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" Non-Union Complaint Systems:
Employee Problems Need Not
Inexorably 'Run Their Course' "

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NONUNION COMPLAINT SYSTEMS;

EMPLOYEE PROBLEMS NEED NOT INEXORABLY "RUN THEIR COURSE"

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Mark Greenfield had been arguing repeatedly with a brilliant young scientist in the product-development group he supervised. As he cleaned up a week's papers on his desk, he reflected on the difficulty of resolving tension in the lab this year. This young engineer, Cal Floren, seemed to grow angrier and angrier about pressures that most engineers accepted as part of the job: keep ahead of the competition; be sure not to leak a word about their new product; solve some messy technical problems by next Saturday...hurry, hurry, hurry. And recently, Cal seemed suspicious and angry about Mark's presenting the team's work to management. What had Cal meant about "Mark's stealing all the credit?" And, "that God knew all about it...?"

As Mark answered a late doorbell, hours later that Friday evening, he caught just a glimpse of the shotgun that sprayed him in the face and shoulders. He was never perfectly certain of his assailant and never brought charges. But Floren was committed the following year,....after killing his next boss on the golf course at point blank range....

Less than a year after she joined a prestigious financial firm; Marcy Lowell is leaving, having settled for \$25,000 with her employer. Along with her may go four other bright financial analysts--all women--each of whom has been offered a sizeable settlement in the company's efforts to avoid even more costly EEO suits. Marcy was the

object of discrimination in job assignments and in ugly instances of sexual harassment. She was publicly demeaned in front of male colleagues by a supervisor using foul language, on a number of occasions. She felt she had nowhere to turn for advice and redress. Even with the support of women colleagues, her efforts to turn the situation around failed. Her responsible, low-key, written concerns to her boss and to Personnel, received little attention and no response in writing. Meetings to analyze her job assignments and performance evaluations were repeatedly postponed. Her supervisor continued to harass her. When she finally sent a fourth, eloquent letter--this time all the way to the ceo--the reply was a perfunctory analysis of her concerns, revealing that records of her positive performance evaluations had been "lost."

Five other staff women at the company added their own considerable, personal complaints to the section head and to a vice president. Their complaints covered issues of pay inequity, gross sexual harassment, unfair job assignments, unethical behavior from a supervisor, and again, "lost" work performance records. Their protests are now finally uncovering a pattern of discrimination extending back several years in time,...to the first professional woman who had been hired. Beyond the precarious legal situation in which this firm now finds itself, since the women have now found each other, is the long trail of lost talent and low productivity.

John Archibald finally made buyer, in an old, stable, prestigious company. A seventeen-year employee, he had worked his way up; his wife would be delighted. Ten minutes later, after a talk

with his boss, he was furious. Despite the fact that John was succeeding an exempt employee as buyer--and that both the other men who were buyers were exempt employees, John would remain a clerical worker, at the same pay, albeit with a new title and job responsibilities. "We are downgrading all those jobs as people retire,, because of computerization," his boss had said. "Sure it's legal. It's not as if you were a woman!"

John struggled back to his office barely able to see. An hour later the computer he hated was temporarily less in his way. Both primary and back-up tapes for the past year's purchasing were thoroughly misplaced and would not be found again for many weeks.

Brought in to "shape up" the toxicology lab of a major petrochemical firm, Jack Speedwell both permitted and encouraged practices that violated occupational and environmental safety regulations. A woman chemist on his staff complained to him on several occasions. Josephine Zimmer asserted that several of Jack's short-cuts stood in violation of long-standing company policy, as well as violating the law. His response was to dismiss both the complaints and the chemist.

The company now faces a full airing in the courts, and the press, of incidents it regards as "atypical" and "not representative of company philosophy." The chemist has filed an abusive discharge suit in a state where courts are now willing to address such cases. And this particular state may become--through suits of this sort--yet more concerned about the rights of whistleblowers, and in general, of employees-at-will.

In these real incidents, respectable firms and valued employees suffered losses that were almost certainly unnecessary. None of these situations developed full-blown, or had an inexorable course to run. We cite dramatic examples, including a disturbed employee and a man who destructively lost his temper. They share with ubiquitous, less dramatic examples the fact that an employee felt aggrieved, or a supervisor was in need of assistance, but knew of nowhere to turn for effective help within the firm.

Many firms are beginning to handle such problems effectively, by listening well and providing constructive options for managers and employees with concerns. This is particularly important at a time of changing boundaries between employer rights and interests and employee rights and interests. Effective, non-union complaint systems "buffer" these boundaries; they may also reduce the likelihood of further State and Federal constraints on employment at will doctrine. Before we look at actual and exemplary practice in US corporations, let us note the range of options employees typically perceive and employ when they have a problem.

"WHAT ARE MY OPTIONS?"

