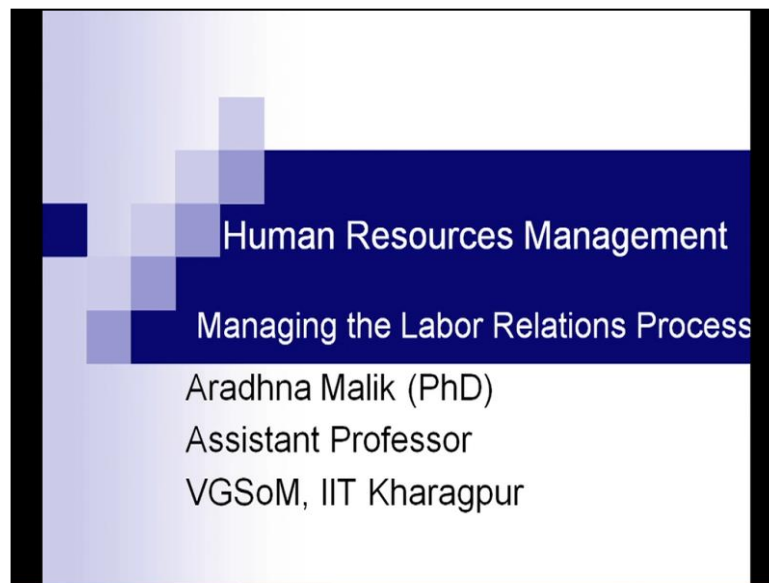


Transcriber's Name Angela
Principles of Human Resource Management
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Module No. #06
Lecture No. #20
Managing the Labor Relations Process

Welcome back, to the session on, Human Resources Management.

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We were talking about, Organized Labor. Now, we will move on to the topic of, Managing the Labor Relations Process. We talked about, what organized labor was, and what labor relations meant. So, let us move on.

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Sources

- Gilmore, S. & Williams, S. (Eds.) (2009). *Human Resources Management (Indian Edition)*. New Delhi: Oxford.
- Gomez-Mejia, L. R., Balkin, D. B. & Cardy, R. L. (2012). *Managing human resources (7th Ed.)*. New Delhi: PHI Ltd.

Again, the sources, that I have used. These, two books. Okay.

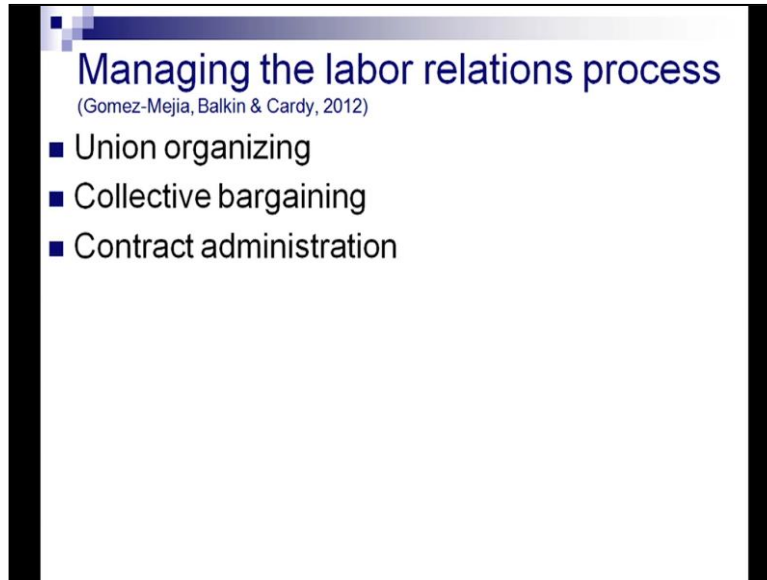
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Union organizing (Gomez-Mejia, Balkin & Cardy, 2012)

- “Takes place when employees work with a union to form themselves into a cohesive group.”
- Issues:
 - Union solicitation: Reach out to interested employees in an attempt to woo them to joining the union
 - Pre-election conduct of organization towards union formation:
 - Threats
 - Intimidation
 - Promises
 - Surveillance of meetings
 - Determining eligibility of candidates who can be voted for

