when it is a private conversation between the manager and the employee. Generally, union representatives are not part of the process, unlike disciplinary and grievance procedures.

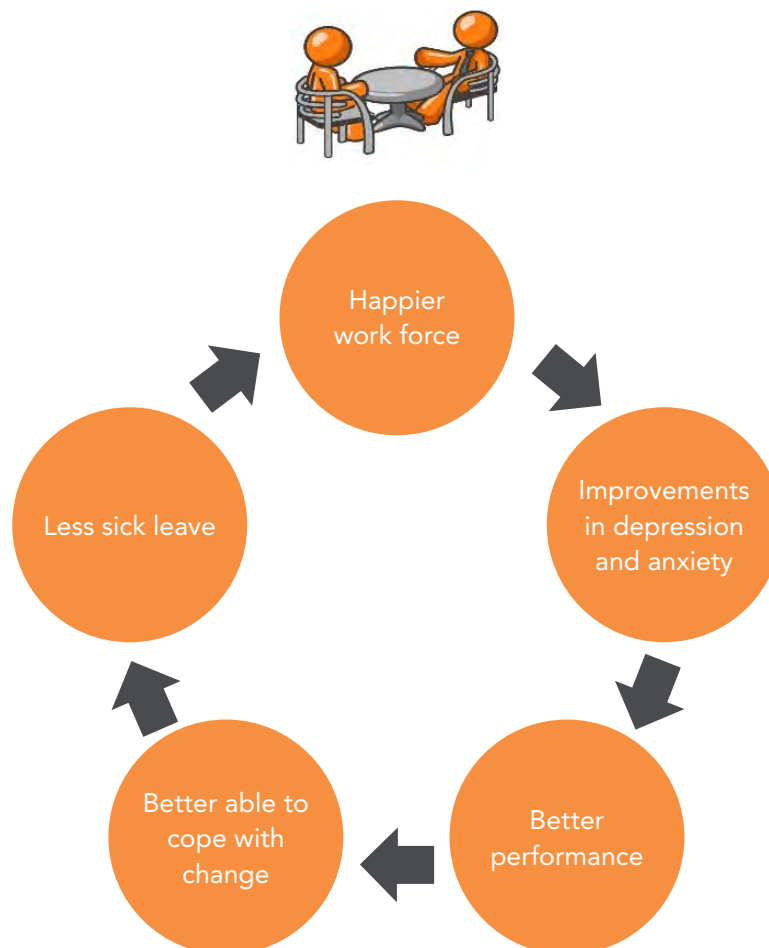


Fig. 2.9. Benefits of providing workplace counselling

It's important to realise that issues causing stress in employees' personal lives may also crossover and adversely affect their work lives. These include bereavement, relationship difficulties, children problems, financial worries, sleep deprivation and addiction. Similarly, negative experiences at work such as harassment, abusive work colleagues, bullying and work-related

stress can have adverse affects on employees’ personal lives. These may be manifested in areas such as poor work performance, lack of motivation, reduced patience or tolerance, increased accidents and higher sickness absence rate.

Counselling may also be used to help an employee identify the reasons for some shortfall in job performance. The objective is to change the employee’s behaviour so that their job performance will improve in the future. Counselling may come before disciplining. The manager while managing by walking about may notice the employee’s performance deteriorating in some way and decide to solve the problem before it develops into a serious disciplinary matter. The employee may be going through a bad patch in their life, and just need a bit of psychological support, help and reassurance. The communication style used in counselling should be non-directive, supportive and facilitate open discussion.

“An employee may need a ‘sounding board’, that is, someone to listen, as problems are easier to bear when someone listens. As problems are alleviated, an employee’s productivity improves. Additionally, an indicator of a good organisational climate is when employees confide in managers by telling them their personal problems.”

– Wells & Spinks (1997)

The counselling interview for a work-related problem must be held in private and may be considered under three headings: before, during and after.