Harassment, little inequities, safety concerns, and real and imagined disciplinary grievances are commonplace in all workplaces. Managers and foremen, secretaries, scientists and assembly-line workers all experience problems although the sources of their frustration; irritation and rage may differ depending on personal characteristics and position. Rowe has catalogued over the past 11 years common perceptions and behavior reported by several thousand employees and managers confronting problems at work.

(BOX ABOUT HERE?)

UNCONSTRUCTIVE OPTIONS

- . Doing nothing. Bottling it up inside. Apathy.
- . Taking it out on family and friends.
- . Taking it out on people at work; harassing people.
- . Absenteeism, lateness, long lunch hours, extensive socializing.
- . Going slow; "That's not in my job description." Urging others not to work so hard.
- . Depression, extensive weeping, angry outbursts, insomnia, exhaustion.
- . Sickness, accidents, Drugs and drinking. Eating disorders,
- . Petty sabotage. Rudeness to clients. Destructive gossip and troublemaking, inside and outside of the company. Anonymous harassment.
- . Waste. Theft. Theft of company secrets. Fraudulent presentation of data; plagiarism.
- . Quitting on no notice.
- . Polarized union activities in and out of the company.
- . Complaints to regulatory agencies, newspapers; the filing of expensive lawsuits; with little attempt to work things out, to change things inside the company.
- . Conscious or unconscious "ambushes;" the setting up of a colleague or oneself for serious mistakes or accidents on the job, or project failure; sabotage.
- . Threats of violence; violence.

CONSTRUCTIVE OPTIONS

- . Talking it over with trustworthy others: e.g., family, EA, health care practitioner or religious counsellor.
- . Redirection of frustration toward sports or other creative activity after work.
- . Finding another position or project in an orderly manner; going back to school; "hard work."

- . Direct discussion with supervisor or other responsible persons in line management.
- . Work with a responsible committee or "network" inside the company, for orderly change.
- . Discussion with Personnel.
- . Appeal to other designated, complaint procedures such as a hot line or harassment officer or ombudsman or employee council.
- . Appeal to the ceo or company directors.
- . "Orderly exit."

(END OF BOX)

From the employer's point of view only the latter group of options are constructive and, at that, having good employees leave may be undesirable. It is clear from our experience and research that firms can encourage employees to respond constructively to the problems they encounter, if management understands how employees feel about raising complaints, and arranges its information, complaint and appeal, and upward feedback channels accordingly.

HOW EMPLOYEES VIEW THEIR OPTIONS

We believe there is strong evidence for the following observations about employee preferences and fears with respect to handling the problems they encounter at work.

(1) Most employees try to avoid conflict and are very reluctant to surface problems or complaints inside the firm. Most people definitely do not want to take a complaint past their supervisor "up the chain." They understand too well the usual corporate cultural rules against going over heads; and they very strongly fear reprisal. For professional employees, the fear is not so much of immediate reprisal as of "deferred reckoning" that can upset a career

years down the line. Middle managers believe--often correctly--that they are supposed to handle things themselves rather than taking their own problems or kicking other problems upstairs. (ABA Survey data here).

(2) Most employees display considerable loyalty to their supervisors, work units and the firm and therefore do not want to complain. Even when pursuing serious personal complaints, many employees display an additional concern about how the problem affects the morale and productivity of their unit as a whole. Indeed, in some cases the individual is serving as an informal representative from his/her work group, network, etc. (although not always on the basis of adequate data).

(3) For all the talk about the volume of lawsuits by employees, it is wise to remember that it is usually lawyers and law firms that are litigious, rather than employees with a problem. Most employees do not have the resources, the psychological set or even the idea of suing their firm. Many of those who do sue feel that they were pushed into it. Surprisingly, even many cases of "whistleblowing" appear to be instances in which the employee felt repeatedly punished or rebuffed in some way for trying to raise an issue inside the firm; only then did he/she take the matter outside to the courts, and often in the spirit of the outraged loyal employee trying to reclaim a job, honor or career.

(4) Most employees want very much to guard their own privacy and will do almost anything rather than risk exposure to fellow workers, and others.

(5) Most employees and managers would strongly prefer to act in a way they consider personally effective, on their own, rather

than turning to others for help. If they do turn for help, most prefer support which prepares them, confidentially, to go back and resolve a dispute or problem directly with supervisors or fellow employees or subordinates. This permits more privacy, more pride, and more sense of control over what will happen. It should be noted that this process is different from just "sending the person back in line," by rote. It is, rather, the provision of adequate help so a person can go "back in line" on an effective basis.

(6) Treated unfairly, many employees know (or believe) that they have "too little evidence on their side," and are reluctant to get into a "his-word-against-mine" confrontation, especially with problems such as sexual or racial harassment.