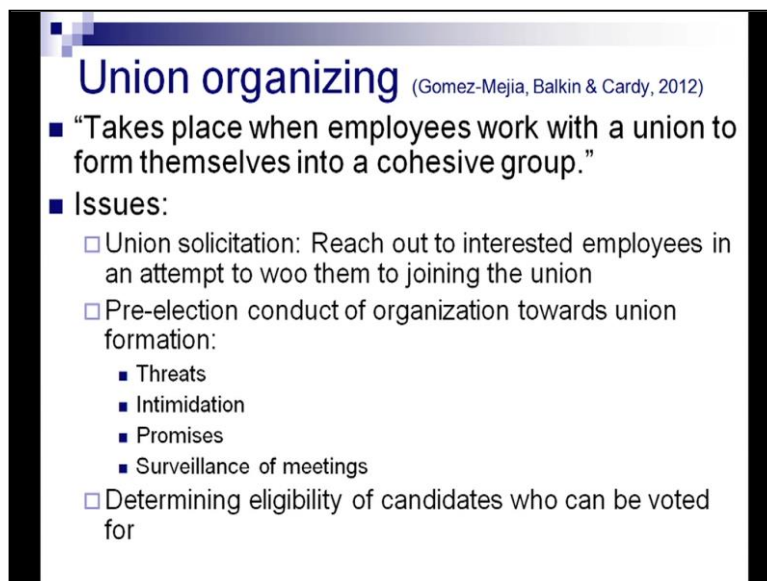
Union organizing. We talked about, in the previous lecture, we talked about, three types of management, of the labor relations process.

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I gave you the names. I did not tell you, what they were. I told you, that there are three ways in which, the labor relations process, can be managed. So, one is the union organization.

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Union organizing process, it takes place, when employees work with a union, to form themselves, into a cohesive group. When organizations, when employees, get together and form unions. That is when, you know, it is collective labor. It is collective employees, get together, and form a collective. So, the issues, regarding this are, union solicitation. When people form unions, they want their first advertise, their need to form a union. They solicit membership. They tell people, that we are going to form a union.

So, you need to come and join us. This is the agenda. This is why, we are getting together. This is what, is not getting resolved. So, union solicitation means, getting members to come and join the union. The second part of this is, pre-election conduct of organization, towards union formation. Now, when a union is going to be formed, the organization may feel, uncomfortable, and they may do, certain things. If they have a union acceptance strategy, then it is fine.

But, if they are scared of, what the union may do, or, why the union is being formed. Then, a few things, might happen. There is a potential, of these things happening. Various things can happen. The organization, may threaten the employees. The organization may say, okay, if you form a union, we will have you, we will fire you. If you form a union, we will not give you this benefit, or that benefit, if you form a union. So, there are threats. You feel, you know, there is a possibility of, some negative reinforcement.

There is a possibility of, some unfavorable repercussion. Okay. Then, there is intimidation. Intimidation means, that somebody is trying to force you, somebody is trying to tell you, that you know, your union will not survive. So, to intimidate means, to slightly different than, threatening somebody. Threatening means, there are dire consequences. Intimidation means, that you tell somebody, that the union is a very small friv. Nothing will come out of it.

The organization is much bigger. And, people are left wondering, as to, what will happen, if the union is formed. So, you will say, the organization is much senior. And, it can do things to you. We do not know, what. It may do, something. It may not do, something. So, you are, you feel intimidated. You feel under, some kind of a pressure. Then, there could be promises. The organization, if an organization, comes to know, that its employees are getting together, it may decide to go for a, union substitution strategy.

They could try to, lay your employees, away from, forming a union. They may try to, lay your employees, or try to, convince employees, not to form an union, by promising them. What, promising them. Certain things. Certain benefits. Certain positive reinforcements. The other thing, that organizations might do, could be, the surveillance of meetings. They may decide to spy on the meetings, that have been conducted by employees, who are trying to form a union.

Now, whether these things are legal or not, that you will have to check, with the law of the land, that you live in. With the law of the state, that you live in. Maybe, with the law of the country, also. So, I am not very sure, but, there are very fine, very subtle differences, between, what is legal, and what is not. I mean, the very subtle interpretations of the law, in this case. So, it is important for you, to know the law, or, for you, to find somebody, who knows the law, about these things, if your organization is trying, to do something.

Or, if your organization tries to react, to the formation of a union, you must know, what are the steps, that you can take, legally. Okay. The other aspect, or, the other issue, in making unions is, determining the eligibility of candidates, who can be voted for, as the officials of the union. So, you may decide, that a temporary worker, can be a member of the organization, can be a member of the union. Which means, that the interests of this temporary worker, can be looked after, by the union.

But, the temporary worker, cannot be the president, or the secretary, or an office bearer, of the union. So, that is some decision, that you might take. It may be okay for you, to have a temporary worker, as the president of the union. That is also fine. But, it may not be okay, for certain people. So, you may say, okay, anyone, who has worked in the organization, for 5 years, 10 years, 20 years, can compete for the leadership of the union.

But, the interests of anyone, who wants to join the union, will be represented, whether they are office bearers or not. So, you need to determine the, or, the union members need to determine the, eligibility of people, who can become, who have the potential of becoming, office bearers in that union. Okay.

