



Tripartite Alliance for  
Fair & Progressive Employment Practices

# GRIEVANCE HANDLING HANDBOOK



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## Background

The workforce in Singapore is inherently diverse, comprising employees from different age groups, genders, ethnicities and religious backgrounds. Within each of these groups, individuals also have different values, priorities, work and communication styles, all of which add to the complexity and depth of diversity within every company.

While the benefits of having a diverse workforce are well known, e.g. the ability to tap on a wider talent pool and leverage different strengths for a competitive edge, such diversity of perspectives and views can also lead to miscommunication and misunderstanding.

**If not managed well, employee morale and productivity, as well as the company's operations and image, may be adversely affected.**

Furthermore, job seekers and employees today are better educated and more well-informed. They possess greater awareness of global employment practices and standards, as well as a higher degree of social awareness and civic interest in local employment practices. As such, employee engagement has become much more challenging; organisations need to be more flexible and creative in the way they engage and retain their workforce.

Companies can pre-empt unpleasant situations that arise as a result of miscommunication and misunderstanding by creating a positive working environment through the adoption of fair and progressive employment practices, and cultivating an inclusive and harmonious workplace. At the same time, companies can put in place policies and procedures to manage workplace grievances to enable employees a safe recourse should the need arise.





# Introduction to Grievance Handling

## WHAT IS A GRIEVANCE?

A grievance refers to a formal complaint based on feelings of dissatisfaction or perceptions of unfair treatment pertaining to an employee's work or workplace; for example, when a company policy or code of ethics on anti-discrimination has been violated. This is different from a general complaint, which covers a wider range of topics, such as the cleanliness of the pantry area or a lack of employee support schemes.

The root of a grievance may be real or imaginary. For instance, grievances based on real or actual occurrence and events may include receiving inaccurate information and data, or unhappiness over a wage cut. The root of a grievance may also be imaginary, for example, a supervisor may feel the need to closely monitor an employee with poor work performance. However, if the supervisor fails to communicate his intention, the employee may interpret the supervisor's behaviour as being intrusive and overbearing. On the other hand, other colleagues may believe that the supervisor is exercising favouritism and being unfair. Such grievances are based on false perceptions and assumptions.

## TYPES OF GRIEVANCES

In the workplace, there can be General Grievances and Individual Grievances:

- **General Grievance** affect a group of employees. Possible examples include a wage cut or a retrenchment exercise that could involve several employees or the entire workforce.
- **Individual Grievance** affect one employee and requires a one-to-one approach. Possible examples of Individual Grievances include an employee who feels discriminated against in a promotion exercise or a case of sexual harassment.

When handling these grievances, unionised companies must communicate with and involve the Trade Union Representative and members of the Branch Committee as well.

### WHAT IS A WORK-RELATED GRIEVANCE?

To understand work-related grievances, we refer to the definition of industrial matters found in the Industrial Relations Act stated below (*emphasis added*):

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

#### Relations of employers and employees

When employees express their grievances about their difficulty working with a particular employee, it is necessary for the employer to address the grievance because that employee’s behaviour affects work discipline and work relations of all parties.

#### Employment

Employee grievances during employment can arise from dissatisfaction relating to job descriptions, job duties, functions and activities.

#### Non-employment

Employee grievances during non-employment can be triggered when employers’ acts of termination of employment are unfairly or not properly managed or administered.

#### Changes to policies and/or terms of employment

Employee grievances regarding changes to policies and/or terms of employment regarding wages or salary, allowances, rewards and benefits.

#### Issues arising from the transfer of employment

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

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

#### Conditions of work of any person

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



### WHY IS A GRIEVANCE PROCEDURE NECESSARY?

While employers can minimise the likelihood and areas of employee grievances through the adoption of fair and progressive employment practices, when these situations do arise, the company must have a proper Grievance Procedure in place. Having such a procedure to allow prompt response and quick resolution of a complaint or grievance will boost employee morale and productivity, and can avoid potentially protracted and costly legal action.

**A Grievance Handling Procedure provides employees with a safe channel to raise their grievances without fear of negative repercussions, and facilitates the resolution of a grievance. It builds trust and maintains industrial harmony.**

It is also unrealistic to expect that every grievance should be resolved to the absolute satisfaction of both parties. In most situations, the most reasonable solution is a compromise with both parties adopting a “give and take” position.



