"EFFECTIVE AND IMPRESSIVE APPROACHES FOR GRIEVANCE HANDLING IN PHARMA SECTOR"

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Abstract
Discipline and grievance issues occur when there are difficulties with the working relationship from either the employee’s or the employer’s perspective. Discipline and grievance procedures comply with the Code of Practice and several employment legislations ensuring that everyone in the organisation is treated fairly and equally. Grievances are likely to occur when the employee feels that the organisation has allowed, their rights as an employee to be breached, e.g. pay and working conditions, discrimination, etc. The way in which discipline and grievance cases are handled can have a significant impact on the psychological employment bond and the culture within the organisation. Accurate record keeping plays a key role in managing disciplinary proceedings. These records are considered vital and intended for the case to be taken to employment tribunal. In order to ensure improvements in working practices, it is important that actions should be taken to prevent a re-occurrence of the situation that led to the grievance. Even though the grievance may not have been upheld, at times but it should reach the ‘formal’ stage so there may be areas of working practice that should be reviewed, including why the problem was not handled effectively at an earlier stage.

Key word: Grievance, Investigation, Complaint, Dispute, Arbitration, Grievance Procedure, Grievance Resolution

INTRODUCTION

Grievance Management
The word “grievance” traces its origin nearly, 1250-1300 B.C. from the root word “grieve”, a word of Middle English and Old French which signifies, cause to feel grief or sorrow, thus grievance denotes something believed to cause distress, a complaint or resentment, as against an unjust or unfair act. Hence, executing and managing, the grievances, comes under the label of “Grievance Management”.

Globally, Grievance is any discontent or feeling of unfairness, dissatisfaction, feeling of injustice having connection with one’s employment situation which is brought to the attention of the management. In broad terms, Grievance is any dissatisfaction that adversely affects organisational relations and productivity. Usually talked in terms of a workplace and in most cases, strictly pertaining to work. Any genuine or imaginary feeling of dissatisfaction or injustice which an employee experiences about his/her job and its nature, about the management policies and procedures. It must be expressed by the employee and brought to the notice of the management and the organization. A grievance is more deep-seated than a complaint. Complaints are expressions of grievances, but a grievance is deep-rooted such that the employee takes appropriate remedial action to seek satisfaction.

The Model Grievance Procedure, has provided the following definition of Grievance, Complaints affecting one or more individual workers in respect of their wage payments, overtime, leave, transfer, promotion, seniority, work assignment and discharge would constitute grievance. Where the points of dispute are of general applicability or considerable magnitude, they will fall outside the scope of this procedure.

University and work related grievances may be demarcated as any type of problem, concern or complaint where a staff member believes he/she has received unreasonable treatment from the University, another staff member/s or student/s, wishes to bring the grievance to the University's attention and requires an action or response. A statement of concern becomes a grievance when it is reported to a person in authority, and requires action or response under specified policies and procedures. General feedback and comments about administration, programs and services would not normally be viewed as a grievance unless specific action was requested.

In a National Security Agency Grievance may be defined as an official, internal agency procedure used to resolve employee complaints and any personnel actions that are not appealable to the personnel. According to the National Protocol Code, each agency must establish a grievance procedure for its classified employees to settle employee problems in an equitable manner.

Every classified employee must be made aware of and have access to the grievance procedure for the resolution of problems without fear of reprisal.

In a Pharmaceutical sector, grievance could be

Medicare Related
Workplace Related

Medicare related Grievance is established as any complaint other than one that involves a coverage determination. A complaint will be handled as a grievance, coverage determination, or an appeal, depending on the subject of the complaint. Where, Coverage Determination is the initial decision for what outpatient prescription drugs and the Plan will or will not cover. According to the Chief Medical Superintendent (CMS) of the vicinity concerned indicates a Coverage Determination may include but is not limited to the following decisions:

- Provide or pay for a prescription drug
- Amount of cost sharing for a drug
- Exceptions request
- Satisfaction of prior authorization or other utilization management request
- Failure to provide a Coverage Determination in a timely manner when a delay would adversely affect the health of a complainant.

Coverage Determinations can either be “standard” or “expedited”

- A “standard” Coverage Determination requires the plan to notify the complainant of its determination as “expeditiously” as the complainant’s health conditions requires, but no later than 72 hours of receipt.
- An “expedited” Coverage Determination requires the plan to respond within 24 hours or as “expeditiously as the complainant’s health condition requires, but no later than 24 hours.

One could file a grievance if he/she have any type of problem with the pharmacy linkages that does not relate to coverage for a prescription drug. For example, one would file a grievance if someone have a problem with things such as waiting times when filling a prescription, the way of system followed by any of the pharmacist or others behave, being able to reach someone by phone or get the information needed, or the cleanliness or condition of a pharmacy workplace.
Thus, grievance is any complaint or dispute, other than one that involves a coverage determination or a low-income subsidy (LIS) or late enrollment penalty (LEP) determination, expressing dissatisfaction with any aspect of the operations, activities, or behaviour, regardless of whether remedial action is requested. Grievances may include complaints regarding the timeliness, appropriateness, access to, and/or setting of a provided item.

**HOW TO FILE A GRIEVANCE**

A grievance is different from a request for a coverage determination because it usually will not involve coverage or payment for Part D prescription drug benefits (concerns about the failure to cover or pay for a certain drug should be addressed through the coverage determination process discussed below).

What types of problems might lead to file a grievance?

- Feeling that one had been encouraged to leave (disenroll) from the Plan.
- Problems with the customer service received.
- Problems with how long one had to spend waiting on the phone or in the pharmacy.
- Disrespectful or rude behaviour by pharmacists or other staff.
- Cleanliness or condition of pharmacy.
- Disagreed with the decision, not to expedite request for an expedited coverage determination or redetermination.
- Believed the notices and other written materials were difficult to understand.
- Failure of providing a decision within the required timeframe.
- Failure of forwarding the case to the independent review entity.
- Failure by the plan sponsor to provide required notices.
- Failure to provide required notices that comply with CMS standards.

In certain cases, one have the right to ask for a “fast grievance,” meaning your grievance will be decided within 24 hours.

**Complaints That Apply to Both Grievances and Coverage Determinations**

Complaints may include both grievances and coverage determinations (i.e., a single complaint may contain a grievable issue and an appealable issue). If an enrollee addresses two or more issues in one complaint, each issue should be processed separately and simultaneously (to the extent possible) under the proper procedure.

**Distinguishing Between Grievances and Coverage Determinations**

Grievance procedures are separate and distinct from the procedures that apply to coverage determinations. Plan sponsors must determine whether the issues in an enrollee’s complaint meet the definition of a grievance, coverage determination, or both, and resolve an enrollee’s complaints or disputes through the appropriate procedure.

