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Changes in the Nature of Grievance Issues Over the Last Ten Years: Labor Management Relations and the «Frontier of Control»

C.H.J. Gilson

This paper¹ will attempt to do two things. First, it will establish a theoretical relationship between what is generally referred to as the Frontier of Control, and the operation of Grievance Procedures (GP). Second, in the light of changes in grievance issues over the last decade or so, we shall review the latent implications for labor-management relations and hence the Frontier of Control. A final section will address the impact of this analysis upon existing definitions of industrial relations.

The role of GP's as part of the process of industrial relations seems to be relatively unproblematical. Indeed, most text books, at least at the introductory level, spend little time on this topic, preferring to wax at greater length on arbitration matters. And despite there being only a small fraction of grievance issues reaching the arbitration stage, students can be forgiven for assuming that arbitration is what «administration of the contract» is all about. This anomaly has been noted by Kochan, who identifies the following problem;

«Grievance procedures tend to be viewed as the centre-piece of the contract administration process. Yet this assumption is seldom tested. That is, collective bargaining researchers or practitioners seldom ask the very basic question of just how central the grievance procedure is as a channel for resolving the critical problems workers face on their jobs.»
(Kochan, 1980:404).

This is odd indeed. Most commentators would probably agree that collective bargaining over a new contract is but a snapshot of labor-management relations, (albeit a large one) and that it is the GP which maps out the morphology of the day to day relationship between the representatives of labor and capital. We can also assume that this is one of the mediums through which the parameters of working conditions are «regulated» or «controlled». This is important since by itself, the signed collective agreement can rarely guide both parties throughout the contract period. The GP carries the possibility that the simple application and interpretation of the contract may be transcended. New customs, rules and regulations may be created, deliberately or otherwise. The GP thus represents a bridge between what has previously been agreed upon in the contract, and continuing

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union-management developments. Consequently the grievance process may therefore reinforce existing relationships or shift the balance of forces in a different direction. Either way the role of the GP appears to offer an opportunity to observe how conflict in the industrial relations «system» is handled on an ongoing basis. Moreover, this perspective holds research implications also. For, «if workers' grievances and aspirations are to form the starting point of industrial relations analysis, it is clearly necessary to investigate what there are». (Hyman, 1975:17). Any such investigation, unwittingly or otherwise is likely to provide us with some idea of the scope of workers' attempts to construct fortresses around job control issues. It would seem entirely appropriate then to argue that there is a theoretical relationship between the role of GP's in collective bargaining and the process of control — a frontier, perhaps. Before pursuing this possibility further however, we need to develop a more precise understanding of what we mean by «control» and the «functions» of GP's.

THE FRONTIER OF CONTROL

The notion of the Frontier of Control was first employed by Carter Goodrich in his seminal piece of research in Britain just after the First World War. In this work he provides us with a comprehensive, working definition of what control entails².

«Complete executive control» might mean, among other things, that the employer «by his absolute knowledge and mere motion» provides capital, decides what to produce and how to produce it, provides any sort of place to work, hires whom he likes, pays his hands any wages by any system, works them any number of hours he likes, drives them by any method and with any degree of supervision, promotes, fines, or dismisses them for any cause, trains any hand for any job, dictates every process in the minutest detail — and does all this and more «subject to change without notice.» (Goodrich, 1975:52).

This perhaps represents an ideal, rarely seen in practice (see footnote however). Throughout this century the penetration and development of collective bargaining has placed significant limitations to the naked power of managerial prerogative. The paradox revealed is that the employers have only been able to «regain control by sharing it.» (Flanders, 1970) Even so, total management control, even in the non-union environment is constantly fettered by worker's aspirations to protect their working conditions. Thus,

«the frontier must be looked for as a shifting line in a great mass of regulations in regard to which the question of control may never have arisen.» (Goodrich, 1975: 62)

The cutting edge of this frontier must surely be transmitted through the GP, since this is the medium through which aspirations or discontent are channelled. Inevitably then,

² It is remarkable how similar this definition corresponds to the GP in the first contract settlement between the Eaton Company and the Retail, Wholesale and Department Store Union. See *Globe and Mail*, 14 May 1985, p. 5.