(7) Effective disputing does not come easily. Many people expect much more--or much less--than employers would find reasonable. Many employees do not know how to be effective in seeking a constructive option; many believe it is impossible to do so. On the other hand, more and more employees-at-will believe they are entitled to the full panoply of "due process," (a term most people cannot define), and are surprised to learn the traditional meaning of employment at will.

(8) For all the reasons above, and because unconstructive options are very easily employed, both managers and employees find unconstructive options almost effortless, and often consciously preferred.

The very pragmatic fear of speaking up, the ease of falling into unconstructive options even when others are available, and the fact that most employees and managers wish to handle problems and disputes themselves suggest that some kind of assistance is needed.

This help should not resemble divine intervention. Complaints systems must be put together with an understanding of how people view their options and of the changing boundaries between employer and employee rights.

THE RANGE OF CORPORATE RESPONSE: MAPPING NONUNION COMPLAINT SYSTEMS

Corporations now employ a wide range of serendipitous and explicit complaints channels. We discuss these channels, note their functions and conclude with discussion of characteristics of successful systems.

Serendipitous Channels

A number of companies have policy advisory committees (e.g., of women, blacks, as well as more broadly representative councils that have employee representatives). They usually are not designed to handle individual complaints and grievances, but may have the power to recommend changes that resolve common problems facing many individuals. Examples include Polaroid, Pitney-Bowes, Lincoln Electric, MIT. An employee council of this type may for example consider how to publicize career development channels or recommend specific in-house employee training, in response to anger from employees who feel "stuck."

Other types of standing committees function at times to resolve employee-supervisor disputes. For instance, more and more firms have been installing specialized committees to review designs for new products, to assess the liability aspects of a developing product or decide technical questions particular to that firm or workshop and its regulatory environment. Since the "technical" questions before such committees are usually in fact a rich blend

of engineering, professional and personal disagreements, these bodies are sometimes a forum to which an employee can bring an issue that has legal or ethical dimensions.

While management usually strains to keep discussions within quality circles within a narrow range, problems outside this formal scope inevitably surface. Circle meetings are not forums into which employees readily bring individual problems; but generic employee relations issues do get identified for action. Some firms have intentionally broadened the permissible scope of discussion, feeling that quality circles are a valuable mechanism beyond the technical problem solving that goes on. For example, quality circles often serve to identify particularly good managers and those who are particularly weak, (including those who harass their employees).

Health and safety committees, which in states such as Washington are mandated in all work places, often turn up personal and supervision problems along with specific health and safety complaints. Indeed, the two are intertwined, as where an obstinate foreman has failed to act on a complaint, or an employee with personal problems is endangering fellow workers.

Formal arrangements for supporting and evaluating employees also serve as question and complaint channels. Mentoring systems provide employees with savvy advice on how to handle problems and with the "political" support that is often necessary for pressing issues appropriately beyond one's supervisor. If the firm has effective performance appraisal systems, employee and supervisor both have the incentives and take the time to talk through their problems, in the knowledge that evaluations and issues are being reviewed at least one step higher in the chain.

Where companies have in-house medical facilities or ubiquitous nursing stations, nurses, social workers and other health care practitioners sometimes serve as informal complaint handlers. In some companies nurses are expected regularly to give feedback on major issues of concern to employees. In others, medical practitioners serve mainly in giving support for employees to handle work related problems better on their own. Many cases of harassment, for example, and some kinds of safety problems, are brought to health care people, who often act skillfully to support employees in taking responsible action.

There are informal arrangements as well that are a critical resource for both employees and management. Loosely organized networks of women and other minority employees exist in most large firms. When troubles arise between employee and supervisor, network members provide emotional support and advice on how (or whether) to press a complaint. Where they have the ear and support of senior management, networks provide constructive information channels (c.f. Women in Management of the US West Telephone Company).

Of further interest is the development--largely informal and ad hoc--of special "troubleshooters" inside firms for handling sensitive problems and clarifying or negotiating certain kinds of issues. Sometimes "natural" mediators emerge, without management support, to whom certain kinds of problems are brought. Or individuals are identified by management as particularly skilled at resolving disputes in particular areas, and they collect problems ad hoc, (for example handling the departure of senior managers, in high-tech firms).

Together with the more obvious resource represented by well-trained supervisors, these channels and mechanisms can handle and also forestall a great deal of trouble. But even so, they represent an uncertain set of resources for the troubled manager or employee, especially where management does not recognize and support such channels for their problem-solving potential. Even where supervisors are particularly adept at handling a wide range of employee problems there remains a need for specific complaint and problem-handling offices, staffed with well-trained people.

Explicit Complaints Channels

Specific dispute resolution mechanisms and channels for appeal are designed to handle exceptions. In most companies, supervisors can and do handle most problems. But even in the best managed firm the residue of unresolved, nonunion problems is nevertheless important. These few "exceptions" are increasingly recognized by managers as a matrix out of which bad publicity, unionization, legal liability, reduced productivity, and restrictive statutes may grow.