Complaints that may fall into the grievance category include, but are not limited to, complaints about:

- Difficulty getting through to the plan sponsor on the telephone;
- The quality of care or benefits provided;
- Interpersonal aspects of care, such as rudeness by a pharmacist or staff member;
- A plan’s benefit design;
- A plan sponsor’s failure to issue a decision in a timely manner (this type of grievance is not a substitute for automatically forwarding an enrollee’s request to the IRE if the plan fails to act timely, but is an additional right that may be exercised by an enrollee);
- A plan sponsor’s denial of an enrollee’s request for an expedited coverage determination or expedited redetermination;
- The appeals process; or
- A plan’s written communications, including its written notices.

Now, the cases herein surrounding a complaint will determine whether the grievance or coverage determination process should be initiated.

Case I: A consumer (patient) who currently takes a particular prescription brand-name drug was cheated, when found that the Pharmacy store authorities has made a formulary change and does no longer cover the drug used by the patient. The sufferer notified the organisation and complain. The consumer states that he/she has tried the generic equivalent before and it was effective, and therefore wants the store authorities to continue coverage of the brand-name drug. This complaint should be treated as a request for a coverage determination, subject to the appeals process, for continuation of coverage for the brand-name drug.

Case II: A patient who currently does not take any prescription medications reads an annual notice of change, that the store authorities will no longer be covering a particular brand name drug. The concerned pleas the organisation and complain about this reduction in benefits, even though it does not directly affect the concerned, at the current time. Because the enrollee does not take the prescription drug affected by the change, the complaint should not be interpreted as a request for a coverage determination. The complaint should therefore be handled as a grievance.

**PROCEDURES FOR HANDLING GRIEVANCES (In a Healthcare division)**

We consider pharmacy a profession, fit to practise when the personnel can demonstrate the skills, knowledge, character and health required to do their job safely and effectively. Fitness to practise is described as a person’s suitability to be on the register without restrictions. In practical terms, this represents, maintaining appropriate standards of proficiency ensuring the good health, good character and adherence to principles of good practice set out in various, standards, guidance and advice.

A pharmacy professional’s fitness to practise can be impaired for a number of reasons including misconduct, lack of competence, ill-health and through having been convicted of a criminal offence. If a pharmacy professional’s fitness to practise is found to be impaired the Pharmaceutical Council can:

- Issue the pharmacy professional with a warning
- Impose conditions on the pharmacy professional's practice
- Suspend the pharmacy professional from practising
- Remove the pharmacy professional from the Roll

If the complaint is considered to raise valid concerns, a case will be opened and the complaint will be investigated by an inspector or a case manager.

**Investigation**

Investigation will seek to gather the information needed to form an allegation. Most allegations of compromised fitness to practise, and all allegations of fraudulent or incorrect entry, are referred to the Investigating Committee. Panels of the Investigating Committee work only from the paperwork, collected about the case - they do not meet any of the people concerned or hear their evidence in person. The panel’s job is to decide whether there is a case to answer. If a panel decides there is no case to answer, it will close the case. In fraudulent or incorrect entry cases, if the panel decides there is a case to answer, it will refer the case for a hearing before the Fitness to Practise Committee or the Health Committee.

**Hearings**

The Health Committee will hear the case and decide on action, to take. If a complaint is investigated and it is found that a registrant’s fitness to practise has been compromised, it has to be heard by a committee. The hearing committee will determine whether or not to uphold the complaint against respondent, and, if so, what sanctions are appropriate.

**Sanctions**

There are a variety of sanctions which the committee can decide to impose in the case of an upheld decision. The sanctions range from a letter of advice, to removal of the accused from the record (in serious cases). An investigation may also be undertaken if, during an inspection visit, the inspector finds a persistent non-compliance with legal requirements or regulatory standards, or a significant risk to patient or public safety.

**Interim Orders**

At any stage of the investigation process, the investigator may refer the complaint to the Health Committee. If the Committee consider it is necessary for the
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Investigation will vary depending on the individual facts of a case

Usually an investigation will include:

- speaking to the complainant and any witnesses
- speaking to the registered pharmacist or registered pharmacy technician against whom the complaint has been made
- visiting the registered pharmacy premises where the alleged incident(s) took place.

Depending on the nature of the complaint, the inspector may need to get witness statements from patients or other members of the public. The inspector may also formally interview pharmacists, their employees or owners of pharmacies in accordance with the provisions of the Police and Criminal Evidence Act 1984 and the relevant Codes of Practice made under that act. The inspector may seize evidence as part of the investigation.

To operate in an effective manner, inspectors are given a number of powers under the Pharmacy Order 2010 that enable them to carry out investigations.

These include powers to:

- investigate allegations that a registered pharmacist or registered pharmacy technician's fitness to practise is compromised
- enforce the standards set by the Council
- secure compliance with the Poisons legislation
- secure compliance with the relevant parts of the Medicines Act 1968 legislation
- enforce provisions within the order relating to offences related to the register
- enforce the relevant provisions of the Veterinary Medicines Regulations.

All investigations are different and the way to investigate a complaint against respondent, depends on the seriousness and complexity of the issues raised by the petitioner. All inspectors are either pharmacy professionals themselves or trained investigators, and are highly skilled in investigating complaints.

In serious cases, respondent and the petitioner may be formally interviewed under caution by one of the inspectors. The time taken to investigate an issue varies depending on the seriousness of the allegations made and the complexity of the case.

WORKPLACE RELATED GRIEVANCE

“A workplace violation or any dispute between the unit members and management and/or any discontent or feeling of unfairness in the workplace, pertaining to work.”

Grievances at the workplace must be based on the foundation of employer employee relationship and employment-related.

We all know that employee dissatisfaction is a potential source of trouble, whether it is expressed or not. Hidden dissatisfaction grows and creates reactions that may be completely out of proportion to the original concerns. Therefore, it is important that dissatisfaction be given an outlet. A complaint, which is merely an indication of employee dissatisfaction that has not been submitted in writing, is one outlet. A Grievance is more deep-seated than a complaint. Complaints are expressions of grievances, but a grievance is deep rooted such that the employee takes appropriate remedial action to seek satisfaction.

For a better understanding of work-related grievance, reference is made to the definition of industrial matters found in the Industrial Relations Act which states that “industrial matters” means 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 specific employee, the employer has to deal with their grievances because that employee’s behaviour affects work discipline and work relations of all parties.
- Employment: This is the state of being employed and grievance can arise from dissatisfaction relating to job descriptions, job duties, functions and activities.
- Non-Employment: This is a state of not being employed. Employee grievances can be triggered when employer’s acts of termination of employment are unfairly or not properly managed or administered.
- Terms of Employment: This is a common source of employee’s grievances since it relates to matters such as wages or salary, allowances, rewards and benefits.
- Transfer of Employment: The Industrial Relations Act refers to the definition found in 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.

Grievances can be created when two or more people work together. Thus, grievance is a difference, complaint or a dispute regarding the interpretation or application of established policies and/or procedures governing terms of employment, working condition, hours of work or compensation, etc.