### WHOSE ROLE IS IT?

Handling employee grievances is a job function of any person who has been authorised and empowered by the employer. While it is commonly assumed that it is the role of the designated Human Resource (HR) Practitioner, it is the type of grievance (whether it is general or individual) that will also determine who should handle the grievance process.

For instance, the Chief Executive Officer (CEO) should play the leading role in handling General Grievances. Such grievances require frequent and regular communication and information-sharing with employees to minimise potential misunderstanding. A failure to do so may lead to a high labour turnover or result in low morale, low productivity and high absenteeism.

As good practice, it is also recommended that managers and supervisors are trained to manage employee feedback and grievances, and work with unions if the company is unionised.



### HANDLING GENERAL GRIEVANCES

When handling General Grievances, communication is a critical part of the process and companies can include the following information in the communication:

**What** adverse events that have occurred, are occurring or will be occurring that require certain actions to be taken that will affect employees.

**Why** certain difficult action or actions (e.g. wage cut) have to be taken over other solutions.

**Who** will be affected and in what manner.

**How** the decided action or actions would be administered.

**When** the decided action or actions would be made effective. This will allow employees ample time to prepare themselves and consider their options.

Communication with the employees can be carried out through internal communication channels such as notices or circulars, followed up by staff meetings to obtain feedback, address concerns and provide assurance.

When an employer recognises a union, it acknowledges that the union represents all employees within the scope of the collective agreement, in matters relating to all terms and conditions of service. Thus, in the case of grievances involving union members, it is a required contractual obligation for the management team comprising the CEO, relevant Heads of Department (HODs), including the Chief HR Practitioner to first meet with the Trade Union Official and members of the Branch Committee to share information. The management should also accept the Trade Union's assistance in communication as employees are generally more receptive to communication from the Trade Union.

To facilitate the handling of General Grievances, it would be useful to remember the following tips:

#### Timeliness

- Information shared should be up-to-date and communicated in a timely manner to reduce gossip and prevent rumours from growing out of control.
- The management team should always be in the know of the latest news or events relating to the specific situations, so that they will be able to handle any inquiries or issues that may be raised by the employees.

#### Frequency

Regular communication conveys management's sincerity and builds trust, which is an important factor in maintaining employee morale.

#### Effectiveness

- Communication should be well planned (e.g. content is clearly structured, messaging style is suitable for the target audience) and based on accurate information.
- Communication platforms selected should be suited to the intent and message (e.g. when seeking feedback, a dialogue session is more effective than sending an email).

#### Consistency

Information shared by all members of the management team should be consistent. There should be no contradiction between the CEO and HODs or Section Heads.

#### Openness

During the communication, it is important to remain open-minded and be receptive to comments, queries and feedback. Successful communication requires good listening skills and the willingness to be flexible.

### HANDLING INDIVIDUAL GRIEVANCES

Handling Individual Grievances begins the moment an employee raises the grievance either through a walk-in meeting with the immediate supervisor, or in writing, using a Grievance/Complaint Form. In the case of a walk-in meeting, the Grievance Handler would not have been able to prepare for the meeting, and might only be able to address the grievance if it is very simple and straightforward. Otherwise, the Grievance Handler will have to listen, record the grievance and follow up on the matter after the meeting.

The advantage of a written grievance is that it allows the Grievance Handler to make necessary preparations before the meeting. Besides studying what has been written in the Grievance/Complaint Form, the Grievance Handler would need to have a better knowledge of the employee and the specific issues relating to the grievance.

#### Example

If the grievance is about being sidestepped in a promotion exercise, the Grievance Handler would need to have the following information from the HR department to assess the issue fairly:

- What are the selection criteria for promotion, based on the company's policies and procedures?
- What are the success factors and performance outcomes of a successful candidate?
- What is the employee's performance track record and where are the shortfalls?
- Are there any underlying issues or concerns specific to the situation?
- Are there any workable solutions to be considered within the parameters, based on the company's HR policy?

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

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

Managers and supervisors should be trained to manage employee feedback and grievances, and work with the union if the company is unionised. This training should form part of the training for new managers and supervisors. Any other designated staff (e.g. HR) should also be provided with the necessary training.

The following attributes and skills are important when handling employee grievances:

#### Problem solving attitude

- Being open-minded demonstrates a willingness to explore with the employee ways to resolve the grievance.