«The worker's access to and use of the grievance process means that management's authority is conditional: it must explicitly share control of affairs at the place of work with the workers and the union representatives; or at least it must constantly defend its control... As a consequence, management cannot, on the other hand, operate the production process as freely as it might desire.» (Kuhn, 1967:263)

This forces us to develop a better understanding of GP's and their function. Only then will it be possible to establish a relationship between the Frontier of Control and GP's. To this we shall now turn.

GRIEVANCE PROCEDURES

The research literature on GP's is comprehensive. Even a cursory glance might suggest that the handling of worker's grievances perform a multitude of tasks, each one of which provides fuel for theoretical debate. Most definitions seem to coalesce around the notion that GP's are a form of «lubricant» that structures industrial relations practices — a means of «balancing out the day to day organizational relations between union and management». (Herding, 1972:187). For Gandz, (1982), this is representative of a political process which both sides may use either tactically or strategically, while Kochan (1980) emphasizes the extent to which GP's can be an «effective substitute» for the strike weapon. Furthermore, he suggests that this preservation of industrial peace for the life-time of the contract is an explicit service to the interests of society. Thus, it has been suggested that in the erection of GP's, unions and management «built more than they knew». (Kuhn, 1967). Emphasizing less exhaustive claims, Mabry (1966) argues that GP's modestly act as face-saving devices, sometimes instruments of power, judicial systems and lastly an arena for gaining leadership and negotiating skills. So GP's are clearly a vital component of industrial relations practices. They «may become the only form of communication between the union and management outside of contract negotiations». (Gandz, 1982:302).

How then can these wide characteristics of GP's be related to the idea of a Frontier of Control? In order to answer this we must review the functions of GP's in some detail.

There can be little doubt that GP's tend to reflect the general «state» of union-management relations. Grievances as measured by volume and type can be influenced by the style of both parties, technology and change, job classification (Peach and Livernash, 1976), strategical position of work-groups (Kuhn, 1967), external environment and culture (Gandz, 1982) bargaining history (Knight, 1978) and finally the procedure itself with respect to informality and length of time between each step (Herding, 1972: 188). Inevitably then, the GP appears to act as a repository for all that is «good» or «bad» concerning industrial relations practices. For example, it has been shown that good co-operative relationships are likely to foster grievance settlements informally in the earlier stages of the procedure (Turner and Robinson, 1972; Kuhn, 1967:256), or conversely that a conflictual bargaining relationship will reveal grievance handling at much higher stages with a corresponding «judicial approach» (Thompson and Murray, 1976).

The real point at issue however, is the *type* of grievance that is evident and not just the rate or volume. And it is the extent to which these issues are changing, that we can begin to see a potential relationship with the Frontier of Control. Put simply, if we can identify the changing nature of grievance issues then we have begun to expose the shifting terrain of the Frontier of Control. The hypothesis being presented here, is that the GP may well prove to be the sensitive litmus test for recognizing the longer-term restructuring of plant based industrial relations. Should this hypothesis carry some validity then it may also be necessary to critically examine existing characteristics of grievance bargaining. Walton and McKersie (1965) first set out the four distinctive elements of the bargaining relationship which are distributive, integrative, intra-organizational and attitudinal structuring. Although developed with contract bargaining in mind, these four sub-processes carry important insights for bargaining which takes place within the grievance process (e.g., see Hyman 1972, Kuhn 1967). Distributive bargaining usually takes place around short-term issues such as wage claims or other quantifiable benefits which will result in a win/lose scenario. It is conflictual in nature but does not imply fundamental shifts in the bargaining relationship. Integrative bargaining involves joint co-operation over long-term problems for mutual benefit, where both parties intend to make gains without imposing costs to the other party. Intra-organizational bargaining refers to internal discussions aimed at achieving group consensus and cohesion and attitudinal structuring functions to influence the participants of the bargaining process such that their relationship may be affected. Grievance bargaining is primarily seen as either distributive or integrative, although it can clearly involve the other two processes at any one point in time. For example, (1972) research into the engineering industry in Coventry, England in the early seventies, clearly showed there to be a preponderance of distributive issues. The reasons were twofold. First, in relatively buoyant economic times the GP is likely to be used by unions in an attempt to make further economic gain, and second, within the British context, the engineering industry typically reflected the «two systems of industrial relations» whereby local bargaining was used to «top-up» industry wide agreements (Donovan, 1971). Hyman (1972:65) therefore interpreted the operation of the engineering disputes procedure as a tactical arena for further wage bargaining, and that as such, was dealing with short-term issue solving of a distributive nature — a win/lose situation.