CHARACTERISTICS OF GRIEVANCES

Factual / Real: When employee feels that some of the benefits promised to him at the time of appointment have not been given by the employer it becomes factual grievance.

Imaginary: The employee fell aggrieved when organisation does not respond to his requests, this is the case of an imaginary grievance.

Disguised: The basic requirements of the employees may be attended to but psychological needs such as need for recognition, affection, proper achievement and/or professional growth may not be taken care of. These cause disguised grievances.

FEATURES

- A grievance reflects a dissatisfaction among workers concerning any aspect of the organisation.
- Dissatisfaction arises out of employment or related to service matter.
- It may be out of real or imaginary causes, valid and legitimate.
- It may be unvoiced/implied or expressed by an employee.
- It may be written or verbal.
- A grievance arise only if employee feels that injustice has been done to one’s job by the employer or the management.
- The grievance results from perceived or realised expectation from organisation.
- Grievance, if not redressed in time, give rise to discontent, frustration, poor morale, and ultimately to low productivity.

TYPES OF GRIEVANCE: GENERAL vs INDIVIDUAL

In the workplace, there are only two types of grievances: the General Grievance and the Individual Grievance.

The General Grievance is a grievance that affects a group of employees. Examples of general grievances would be a wage cut or a retrenchment exercise that could involve several employees or the entire workforce.

The Individual Grievance is a grievance affecting one employee and requires a one-to-one approach, with or without the Trade Union Representative (TUR), depending whether the organisation is unionised. In this situation, the Grievance
Procedure should be applied. Examples of Individual Grievances would include an employee who feels discriminated in a promotion exercise or a case of sexual harassment.

**CAUSES OR SOURCES OF GRIEVANCES**

As such, there cannot be a precise set of the causes of grievances applicable to all organisations. In fact, the causes of grievances are likely to differ from organisation to organisation. Generally, one could outline the basic cause of grievance as follows:

* Employment Conditions like wage rates etc.
* Supervision
* General working conditions
* Trade Unions
* Difference of opinion of management & employees
* Adherence to rules by employer while dealing with certain employees
* Psychological reasons

However, whatever be the cause of grievance, they tend to fall under the following categories:

- Concerning Working Conditions
  - Unsafe and unpleasant working conditions.
  - Inadequate toilet facilities, dirty toilets, etc.
  - Non – availability of necessary raw material, tools and machineries.
  - Misfit between worker’s ability and job.
- Concerning Management Policies and Procedures
  - Wage rate and its payment.
  - Incentives.
  - Seniority.
  - Promotions.
  - Transfers.
  - Fines, punishment and penalties.
- Concerning Violation of Rules and Regulations
  - Organisational rules and regulations.
  - Civic laws.
  - Past practices.
  - Procedure of collective bargaining.
- Concerning Personality Traits
  - Fault – finding attitude
  - Over – ambitious
  - Mental tension
  - Negative approaches to life
  - Excessive ego feelings

The Grievance Management, i.e. managing the grievances is one of the

**Human Resource Management** tools that set out the ways in which certain actions concerning people should be carried out by the management, employees or other stakeholders. It is a formalized approach to deal with specific matters of grievance and complaints at work or concerning the work place.

**GRIEVANCE MANAGEMENT SYSTEM**

A system for appropriately and consistently responding to and managing workplace grievances, with the key objective of speedy and effective resolution. This comprises of:

* Information Gathering
* Initial Assessment
* Malicious Complaint
* Mediation

**Information Gathering:** A process of gathering relevant information and identifying the relevant facts associated with a grievance, for the purpose of determining the most appropriate method of resolution

**Initial Assessment:** An initial review by the person receiving the complaint, to ensure that grievance management is the most appropriate means to deal with the complaint or whether referral elsewhere is required

**Malicious Complaint:** A malicious complaint can be defined as one instituted with the primary intent of causing distress to another, usually the respondent

**Mediation:** The process whereby an appropriately skilled, neutral person acts as a ‘mediator’ to parties to bring about a resolution of a disagreement

**ROLE OF HR IN GRIEVANCE MANAGEMENT**

It is the role of the manager to take the lead in managing grievances raised by their staff. To support this approach, human resource units are available to provide advice and guidance to managers on the grievance resolution process. There is also the option to have designated Grievance Contact Officers to provide policy and process information to all staff.

There’s typical division of responsibilities between the HR unit and line managers for handling grievances. These responsibilities vary considerably from one organization to another, even between unionized firms. But the HR unit usually has more general responsibilities. Managers must accept the grievance procedure as a possible constraint on some of their decisions. Management should recognize that a grievance is a behavioural expression of some underlying problem. This statement does not mean that every grievance is a symptom of something radically wrong. Employees do file grievances over petty matters as well as over important concerns, and management must be able to differentiate between the two. However, to ignore a repeated problem by taking a legalistic approach to grievance resolution is to miss much of what the grievance procedure can do for management.

**WHY A GRIEVANCE HANDLING PROCEDURE IS VITAL**

There is a greater diversity in the workplace today, comprising employees from different age, nationality, gender, ethnic and religious background. In such work environment, miscommunication and misunderstanding are likely. If not managed properly, such misunderstandings will affect employee’s morale and productivity. With employees being more Internet savvy and the popularity of social media, such unhappiness may also be publicised on social media platforms such as Facebook or Twitter. Such negative publicity can affect the employer’s image and brand, causing unnecessary embarrassment to the management. In some cases, such grievances can also lead to expensive and time consuming litigations.

Employers can pre-empt such situations by creating favourable working environment through adoption of fair employment practices. This includes having a proper Grievance Procedure (GP) to handle complaints.

Employers and employees should understand that it is unrealistic for every grievance to be resolved to the absolute satisfaction of either party. In most situations, the most reasonable solution is a compromise with both parties adopting a “give and take” position. The purpose of a GP is not the resolution or settlement of the grievance but the maintenance of industrial harmony between the employee and employer.

Grievance procedures are formal communications channels designed to settle a grievance as soon as possible after the problem arises. First-line supervisors are usually closest to a problem; however, the supervisor is concerned with many other matters besides one employee’s grievance, and may even be the subject of an employee’s grievance. Supervisory involvement presents some problems in solving a grievance at this level.

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**Table: HR Unit vs Managers**

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<th>HR Unit</th>
<th>Managers</th>
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<td>Assists in designing the grievance procedure</td>
<td>Operate within provisions of the grievance procedure</td>
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<td>Monitors trends in grievance rates for the organization</td>
<td>Attempt to resolve grievances where possible “closest to the problem”</td>
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<td>May assist in preparing grievance cases for arbitration</td>
<td>Document grievance cases for the grievance procedure</td>
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<tr>
<td>May have responsibility for settling grievances</td>
<td>Engage in grievance prevention efforts</td>
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Ideally, grievance procedures should be in place from the beginning of the social and environmental assessment process and exist throughout construction and operations through to the end of project life. As with the broader process of stakeholder engagement, it is important that management stays informed and involved so that decisive action can be taken when needed to avoid escalation of disputes. The following points are worth considering when setting up a mechanism for addressing external grievances.