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Collective bargaining (Gomez-Mejia, Balkin & Cardy, 2012)

- “Collective bargaining consists of negotiations between an employer and a group of employees so as to determine the conditions of employment.”

(Legal Information Institute, Cornell University)

- **Issues:**

- Bargaining behavior: “Good faith bargaining means treating the other party reasonably even when disagreements arise.”
- Bargaining power: Using the tactic (distributive or integrative) that is likely to yield better results
- Bargaining topics: Issues important to both, the employees and the Company. Could include ‘wages, hours, and employment conditions’
- Impasses in bargaining: Dead ends or issues that remain unresolved

The other way, in which, the labor relations can be approached is, collective bargaining. Collective bargaining, consists of negotiations, between an employer and a group of employees, so as to determine, the conditions of employment. Collective bargaining, is what unions are formed for. Collective bargaining. Let us split this word, into two words. This phrase, this term, into two words. Collective. So, people get together, and bargain. Then, negotiate, on behalf of a unit of that collective, to get things done. Okay.

And, when we talk about, unions, when we talk about, labor relations, when we talk about, labor collectives, the primary concern of labor collectives, is to determine the conditions of employment, is to ensure, that the conditions of employment, are fair, is to ensure, that the conditions of employment, are comfortable, for all the employees. Some issues in this are, one is the bargaining behavior. Good-faith bargaining means, treating the other party reasonably, even when disagreements arise.

Which means, that if somebody comes and says. You are sitting across the table. There are a few representative of the organization. And, there are a few representatives of the union. And, you are sitting together. And, for example, you say, we want affordable housing. We want every employee, to have a place to stay, somewhere near the factory. So, it is your job, to provide us, with livable houses, somewhere near the factory, that we are working in. And, the factory owner say, well, we do not have enough land.

And, the union members say, we do not care. We are coming from, so far away. This is a very dangerous place. We work. We have eight hours shift. Sometimes, we work from say, 10 in the night, till 6 in the morning. We need a place, to sleep. You have to make arrangements, for our families, to be close to us. So, these people say, but, there is no place. We do not have the land. So, you know, so, i mean, this back and forth is going on. And, there is a deadlock. There is an impasse, as we were discussing, last time.

And, you reach a point, where the discussion can go, no further. And, both are right. It does not mean that, somebody will get up, and beat up the other person. You will say, okay, let us agree to disagree. And, let us jointly, find a solution. So, this is called, good-faith bargaining. Agreeing to disagree, knowing, understanding the other party's point of view, also. And, you will say, okay, you do not agree with us. Fine. We will find, some other way, to convince you. But, we are not going to become, violent.

We will not become aggressive. We will not hurl abuses. We will not get personal. So, that is called, good-faith bargaining. You bargain, you negotiate, you argue, you discuss, only on logical points. The second issue here is, bargaining power using the tactic. What kind of tactic, to use? Distributive or integrative. And, we will talk about this, in a minute. That is likely to yield, better results. So, which tactic, do you use. The other issue, here is, bargaining topics.

What do you talk about. It is ideal, it is always helpful, to talk about issues, that are important to, both the employees and the organization, primarily, wages, the hours, and the employment conditions. if, you are not talking about these things, then it may not be considered, serious enough, or, it may not be considered, appropriate enough, for these topics to be, for any other topic, to be discussed, between an employee's union and the organization.

Impasses in bargaining. Impasses are, dead ends or issues, that remain unresolved. So, you reach a dead end. You reach a deadlock. You say, you reach a point, where both parties, cannot negotiate, any further. And, there is no overlap between, whatever they are saying. That stage is called, an impasse. Okay. But, it is spelt as, I, M, P, A, S, S, E. Okay.

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Bargaining etiquette

(Tyler 2005, Friedman, 2009, and Dolan 2011, in Gomez-Mejia, Balkin & Cardy, 2012)

- “Show courtesy to the other bargaining team
- Set the tone by being friendly to the other bargaining team
- Maintain team solidarity
- Establish ground rules to deal with difficult bargaining issues
- Keep negative emotions under control
- Exercise silence”

Bargaining etiquette. Very, very important. When you are bargaining, with anyone, you must show courtesy, to the other bargaining team. The labor union representatives come. Sit across the table. Offer them, a glass of water. Offer them, tea. Offer them, snacks. And say, it is cold, let us all have, a cup of tea, and then talk, about these issues. You know, so, you must at least, you must treat each other, with respect. And, I am going to use, a few Hindi words, here.