Conversely, research into North American GP's reveals a very different perspective. With comprehensive plant-wide collective agreements, there is less scope for broades of the legally enforced agreement³. Instead of economic issues, grievances tend to include «substantial matters such as inequalities, job classification, job evaluation, and worker training». (Kuhn, 1967:254). The critical point however, is that Kuhn saw this as grievance bargaining over *longer-term problem solving* as opposed to issue solving. The bargaining that takes place is therefore of an integrative nature — «usually a quid pro quo arrangement, with both parties gaining» (Kuhn, 1967:285) — a win/win situation. This is in clear contrast to Hyman's view.

³ This is not to say that economic issues are not apparent, although they may be disguised through «other» issues.

In all probability both are right, the difference between distributive and integrative bargaining being representative of different countries and industrial relation practices.

There may however, be other reasons for such variances which cannot be explained by reference to international differences. To date we have viewed GP's at a single point in time. But a more historically based analysis may reveal fundamental changes in the pattern of grievance bargaining such that the same plant may see a move from economically based grievances during «boom times» to «control» issues in times of recession. As firms face price competition, they may attempt to regain authority and control in the workplace in order to bring costs into line (Gandz, 1982:303). What may occur, is that management will simply take the necessary action with regard to lay-offs, job assignments, or discipline and face the union reaction through the grievance procedure⁴. (Peach and Kuechle, 1985:240). Inevitably, this will lead to strong reactions from shop floor representatives and in all likelihood, the membership in general. (Kuhn 1967:255). This is not surprising. Through the GP, most workers come to expect at least a minimum input into controlling earnings levels, works assignments and the speed of operation, etc. Any attempt to alter this «balance» may be construed as an attempt to change the basis of union-management relations. Within this context, the notion of control takes on a wider meaning. For example, if management's attempts to alter workplace practices, are met with worker resistance, then disciplinary action against those who refuse to comply with new regulations may result in a plethora of grievances. On the surface, these issues might appear to be minor infractions, but more detailed plant based studies may show that some disciplinary cases are indicative of management worker's rights conflicts. Of course, in the general sense, discipline is de facto — a method of control. More importantly, the restructuring of work relations in order to control costs, suggests that some disciplinary actions might reflect, more specifically, the re-establishment of managerial prerogatives. Thus, in times of heavy economic recession management may attempt to engage in long-term problem solving by appropriating those aspects of job control which workers have hitherto made their own. This cannot be assessed as integrative bargaining. Regaining control over the workplace in order to reduce costs cannot be viewed as problem-solving with win/win properties for both sides.

Nor can distributive bargaining provide a full analytical picture. It surely identifies the basic win/lose situation, but fails to pinpoint the long-term problem solving character of control, which managements are engaging in. What we are witnessing is a shift in the Frontier of Control which is in the long-run interest of management but to the short-run⁵ detriment of the unions and their members. Neither distributive or integrative bargaining carry sufficient descriptive power to help us map out these alterations in the Frontier of Control as revealed by such changes in grievance bargaining.