- Course of investigation has its specific significance, over each case.
- Scaling the mechanism to project needs: Grievance mechanisms should not be thought of as a substitute for a company’s community engagement process or vice versa. The two are complementary and should be mutually reinforcing.
- Put it in writing and publicize it
- Consider the involvement of third parties where needed: Maintaining a regular presence in the local communities greatly helps to personalize the relationship with the company and engender trust.
- Response time and transparency, matters a lot: It is good practice for a company to publicly commit to a certain timeframe in which all recorded complaints will be responded to.
- Keeping all records excellently & confidentially, and report back whenever needed.
- Don’t impede access to legal remedies: If the employee is represented by a union, and the employee says, “I should have received the job transfer because I have more seniority, which is what the union contract states,” and she submits it in writing, then that complaint is a grievance. A grievance is a complaint that has been put in writing and thus made formal. Management should be concerned with both complaints and grievances, because both may be important indicators of potential problems within the workforce. Without a grievance procedure, management may be unable to respond to employee concerns because managers are unaware of them. Therefore, a formal grievance procedure is a valuable communication tool for the organization.

**STEPS IN GRIEVANCE PROCEDURE (In a Workplace)**

Grievance procedures can vary in the number of steps they include. A typical procedure, which includes the following steps:

- The employee discusses the grievance with the union steward (the union representative on the job) and the supervisor.
- The union stewards the grievance with the supervisor’s manager.
- The union grievance committee discusses the grievance with appropriate company managers.
- The representative of the national union discusses the grievance with designated company executives.
- The final step may be to use an impartial third party for ultimate disposition of the grievance.

**HANDLING OF GENERAL GRIEVANCES**

It is commonly assumed that the person who should handle employee grievances is the designated Human Resource (HR) Practitioner of the organisation. This is far from correct. Although the HR Practitioner has a part to play, the handling of employee grievances is a job function of any person authorised and empowered by the employer. The type of grievance, whether it is individual or general will also determine who should handle the grievance process.

In handling General Grievances, communication is key and organisations can include the following information in the communication process:

- **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 painful action or actions, for example 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.

**FACTORS IMPACTING GENERAL GRIEVANCE HANDLING**

Handling a grievance must adhere to organisational procedures. Although there is no legally binding process, organisations usually follow a procedure that complies with their respective Code of Practice or Code of Conduct. In handling General Grievances, it might be useful to remember the acronym, “WECURO”;

- **Well-timed:** Information shared should be well-timed, not “too little” and not “too late”. Management should be quick in dealing with any hint of trouble before it gets out of control and employees start believing that rumours are facts.
- **Effective:** Information should be well planned, prudent and factual and communicated through the most effective channel. When seeking feedback, a dialogue session is more effective than e-mails.
- **Consistent:** It is very important that the information shared by all members of the Management Team should be consistent. There should be no contradiction between CEO and the HODs or even Section Heads.
- **Up-to date:** The Management Team should always be up-to-date in the latest news or events relating to the specific situations. By being informed, they will be able to handle any inquiries or issues that may be raised by the employees.
- **Regular:** Regular information sharing gives employees the impression that the Management Team has no hidden agenda and helps to build trust. Trust is an important factor in maintaining employees’ morale.
- **Open-minded:** All parties should be open-minded, because of the need for effective communication and a willingness to be flexible.

**HANDLING OF INDIVIDUAL GRIEVANCES**

The handling of Individual Grievances begins the moment the employee raises the grievance either through walk-in meeting with the immediate supervisor or in writing, using a Grievance/Complaint Form. In a walk-in meeting, the Grievance Handler (GH) would not be prepared for the meeting. The GH will only be able to address a grievance at the meeting if it is very simple and straightforward. If not, the GH will have to listen, record the grievance and follow up on the matter. A typical grievance procedure consists of seven steps, namely

- **Timely Action**
- **Acceptance of grievance**
- **Identification of the problem**
- **Collection of facts**
- **Analysis of the cause**
- **Taking decision**
- **Implementation & follow up of the decision**

The advantage of a written grievance is that it allows the GH to make necessary preparation before the meeting. Besides studying what has been written in the Grievance/Complaint Form, the GH would need to have a better knowledge of the employee and the issue relating to the grievance. Thus, an effective grievance procedure contains characteristics such as legal sanctity, acceptability, timely response, simple process, appropriate training and transparency, and above all accurate follow up.

**FACTORS IMPACTING INDIVIDUAL GRIEVANCE HANDLING**

To be an effective GH, the following skills should be cultivated and demonstrated. They could be summed up in the following acronym, “PRACLIP”;

- **Problem Solving Attitude:** A problem-solving attitude implies that the GH is open-minded and willing to explore with the employee ways to resolve the grievance.
- **Responsible:** The GH should ensure that all matters relating to the employee and the grievance discussed at the meeting should be kept
confidential. The GH should also be meticulous about follow-up and completing the task judiciously.

- **Active Listening:** The GH should not be just a good listener but should practise active listening. He should seek 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.

- **Careful:** The GH needs to be particularly careful when taking notes during the meeting. To ensure accuracy, the GH should record and repeat pronouncements made to ensure there are no discrepancies. Note taking is also important for follow-up work.

- **Light-Hearted:** Humour diminishes tension and brings about a congenial atmosphere during a grievance handling session. Having a good sense of humour will be helpful to a GH.

- **Inclusive Language:** The GH should use inclusive language like “we work together” and “our problem” to reassure the aggrieved employee. Making the grievance appear to be less of the individual’s problem helps the employee to be less defensive and more willing to speak up.

- **Placid:** The GH should aim to be placid and unfruﬄowed throughout the meeting with or without the presence or active involvement of the TUR. If the aggrieved employee becomes agitated, the GH should remain placid, polite and professional.

If the grievance remains unsettled, representatives for both sides would continue to meet to resolve the conflict. On rare occasions, a representative from the national union might join the process, or a corporate executive from headquarters (if the ﬁrm is a large corporation) might be called in to help resolve the grievance. If not solved at this stage, the grievance goes to arbitration. Arbitration is ﬂexible and can be applied to almost any kind of controversy except those involving criminal matters. Advisory, or voluntary, arbitration may be used in negotiating agreements or in interpreting clauses in existing agreements. Because labour and management generally agree that disputes over the negotiation of a new contract should not be arbitrated in the private sector, the most important role played by arbitration in labour relations is as the final step in the grievance procedure.

**ARBITRARY**

A grievance occurs when the provision of any law is violated, or terms and conditions of employment are ﬂouted by management. The aggrieved worker can seek redressal through a set procedure. If the grievance is not settled, recourse to arbitration is taken. In arbitration, a third party intervenes and whatever recommendation, the party makes, is binding on the warring groups. While the arbitrator has power to enforce his or her decision, a conciliator cannot do so. The role of conciliator, also called the mediator, is to bring the two feuding factions together, make them discuss the issue and enable them to arrive at a solution. Adjudication is a mandatory settlement of a dispute by a labour court or tribunal. It is the conciliator who recommends reference to adjudication.