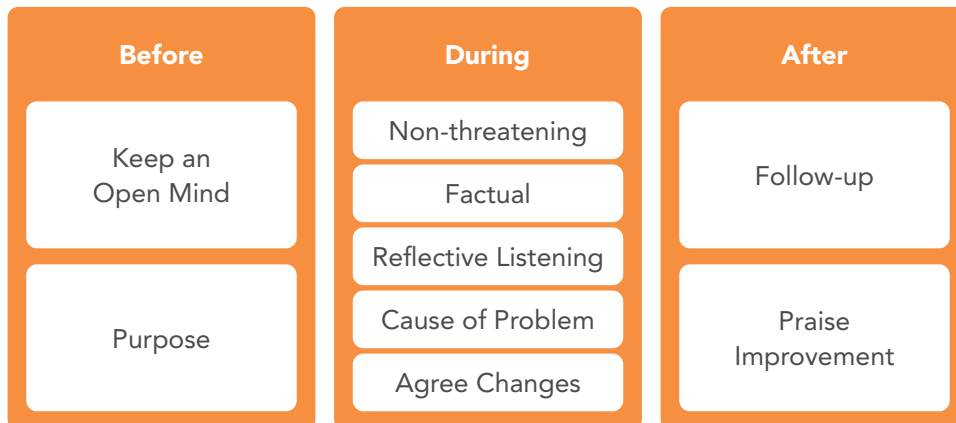


Fig. 2.10. Counselling Interview

BEFORE

- Decide if and when a counselling session is really necessary. As a general rule it is necessary if the established standards for performance and conduct are not being met. Minor and infrequent incidents or infringements of rules do not warrant counselling. For example, if an employee has an excellent time-keeping record over many years but has turned up late on one occasion. The solution is to kill the problem before it develops further. However, in other circumstances the severity of a situation might warrant counselling following one incident, regardless of the employee's work history. These include persistent insubordination, illegal and unethical conduct, accepting a bribe, persistent rudeness to customers, bad language, being abusive to fellow employees, and theft or destruction of company property. These discussion points are not part of the counselling memo. Managers and supervisors confronted with such serious violations should immediately consult with the human resource management function. It is likely that they will require some training in how to conduct counselling sessions or delegate the task to professionals within the human resource department.
- You may wish to prepare a set of "discussion points" in advance to help you be clear about the points you wish to make. These talking points do not become the counselling memo or part of the performance improvement plan. Consider setting ground rules for the meeting so that each participant appreciates the role of the other. For example, tell the employee that you are hoping for a meaningful conversation to work out the issue. Both sides should be given an opportunity to make their point without interruption.
- Reserve a conference room or similar private room for your meeting and schedule it as close to the end of the business day or the end of the week as possible. This spares the employee of the humiliation and embarrassment of going back to their workstation amid inquisitive curious co-workers. Never schedule a counselling session when you are rushed or preoccupied with other impending matters. This will prevent you from giving the attention the problem requires. Keep an open mind on the person and the problem under consideration by avoiding prejudging or stereotyping. Investigate the issues before the meeting to establish the facts. You may use management by walking about to help you here. Speak to the employee, other managers and other employees. Make sure you thoroughly and factually document the performance problem. Write down specific behaviours and actions that concern you and that need to be changed. This is so because they sap team morale, cause disruption, damage productivity or reflect badly on the organisation. In addition, record any observable body language that you noticed such as rolling eyes, clenching fists and staring into space which help provide a full picture of how the employee is feeling emotionally. This will help you defend and justify your decision in case of a later complaint. List the reasons why the behaviour is

unacceptable and must change. Mention desirable behaviours such as cooperation, courteousness and helpfulness. Accept you may be partly to blame for the problem and ask the employee if he thinks this is so. If so, you will need to challenge and change your own attitudes and behaviour before you attempt to change the employee's attitudes and behaviour.

- Decide the purpose of the interview. Your aim is to change the employee's behaviour to improve on-the-job performance and not to scold, reprimand or discipline. Counselling always comes before disciplining. Throughout the interview you will need to use clear face to face communication to explain the issue and be tactful, specific and timely. Even if the employee is hostile you should remain calm and not respond in kind. The location for the interview should be an appropriate quiet, private venue agreeable to both parties, where confidentiality is assured, where the employee is relaxed and where you will not be disturbed, by unexpected callers or phone interruptions. You will undermine the credibility of the interview if you allow interruptions to happen.