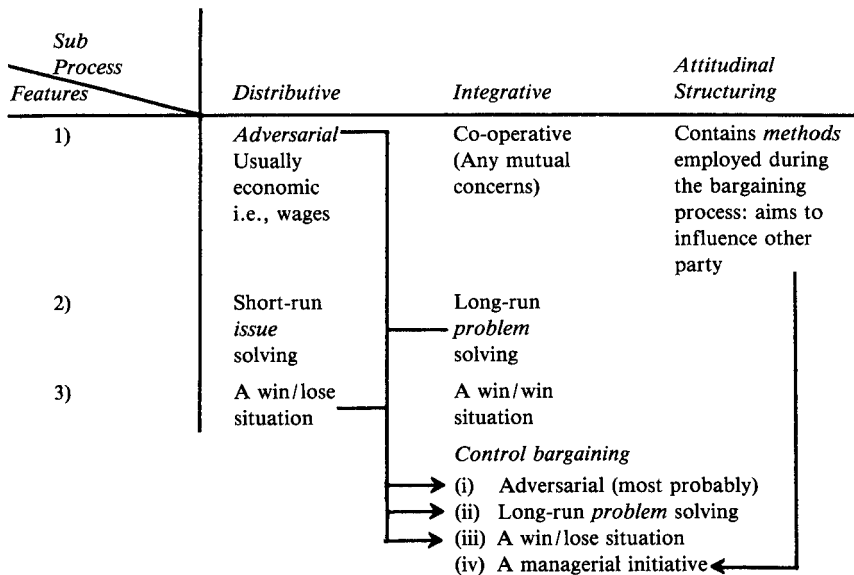
⁴ A classic example of this is the recent dispute in the Post Office, where «re-scheduling» of weekend work led to a wildcat strike by the Letter Carriers Union. Representatives felt that the GP was not responsive enough to the problem. See *Globe and Mail*, 4 April 1985.

⁵ At the very least.

Should further longitudinal research into the changing nature of grievance issues reveal the afore mentioned patterns, then it may be necessary to broaden our concept of bargaining models to include win/lose situations or more likely to develop an entirely new category — *control bargaining* which recognizes that a fundamental change in the relative position of the parties is taking place. (See figure 1) Control bargaining thus contains some elements of distributive and integrative bargaining together with attitudinal structuring, since the changing pattern of industrial relations is a clear long-term problem solving (integrative bargaining) managerial initiative (attitudinal structuring), which results in losses to the other side (distributive). As a distinct category however, control bargaining alone provides a sharp focus which readily identifies the changing nature of grievance issues and a corresponding movement in the Frontier of Control.

In the Province of Nova Scotia there is growing evidence that «control bargaining» is dominating the issues that are being taken through the GP's. Preliminary research findings at Nova Scotia Forest Industries, Atomic Energy of Canada Ltd., (Port Hawkesbury and Glace Bay), Hawker Siddeley and Devco (Cape Breton Development Corporation) reveal that the restructuring of plant based industrial relations is indeed taking place. It would seem that it is no longer possible to argue that «companies are normally cautious in insisting on their formal rights». (Hyman 1972:67).

FIGURE 1
Grievance Bargaining Model



* A modification of Walton and McKersie's bargaining sub-processes.

INDUSTRIAL RELATIONS — A PROBLEM OF DEFINITION

The preceding analysis of the relationship between GP's and the Frontier of Control carries with it an implicit debate which cannot be ignored. If we are accurate in assessing that control bargaining on a win-lose basis is a pervasive tendency, then there must be wide implications for how we define industrial relations. Conventional treatment of industrial relations, seen as the «study of the institutions of job regulation» (Flanders, 1965) might be somewhat inappropriate if widespread industrial re-structuring is the response to economic recession. Still less applicable is the notion that a common ideology somehow binds the industrial relation system together (Dunlop, 1958). If this were the case, then it would be the GP which would act as the medium through which ideological affinities would be transmitted and reinforced⁶. Yet these assumptions have been powerfully challenged by Herding, who conducted a major workplace research project, in the U.S. steel and auto industry in the late sixties. He implies that the exercise of power through GP's is not zero sum (i.e., all gain; integrative bargaining) but positive sum (management gain).

«Grievance procedures represent day to day bargaining of *unequal* scope: for the labor side, the best chance means returning to the previous contract settlement, the worst, conveying the impression to its members that problems are being solved while merely paper is being pushed.» (Herding, 1972:188).