**Conciliation** is a process by which representatives of workers and employers are brought together before a third party with a view to persuading them to arrive at an agreement by mutual discussion between them. The third party may be one individual or a group of people. The alternative name for the third party is mediators.

**Grievance arbitration** is a means by which disputes arising from different interpretations of a labour contract are settled by a third party. Thus, arbitration is another method of resolving industrial disputes. It refers to a procedure in which a neutral third party studies the bargaining situations, listens to both the parties and collects information, and makes recommendations which are binding on both the parties. Arbitration is effective as a means of resolving disputes because it is:

- **Established by the parties themselves and decision is acceptable to them,** and
- **Relatively expeditious when compared to courts or tribunals. Delays are cut down and settlements are speeded up.**

Arbitration has achieved a certain degree of success in resolving disputes between the labour and the management. However, it is not without its weaknesses. Some weaknesses are:

- **Arbitration is expensive. The expenditure needs to be shared by the labour and the management,**
- **Judgement becomes arbitrary if there is a mistake in selecting the arbitrator,**
- **Too much arbitration is not a sign of healthy IR (Industrial Relations).**

Hence, Grievance Arbitration presents several problems. It has been criticized as being too costly, too legalistic, and too time-consuming. Investigations into discipline and grievance cases should be full and fair and conducted only by those authorised to do so, and they must be carried out in line with organisational procedures. In addition, many feel that there are too few qualiﬁed and experienced arbitrators. Despite these problems, arbitration has been successful and is currently seen as a potentially superior solution to traditional approaches to resolving union management problems. The grievance process is designed to allow for a timely and thorough investigation of disputes arising out of an alleged violation of the Collective Agreement or dismissal from the Public Service, with the possibility of ﬁnal resolution through third party binding arbitration.

**Arbitration and Industrial Disputes Act, 1947**  
Section 10 – A provides that where any industrial dispute exists or is apprehended, and the employer and the workmen agree to refer the dispute to arbitration, they may do so by a written agreement. They can, however, do so at any time before the dispute has been referred to a labour court or industrial tribunal or national tribunal.

The arbitrator shall investigate the dispute and submit the report to the appropriate government. Where a dispute has been referred for arbitration, the appropriate government may prohibit the continuance of any strike or lockout which may be in existence at the time of the reference.

**Going Beyond the Organisation**

Technically grievance handling within the Grievance Procedure ends with the decision of the CEO within the organisation. Any appeal to external parties such as the Ministry of Manpower or the Industrial Arbitration Court is a separate legal exercise. This would be part of the Trade Dispute Settlement Machinery. Trade disputes occur when grievances are non-employment related or when the employer-employee relationship is severed. Some multi-national organisations provide for appeals to the CEO at the overseas headquarters. The employee is given the right and the choice to appeal.

**LEGISLATIVE ASPECTS OF THE GRIEVANCE PROCEDURE IN INDIA**

During pre – Independence period, not much attention was given to the settlements of the employee’s grievances. It was later only some legislative attention was paid to the employee grievances. Following are the legislative enactments that deal with the redressal of the employee’s grievances:

- **The Industrial Employment (standing Orders) Act, 1946.** As per the clause 15 of the model standing orders in schedule I of this Act, in every establishment with 100 or more workers, all complaints arising out of employment shall be submitted to the ofﬁcer designated in this behalf, with the right of appeal to the employer.

- **The Factories Act, 1948.** Under the factories Act of 1948, there is no provision for the appointment of Labour Welfare Ofﬁcers in the factories employing 500 or more workers. The rules of the Act enjoin upon these ofﬁcers to ensure the settlement of the employee grievance. However, these provisions could not become helpful *inter alia* because of the dual role entrusted to them to play.

- **The Industrial Disputes Act, 1947.** This act provides for the following provisions in order in regard to grievance settlement:

  - A Grievance Settlement Authority will be set up in every industrial establishment wherein 50 or more workers are ordinarily employed.
  - As and when an industrial dispute will arise in such establishments, the worker may refer his or her dispute to the Grievance Settlement Authority for its settlement.
  - The Grievance Settlement Authority will process the matter within a speciﬁed period prescribed for this purpose.
  - A grievance can be referred to Boards, Courts or Tribunals only after it is already referred to the Grievance Settlement Authority or the decision taken by the Authority is not acceptable to either of the parties.

**CASE STUDIES**

**Case I:** “M/s Zandu Pharmaceutical Works vs Mohd. Sharaful Haque & Anr.”

**Case no.:** Appeal (crl.) 1241 of 2004
Petitioner
M/s Zandu Pharmaceutical Works Ltd. & Ors.

Respondent:
Mohd. Sharafual Haque & Anr.

Date of judgment: 01/11/2004

Bench
Arijit Pasayat & C.K. Thakker

Judgment:
(Arising out of slp (ctl.) No. 4870 of 2003) Arijit Pasayat & C.K. Thakker

“Leave granted”. Appellants call in question legality of the judgment rendered by a learned Single Judge of the Patna High Court holding that the issuance of summons to the appellants by learned Judicial Magistrate, 1st Class, Patna in complaint case no.1613 (C) of 2002 filed by the respondent is proper.

Factual background in nutshell is as follows

Respondent (hereinafter referred to as the ‘complainant’) filed a complaint on 9.8.2002 alleging that the appellants had committed offences punishable under Sections 406 and 409 of the Indian Penal Code, 1860. The date of occurrence was indicated to be between 12.7.1995 to 8.5.2002. The basic allegations in the complaint were that an advertisement was issued by the appellant seeking applications for appointment to the post of Area Manager. The complainant, who was then working in another concern applied for the post, was called to the interview on 14.7.1995 and was asked to report at the Bombay office of the respondent company on 18.9.1995 for training. After completion of the training period the complainant was asked to report to the Patna depot. He was given appointment from 9.9.1995 by letter dated 1.9.1995 wherein it was indicated that he was appointed as Field Officer and not Area Manager. According to the respondent, on receipt of the appointment letter the complainant asked the concerned officials i.e. the other accused persons as to how he was being appointed as Field Officer when he had appeared at the interview for the post of Area Manager. He was assured that the letter for the post of Area Manager will be issued in the first week of April, 1996. But no such letter came to be issued and he was not appointed as Area Manager. Grievance was, therefore, made that the accused persons had initially deceived him by appointing as Field Officer and not as Area Manager, though he was assured that the appointment letter in that regard will be issued. Therefore, they were liable to face trial for offences punishable under Sections 406 and 409 IPC.