DURING

- Create a friendly, non-threatening, transparent and open climate for the interview. Establish rapport by attentive and reflective listening while showing a genuine willingness to help. You will need to win the trust of the employee. Adopt the approach of a facilitator so that the employee is encouraged to explore issues openly and find their own solutions to their own problems. Avoid small talk as this might trivialise and distract from the main purpose of the meeting. Instead, focus on the employee's conduct rather than the employee as a person, for example their character or morality. This process will be facilitated if you can find some aspect of the employee's present performance to praise before you go on to the aspects of their work that needs to be improved. In broaching the main issue of the meeting, you should explain the exact nature of your concerns getting to the point as quickly as possible. For example, you might say: "I got a report today that you were rude to two customers. Obviously, I am concerned about this. I want to take this opportunity to discuss the incidents involved and hear from you what happened." It is never appropriate to abruptly say "you are a rude person."
- Make sure that your statement about the problem issue is descriptive, fair and factual rather than subjective, judgemental and emotive. Focus on work-related facts and observable behaviours which you can describe clearly and stand over. The issue is work performance, not a relationship issue at home or the son's poor performance at school. Avoid focusing on personal issues, but diplomatically, gently and sensitively remind the employee that they are responsible for the quality of

their work, irrespective of what's happening at home. Show this to the employee with the purpose of getting agreement to it. At the meeting use concrete specific examples to illustrate the performance problems. Ask what's causing the problems without referring to health or emotional behaviour.

- Use reflective listening and appropriate body language to feedback the content and feelings of what is said to the employee. Paraphrase and summarise the content of the message as necessary and use silence as appropriate to encourage dialogue and further debate. Show respect for the employee's feelings and point of view. Get an agreement that performance is below an acceptable standard and a commitment on the part of the employee to improve. Describe the consequences of poor performance for the employee and organisation. It could lead to loss of promotion, at the least, or in the worst-case scenario – the job itself. Describe what the employee must do to make their performance more acceptable to the organisation.
- Establish the cause of the problem by the use of insightful questions. Open questions are the best to encourage debate and discussion as they encourage the employee to explore and explain things in their own words. Closed questions may be used from time to time to clarify issues, refocus the conversation on specific points, ascertain the facts and get back on track. Ask for the employee's perception of the problem and what in their opinion is causing it. Encourage the employee to

What if you could build your future and create the future?

The innovation accelerator

One generation's transformation is the next's status quo. In the near future, people may soon think it's strange that devices ever had to be "plugged in." To obtain that status, there needs to be "The Shift".

.....Alcatel·Lucent 

www.alcatel-lucent.com/careers

Speak freely and candidly and listen to the information given. Don't interrupt the employee while talking. Observe the body language as it may alert you to issues that are pertinent but hidden and unspoken. Keep an open mind as some of the information you have may not be totally true. Get the employee's point of view and ask them what solutions they think will solve the problem and the advantages and disadvantages of each. Get them to suggest the solution that seems to be the best in the circumstances. This will help to give them ownership of the problem and provide them with more incentive and commitment to solve it.

- Jointly agree the changes that should be made and when you expect results. It's best that any changes agreed are at the suggestion of the employee in order to win their agreement, commitment and support. Offer support such as training, on-the-job instruction, coaching, mentoring and further counselling, if necessary. Attendance at a stress management programme may be suggested for someone suffering from job related stress. Finally, agree an action plan with clear interim and final goals and review dates. Get the employee's commitment to the plan to improve the performance issue.
- At the end of the counselling session thank the employee for seeing you and indicate that you are available to see the employee in the future should further problems of a similar nature arise. Ultimately, you want to let the employee know that you are available to solve such problems before they erupt into the type of incident that warranted the counselling session.
- Some companies recommend that a counselling memo or performance improvement plan be prepared as a record of the counselling process and placed in the employee's personal file. A copy should be given to the employee. This record should describe the problem, include the reason and date of the meeting, the employee's response to your concerns, how the employee is expected to improve performance, and provisions for follow-up meetings, if any. The tone of the memo should be supportive and factual rather than acrimonious and inflammatory. The memo should not be widely circulated. Only those who absolutely need to know such as the employee relations office should be informed.

AFTER

- Follow up on the agreed dates. If the counselling session warrants a performance improvement plan (PIP), and both of you have drawn up the steps necessary for improvement, then you need to schedule a time to measure improvements. Provide measurable benchmarks for assessing the employee's performance. Allow 30 to 60 days to demonstrate that measurable improvements have taken place. In the interim you may need a follow-up meeting to give the employee any assistance or training necessary to meet their targets for improvement. If there is a shortfall regarding expectations compare actual performance against expected standards and suggest the corrective action, if any, that should be taken.
- Praise the improvement, if appropriate, and provide help if targets are not met. Reward the achievement of desired standards. If the employee has personal issues such as depression or alcoholism refer them to the HR department or the employee assistance programme. Remember you are not a trained therapist or psychologist, but as a line manager you will know better than most people what the problem is. An employee assistance programme (EAP) helps employees deal with personal issues such as depression, drug addiction, family relationships (such as divorce), children issues and suicide prevention which may have an adverse effect on the employees work performance or behaviour. EAPs are usually run by professionally qualified and experienced staff.