#### Responsibility

- Able to keep all matters relating to the employee and the grievance discussed at the meeting confidential.
- Conscientious about follow-up and completing the task.



### **Active listening**

- Not just a good listener but practises active listening.
- Actively seeks to understand, interpret, and evaluate what he hears. He must exercise empathy and try to understand the feelings of dissatisfaction and distress that the aggrieved employee is experiencing.

### **Attention to detail**

- Meticulous about taking notes during the meeting. To ensure accuracy, the Grievance Handler should record and repeat statements made to ensure there are no discrepancies.
- Note taking is also important for follow-up work.

### **Sensitivity and tact**

- Able to read the situation accurately and respond appropriately, e.g. through appropriate body language and behaviours, showing sensitivity or injecting humour to diminish tension and bring about a more calm atmosphere.

### **Inclusive language**

- Uses inclusive language such as “we work together” and “our problem” to reassure the aggrieved employee.
- This makes the grievance appear to be less of the individual’s problem and helps the employee to be less defensive and more willing to speak up.

### **Calm demeanour**

- Able to remain calm and composed throughout the meeting, with or without the presence or active involvement of the trade union representative.
- Able to remain polite and professional even if the aggrieved employee becomes agitated.



## **The Grievance Procedure**

The grievance procedure should apply to all employees regardless of level, including professionals, managers and executives. A sample grievance procedure for a non-unionised company is provided below:

Recognising the value and importance of full discussions in clearing up misunderstanding and preserving harmonious relations, the Management shall always strive to preserve continuous and harmonious relations with its employees, and shall always make every reasonable effort to effect immediate full discussion to clear up misunderstandings and to investigate into any grievance of employees of (Company).

In pursuance of this mutual desire, an employee’s grievance shall be dealt with in accordance with the following procedures:

#### **Step One**

Any employee who has a grievance may, within (period of time, e.g. 3 working days) of its arising, bring the matter to the attention of his immediate supervisor or, where such grievance is against his immediate supervisor, to the attention of his Department Head, who shall give his decision within (period of time, e.g. 3 working days) from the date of reference to him.

## The Grievance Procedure

### Step Two

If the employee concerned is aggrieved by the decision given under Step 1, he may within (period of time, e.g. 3 working days) thereof, refer the matter to the Division Head for settlement, who shall give his decision within (period of time, e.g. 3 working days) from the date the matter was referred to him.

### Step Three

If the employee is still dissatisfied with the decision given under Step 2, the employee may refer the matter to the HR Manager, who will represent the Management for settlement.

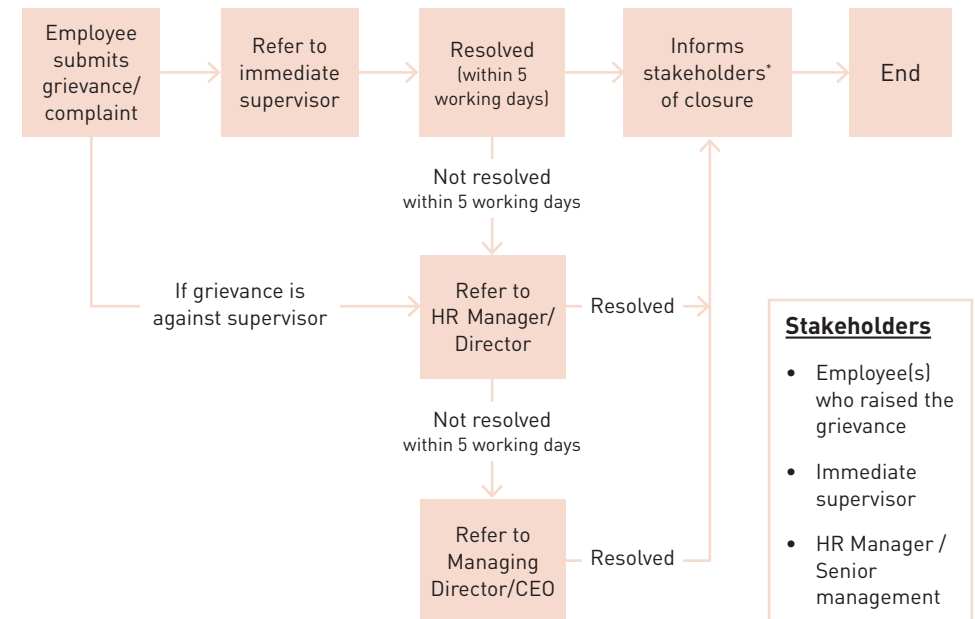
In the event of there being no settlement at the above steps, the matter shall be dealt with by the (job title, e.g. CEO), whose decision shall be final.