Case Proceedings (Abstracts)

In support of the appeal, Mr. R.F. Nariman, learned senior counsel submitted that the High Court has missed the essential features of the case. In the complaint petition there is no reference to the letter dated 5.12.2001 which forms foundation for the High Court’s conclusion to hold that the application was not belated. In the complaint petition a clearly wrong statement was made that the complainant had never accepted appointment as Field Officer. On the contrary, in his endorsement below the letter of appointment on 9.9.1995 he has in his own signature stated as follows:

“I have gone through the terms and conditions stated hereinabove in my appointment letter and I accept them in toto. I will join your company with effect from 1st August, 1995. I declare that my date of birth is 1.3.1959 and in support I submit my documentary evidence.”

Another interesting feature is that a letter is purported to have been written on 9.9.1995, the existence of which is very much in doubt. The complainant claims to have written that he was unable to send copy of the joining letter. As noted above, he has clearly done so. Therefore, complainant has fabricated documents to suit his own purpose. In the matter pending before the Labour Court which was filed on 6.7.1999 also the complainant has not made any reference to the so called illegality in his appointment as Field Officer, and on the other hand he has clearly stated that he was employed with the company and posted as Field Officer. Similar is the position in the suit filed in 2002, challenging the order of transfer. There is no explanation for the silence between 1995 to 2001. Therefore, it is submitted that the High Court was not justified in rejecting the application.

Further offence in terms of Section 418 IPC is clearly not made out. Therefore, the learned Magistrate was not justified in directing issuance of summons.

In response, learned senior counsel for complainant-respondent submitted that based on the assurance held out that he will be appointed as Area Manager, the complainant had resigned from the job he was holding on the date of joining. He raised his protest when he was appointed as Field Officer. He continuously made grievances and finally when his claim was rejected by letter dated 5.12.2001, he filed a complaint and, therefore, the same is within time. Exercise of power under Section 482 of the Code in a case of this nature is the exception and not the rule. The Section does not confer any new powers on the High Court. It only saves the inherent power which the Court possessed before the enactment of the Code.

Final Resolution

The learned Magistrate has issued process in respect of offence under Section 418 IPC. The punishment provided for said offence is imprisonment for three years. The period of limitation in terms of Section 468(2) (c) is 3 years. That being so, the Court could not have taken cognizance of the offence. Section 473 of the Code provides for extension of period in certain cases. This power can be exercised only when the Court is satisfied on the facts and in the circumstances of the case that the delay has been properly explained or that it is necessary to do so in the interest of justice. Order of learned Magistrate does not even refer to either Section 468 or Section 473 of the Code. High Court clearly erred in holding that the complaint was not hit by limitation. As noted above, there was not even a reference that the letter dated 5.12.2001 was in response to the letter of complainant dated 24.11.2001. The factual position clearly shows that the complaint was nothing but a sheer abuse of the process of law and this is a case where the power under Section 482 should have been exercised. The High Court unfortunately did not take note of the guiding principles as laid down in Bhajan Singh’s case (supra), thereby rendering the judgment indefensible. The judgment of the High Court is set aside, the proceedings initiated by the complaint lodged are quashed. The appeal is allowed.

Case II: “M/s Royal Agency, Through its Partner Ms. Maria Rodrigues vs Chemists & Druggists Association, Goa, 403, Shiv Towers, 14, Patto Plaza, Panaji, Goa and M/s Franco-Indien Pharmaceuticals Private Limited, 20, Dr. E. Moses Road, Mahalaxmi, Mumbai”

Informant

Opposite Parties
1. Chemists & Druggists Association, Goa, 403, Shiv Towers, 14, Patto Plaza, Panaji, Goa
2. M/s Franco-Indien Pharmaceuticals Private Limited, 20, Dr. E. Moses Road, Mahalaxmi, Mumbai

CORAM
1. Mr. S. L. Bunker, Member
2. Mr. Sudhir Mital, Member
3. Mr. Augustine Peter, Member
4. Mr. U. C. Nahta, Member
5. Mr. M.S. Sahoo, Member

Appearances
For the Informant : None
For Opposite Party No. 1: Shri Nakul Mohta, Advocate
For Opposite Party No. 2: Shri Vaibhav Singh, Advocate
For M/s Drogaria Menezes & CIA: Shri Ramesh Chaturvedi, GM
For M/s Drogaria Menezes & CIA: Shri Keane Sardina, Shri Robin David
For M/s Menezes & CIA: Shri Febin Mathew, Ms. Disha Gupta, Advocates and Shri Agostinho Menezes (Proprietor)

Information
• The Royal Agency (hereinafter called as ‘the informant’), a partnership firm, is a stockist, wholesaler and distributor of OP-2.
• The Opposite Party 1 is the Chemist and Druggist Association, Goa, (hereinafter called as ‘the OP-1’), a State level Association of Chemists and Druggists of Goa registered under the Societies Registration (Goa Second Amendment) Act, 1998 having more than 800 members spread across the State of Goa.
• The Opposite Party 2 is M/s Franco Indian Pharmaceuticals Pvt Ltd, Mumbai (FIPP) (hereinafter called as ‘the OP-2’) engaged in manufacturing and selling & distributing drugs and medicines through wholesalers & retailers in various regions of the country including Goa.

Allegations

• The Informant approached the Commission alleging that its supplies were stopped by OP-2 at the instance of OP-1 under the latter’s threat of boycott as the informant had refused to become a member of OP-1 and had not obtained No Objection Certificate (hereinafter called as ‘the NOC’) for doing business in Goa. On the basis of the above, the informant submitted that the non-supply of drugs to the Informant by OP-2 at the instance of OP-1 amounted to limiting and restricting the supply and market of life saving drugs which contravened section 3(3)(b) of the Competition Act, 2002 (hereinafter called as ‘the Act’). It was also alleged that after having appointed the informant as the stockist by virtue of a written agreement for distributorship dated 10/07/2013, the non-supply of stocks to the Informant amounted to refusal to deal as contemplated under section 3(4)(d) of the Act.
• The informant, inter alia, prayed, that OP-2 be directed to supply all their products to the informant without insisting for a NOC from OP-1. The informant has also prayed that OP-1 be directed not to insist for obtaining of NOC from OP-1 and for the informant becoming member of OP-1 for carrying out its business. The informant, vide application dated 19/08/2013 also proceeded under section 33 and requested the Commission to grant interim relief as its livelihood depended completely on its business.

ORDER

The present information has been filed under section 19(1)(a) of the Competition Act, 2002 (‘the Act’) by M/s Royal Agency, through its Partner Ms. Maria Rodrigues, (hereinafter referred to as the ‘Informant’) against the Chemists & Druggists Association, Goa (OP-1) and M/s Franco-Indian Pharmaceuticals Private Limited (OP-2) (collectively referred to as the ‘Opposite Parties’) alleging inter alia contravention of the provisions of section 3 of the Act.