“Many of the sickness absence surveys are now suggesting that work-related stress and mental health are the leading cause of long-term lost working days as well as a major source of invalidity claims at work. There is mounting evidence that counselling at work can provide the social support that many need when they are not coping with the excessive pressures.”

– Professor Cary Cooper Lancaster University

The following diagram illustrates the counselling process nicely and succinctly in four steps:

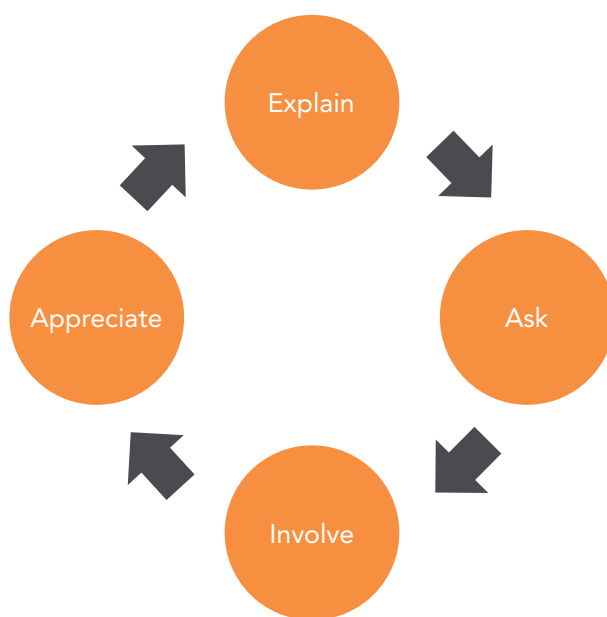


Fig. 2.11. The four steps of counselling

1. **Explain.** Explain what the problem is and why performance needs to change. Answer the questions the employee needs answers for in a clear, concise, factual and specific way. Explain the performance improvement plan and the contribution that the employee will make to meeting the benchmarks involved. Clearly explain how the poor performance affects the overall performance of the team and the knock-on organisational effects such as job security, promotional prospects, recognition, credibility, new projects and financial rewards.
2. **Ask.** Keep on asking questions until you are confident that the employee understands the issues involved. Listen 80 per cent of the time and talk about 20 per cent of the time. Stick to the facts and avoid emotional outbursts. Focus on the performance behaviour and not the person. Get the employee's point of view so that you have the perspective of both sides on why the employee underperformed.

3. **Involve.** Consider solutions to the performance issues. Continue your discussion so that you are confident that you have identified the root causes for the performance gap rather than the symptoms of the problem. Suggest that the employee sets SMART goals (Specific, Measurable, Achievable, Relevant, and Time Framed) to help them achieve their objectives in a systematic way.
4. **Appreciate.** Recognise progress towards the achievement of goals. Look for the positives and praise and reinforce any progress while at the same time encouraging further progress in the future. Remind the employee that they are responsible and accountable for improving their performance while your role is to encourage, guide and assist.

2.9 SUMMARY

A disciplinary situation arises if an employee breaches a rule or consistently fails to reach the required level of job performance. Disciplinary problems include breaking health and safety rules, unacceptable behaviour and insubordination. The action steps include informal talk, oral warning, written warning and dismissal. The principles of natural justice include the right to question, defence, and to consistency and fairness of treatment.

When an employee alleges that the company or a manager has acted unfairly against them you have a grievance. Examples include alleged discrimination, sexual harassment, bullying and breaches of the employment contract. Most companies have a company grievance procedure for dealing with staff complaints. The process can be considered in two phases. Phase one is gathering information and phase two is resolution.

Counselling is the process of helping employees recognise their feelings about issues, define personal problems accurately and find solutions, or learn to live with a situation. Counselling comes before disciplining and may pre-empt the need for discipline. The counselling interview can be considered under three parts. Before is where you define the purpose of the interview. During is where you create a non-threatening environment to conduct the meeting and explore the issues. After is where you follow up to ensure that the agreed solutions have been implemented. The process of counselling can be summarised into four steps namely: explain, ask, involve and appreciate.