Looking across the field of large nonunion firms two characteristics of the current scene are striking. The first is that many firms are doing surprisingly little to establish an effective set of specific facilities for listening, referral, and resolution of problems and grievances. The second is how much a growing number of private sector organizations are doing and how seriously they regard this effort. After mapping this company terrain briefly, we will describe what elements the most successful approaches appear to have in common.

No research of sufficient scope and depth exists as a basis for making close estimates about the distribution of company

practices in this area. However, based on a review of the existing surveys and literature, and contacts, field studies and interviews at more than 100 firms, the Educational Fund has constructed the following picture of activity in relatively large firms.

1. The majority of U.S. firms have created no broad, formal problem-solving or complaint and appeal channels other than the traditional chain of command. Employees are expected to take their problems to their immediate supervisor. This route of course works well most of the time but leaves many openings for employees to turn to unconstructive options. There may be some rhetoric as well that an "open door" policy exists at the firm, suggesting that it is possible to go over the boss's head; or that Personnel is an alternate route. But in most firms there are little in the way of clear promises or supporting procedures to make these additional routes a credible resource for a broad range of employees and problems.

2. However they handle other employee problems, a great many companies have established some formal specialized means for listening and responding to discrimination and sexual harassment complaints. Such specialization appears across the entire range of firms--from those with little in the way of other formalized dispute-resolution channels, to those in which the special EEO complaint procedures are but one of a whole set of mechanisms for handling employee complaints and problems.

° At the First Bank of Oregon, for example, a written complaint to the personnel department initiates the Internal Discrimination Inquiry Procedure. If the employee is dissatisfied after hearings and a decision based on investigation, final appeal is to a committee that includes the Personnel Director, an agreed-upon neutral and a peer of the employee.

- ° Other firms such as the Chicago and Northwestern Transportation Company have multi-step mechanisms for eeo problems that are modelled more closely on traditional grievance systems.
- ° At Control Data Corporation, the special eeo complaint channels were established after extensive counselling and complaint channels were already in place. The discrimination complaint procedure operates directly through the corporate EEO planning office. A basic principle of its operation is that where employee complaints are substantiated, they are offered awards that parallel closely what they might have obtained by going outside to a state human rights agency or to EEOC.

Though they have much in common legally with other kinds of discrimination, sexual harassment complaints are often handled separately, by specially trained counsellors and investigators. At State Street Bank, for example, and at Williams College, specially trained employees are designated as points of contact for harassment concerns, with easy access as a particular goal of the system.

3. Perhaps a third of U.S. firms have some kind of reasonably broad, specific complaint and appeal system. Most of these involve Human Resource managers and/or a special committee in hearing, investigating and adjudicating employee appeals beyond the supervisor level. These multi-step systems are often designed to serve nonunion employees in unionized environments or unionizing industries, and as a result, resemble traditional grievance systems in the scope and structure of their operations.

- ° At Northrop Aviation, for example, full-time non-exempt employees may press complaints about the application of company policy through a formal grievance system. The steps include one's supervisor, the Employee Relations Department, a management appeals committee and binding arbitration.

- ° As one of a number of mechanisms, Security Pacific National Bank created a three-step

grievance procedure with final appeal to a member of the Management Committee.

For some firms, as at TWA, fellow employees sit on the panels to which final appeals are addressed. And a few such systems include some form of binding arbitration as a last step that involves a neutral party from outside the firm. At companies such as American Electric Power, American Airlines and TWA, this appears to be a critical aspect of the credibility and effectiveness of their formal employee complaint systems.*

4. As an option in the grievance-model systems, some firms use formally-designated neutrals or ombudsmen, problem counselling and review offices, or open-door arrangements that are quite detailed in their procedures and guarantees. Some corporations (AT&TIS, Anheuser-Busch) and many universities (e.g., MIT) have ombudsmen or senior staff who function as full-time, designated neutrals. Some may function this way on an ad hoc basis (Digital). Such neutrals characteristically serve as staff to a ceo or plant manager, but in some firms, as at Control Data, work problems counsellors who hear employee complaints play much the same role. They often have exceptionally wide latitude to hear concerns (e.g., "anyone who feels unjustly treated for any reason").

° At Anheuser-Busch, for example, the Personnel Communications Office is "to ensure that employees are being treated fairly and given an opportunity to seek help with questions and concerns, thereby creating an environment where free and open, two-way communication is available and where concerns may be addressed."

° At NBC, professional counsellors hear problems and complaints from employees at all levels. Where appeals are required, they go to a high level management panel.

*See Roger H. Schnapp, "A Look At Three Companies," ILR Report Vol. 20., #1 (Fall, 1982) pp. 19-20.