Regardless of whether a company is unionised or not, all grievance procedures should include the following features:

- Levels of appeal, depending on the hierarchical structure of the company and the HR policy.
- The first level of appeal for an employee with a grievance is the immediate supervisor, unless the grievance is against the immediate supervisor.
- The existence of a time lag, which refers to the period of time to wait for action to be taken. The time lag must be reasonable and achievable. "Working day" should be used to prevent misunderstanding.
- The option of moving to the next level if no decision satisfactory to both parties is reached within the time lag.

The purpose of a time lag is to ensure that management representatives can neither make hasty decisions because such decisions can be appealed against, nor ignore such appeals because employees have the right to move to the next level.

An illustration of a grievance process is provided below.



For unionised companies, the grievance procedure is a requirement in all collective agreements. The Singapore Industrial Arbitration Court website provides sample clauses for grievance procedures to which unionised companies can take reference from.

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

### MAKING THE GRIEVANCE PROCEDURE WORK

#### Communication and Training

Communication and training are critical to ensure the effective implementation of the grievance procedure. The company must:

- Explain the importance of having a formalised grievance handling procedure and convey the need to consider all grievances/complaints seriously.
- Formalise and document the grievance procedure (e.g. in the collective agreement, company circular, employee handbook).
- Communicate the grievance procedure to all employees.
- Train supervisors, line managers and management involved in the grievance process.

Training for supervisors, line managers and management should include how to manage employee feedback and grievance, and work with the union (for unionised companies). The training should include:

- Employees' rights under the grievance process, including the right to
  - Use the grievance process
  - Escalate the grievance and appeal to a higher authority if the grievance is not resolved within the time lag
- Importance of creating a safe environment where the employee does not fear negative repercussions arising from his use of the grievance process.
- Assurance that the employee's action is not a negative reflection of the supervisor/line manager's competency in problem solving or decision making.
- The importance of follow-up action within the time lag. Failure to follow-up may reflect negatively on the sincerity and efficiency of the line manager and management team.
- Follow-up action reports should be submitted to HR within one working day after the grievance handling session.

For unionised companies, training should include how to work constructively with trade union representatives in resolving grievances, including:

- The need to extend courtesy and respect.
- How to conduct themselves in the presence of the trade union representative to encourage open and effective discussion.

Communication to employees may be done via a number of different platforms. New employees should be informed of the existence and availability of the company's grievance process during induction. All employees should be informed through briefings and formal documents such as the employee handbook.

#### **The employee handbook may include the following:**

- Definition of a grievance with emphasis that it should be employment-related, with examples to facilitate understanding.
- Objective of a grievance process and the right of all employees to use it.
- Assurance that the company takes all grievances/complaints seriously.
- Assurance that confidentiality will be maintained.
- Assurance that no disciplinary action will be taken against employees who appeal to the superior of the immediate supervisor. This is to assure employees who are not familiar with a grievance process, and may be hesitant to raise grievances for fear of reprisals from the management.

For unionised companies, the employee handbook should also state when the trade union representative will be involved in the grievance process.

For effective administration, the application for the grievance process must be user-friendly and easily accessible to all employees. Companies can consider uploading a Grievance/Complaint Lodge Form on the company's intranet.

## The Grievance Procedure

A sample of the Grievance/Complaint Lodge Form is provided below:

<b><u>Grievance / Complaint Lodge Form</u></b>	
Date: _____	
To: <u>(Name of Grievance Handler)</u>	Dept: _____
From: <u>(Name of Employee)</u>	Dept: _____
Nature of Grievance / Complaint: _____ _____ _____	
In accordance with Article _____ of the Company Handbook on HR Policy & Procedures* OR In accordance with Clause _____ of the Collective Agreement*, I would like to request a meeting with you on _____ (Date) at _____ (Time) in your office.	
In accordance with the above-mentioned Article/Clause*, I shall have the right to appeal to the higher authority should I fail to hear from you within (time lag, e.g. 3 working days) by _____ (Date).	
* Select whichever is applicable.	
Reason(s) for raising this grievance / complaint (tick where applicable):	
<input type="checkbox"/>	Received no response within the time lag by _____ (Name)
<input type="checkbox"/>	Grievance not addressed to my satisfaction by _____ (Name)
<input type="checkbox"/>	Any other reasons (please specify) _____ _____