Moreover, he claims that the core function of the GP does not provide immediate redress for employees who have had their rights violated. Any attempts by workers to take independent action is likely to reinforce the formal role of the union which is to maintain the procedure. Thus, the union representatives become «managers of discontent» deepening «the cleavage between members and the bureaucratic apparatus» (Herding, 1972:209). Once management pursue their rights to change technology, production levels, work scheduling and reduce costs, they have effectively rendered obsolete «those components of job control rights which might harm plant efficiency» (Herding, 1972:213). What then can be drawn from the way in which Herding interprets the operation of the GP and more fundamentally what are the implications for defining the character of industrial relations?

Primarily, in direct contrast to Kuhn's contention that in GP's, unions «built more than they knew»; Herding argues that GP's never have posed a serious challenge to managerial rights. Where unions have threatened plant efficiency, management have in fact been able to exploit the GP to erode existing protections. The shifting of the Frontier of Control, during economically depressed times thus strengthens the argument that «industrial relations is the study of the processes of control over work relations» (Hyman, 1975:12). And it is the changes in the nature of grievance bargaining which enables us to identify that the Frontier is on the move.

⁶ Such an argument clearly draws on the concept of the Institutionalization of Conflict thesis, Kornhauser, 1954.

CONCLUSION

The hypothesis which has been presented here is theoretical only with possible research design preferences. Its validity rests upon the GP being a sensitive litmus test of the shifting terrain of the Frontier of Control. More specifically it will be necessary to conduct longitudinal research which can successfully show that the type of grievance issues over the last decade have been changing from «economic» to «control» issues. The chief problem is that grievances, as we have already outlined, are also affected by what we might call «internal» factors, such as technology, value systems, organizational structure of union and management, just as well as changes in the economic climate. Yet, internal restructuring of plant based industrial relations will almost certainly be in response to external pressures. However, much comparative work would still have to be done in order to establish a clear trend, across different industrial, geographical and cultural locations.

A more serious problem is that to date there have been no serious attempts to define a typology of grievance issues (Gandz, 1982:300), thus raising the question of the validity of inter-bargaining unit comparisons.

If future researchers can tackle these problems, then the theoretical implications may be far reaching. In the first place, the present categories of grievance bargaining which are available to us, will be shown to be inadequate. Either Walton and McKersie's categories will have to be examined afresh, or more likely, a fifth category — «control bargaining» will have to be developed. Perhaps we should not be too surprised to find that our existing bargaining models fail to provide adequate explanatory or analytical coherence. Walton and McKersie developed their theories of bargaining in the mid-sixties when the world economy was less troubled than today.

Twenty years on however, the clear waters of economic progress have been muddied by recession, and accompanying changes in emphasis within the industrial enterprise. Our bargaining theories and models must therefore begin to reflect the 1980's. Rather than erect totally new concepts however, it is important to keep intact, those insights which remain valid. In relation to grievance bargaining at least, it would seem reasonable enough to hypothesize an addition to the four bargaining processes outlined by Walton and McKersie — a 'fifth amendment', or addition — control bargaining.

Such bargaining, if it is empirically testable should reveal long-term problem-solving issues which are win-lose situations, with managements regaining control over work-place efficiency and costs. This will represent a shift in the Frontier of Control away from labor towards capital. A number of other things may be predicted. As unions attempt to fight a rear-guard action we are likely to witness a lengthening or delay in the procedure, as important issues of principle are fought over. Some spillage into arbitration may also be evident. Should delays become intolerable, then we may also find an increase in the incidence of wildcat strikes as a response to frustration. In organizational terms this could mean a greater turnover in union officials at the plant level who have failed to respond, either being caught interminably «in procedure» or unwilling to sponsor illegal actions.

Finally, if control issues continue to predominate it can only imply the long-term emasculation of trade unions in the work-place and a corresponding decline in trade-union membership. For the weaker organized membership it may yet spell the death of plant based trade unionism. Should even a fraction of these predictions hold sway then there is sufficient evidence to suggest that in times of recession at least, the study of industrial relations is more suited to aspects of job control rather than job regulation.

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