Where they have broad powers, designated neutrals may investigate; they may hear concerns, review processes and decisions, mediate among warring parties, and make oral and written recommendations to line management. With very few exceptions they are not arbitrators, however; they may not reverse management decisions. "Theirs is the power of reason and persuasion." They are interpreters among different cultures but do not make or change the rules. Typically ombudsmen will receive anyone at any level, but do not formally review the decisions of top managers who also report to the ceo. Otherwise an ombuds office usually has very wide latitude for investigation and for talking with anyone at any level.

The philosophic basis for an internal (neutral) ombudsman office is that the long-run interests of the company are congruent with those of a wronged employee, and that the employer may have a partial common interest with each of two employees (for example, supervisor and subordinate) who have wronged each other. This is an assumption very different from that embedded in "union vs. management" or the polarization of interests involved in antagonists and advocates in court.

5. A small number of firms (perhaps 200) and many universities take an approach that offers several different options simultaneously available for listening, answering questions, providing the employee with assistance (for problems on the job and off) and rendering judgments where this is called for. In our experience, these firms are concentrated in the high-technology manufacturing sector and in intensely white collar industries such as banking and insurance, (for example, IBM, Control Data, Bank of America, Security Pacific), or in education, in institutions whose staff is similarly

research oriented and white collar, (MIT, Carleton College). They typically have managements known to be innovative in employee relations, committed to remaining nonunion, to competing successfully for high quality employees and to a high investment in their employees.

FUNCTIONS OF COMPLAINT SYSTEMS

Typically, complaint system options perform five different functions, presented roughly in order of case volume:

(1) Communications on an individual basis. Employees can come in person, or write or telephone a question or complaint, and receive a direct, written or telephoned or published answer from management, (sometimes directed to their home address or otherwise delivered in confidence). Mechanisms which work by telephone or letter, under names such as "Open Line," "Speak Up," "Your Voice," "Answer Back," or the "Balloon" feature of the Harvard University Gazette, are available to answer general questions of company policy and procedure. Some will also obtain a management response to any personal and specific workplace issue that an employee may present. They can provide anonymity or confidentiality depending on the nature of the problem and the employee's wishes. In some instances, they directly improve the framing of the problem, and direct the problem into the appropriate channel for further attention. Personnel offices and ombuds offices typically are heavily used for communications of this type; they often help defuse rumors, and provide accurate data to employees who have misunderstood a work situation. The communications function as it is oriented toward individuals, is almost always offered on a confidential basis.

(2) Confidential Counselling. Employees, including managers

with problems, can be helped to see a problem in perspective, to frame and present it responsibly and effectively on their own, and to learn their options within the company, with respect to the problem. All complaint system mechanisms including supervisors, Personnel offices, and EO offices should have this function. Innovative structures (Employee Representatives at Digital, Resident Managers at IBM, ombudsmen), which are effective, are typically found to have concentrated on performing this function well. At the other end of the spectrum, this is a very common point for complaint systems to fail.

Many firms have Employee Assistance programs, where employees with personal troubles such as alcohol and drug addiction, family troubles, serious emotional conflict, and even financial and legal crises can obtain through the employer the paid services of professional, confidential counsellors. Such counselling is not only available at the employee's option, but it is also used to support supervisors when poor performance or worrisome behavior by an employee leads a supervisor to refer a troubled employee to the counselling unit, and where making use of the service may become a condition of the employee's continuing at work. In many high-tech firms, supervisors are also helped by EA professionals to supervise troubled and disturbed employees more effectively. Some EA programs also counsel employees about their work complaints (Control Data, Sanders), and are very effective "grievance" channels. An all purpose, confidential channel like Control Data's EAR is probably the most likely to help disturbed employees in timely fashion, and to prevent theft and violence.

(3) Investigation, Conciliation and Mediation. Many complaints systems have provisions whereby concerns can be investigated and mediated in a manner far less polarized than that which typically occurs in formal grievance procedures. Open Door investigators, sexual harassment officers and other equal opportunity officers, some Human Resource managers, and designated neutrals such as mediators (Carleton College) and ombudsmen (Control Data, MIT) are often able to resolve problems which employees elect not to pursue entirely on their own, through fact-finding, and mediation. At this stage, the complaints officers usually have permission to speak with a few other people, but on a low-key basis which protects people's privacy and the company's image. This function is especially helpful with equity, ethics, cross-cultural and personality problems.

(STORY HERE?)

Specialized technical and professional disputes are sometimes best investigated and mediated by ad hoc mechanisms: a faculty committee of inquiry, a small group of professional peers, an appointed investigator who is a relevant engineering specialist. The perceived credibility of investigators and mediators is the first criterion for their success, so it always pays to structure this function accordingly, giving due regard to high status and/or peer standing as appropriate.

