

**SAMPLE EXTRACT
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Cases in HR Practice and Strategy

THIRD EDITION

Mike Fazey

About this book

Cases in HR Practice and Strategy, Third Edition has been designed to help students and practitioners bridge the gap between theory and practice. It contains a wealth of realistic cases and business scenarios typically encountered by HR professionals. Each case is accompanied by discussion questions and other learning activities that require learners to apply their theoretical understanding of HR while taking account of the impact of issues such as organisational politics, business requirements, legal and regulatory requirements, the industrial relations environment, and other contextual factors.

The discussion questions and learning activities highlight the dilemmas inherent in many aspects of HR practice. They are based on HR's contemporary 'strategic partner' role, and require learners to think beyond 'textbook solutions' and to develop responses that are practical and that meet the needs of all stakeholders.

This casebook includes an opening chapter that provides decision-making and problem-solving guidelines for HR practitioners.

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Contents

About the Author	ix	Discussion Questions	17
Preface	xi	Case 2.4: Diagnosing workforce issues.....	18
		Discussion Questions	19
Chapter 1: A Framework for Decision-		Case 2.5: Analysing workforce	
making and Problem-solving	1	demographics and retirement intentions	
HR Practitioners as Strategic		21
Business Partners.....	1	Discussion Questions	23
The Problem of Balance	2		
The SELF Framework.....	3	Chapter 3: Job Design.....	25
The Strategic Dimension.....	4	Case 3.1: On the front line: Job design and	
The Ethical Dimension	4	emotional labour	25
The Legal Dimension	5	Discussion Questions	27
The Financial Dimension	6	Case 3.2: Designing realistic person	
Making Good Decisions	7	specifications	28
References.....	9	Discussion Questions	29
		Case 3.3: A home-based work application.	30
Chapter 2: Workforce Analysis and		Discussion Questions	31
Planning.....	11	Case 3.4: Job redesign: Enriching the	
Case 2.1: Beginning the HR Planning		employment experience	32
Process	11	Discussion Questions	33
Discussion Questions	13	Case 3.5: Job sharing: Easier said than done	
Case 2.2: The more things change: When		34
staffing plans come unstuck.....	14	Discussion Questions	35
Discussion Questions	15		
Case 2.3: Managing a voluntary redundancy		Chapter 4: Recruitment and Selection..	37
process	16		

Case 4.1: Balancing principles and pragmatism in selection	37
Discussion Questions	38
Case 4.2: Redesigning recruitment processes	39
Discussion Questions	40
Case 4.3: Selection and social media	41
Discussion Questions	42
Case 4.4: Developing a recruitment strategy	43
Discussion Questions	44
Case 4.5: Good questions? Exploring values in employee selection.....	45
Discussion Questions	46

Chapter 5: Performance Management..47

Case 5.1: Driving the performance appraisal system	47
Discussion Questions	48
Case 5.2: Managing poor performance	49
Discussion Questions	50
Case 5.3: Rethinking performance criteria.....	51
Discussion Questions	52
Case 5.4: A disputed appraisal	53
Discussion Questions	55
Case 5.5: Implementing performance dialogues.....	56
Discussion Questions	57

Chapter 6: Remuneration, Entitlements and Employment Conditions61

Case 6.1: Designing a pay policy	61
--	----

Discussion Questions	62
Case 6.2: A performance bonus proposal ..	63
Discussion Questions	64
Case 6.3: A flexitime audit.....	65
Discussion Questions	65
Case 6.4: Operational requirements vs leave entitlements.....	66
Discussion Questions	67
Case 6.5: Executive pay controversy	68
Discussion Questions	69

Chapter 7: Employee Health, Safety and Wellbeing71

Case 7.1: Health, wellbeing and privacy: Employer rights vs employee rights	71
Discussion Questions	73
Case 7.2: An employee health program: Weighing up costs, risks and benefits....	74
Discussion Questions	75
Case 7.3: Risky business: Employee survey data as a two-edged sword	76
Discussion Questions	77
Case 7.4: Stress and workaholism.....	78
Discussion Questions	79
Case 7.5: Dealing with threats: An employee security incident	80
Discussion Questions	81

Chapter 8: Learning and Development .83

Case 8.1: Encouraging and supporting professional development	83
Discussion Questions	85