Brief facts and allegations

• It is submitted that OP-2 had supplied products against the orders dated 12.07.2013 & 18.07.2013 placed by the Informant. Thereafter, OP-2 stopped the supply of the products to the Informant against its subsequent order dated 24.07.2013. It is alleged that the non-supply of the products to the Informant was under the influence of OP-1 who had allegedly coerced OP-2. The Informant has alleged that the conduct of OP-1 was because of the Informant’s refusal to become a member of OP-1 and also for not obtaining NOC from it to carry out its business in Goa.
• Aggrieved by the alleged anti-competitive conduct of the OPs, the Informant has, inter alia, prayed for imposing a fine on OPs for repetitively violating the provisions of the Act.
• The Commission has earlier considered cases filed against OP-1 in Case no. MRTP-C-127/2009/DGR(4/28) and Suo moto case No. 05 of 2013. The Commission found that OP-1 had violated the provisions of section 3(3)(a) and 3(3)(b) of the Act and had imposed a penalty vide its order dated 11.06.2012. The Commission has also issued notice under section 42 of the Act for continued violation of order of the Commission.
• The Commission formed a prima facie opinion that there appeared to be a violation of the provisions of section 3 of the Act and directed the Director General (DG) under section 26(1) of the Act to cause an investigation to be made into the matter as well as investigate the role of persons who were in charge of and responsible for the conduct of the OPs.

Investigation by the DG (Abstract)

On a perusal of the DG report and the replies/objections filed by the parties and other materials available on record, the Commission feels that the following issues need to be determined to arrive at a conclusion in the matter:

Issue 1: Whether the allegations levelled by the Informant regarding stoppage of supplies by OP-2 have been substantiated by the evidence available on record?
• As per the record placed before the Commission, the Informant was appointed by OP-2 as its distributor vide an agreement executed on 10.07.2013. OP-2 had made supplies against Informant’s purchase orders dated 12.07.2013 & 18.07.2013. Thereafter, OP-2 had discontinued supply to the Informant against the subsequent purchase order dated 24.07.2013. The Informant has alleged that the discontinuation in the supply of medicines was due to the intervention by OP-1 who had coerced OP-2 to stop supplies by way of threat of boycott. Such stoppage continued till December 2013 after which regular supplies have been made to the Informant.
• After analysis of the statements made by the witnesses involved therein the case, examined by the DG and the surrounding circumstances, the Commission is of the considered opinion that there was a short break in the regular supplies to the Informant by OP-2. However, this fact alone is not conclusive to fix the liability of OPs under the provisions of the Act. The following issues i.e., Issue 2 and 3 would deal with that aspect.

Issue 2: Whether such stoppage of supplies by OP-2 to the Informant is on account of directions/diktats issued by OP-1 in contravention of Section 3(3) read with section 3(1) of the Act?
• As observed by the Commission in issue 1 examined above, the stoppage of supplies by OP-2 to the Informant took place for a period of few months i.e. from July 2013 to December 2013. This stoppage, as alleged by the Informant, was on account of directions/diktats issued by OP-1 to OP-2 not to deal with the Informant as she was not a member of OP-1. The Commission has taken into account the findings of the DG and the submissions made by the Informant and OPs in this regard.
• The letter dated 03.06.2014 sent by the Informant to the DG is relevant in this regard wherein the Informant has accepted that it has no evidence to support the said allegation. Further, it has also been brought on record since OP-2 resumed supplies to the Informant during the period of investigation itself, the Informant has requested the Commission to close the proceedings.
• From the facts of the case, it appears that the matter pertains primarily to single instance of stoppage of supplies. As such, it is essential for the Commission to go into the background of the facts of this case to understand the motives of the parties that led to the present situation.
• At the outset, the Commission is of the view that the explanation provided by the Informant is uncorroborated. Though the DG has concluded that OP-1 has played an active role in the discontinuation of supplies to the Informant, the same is not supported by sufficient evidence. The DG seems to have been influenced by the earlier cases against OP-1 where its conduct has been found to be anti-competitive and has attributed the conduct of Mr. Agostinho Menezes to that of OP-1, the former being an office bearer of OP-1.
• Finally, the Commission is of the opinion that the Informant’s allegation that membership of OP-1 is a sine qua non to be appointed as a distributor of any pharmaceutical company remains unsubstantiated in the facts and circumstances of the case.
• The Commission has also considered the explanations given by the OPs. In the light of the material placed on record, both the versions cannot be totally disregarded. The background of the case i.e. the fact that the Informant was an employee of Mr. Agostinho Menezes for 30 years and later became his competitor, supports OP-1’s explanation for discontinuation of supplies to the Informant. On the other hand, the fact that the supplies were resumed after 4-5 months makes the explanation offered by OP-2 more plausible. One of these scenarios possibly explains why supplies were stopped to the Informant from July to December 2013, though the evidence is not enough to conclusively choose one to the exclusion of other.
• Even otherwise if it is accepted that Mr. Agostinho Menezes influenced OP-2 to discontinue the supplies to the Informant, the conduct of Mr. Agostinho Menezes cannot be attributed to OP-1. Unilateral actions taken out of personal animosity, as in the present case, does not raise any competition concern which requires intervention by the Commission.
• The Informant threatened OP-2 of instituting a complaint before the Commission and thereafter filed the complaint on 08.08.2013. It is observed that the Informant made no efforts to resolve the dispute or contact OP-1 even though the main allegation was against OP-1. Further there is no correspondence between OP-1 and the Informant which may establish that OP-1 was responsible for the discontinuation of supplies of the product to the Informant.
• Based on the foregoing, the Commission is of the view that the evidence on record is insufficient to hold OP-1 liable for the discontinuation of supplies to the Informant under the provisions of the Act.

Issue 3: Whether the conduct of the OP-2 is in violation of section 3 of the Act?

• It has been alleged by Mr. Ramesh Chaturvedi in his statement dated 16.1.2015 that since the supplies which were made to the Informant were further supplied by the Informant to the same retailers/market to whom the other existing distributors of OP-2 were supplying, the other existing distributors of OP-2 had not placed any purchase order for 6-7 days.
• The DG has concluded that the refusal to deal with the Informant on the part of OP-2 can be attributed to an agreement between OP-2 and M/s Drogaria Menezes & Cia which is in contravention of section 3(4) (d) read with section 3(1) of the Act. The Commission does not agree with the findings of the DG in this regard. There is no evidence placed on record which shows that there was an agreement or understanding of some sort between OP-2 and M/s Drogaria Menezes & Cia.
• The decision of OP-2 to suspend supplies to the Informant may at best be summed up as unilateral and voluntary. The facts of the case indicate that after OP-2 had started supplying to the Informant, other distributors had stopped placing orders with OP-2 for 6-7 days may be because the Informant was catering to their clients. Therefore, a commercial business decision taken by OP-2 to discontinue supplies for a short duration to inquire into the said situation cannot be brought within the purview of section 3 of the Act.
• In light of the above analysis, the Commission finds that based on the evidence and material available on record, no contravention of the provisions of section 3 of the Act by OPs is established in the instant matter. Accordingly, the Commission decides to close the matter, and The Secretary is directed to inform the parties accordingly.