(4) Adjudication. Formal complaint and appeal systems usually progress up through the chain of command, Personnel chains, or both, and may or may not be confidential. Sometimes an investigator or ombudsman may represent a point of appeal and make a recommendation to top management. Sometimes fellow employees may be involved in various steps of judgment for example, the Peer Review panels of

Control Data. Occasionally, as at TWA, there is provision for an outside arbitrator.

(5) Upward Feedback As An MIS-Function. Some complaints mechanisms are explicitly designed to bring data and suggestions to top management to improve policies and procedures. This task goes far beyond "communications" for and with individuals which is the first goal noted above. Employee Councils typically have the upward feedback function. Some ombuds officers and Open Door investigators are specifically charged to bring policy-relevant data back to line management in a manner consonant with protecting confidentiality of individuals (Anheuser-Busch, MIT). Many firms have regular, anonymous employee surveys and suggestion boxes which are used to improve company policies and procedures in timely and recognizable fashion.

All complaints channels should be charged with an upward feedback function as part of the company's MIS system. At a minimum, top management should know the number and kinds of problems raised to hot lines, in-house newsletters, EO officers, etc. In one "Fortune 500" firm for instance, the general counsel's office took special care to learn about and track discrimination complaints as soon as they were voiced by employees internally to the EO office and externally. The firm also has a sophisticated general complaint and appeals system. But it is only recently that any attention was paid to how frequently EEO complaints were handled through the central procedure. For all the concern about avoiding suits, little was known about how discrimination complaints were routinely handled. Complaints data should be reviewed regularly by top management and the fact that this is done needs to be generally known.

In addition, upward feedback may serve to find a "generic"

solution to an "individual" problem. For example, an ombudsman may alert a department head to an allegation of ethnic or sexual harassment (or of safety violations, or theft, or petty sabotage) that names no names. The department head, via a "routine" but thorough discussion of the general subject at the next staff meeting, may put an end to the problem without infringing on the rights or privacy of anyone.

At best the complaints systems will function continuously to alert management to avoidable costs and avoidable problems, and needed changes in policies and procedures. Money-making and cost-saving suggestions will bubble up freely, as in the idealized Japanese firm. In particular, where the upward feedback function of complaint systems is working well, there will be no painful and expensive whistleblowing.

As companies think about nonunion complaint systems, it is far too narrow a conception to think only in terms of establishing a nonunion grievance and appeals system that is adjudicatory in nature. Though there needs to be some such resource (since certain problems of fair treatment require a credible appeal and decision system) most employee questions and problems do not require adjudication. Adjudication of appeals is only the last task that needs to get accomplished....if the others fail. A recent illustration comes from Control Data experience with their first cases going to Peer Review (adjudication) Committees. So far, 26 of the first 42 cases have been successfully mediated by the ombudsman committee chairs, thereby avoiding the last stage of formal grievance settlement.

ELEMENTS OF A SUCCESSFUL SYSTEM; EASE OF ACCESS IS KEY

- 1) An overall company approach. Communication and complaint

services must be created and managed as part of an overall systems approach. There is some tendency to think of dispute resolution mechanisms or complaint and appeal procedures as standard pieces of equipment that one can drop into place and forget about. It is better to think in terms of developing a general systems approach to listening and dispute resolution, a company-wide strategy that encompasses a variety of elements. This is indeed what we see in firms such as IBM, Polaroid, and Control Data, and universities such as MIT; a rich assortment of options to encourage employees, assist them in framing and stating their problem, and to provide several different means of resolving disputes.

Success is more likely where management has a firm sense for how different kinds of problems arise, how they are currently handled and how the current mix of formal and informal problem-solving channels fit together. For example, this would include consideration of the current role played by performance evaluation reviews, yearly salary and promotional equity analyses, the job-posting system, career development programs, minority and women's networks and management training and mentoring programs, as well as the more specific complaint mechanisms.

2) Developing A Culture of Nonreprisal. The single most important (but not sufficient) element is "commitment from the top." Nonunion grievance procedures, beginning with the chain of command, are perceived as credible, safe, fair and effective only where the chief operating officers are in firm and vocal support. Otherwise managers, employees and complaints people will all fear reprisal for raising concerns. The support of top management must be vocal and frequent. It is important not only for the credibility of the

system but also so that sufficient internal resources get allocated for handling employee complaints and problems. More important, with the obvious support of top management, the proper handling of employee problems becomes part of the marching orders to which middle managers respond. The obvious commitment of some firms to the success of each of the many elements of that company's complaints system helps to train managers about the company's goal of fairness....and paradoxically makes it more likely that people with concerns will use the chain of command itself.

Company pronouncements of "no retaliation or reprisals" are sometimes difficult to enforce. Usually top management can prevent formal management reprisal; but informal and peer retaliation is commonplace. Sometimes an untrained manager simply acts out in a way management would deplore, as in the 1982 case of a woman who won in court after being fired some weeks after she put a suggestion in a suggestion box! Nearly all companies have senior managers who react to complaints with anger or even rage. Many ceos have discovered that there has to be constant training both of managers and employees in the use of a complaints system.