Case 8.2: Access to professional development: A dispute	86
Discussion Questions	86
Case 8.3: Learning and development: Roles and responsibilities.....	88
Discussion Questions	89
Case 8.4: Development is not for everyone	90
Discussion Questions	91
Case 8.5: The plateaued employee.....	92
Discussion Questions	93
Chapter 9: International HRM	95
Case 9.1: Developing an international staffing policy	95
Discussion Questions	97
Case 9.2: Making international recruitment successful.....	98
Discussion Questions	99
Case 9.3: A case for offshoring?.....	101
Discussion Questions	102
Case 9.4: Repatriation and retention	103
Discussion Questions	105
Case 9.5: Staffing decisions in China	106
Discussion Questions	108
Chapter 10: Equity and Diversity	109
Case 10.1: A failed diversity program	109
Discussion Questions	110
Case 10.2: Changing attitudes and values	111
Discussion Questions	112
Case 10.3: A complaint of discrimination	113
Discussion Questions	114

Case 10.4: Drug testing and equity	115
Discussion Questions	116
Case 10.5: Equity in selection: Does appearance matter?.....	117
Discussion Questions	118

Chapter 11: Discipline and Grievance Management

Management	119
Case 11.1: Developing a discipline policy	119
Discussion Questions	121
Case 11.2: The reluctant harassment victim	122
Discussion questions	123
Case 11.3: Dealing with poor attendance	124
Discussion Questions	125
Case 11.4: The perils of social networking	126
Discussion Questions	127
Case 11.5: A vexatious grievance?	128
Discussion Questions	130

Chapter 12: Talent Management

131	
Case 12.1: Competing creatively	131
Discussion Questions	132
Case 12.2: Relationships and retention....	133
Discussion Questions	133
Case 12.3:Developing an employer branding strategy	134
Discussion Questions	135
Case 12.4:Identifying management talent	136
Discussion Questions	137

Case 12.5: Succession management: What is the best approach? 138
 Discussion Questions 139

Chapter 13: Sustainability and Social Responsibility141

Case 13.1: Developing a sustainable HR strategy 141
 Discussion Questions 142
 Case 13.2: Using contingent workforces: Organisational vs societal issues 143
 Discussion Questions 144
 Case 13.3: Considering alternatives to downsizing 145
 Discussion Questions 146
 Case 13.4: Monitoring, trust and privacy in the workplace 147
 Discussion Questions 148
 Case 13.5: Creating a family-friendly workplace 149
 Discussion Questions 150

Chapter 14: Change Management151

Case 14.1: Changing job requirements: a leadership challenge 151
 Discussion Questions 153
 Case 14.2: From a service culture to a commercial culture: A significant transition 154
 Discussion Questions 155
 Case 14.3: Structural change for enhanced efficiency 156
 Discussion Questions 157

Case 14.4: Facilitating cultural change: an ambitious project for HR 158
 Discussion Questions 159
 Case 14.5: Enhancing business processes 160
 Discussion Questions 161

Chapter 15: HR strategy163

Case 15.1: Roger’s Shrubbery: A growing business 163
 Discussion Questions 164
 Case 15.2: Mount Pleasant Lodge: An organisation in transition 165
 Discussion Questions 166
 Case 15.3: The Department of Family Support: Politics, change and the workforce 167
 Discussion Questions 169
 Case 15.4: Permutation City: Culture, creativity and HR 170
 Discussion Questions 172
 Case 15.5: Barrington’s Department Store: A new era of HR? 173
 Discussion Questions 175
 Case 15.6: The Renewable Energy Commission: A greenfields opportunity for HR..... 176
 Discussion Questions 178
 Case 15.7: Northmoor College: Dealing with emerging HR issues 179
 Discussion Questions 181

CHAPTER 11

Discipline and Grievance Management

Case 11.1

Developing a discipline policy

Metallica Pty Ltd manufactures metal components for construction (roof trusses, door and window frames etc.). It employs about 80 staff made up of a small managerial/administrative team and about 70 production staff (mostly metal trades and assembly workers). The workforce has a mixed age profile, with more younger people joining the company in recent times. 80 percent of the production workers are male. 90 percent of production workers are union members. The relationship between the union and management is OK but could be more cooperative. Turnover is relatively low, but has started to increase.

Recently a disciplinary issue arose that was not handled particularly well and has caused some friction between management and workers (and their union delegate).

The issue concerned a production worker who took some of the company's equipment home on the weekend to use on a private project. He had not sought permission to do this, and the production manager was furious when he discovered what had happened. He gave the worker a robust verbal dressing-down, including

the use of several expletives, and assigned him to the heaviest, dirtiest work in the plant for the rest of the week as a punishment.

The employee was unhappy with the treatment he received and complained to his union representative. Specifically, his complaints were:

- He did not know that using company equipment on weekends was not allowed. Other workers had told him that they had done it themselves and no one seemed to mind.
- The production manager had just exploded – shouting, swearing and verbally abusing him in front of other workers. He had not given the worker a chance to respond or put his side of the story.
- The punishment was humiliating and inappropriate given that the worker had an exemplary record up to that point, and had returned the equipment promptly and in good condition.