### **Conducting the Grievance Handling Meeting**

The Grievance Handler must initiate the grievance process promptly once a grievance has been lodged. A delay in responding to the aggrieved employee will reflect negatively on the management team. It may be interpreted as insincerity or that the grievance process is mere lip service.

#### **The Grievance Handler may start discussions by:**

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



## The Grievance Procedure

### During the meeting, the Grievance Handler should:

- Speak less and listen more.
- Seek clarification relating to the grievance to ensure understanding.
- Keep the discussion focussed on the main issue.  
If the discussion deviates away, the Grievance Handler should lead the discussion back and remind all participants of the objective(s) of the meeting, if necessary.

### Once all the relevant information relating to the grievance has been captured, the Grievance Handler could adopt one of the following measures before closing the meeting:

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

### When closing the meeting, the Grievance Handler should:

- Thank the respective parties for meeting and for their valuable inputs .
- Inform the participants that he will follow-up on the matter and that an answer would be given within the time lag.



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

This completes the process for the Grievance Handler and he should close the grievance process with a follow-up report. Even if the employee is pursuing his grievance to the next level, the report will provide background information on what has been discussed.

A sample of the report is provided below:

### Report of Grievance / Complaint Form

Date: \_\_\_\_\_

To: (Name) HR Dept: \_\_\_\_\_

From: (Name of Grievance Handler) Dept: \_\_\_\_\_

Date of Grievance Handling Meeting: \_\_\_\_\_

Name of employee: \_\_\_\_\_ Dept: \_\_\_\_\_

Present at meeting : \_\_\_\_\_

1) \_\_\_\_\_ (Name) Dept: \_\_\_\_\_

2) \_\_\_\_\_ (Name) Dept: \_\_\_\_\_

Nature of Grievance / Complaint:

\_\_\_\_\_  
\_\_\_\_\_

Grievance resolved at meeting? Please circle: Yes / No  
If yes, state nature of settlement:

\_\_\_\_\_  
\_\_\_\_\_

If no, state employee's prioritised options:

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

Grievance Handler's recommendation, if any (e.g. escalation to the next level):

\_\_\_\_\_



## Employee Counselling Session

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

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

Such negative expressions of grievances would typically trigger a negative response from line managers, who may then take disciplinary action against the employee. It should be treated as a disciplinary matter if the employee has a track record of misconduct and he refuses to improve, despite remedial measures taken.

However, if the employee has a reasonably good work performance record, the company could consider Employee Counselling rather than a grievance handling meeting.

## Employee Counselling Session

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

- The employee is reminded to use the Grievance Process as a more constructive approach to expressing his grievances.
- Pro-active steps are taken by the Grievance Handler to demonstrate that management is concerned when employees are not performing at their best.
- The employee is made aware that his negative behaviour has been noted by management and found to be unacceptable.

For unionised companies, the HR may engage the Trade Union Representative to obtain all pertinent information about the member-employee before arranging for a counselling session. This is a progressive approach to establish mutual understanding and trust.

### Begin the Employee Counselling session by making reference to what triggered the need for such a meeting:

- If it is due to undesirable behaviour, such as bad-mouthing the company or management, the Grievance Handler should be forthright, without revealing the source of the information or the person who reported the matter to management.
- If it is due to acts of misconduct or deteriorating work performance, the Grievance Handler should share the evidence first and allow the employee to respond.

In the case of reported sources, the employee may deny and challenge the Grievance Handler.

### In such an instance, the Grievance Handler should:

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

### The above meeting may be concluded by adopting the following steps:

- Firstly, remind the employee of the importance of continuing with his record of good work performance.
- Secondly, tell the employee that he and the company's management team look forward to future contributions by the employee.
- Thirdly, advise the employee that if there is any grievance, the appropriate solution is to apply the Grievance Procedure.
- Fourthly, inform the employee of the value of open discussions to resolve problems and thank the employee for the meeting.