It may not, again, for people, who do not understand this, may not make, too much sense. But, I am assuming, that a lot of, a large number of listeners, within India, will follow, what I am saying. So, i am going to take the liberty, of using Hindi words. And, this means that, you do not use the word, TU. You know, in Hindi, we have three ways of addressing, the other person. It is, TU, TUM, and AAP. So, it is best to stick to, AAP, which is the most formal, most respectful, way of saying, You.

AAP MAT AAP YESA MAT KAHIYE. AAP KI BAT HUM NAHI MAAN SAKTE. You know, so, please, do not say this. You should not say this. We cannot listen to you. But, never go down to the level of, TU. That becomes, very disrespectful, and very rude. TU is very informal. Sometimes, condescending way of saying, You, of using the word, You. Okay. Set the tone by, being friendly to the other bargaining team. Let them know that, you understand, where they are coming from.

As, representatives of the employee's union, it always helps to let the organization know, that you are not out to burn down, the very factory, that is giving you, your source of living. That is giving you the money, you need to survive. You are not there, to break anything. You are only trying to see, where you can derive, the maximum benefit from. But, you are not out, to destroy anything. So, you must be friendly. Please, try and understand, each other's point of view.

Maintain, team solidarity. So, you must maintain, integrity, with your team. You must know, whose side, you are on. And, you must, have the same voice. If there are six people, representing the union, all six should be, on the side of the union. Six people, representing the management, all six should be, on the side of the management. The minute, you flip. I am not saying, that you should not agree, with the other party. But, when it comes to decisions, it always helps to say, okay, we will discuss with the team.

We will discuss this, within among ourselves, and we will get back to you. Instead of taking a decision, that your team may not, agree with. Establish ground rules, to deal with, difficult bargaining issues. As far as, say, housing is concerned. Housing, wages, money. How much money, do you make, in one job. As far as, wages are concerned, it always helps, to have some policies, something laid down, something decided. So, that you are able to, you know, so, you will say, okay, according to this rule, this is what, we can do.

Let us look at, some numbers. Let us look at, spreadsheets. So, you must not talk, in thin air. Please, lay down, some ground rules, and deal with these topics, purely on the basis of, logic. Keep negative emotions, under control. All of us, get angry. All of us, have or able to. All of us, have the, get provoked. All of us, feel like, our temper is rising. That, it always helps to keep, our emotions, in check. And, please exercise silence. Be quiet. When, what you are going to say, will not make any difference, to the discussion, that is going on.

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Bargaining power (Gomez-Mejia, Balkin & Cardy, 2012)

Tactics:

- **Distributive:** "Focuses on convincing your counterpart in negotiations that the cost of disagreeing with your terms would be very high."
 - "*Labor* [tends to use] distributive bargaining when it attempts to convince management that it is willing and able to sustain a long strike that will severely damage the company's profits and weaken the company's position against its competitors."
 - "*Management* [tends to use] distributive bargaining when it tries to convince the union that it can sustain a long strike much better than union members, who will have to survive without their paychecks."
 - "*Union leaders* may also adopt distributive bargaining tactics when they believe union members are willing to accept the cost of a long strike that is likely to cause a vulnerable company severe economic damage."

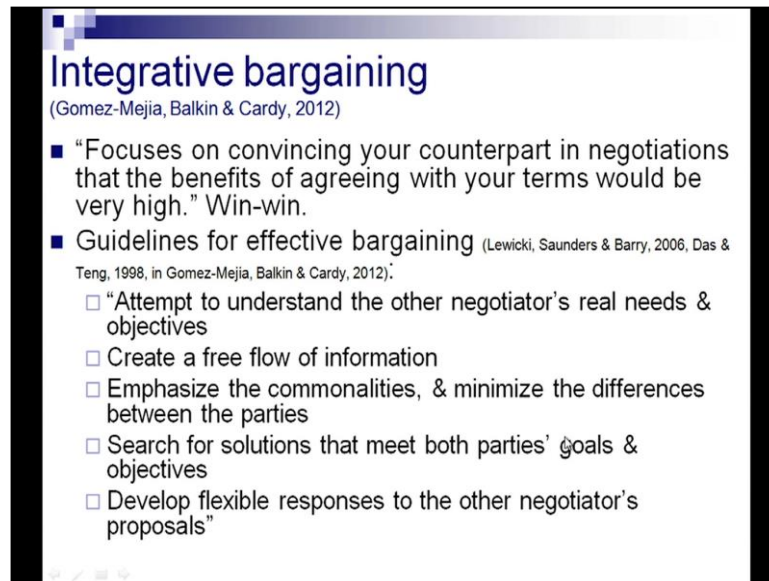
Bargaining power. We were talking about, bargaining power. Some tactics, that you can use are, distributive bargaining. Which focuses on, convincing your counterpart, in negotiations, that the cost of disagreeing with you, with your terms, would be very high. So, if somebody disagrees with you, they can lose. Distributive bargaining. One side, wins. The other side, loses. There is no way, that you can achieve, mutual benefit. So, one party will have to win, and the other party will have to lose. Okay.