There is a tendency to leave supervisors and middle managers out of the planning and operation of new employee complaint and grievance systems, as well as to deny them access to it for raising their own problems as employees or for seeking help in handling the problems of subordinates. This is reinforced by four elements in contemporary corporate culture. The first is that the only real power many supervisors have lies in controlling access to higher levels in the firm and controlling the flow of information downward. Complaint and appeal systems may threaten this already-small base

of power with the result that supervisors become natural enemies to any system that encourages employees to take their problems "upstairs" or through special procedures.

The second element is that a "middle management macho" ethic is encouraged in many firms, pressing both managers and supervisors to handle things on their own. Even when you know you are out of your depth, there is great reluctance to bump any problems upstairs. This is reinforced by senior managers who evaluate those under them in part by how "little they hear from them." This ethic has the effect of eliminating the chain of command as an option for managers to raise concerns. The third element relates to the powerful tradition of "exit as a solution." Managers and professionals themselves believe that it is often better to get out than risk a fight when they have a dispute that they cannot resolve with their immediate superior. Management may encourage this response in its professional and managerial ranks. As a result, even where a firm is committed to low turnover, middle managers extend this same "exit solution" thinking to their own subordinates. The fourth is the fear managers have, that they will be punished if a decision of theirs is found to be so bad that it is overturned in a formal or informal process.

All four of these elements can work directly against the success of internal problem-solving approaches. To offset these, it helps to have managers and supervisors be involved in a significant fashion in planning and designing new complaint-handling approaches. Next, any good problem counselling system will succeed in sending most employee problems back to where the problem originated--usually by confidential assistance and support to the employee (and/or super-

visor) in working out a solution without openly going outside the management chain, so supervisors are not threatened. When a problem does come out in the open, and especially if a supervisor's decision is overturned, it is vital that in ordinary circumstances there be no reprisal against that supervisor.

Of greatest importance, the complaint and problem-solving system should be a resource that managers and supervisors themselves use. For example, procedures can be established under which manager and subordinate may jointly surface a disagreement or problem. The systems must also routinely receive supervisors and managers for their own problems. It too often goes unnoticed that managers and supervisors themselves have problems and complaints for which they need assistance. No system that excludes them (i.e., is not a resource for them as employees) can be expected to have their support and cooperation.

Once a good complaints system is in operation, it is common to find that supervisors begin to like it. Even in the case of ombudsmen--possibly the most "neutral" employee forum--statistics show most cases are resolved with information, discussion, support and mediation, with relatively few cases surfaced, and management decisions usually affirmed, or amended so that management gets the credit. (Good complaints systems work very hard to see that no one loses face.) However, even where top management is fully behind the system, there are often one or two unconvinced senior managers who try to stymy the system. These people are often suddenly, happily convinced, by experience from their own areas, that they need help with complaints. But sometimes there are areas of a company where communications remain poor and difficulties abound because a senior

person simply hates complaints, especially when they are taken outside the unit to a counsellor or grievance mechanism.

These senior people are exceptionally difficult to deal with because they usually have no conception of a neutral ("he who is not entirely with me is against me") and are also prone to believe in killing messengers who bring bad news. People around such senior managers almost always stop communicating honestly, unless they are extraordinarily courageous and loyal to the company. Complaints people absolutely must be willing to continue dealing with senior managers like this; (complaints people may also need protection from reprisal). Top management needs to be alert to the possibility of hostile managers since they readily provoke employees with concerns into unconstructive options.

3) Redundancy In Complaint Handling Systems Is Not Wasteful. In complaint handling, as in any well-engineered technology, some redundancy is cost effective in the long run. "Redundancy" gives employees options, increasing the likelihood that critical information will find a channel upward and that problems will get surfaced, clarified and dealt with. Redundancy helps keep each part of the system "honest" by means of checks and balances. Looking closely at firms that take the lead in this area, one sees both specialization and duplication in the arrangement of problem-solving channels that are available in addition to the usual supervisory chain:

° At Security Pacific National Bank, one sees the following mix of approaches: the chain of line management, a telephone hotline for fielding employee questions and channeling problems; a personnel system; a confidential question-response office that serves as an intermediary to get questions answered and to provide advice on how to proceed without the employee

being identified to management or to personnel staff; and a formal grievance procedure.

° At Control Data, redundancy is reflected in the presence of both telephone and personal access to professional, personal and work counselors; a four-step grievance procedure; and a special channel for discrimination complaints.

A common question, however, is why all such options are necessary. Perhaps there needs to be some option outside line management but why are not Personnel offices enough, especially since these two channels together are usually very effective with nearly all problems? There are several reasons why a company may wish additional, confidential channels.