In the case of recorded sources such as late-coming, absenteeism and deteriorating work performance, where evidence is captured through time-cards and performance appraisal forms, the employee would find it difficult to deny such actions.

The employee may either (i) remain silent, (ii) give reasons (i.e. explanations with validity to justify the actions), or (iii) make excuses (i.e. pretexts to overlook a negative behaviour).

### The Grievance Handler should:

- Take note and inform the employee what reasons are acceptable and what excuses are not satisfactory.
- Remind the employee of his good track record and proceed to ask the employee for the reasons for the changed behaviour.
- Encourage the employee to remember events that could have caused some dissatisfaction leading to grievances that may not have been addressed.  
Focus on the period of time between the employee's last receipt of commendation and the beginnings of the disruptive behaviour.

### Possible outcomes of the above meeting may be one of the following scenarios:

- The employee may remember and start talking about the issue. The Grievance Handler should listen as though he is handling an individual grievance.

## Employee Counselling Session

- The employee might feel embarrassed and could turn defensive. In such a case, the Grievance Handler should close the meeting.
- The employee declares that he is unable to recall anything. At this juncture, the Grievance Handler should conclude the meeting.

One of the challenges faced by the Grievance Handler is when an employee prefers to keep silent and may sometimes refuse to make any eye contact. No amount of questioning, cajoling or subtle pressure will encourage the employee to speak up. In such an instance, the Grievance Handler will have no choice but to close the meeting in the following manner:

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



## Handling Unexpected Scenarios

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

- A. Employee with a walk-in grievance who cannot stop weeping**
- B. Employee who keeps digressing**
- C. Argumentative and abusive employee or Trade Union Representative**
- D. Complaints of sexual harassment**



## Handling Unexpected Scenarios

### Scenario A

The employee with a walk-in grievance does not allow the Grievance Handler time for preparation. The difficulty is compounded when the employee is incoherent or cannot stop weeping.

#### **There are two possible aspects to such a situation that the Grievance Handler should be mindful of:**

- The employee is genuinely upset over the grievance and is unable to control his emotions. If necessary, the Grievance Handler can either propose another date for the meeting when the employee is more composed or suggest that the employee puts the grievance in writing. If the company is unionised, and the employee is a member, the Grievance Handler could seek assistance from the Trade Union Representative to work together to help the member-employee.
- The employee could be using tears in the hope of softening the Grievance Handler and achieving a desired outcome. This is based on the assumption that most people are uncomfortable with weeping adults and would therefore be inclined to give in to such pressure. In such an instance, the employee may not be open to any suggestions and may become increasingly agitated. To address such employees, the Grievance Handler should seek assistance from HR.

### Scenario B

An employee who keeps digressing during a grievance handling session and is inclined to harp on about the past failures of the management team in resolving grievances.

#### **In this instance, the Grievance Handler should:**

- Avoid being defensive about such claims, regardless of whether such claims are fraudulent or accurate.
- Not to feel obligated to indulge the employee.
- Firmly draw the employee back to the present grievance in question. Suggest closing the meeting if the employee continues to digress after a few attempts to draw him back to the discussion.

- Discuss and resolve the matter together with HR. Ask the employee to write out his grievance, investigate the issues related, then decide and take the necessary measures.

### Scenario C

An argumentative and abusive employee or a Trade Union Representative who seeks to dominate the grievance handling session.

#### **The Grievance Handler should:**

- Remain calm and not enter into an argument with either party or be defensive by trying to argue on behalf of the management team.
- Speak politely but firmly and make it clear that such behaviour is unproductive and does not resolve matters or build an amicable relationship.
- Inform the parties that what has transpired is put on record and that follow-up action will be taken, which would include further discussion with HR.
- If it is the employee who is argumentative and abusive, HR should advise him to put his grievance in writing should he be unable to express himself in a polite manner.
- If it is the Trade Union Representative who is argumentative and abusive, HR should inform the higher authority of the Trade Union of the matter. The information should include the full record of the meeting and its outcome.

### Scenario D

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

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

Sexual harassers need not necessarily be those from within the same company, such as a supervisor harassing subordinates or vice versa, or

among colleagues. They can be clients, suppliers, business associates, vendors or contractors.

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

It is therefore important for employers to have in place policies and set out clear grievance handling processes to prevent and address workplace sexual harassment.