The union and the worker's colleagues are quite upset, and the union representative has indicated that industrial action might be taken if the matter is not handled satisfactorily from here. The manager concerned has acknowledged that it could have been handled better, but has also pointed out that he didn't really know how the company wanted disciplinary issues handled or what he should or shouldn't do. The company has no discipline policy.

The CEO has counselled the production manager about his intemperate behaviour and language. He has also confirmed that the worker's unauthorised use of the company's equipment was not acceptable. However, he has instructed that the worker return to his normal duties. He has indicated to the union that he will have a formal discipline policy developed immediately to ensure that future disciplinary issues are handled better. The union is happy with this outcome.

Susan is Metallica's HR coordinator. The CEO has asked her to develop the new policy as a matter of priority.

Discussion Questions

1. Outline a process for developing the policy.
2. Given that the need for the policy has arisen as a result of a critical incident, what issues and sensitivities does Susan need to consider during the policy development process?
3. Outline the main provisions that Susan should recommend for the policy. Are they any different from the policy provisions you might develop in a different context, e.g. a government agency or a law firm?

Case 11.2

The reluctant harassment victim

Ryan is the HR coordinator for an analytical laboratory that employs 100 or so scientists, technicians and support staff. Recently he was contacted by a young laboratory assistant, Emily, about a possible grievance case. Ryan asked Emily to come and see him, which she did. Emily told him that she was being 'hassled' by one of the technicians in her section, whom she refused to name. She claimed that he had tried on several occasions to ask her out on a date and that she had refused. By the end, she was quite annoyed and had told him to get lost. Since then, he had been verbally abusing her (quietly so no one else could hear) and deliberately bumping into her quite forcefully when they passed each other (again, taking care that no one else was around to see it).

Ryan advised that she definitely had grounds for a grievance, and outlined the process for her. Emily expressed concern that if she lodged a formal grievance, the situation would become even more intolerable. She wanted the situation resolved but didn't want to go through a formal process because it would draw attention to her and be embarrassing. She also said that if her grievance resulted in disciplinary action against the male colleague, this might have repercussions for her too and she feared being victimised by other male employees who might take their mate's side. 'Can't you just transfer him to another section? Or transfer me?' she asked.

Ryan believes that this would not be a solution because it would amount to avoiding the problem rather than dealing with it, and he expressed this view to Emily. She said that, while she understood what Ryan was saying, she still did not feel comfortable about making a formal complaint or identifying the perpetrator.

Emily then thanked Ryan for his advice and said that she would think about her options.

Discussion Questions

1. Is Emily right? Would a formal grievance process just make things worse? If so, what is the point of having a grievance policy?
2. Can formal grievance processes and policies actually provide real protection against victimisation?
3. Given that Ryan has been told about the situation (albeit informally), does he now have an obligation to pursue the issue regardless of Emily's wishes?
4. What might be the consequences of leaving this issue unresolved?

Case 11.3

Dealing with poor attendance

Steve works in HR for an insurance company. He has been approached by a line manager, Linda, about an attendance management issue with one of her employees, a young trainee named Kelly. Kelly is a school leaver who has been with the company for about six months. During that time, she has been absent 43 days – an absence rate of more than 30 percent. All the absences have been unscheduled, and have all been one or two days in duration. She has provided medical certificates for some of her absences, but once she exhausted her sick leave entitlements and started taking other forms of leave (e.g. personal leave and annual leave) for which there is no requirement for any kind of certification.

Linda tells Steve that she has counselled Kelly about her attendance and made it clear that this level of absence was not acceptable. Kelly has accepted that she has been away from work too much and has said that she will try to do better, but nothing has changed. When asked whether there were any extenuating circumstances, Kelly had said that there were ‘some issues at home’ but that she didn’t want to elaborate further.

Not surprisingly, Kelly’s work has suffered, and her work quality is not good. As a trainee, she has a formal training plan but has fallen well behind schedule in achieving the competencies that she needs to complete her traineeship successfully.

Kelly has now exhausted all her leave entitlements.

Just that morning (a Monday) Kelly had called in to say that she had been out of town visiting relatives over the weekend but had missed her train home last night and was stranded until the next train, which was that night. Linda had told Kelly that she would need to report to her when she returned to work to discuss her absence.

The company's attendance management policy allows for disciplinary action to be taken for unacceptable attendance. Linda believes that it is time to invoke the disciplinary provisions and has asked for Steve's advice as to how she should proceed.