The labor, tends to use distributive bargaining, when it attempts to convince management, that it is willing, and able to sustain a long strike, that will severely damage the company's profits, and weaken the company's position, against its competitors. Labor unions say, well, if you do not agree with us, we will go on strike. Big deal. But, you cannot say that, in thin air. You can only say that, when you are sure, that your employees can sustain themselves, for long periods of time, without any salaries.

Management tends to use, distributive bargaining, when it tries to convince the union, that it can sustain a long strike, much better than union members, who will have to survive, without their paycheck. So, you say, okay, we will go on strike. Management says, okay, go and strike. It is not going to make a difference, to my profits, if you go on strike. I can sustain myself. Does not matter. You will go on strike. I will take a vacation with my family. And, I will come back, when you are done, with your strike.

And, when you run out of money, and you are ready, to come back to work. At that time, you need to, that is, what is, that is called, distributive bargaining. Okay. Union leaders may also adopt, distributive bargaining tactics, when they believe, union members are willing to accept, the cost of a long strike, that is likely to cause, a vulnerable, company's severe economic damage. So, union leaders might try to convince, union members, to go on a long strike, when they are sure that, the union members will be able to survive.

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Integrative bargaining
(Gomez-Mejia, Balkin & Cardy, 2012)

- “Focuses on convincing your counterpart in negotiations that the benefits of agreeing with your terms would be very high.” Win-win.
- Guidelines for effective bargaining (Lewicki, Saunders & Barry, 2006, Das & Teng, 1998, in Gomez-Mejia, Balkin & Cardy, 2012).
 - “Attempt to understand the other negotiator’s real needs & objectives
 - Create a free flow of information
 - Emphasize the commonalities, & minimize the differences between the parties
 - Search for solutions that meet both parties’ goals & objectives
 - Develop flexible responses to the other negotiator’s proposals”

Integrative bargaining is, refers to the focus, it refers to, convincing your counterpart, in negotiations, that the benefits of agreeing with your terms, would be very high. So, it refers to a, win-win situation. Now, when there is a chance, that both parties can come to an agreement, and benefit each other. Then, we go in for integrative bargaining. Some guidelines are, we attempt to understand, the other negotiators real needs and objectives.

We tried to create, a free flow of information, because, we are going to benefit from, each other. It always helps to share, as much information, about your resources, and your limitations, as possible. Emphasize, the commonalities, and minimize, the differences between the parties. So, say, okay. These are things, on which, we agree. So, let us try and expand, the size of the pie. Search for solutions, that meet both party’s goals and objectives. So, look for solutions. You try and increase, your zone of possible alternatives.

You try and increase, your range of possible options. And, some commonalities, needs to be explored. So, if you expand the range of common solutions, it always helps both parties, to go in for an, integrative bargaining exercise. Develop flexible responses to the, other negotiators proposals. One should not be too rigid, when one is trying to go in for, integrative bargaining. It always helps to be, open to what, the other party is saying. And, to be a little flexible on, what one wants, from this deal.

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Bargaining topics (Gomez-Mejia, Balkin & Cardy, 2012)

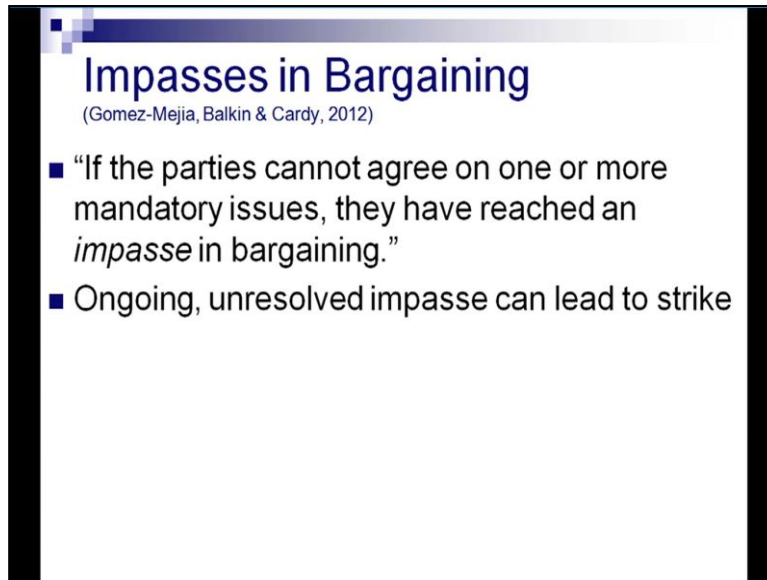
- *Mandatory Bargaining Topics*: “Topics that both union & management consider fundamental to the organization’s labor relations.”
- *Permissive Bargaining Topics*: “May be discussed during collective bargaining if both parties have agreed to do so, but neither party is obliged to bargain on these topics.”
- *Illegal Bargaining Topics*: Topics that at least one party considers as an infringement of their rights or detrimental to their existence, and that the law determines are unfair labor practice.