**The policies set out should apply to all employees and would include:**

- Explicitly prohibiting workplace sexual misconduct or harassment.
- What constitutes inappropriate behaviour or sexual harassment (include specific examples).
- Possible consequences for harassers and malicious false claims, e.g. disciplinary action.
- Provide a discreet process where legitimate complainants can be assured of confidentiality and non-retaliation.

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

**The recommended steps for HR to take in managing workplace sexual harassment are to:**

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

- Record the names of any witnesses or persons in the company with whom the complainant has shared this information.
- Follow up by questioning the witnesses to ascertain whether the grievance is based on facts.
- Make decisions guided by statements from reliable witnesses, particularly the neutral ones.

**Example of a workplace sexual harassment complaint:**

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

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

- Examine the employment records of the parties involved.
- Study the labour turnover in that specific department, such as frequency, volume of turnover and specific records, gender, age and marital status.
- Review information from the exit interviews.
- Seek feedback from colleagues in the same department to form a clearer picture of the character of the accused party.

**In cases where the facts are not conclusive that workplace sexual harassment has occurred, HR could take the following actions:**

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



## Going Beyond the Company

Technically, grievance handling within the Grievance Procedure ends with the decision of the most senior leader within the company (i.e. CEO or Managing Director). Employees may, however, seek further assistance from external parties (or agencies) such as:

### **Ministry of Manpower**

to appeal against unfair dismissal\*.

### **Trade Unions**

to be represented in collective bargaining, appeals against wrongful dismissals and negotiations for retrenchment benefits, and resolutions on employment terms.

### **Tripartite Alliance for Dispute Management (TADM)**

to resolve salary-related claims and employment disputes through mediation.

### **Employment Claims Tribunal**

to resolve their statutory or contractual salary-related disputes after going through mediation at TADM.

### **Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP)**

to provide feedback or report workplace discrimination concerns.

Any appeal to these agencies listed above is a separate exercise and would form part of a comprehensive and inclusive employment dispute resolution process to ensure that the parties resolve the matter amicably and effectively.

When faced with an employment dispute, employees should first discuss it with their employer, as many of these issues can be resolved by communicating and working together to reach an agreement.

\* The employee will need to submit a written appeal to the Minister of Manpower within one month from the date of dismissal. More information on the appeal process can be found on the Ministry of Manpower's website.





# Conclusion

A Grievance Handling Procedure that employees can use without fear of negative repercussions is a basic requirement in companies that abide by fair employment practices. However, preventing or minimising the potential for grievances is the outcome that all organisations must strive towards.

Grievances, whether general or individual, may be minimised by adopting fair and progressive employment practices and proactively cultivating a work environment that facilitates open communication and an inclusive culture that builds trust between the management and employees. This must be supported by a code of conduct which emphasises the value of treating employees fairly and with respect, and equipping managers and supervisors with people management skills.

The natural outcome of such an inclusive culture and values is a greater sensitivity to the employees' perspective and anticipation of possible impact of any change to terms of employment, policies and practices. Potential pain points and parity issues would also be considered during organisational or employee transitions, as well as a change management strategy that includes timely communications.

## Tripartite Standards

Jointly developed by the Ministry of Manpower, National Trades Union Congress and the Singapore National Employers Federation, the Tripartite Standards is a new initiative which helps employers with good practices distinguish themselves. Among them, is the Tripartite Standard on Grievance Handling, which specifies a progressive standard that organisations should aim to meet.

The Tripartite Standards complement laws, Tripartite Guidelines and Advisories to increase the adoption of fair and progressive workplace practices in Singapore. Each Tripartite Standard comprises a set of verifiable, actionable employment practices across different functional areas (e.g. term contract employment, flexible work arrangements, grievance handling) that progressive employers should adopt. Each of these Standards has been approved and issued by the tripartite partners.

Employers who have adopted the Tripartite Standards can use the relevant Tripartite Standards logomarks in their job advertisements and marketing collaterals, and their names will be listed on TAFEP's website ([tafep.sg](http://tafep.sg)). These employers would thus be able to differentiate themselves in specific key employment and workplace practices that potential job seekers and employees would look for, thereby enhancing their ability to attract and retain talent.

More information about the Tripartite Standards may be found at [tafep.sg](http://tafep.sg).



**tafep.sg**