2.10 FIVE STEPS TO IMPROVE DISCIPLINE/ GRIEVANCE/COUNSELLING SKILLS

1. Use sound judgement combined with sensitivity when taking disciplinary action. Run the disciplinary interview on a fair and equitable basis and in accordance with company rules and policies. Make sure the employee has an opportunity to defend themselves against the accusations. Be seen to be impartial, and so make sure that you observe the principles of natural justice.
2. Create a business-like atmosphere in the disciplinary interview by being formal but courteous. Explain the purpose of the meeting. Get the employee's side of the story. Impose the discipline in line with disciplinary proceedings but tell the employee of his right to appeal.
3. Use a different approach when dealing with a grievance situation. Handle the grievance with sensitivity, diplomacy and informality. Listen attentively and with empathy to the employee's complaint. Always check out the reason for the grievance to ensure it has a basis in fact.
4. Counsel to change the employee's behaviour with a view to improving job performance. Refer the problem to a psychologist if you feel that the problem is of a delicate psychological nature demanding the help of a professional.
5. Create a friendly atmosphere for the counselling interview. Build rapport and trust by showing a sincere willingness to help the employee. Use reflective listening and silence as appropriate to encourage dialogue.

ACKNOWLEDGEMENTS

The artwork in this text was produced by the author with the aid of Microsoft's 'SmartArt' creatively combined with the clipart facility in the word package. Some of the artwork was accessed through Google. Known copyright material accessed through Google has been acknowledged. I will gladly acknowledge any other copyright material brought to my attention in future editions.

ABOUT THE AUTHOR

Samuel A Malone is a self-employed training consultant, lecturer and author. He has published numerous journal articles in the fields of learning, study skills, personal development, motivation and management. He is the author of 28 books published in Ireland, the UK and abroad on learning, personal development, study skills and business management. Some of his books have gone into foreign translations including Russian, Spanish, Danish and Norwegian, and second editions. Some of his books have been published in India. He has an M.Ed. with distinction (in training and development) from the University of Sheffield and is a qualified Chartered Management Accountant (ACMA), Chartered Global Management Accountant (CGMA) and a Chartered Secretary (ACIS) and a Member of the Irish Institute of Industrial Engineers (MIIE). He is a fellow of the Irish Institute of Training and Development (FIITD).

Previous books published by the author include *Awaken the Genius Within* (2014). (*Glasnevin Publishing Dublin*) *Why Some People Succeed and Other Fail* (2011) *Glasnevin Publishing Dublin*. *Learning about Learning* (2003) (CIPD London), *A Practical Guide to Learning in the Workplace* (2005) (The Liffey Press Dublin), *Better Exam Results* (2005) (Elsevier/CIMA, London) and *Mind Skills for Managers* (1997) (Gower, Aldershot, UK) and *How To Set Up and Manage A Corporate Learning Centre* (2003) (Gower, Aldershot, UK). The last two books became best-sellers for Gower in their training and business categories. *Better Exam Results* proved to be a best-seller for Elsevier/CIMA and is still in print 30 years after its earliest incarnation (*Learning to Learn*). Most of my published books are available on Amazon.co.uk. His latest books have been published online by bookboon.com in 2018 namely:

- *The Role of the Brain in Learning*
- *How Adults Learn*
- *Learning Models and Styles*
- *Experiential Learning*
- *Learning with Technology*
- *The Ultimate Success Formula*
- *A series of books on People Skills for Managers*

REFERENCES AND BIBLIOGRAPHY

Darling, John R. & Walker, Earl W. (2001). "Effective Conflict Management: Use of Behavioural Style Model." *Leadership & Organisational Development Journal*, Vol. 22, No. 5. pp. 230–242.

Fenley, Anthony (1988). "Models, styles and metaphors: understanding the management of discipline," *Employee Relations*, Vol. 20, No 4, pp. 349–364.

Manning, Tony & Robertson, Bob (2004). "Influencing, negotiating skills and conflict handling: some additional research and reflection." *Industrial and Commercial Training*, Vol. 38. No. 3, pp. 104–109.

McGrane, Fodhla & Wilson, John & Cammock, Tommy (2005). "Leading employee in one-to-one dispute resolution." *Leadership & Organisation Development Journal*. Vol. 26. No. 4. pp. 203–279.

Nurse, Lawrence & Devonish, Dwayne (2007). "Grievance management and its links to workplace justice," *Employee Relations*. Vol. 29. No. 1. pp. 89–109.

Supervisor's Guide to Counselling. Third edition (2010). Governor's Office of Employee Relations. State of New York.