Some topics, that we bargain about. Mandatory bargaining topics are topics, that both union and management, consider fundamental, to the organization's labor relations, wages, employment conditions, etcetera. Permissive bargaining topics, may be discussed, during collective bargaining, if both parties, have agreed to do so. But, neither party is obliged, to bargain on, these topics. So, if the labor union says, that we want to talk about wages, then this is one topic, that the organization cannot say, no to.

On the other hand, if the labor union, talks about benefits. They say, we want to talk about, benefits. We want to talk about, bonuses. The organization, can always say that, yes, we can talk about, bonuses, just not today. Let us talk about this, sometime later. But, when it comes to basic amenities, like conditions of employment, having hardhats on the shop floor, having you know, protective glass, protective gear on the shop floor. Then, the organization, the management, cannot say, no.

Illegal bargaining topics are topics, that at least one party, considers as an infringement of their rights, or detrimental to their existence, and that the law determines are, unfair labor practice. So, biases, discrimination, all of these are, illegal bargaining topics, that one should not talk about, through labor union at all, actually, in an official setting.

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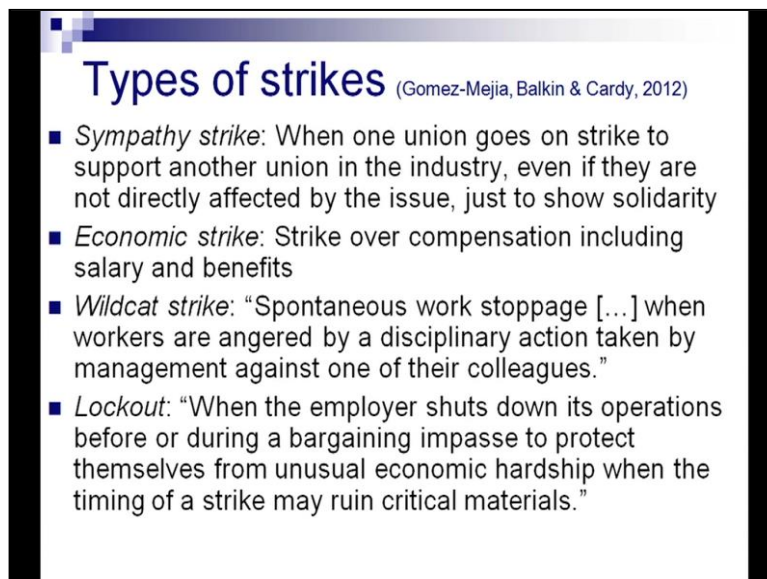


Impasses in Bargaining
(Gomez-Mejia, Balkin & Cardy, 2012)

- “If the parties cannot agree on one or more mandatory issues, they have reached an *impasse* in bargaining.”
- Ongoing, unresolved impasse can lead to strike

Okay. Impasses in bargaining. If the parties cannot agree, on one or more mandatory issues, they have reached an impasse, in bargaining. An impasse is an, ongoing, unresolved issue. There is a dead end. And, an ongoing unresolved impasse, can lead to a strike.

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Types of strikes (Gomez-Mejia, Balkin & Cardy, 2012)

- *Sympathy strike*: When one union goes on strike to support another union in the industry, even if they are not directly affected by the issue, just to show solidarity
- *Economic strike*: Strike over compensation including salary and benefits
- *Wildcat strike*: “Spontaneous work stoppage [...] when workers are angered by a disciplinary action taken by management against one of their colleagues.”
- *Lockout*: “When the employer shuts down its operations before or during a bargaining impasse to protect themselves from unusual economic hardship when the timing of a strike may ruin critical materials.”

Some types of strikes. Various types of strikes. You could have a sympathy strike. When one union, goes on strike, to support another union, in the industry, even if they are not directly affected by the issue. Just to show, solidarity. So, maybe, one hotel employee, the employees of one hotel, have gone on strike. Because, they are not being treated, properly. Or, they have long working hours. And, another hotel in the same locality, decides to side with them, decides to support them.