Final Determination of Issues

I. Whether OP-1 has limited and controlled the provision of services/supply of drugs and medicines in Goa by insisting on NOC, thereby contravening the provisions of Section 3(3) (b) read with section 3(1) of the Act.

II. Whether OP-2, by entering into an agreement with its distributor M/s Drogaria Menezes &Cia has contravened the provisions of section 3(4) read with section 3(1) of the Act.

III. Identification of persons and examination of their role in the anticompetitive conduct, if any, of the OPs/any other parties in terms of provision of section 48 of the Act.

Conclusion of the Case (Abstract)

The Commission has in a number of cases already held that certain practices being followed by industry Associations, especially in the drugs and pharmaceutical sector, are hit by Section 3(3) and passed appropriate orders to rectify the market distortions. In spite of the strongly worded orders of the Commission these practices appear to continue in many sectors, especially the drugs and pharmaceuticals sector, and a number of new cases have been coming before the Commission and the Commission found violation of the Act by various state level Associations for insisting on NOC for appointment of stockist or wholesalers or distributors, fixation of trade margins, collection of PIS charges, boycott of products of pharmaceutical companies etc. However, it is an ugly truth that these practices are still rampant in the sector, practices continue though the modus operandi may differ.

LAUNCHING OF ‘PHARMA JAN SAMADHAN’ SCHEME 2015

Union Minister of Chemicals and Fertilizers, Hon’ble Mr. Ananth Kumar, launches ‘Pharma Jan Samadhan’ scheme on March 12, 2015 to address consumer’s grievances, in the eminent presence of State Minister for Chemicals and Fertilizers Hon’ble Mr. Hansraj Gangaram Ahir and the Secretary, Department of Pharmaceuticals, Hon’ble Dr. V.K. Subburaj.

About Pharma Jan Samadhan Scheme

• Pharma Jan Samadhan Scheme is a web enabled system.
• The scheme has been launched to address the grievances of consumers (related to the prices of drugs and the availability of medicines).
• The scheme has been created by the National Pharmaceutical Pricing Authority (NPPA).
• It aims to provide an online facility to the consumers to redress their complaints related to over-pricing of medicines, non-availability of medicines, refusal for sale of any medicine, etc.
• Initiate action on any complaint would be taken by NPPA within 48 hours of its receipt.
• As per the Union Minister of Chemicals and Fertilizers, this initiative would create awareness among the people.
• It would also act as a prevention against black-marketing, artificial medicines and practices like over pricing the drugs.
• However, the Pharma industry stands on three pillars quality, availability and affordability and this scheme is a step towards this direction.

GRIEVANCE RESOLUTION

A range of options exist to assist managers resolve grievances promptly and effectively. Because of the diversity of issues and personalities that can be involved, it is important that each grievance is considered individually, in order to determine the best option/s to utilise, and the most appropriate way/s to resolve it.

By and large, it is desirable that all reasonable attempts should be made to resolve the grievance informally, before moving to more formal processes.

Self-Resolution

Staff should be encouraged to resolve minor workplace matters themselves. Many minor workplace issues may benefit from encouraging those involved to attempt to resolve the matter themselves. All staff have a responsibility to contribute to a harmonious workplace, and it should not always be necessary to begin the grievance process to resolve minor matters.

Facilitation

Facilitation is a process whereby a manager attempts to facilitate a resolution between staff members without the use of more formalised procedures. Consideration should be given to using this as a first option, though it may not always be appropriate.

Mediation

Mediation is a voluntary and confidential process where an appropriately skilled mediator assists people in conflict to identify and isolate issues under dispute, and to identify and if possible agree on potential options to resolve these issues. Mediators are neutral assistants, who do not make judgements. They can be a trained internal person or an outside professional mediator.

The Benefits of using Mediation to Resolve Grievances may include:

• Access to an objective and confidential mechanism for solving problems
• Supports the parties in solving their own problems and making their own decisions
• Can provide a useful option for fair, effective and speedy resolution of workplace grievances.

Administrative Changes

Sometimes making minor variations to administrative or work practices can provide a solution to certain types of workplace grievances

Provision of Information & Training
On occasion, workplace grievances can arise from being unaware of certain workplace policies or procedures, and/or matters relating to cultural issues, or because of poor communications skills. Where the investigation of a grievance identifies such shortcomings, the focus should be on provision of appropriate instruction, information and training to address these issues.

**A Holistic Approach**

As some of the above examples suggest, the investigation of grievances can raise a number of issues. Therefore it is important that a holistic approach is taken when responding to the issues.

**Grievance touches over a wide Range of Issues, consequently there should be:**

- Development of clear communication protocols
- More formalised interaction between the manager and the staff member to ensure appropriate task allocation and staff management
- Provision of information to the staff member on equal opportunity principles
- Ensuring that the staff member has access to all relevant workplace training and development opportunities
- Depending on the status of the relationship between the two, providing the opportunity for facilitation with the objective of improving the relationship

**CONCLUSION**

All Grievances reflects customer’s anguish about quality of pharmaceutical product. Grievance can be either confirmed or invalidated through a comprehensive investigations of Grievance intake with help of proper grievance handling and its procedures. Grievances can be very sensitive and complex in nature with serious implications for the organisation. Managing disciplinary proceedings must adhere to organisational policies and procedures, legal and ethical requirements. As well as specific human resource policies which includes policies relating to data protection, equality, bullying and harassment etc.

As far as possible, managers should ensure working practices, are such that discipline and grievance situations do not arise, and do not escalate to the formal stage. However, they should also be aware of their organisation’s procedures and ensure that all actions they take are compliant and follow the framework set out. Even if a manager is aware of their own organisation’s procedures, situations that arise can be very sensitive and complex.

Outlining the general facts about grievance, one could now differentiate between a discipline case and a grievance case and the implications for their management, the legal obligations of employers and the rights of employees in relation to discipline and grievance cases, how to carry out investigations into discipline and grievance cases and to identify the nature of the grievance. Keeping detailed and accurate records of agreements, actions and events in disciplinary proceedings is a must. To investigate the seriousness and potential implications of the grievance. One must agree measures to prevent future recurrences of grievances. The successful initiation and timely closure of a Grievance and mitigation for prevention is the goal of a good Grievance handling management. The assessment of the risk posed by the quality defect must be critically evaluated before closure of the customer Grievance case.

**FURTHER SUGGESTED READINGS**

12. Competition Commission of India, Ministry of Corporate Affairs, Government of India, Case No. 63 of 2013
14. Supreme Court of India, Case No. Appeal (crl.) 1241 of 2004, in complaint case no. 1613 of 2002, from Patna High Court (Appealed Against: CR/LM-32354/02 of High Court of Patna), and Judgement (Arrising out of SLP (crl.) No. 4870 of 2003), under the bench of Hon'ble Mr. Justice C. K. Thakker & Hon'ble Mr. Justice Arijit Pasayat.