° Personnel keeps the formal file and the informal oral history about an employee; some employees fear loss of privacy, or subtle retribution for being a complainer.

° Some employees fear telling Personnel about their personal (but work-related) problems; alcoholism, drugs, affairs, harassment, divorce.

° Employees may fear that Personnel will actually take action on their complaint without their permission, especially when they really want effective advice for acting on their own.

° Many angry employees see their problems in all or nothing terms. A personnel manager may easily be seen as a company fink: "He who is not with me is against me." This is especially likely if Personnel people (and supervisors) are all gray flannel white males; minorities and women may not trust them.

° Some employees really want their issues "heard at the top;" they feel Personnel underlings won't or can't affect the problems they want raised. Or they may feel only the top has the information they seek. Or they think Personnel can't handle co-worker problems, e.g., fellow workers who smoke have bad tempers.

° Technical employees may feel that Personnel people won't understand the issues; many engineers, for example, just don't consider using such a channel.

- ° Safety issues and public policy issues may seem inappropriate for Personnel offices. Managers may not feel they can safely take their frustrations, or seek advice or expose their problems through this channel, especially if they involve whistleblowing.
- ° Bizarre problems occur. "My supervisor is exposing himself;" an odd scientific colleague never speaks and sleeps under his desk; a close co-worker smells; someone is thought to be contaminating reagents in a lab. Often people just do not consider taking such problems to Personnel.
- ° Finally, there is considerable reason to believe that many people very much want "to handle their problems themselves;" even though they may not be able to or believe they can't. They want if possible to maintain control over their problems and therefore they avoid anything that appears to be a formal channel, though they wish they had help. Since most people can easily find unconstructive ways to "handle things themselves," these are the employees an employer needs most urgently to get to responsible counsel..

This argues for the use of specially designated individuals or other "redundant systems," who stand outside line management and the regular Personnel or Employee Relations office.

4) Generally-Available Complaint Channels Must Have A Variety Of Senior Professionals In Them, Including Minorities And Women. We have noted that, whatever their skills on the job, employees and managers have very unequal skills and beliefs about voicing complaints. Experience regularly indicates that older employees, minorities, women, and the handicapped feel they have lesser access for orderly redress of their problems. One means of encouraging employees to use the formal resources that are available is to include a variety of professionals as complaint-handlers. In larger units this would include not only minorities and women but also "representatives" of other significant populations whose

problems and complaints can be addressed. Thus, an engineer might be visible as part of the complaint-handling team in a firm that is sensitive to the usual reluctance of engineers to bring their work-related problems to nonengineers. A complaints system should work to compensate for the wide differences people perceive in their own ability to "dispute effectively."

5) It Helps To Build At Least One Generally Available Complaints Channel In The System. We note with interest that many companies are building more inclusionary systems, and "folding in" some earlier, specific complaints channels. Examples include special EEO complaints channels folded into the general systems; encouraging managers and professional workers to use at least one of the complaints options; building a "main office" or nationwide hotline option for employees in widely distributed plants.

A complaints channel that is available to everyone and broad in the scope of issues it will handle is much more likely to be found and understood. It is much more likely to be perceived as fair by Anglo, white, male workers and managers. The wider experience of complaints managers in a general system may contribute to their effectiveness and credibility. Systematic problems are more likely to be understood by a system-wide channel. Acceptance of all kinds of complaints also avoids bitter and usually useless fights about whether a problem is or is not "discriminatory" or "performance-related" or whatever.

Broad spectrum listening and counselling also work effectively because the employee doesn't always know what his/her problem is and because the problem is not always a result of what the firm has done. Complaints may center on harassment by fellow

employees and customers; on the idiosyncratic practices of particular supervisors, or may even involve problems whose origin lies outside the workplace, but on which the company may be helpful. Where concerns are raised about misconduct or hazards, they often concern work that is outside the employee's responsibility, work area, or competence.

SUMMARY

The boundaries are changing, state by state, and employer by employer, between the rights and interests of employers and the rights and interests of nonunion employees. Both employers and employees need complaints systems to "buffer" these changing boundaries, and to seek advice on other personal and work problems.

People, both managers and employees, often need a little help, from their supervisors, their Human Resource managers, and from other complaints specialists. Usually, with confidential help, they can deal then effectively on their own. The source of many problems on the job lies in work place situations about which management can and will want to do something. Complaints systems can also help to deal with complicated personal-and-work place dilemmas, and may thereby sharply reduce costs to both employers and employees which would result from employees' pursuing less constructive options.

Formal adjudication of complaints should be the last function of interest in a nonunion complaints system. A company can, instead, build a relatively nonpolarized, problem-solving system which seeks as far as possible for solutions which adequately satisfy interests of all parties to a given concern.