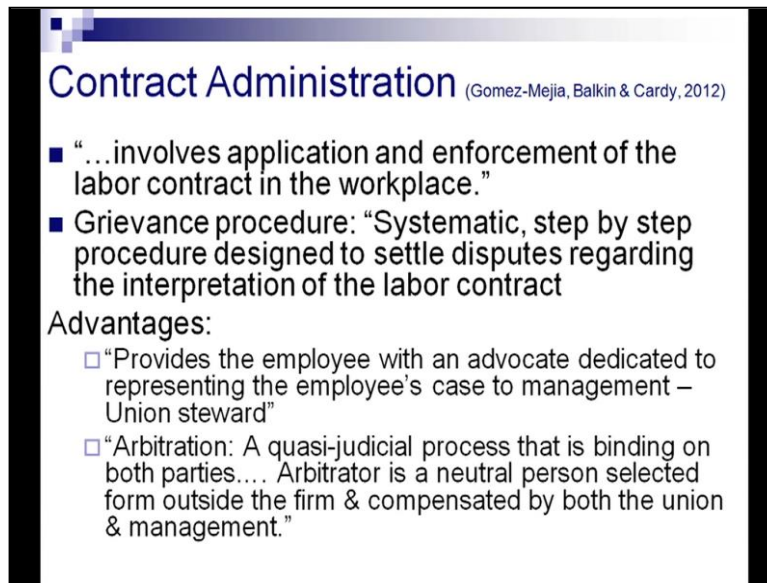
And says, that even my employees, will not work. Or, one hospital, decides to go on strike. And, another hospital says, the lab technicians, in another hospital say, we are not been given, protective gear, in our labs. So, we will also go on strike, even though, our management is supporting us. But, we are just doing this, to show support to them. So, that they can be, so that, our bosses can influence, their bosses. So, that they can get, what they need.

Economic strike is, strike over compensation, including salary and benefits. Very simple, very you know, this is self-explanatory. If you are not getting, enough salary, employees tend to go on strike. They demand, higher salaries and benefits. Wildcat strike refers to, spontaneous work stoppage, when workers are angered by, disciplinary action, taken by management, against one of their colleagues. So, wildcat strike refers to, if one person has been disciplined, by the organization.

There is, you know, then the other workers, just to show support, to this employee, go on a strike. Lockout is, when the employer, shuts down its operations, before or during a bargaining impasse, to protect themselves, from unusual economic hardship, when the timing of a strike, may ruin critical materials. Now, lockout is the response of an employer, to a potential strike. A strike means, that things, you know, the employees may just lock the door, and put their own lock on the door, and say, we will not enter the factory, and we will not let you, enter the factory.

Employers may anticipate, this kind of a strike. And, they may decide to go in, and shut the factory down. And, say, whatever they can. And, sometimes, even shift their production operations, to a backup facility. So, that whatever you know, sometimes, you may have things, that can get spoilt, that can get ruined, that can, you know, cause you, immense economic financial damage. So, you close down the factory, before the employees, have a chance to do so. And, you move, to a different location.

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Contract Administration (Gomez-Mejia, Balkin & Cardy, 2012)

- "...involves application and enforcement of the labor contract in the workplace."
- Grievance procedure: "Systematic, step by step procedure designed to settle disputes regarding the interpretation of the labor contract"

Advantages:

- "Provides the employee with an advocate dedicated to representing the employee's case to management – Union steward"
- "Arbitration: A quasi-judicial process that is binding on both parties.... Arbitrator is a neutral person selected from outside the firm & compensated by both the union & management."

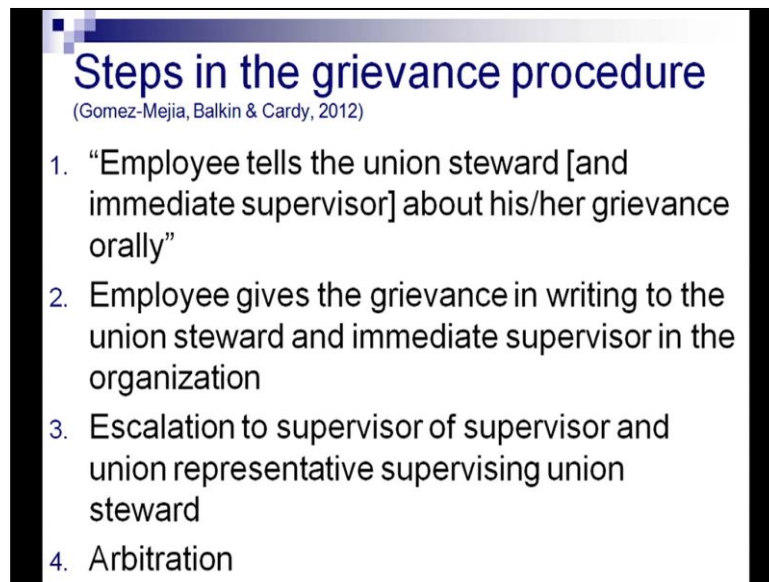
Contract administration involves, application and enforcement of the labor contract, in the workplace. So, you have a labor contract. And, this is how, the contract is implemented. Grievance procedures are, systematic step-by-step procedures, designed to settle disputes, regarding the interpretation of the labor contract. We will talk about this, in another lecture. Some advantages of contract administration are, it provides the employee, with an advocate dedicated to, representing the employee's case, to the management.

This kind of an employee, is known as a, union steward. So, we recognize, that the union is an, integral part of the organization. And, we provide a lawyer, to defend the unions, from their perspective. The union may not have, that much money. We have more resources, as the organization. So, as the organization, you give the employees, a chance to defend themselves. Arbitration is a quasi- judicial process, that is binding on, both parties.

An arbitrator is a neutral person, selected from outside. It should not be, from outside. It should be, from outside. I am sorry, for this spelling mistake. Selected from outside the firm, and compensated, by both the union and the management. So, you say, we do not want a union steward. You are paying, the union steward. So, maybe, the person is going to represent, not going to be, able to represent the, our point of view. An arbitrator is a neutral person. An arbitrator benefits, from both sides.

So, we both, the union and the organization, have equal control, or equal power, over the arbitrator. Trust the arbitrator, equally, to take care of their interests. Okay. And, arbitration is this, quasi-judicial process, that is binding on both parties. Quasi-judicial process means, it is not really judicial or legal. But, it is somehow, you know, it is almost judicial.

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Steps in the grievance procedure. When we talk about, the grievance procedure, how is a grievance procedure, handled. The employee tells, the union steward and immediate supervisor, about his or her grievance, orally. So, you approach, your supervisor. The supervisor, may not be able to do, anything about it.

And, then the employee, gives the grievance in writing, to the union steward and immediate supervisor, in the organization. So, you first talk to your superiors, orally. Then, you give the grievance in writing, to the people, in the organization. If still no action is taken. Then, you escalate this, to the supervising union steward. And, if still, it is not resolved, then you resort to arbitration.

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Types of grievances (Gomez-Mejia, Balkin & Cardy, 2012)

- *Contract interpretation grievance*: Deals with ambiguity in the language of the labor contract and any inconvenience caused due to this ambiguity
- *Grievance due to employee discipline*: Deals with the use of due process in dealing with perceived indiscipline of employee

Types of grievances. You have, contract interpretation grievance, deals with ambiguity, in the language of the labor contract, and any inconvenience caused, due to this ambiguity. Contract interpretation means that, somehow, the contract is vague. It is written in, very complicated language. And, you are not able to understand, the terms of the contract. And, so you file a grievance.

Grievance due to employee discipline, deals with the use of due process, in dealing with, perceived indiscipline of an employee. So, if an employee is indiscipline, has not, you know, has behaved in a manner, that is not expected of the employee. And, an action has been taken, against this employee. Then, it can still go further, as a grievance.

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Benefits of union grievance procedures

(Gomez-Mejia, Balkin & Cardy, 2012)

- “Grievance procedure protects union employees from arbitrary management decisions: it is the mechanism for organizational justice.
- The grievance procedure helps management quickly and efficiently settle conflicts that could otherwise end up in the courts or result in work stoppages
- Management can use the grievance procedure as an upward communications channel to monitor & correct the sources of employee dissatisfaction with jobs or company policies.”

Benefits of union grievance procedures. The first benefit is, that it protects, the union employees, from arbitrary management decisions. It is the mechanism for, organizational justice. Union grievance procedures, are procedures, that are, you know, that help the union, get its due. Grievance procedure helps management, quickly and efficiently. Settle conflicts, that would otherwise, end up in the courts, or result in, work stoppages. Okay.

Grievance procedures, help management. You know, you have grievance procedures. And, they are standard procedures, that help resolve, conflicts. Management can use, the grievance procedure, as an upward communications channel, to monitor and correct, the sources of employee dissatisfaction, with jobs or company policies.

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Impact of unions on HRM

(Gomez-Mejia, Balkin & Cardy, 2012)

- Staffing
- Employee development
- Compensation
- Employee relations

Impact of unions, on HRM. How do unions, affect HRM. You have staffing. It can affect, the staffing. It can affect, employee development. It can affect, compensation. It can affect, employee relations. Thank you very much for, that is all, I have for you. Thank you, very much, for listening to me. We will take up, International Human Resources Management, in the next lecture.