Discussion Questions

1. Has Linda done enough to explore the reasons for Kelly's absences?
2. What might be some of the reasons that Kelly is away from work so often?
3. Does it matter what the reasons are?
4. Should Kelly be treated more leniently because she is a school leaver in her first full-time job?
5. Clearly something needs to be done about Kelly's unacceptable attendance record. What should Steve advise Linda to do?

Case 11.4

The perils of social networking

Jade is a recent graduate working in HR for a large government agency, the Department of Economic Development. It is her first job in HR and she is enjoying the challenges and learning a lot about how HR works in practice. She is also an active social networker and has a large number of friends on Facebook, including about 15 from within the department.

One morning when she checks her Facebook page, Jade discovers that one of her workplace friends, Melissa, has just posted an angry comment about an incident at work that says:

‘Yesterday I got into trouble for laughing in the workplace – what the? No wonder so many people leave after only a couple of months!’

Another friend from outside the organisation had responded:

‘They should call it the Department of Grumpy Old Bastards!!!’

There followed over the course of the morning a series of responses from friends both within and outside the department which included comments like:

‘Life’s too short, Melissa – get out of there while you still have a sense of humour.’

‘What a crap place to work!’

‘I bet it was Colin Baxter who told you off – he’s such an idiot!’

Jade refrains from adding to the conversation herself. She has mixed feelings about what she has just read. On the one hand, she sympathises with Melissa’s frustration – being disciplined for being too happy seems pretty silly to her too. On the other hand, as an HR person she can see that the comments are potentially damaging to the department, especially as HR has been grappling with issues like the high

turnover rate and the difficulty in recruiting and retaining good people. She also worries that a particular manager in the department, Colin Baxter, has been named and spoken of in unflattering terms.

Melissa has 256 friends on Facebook who could all potentially read those comments. Then, of course, there are friends of friends who might also read them. Potentially a very large number of people, mostly outside the organisation, might read the comments and form a negative view of the department as a place to work.

Discussion Questions

1. Has Melissa done anything wrong by making negative comments about her employer on Facebook?
2. What might be the consequences if the comments became widely known within the department?
3. What might be the consequences if the comments became widely known *outside* the department?
4. Should Jade alert her HR manager to the comments? Does she have a professional obligation to do this that overrides her friendship with Melissa?
5. Should Melissa be subject to disciplinary action for publishing the comments? Should the employee who made the comment about Colin Baxter also be disciplined?
6. What, if anything, should Jade do?

Case 11.5

A vexatious grievance?

Sally is the HR manager at the University of South Brunswick. The university employs more than 1,000 people in academic, administrative and maintenance roles, and its HR department consists of a dozen people who deal largely with day-to-day staffing matters. Sally has received a formal grievance from Bruce, an employee in the university library. It is an extraordinary document of more than 50 pages. While much of it is incoherent, Sally is able to discern that Bruce is accusing his manager, Linda, of bullying and intimidation. The grievance letter is short on detail, despite its length, but his complaints seem to be that Linda has:

- treated him disrespectfully,
- threatened him with unjustified disciplinary action,
- talked negatively about him to others,
- excluded him from team meetings, and
- imposed unreasonable work demands on him.

Sally knows Bruce by reputation, though she has never met him personally. He is a 51-year-old library assistant who has worked at the university for more than 20 years. He is generally seen by others as being rather eccentric but likable. He occupies a low level position in the library and is not considered to have any prospects of being promoted to a higher level. His manager, Linda, joined the university library about six months ago and in that time had made some significant changes to its structure and processes, which had largely been applauded by all.

Sally subsequently contacted Linda to advise her that Bruce had lodged a grievance and invited her to a meeting the following day. At that meeting, Sally outlined the nature of the grievance and showed Linda the document that Bruce had submitted. On seeing it, Linda just shook her head and commented that such a bizarre document was indicative of Bruce's dysfunctional personality and behaviour. Sally asked her

to elaborate on this and Linda proceeded to outline her view of the situation, which was that:

- In the six months that she has been his manager, Bruce had done virtually no productive work. He spent most of his time chatting to other staff members and making cups of tea and coffee for them.
- Others had said that this had been the case for years, and that his non-productivity had been tolerated by previous managers and by his colleagues because Bruce was considered to be 'part of the furniture', and was basically a nice guy with a quirky personality that most people found amusing.
- Linda had instituted a performance appraisal system (something neglected by the previous manager) and through that process had pointed out to Bruce that his work performance was unacceptable and needed to change.
- Bruce had taken strong exception to this and did not accept that his performance was deficient. He had then taken three days' sick leave, claiming that he was stressed.
- On his return, Linda had told him that he had three months to improve his productivity or face disciplinary action. She had also instructed him to keep a log of the tasks he undertook each day and how long he spent on each task.

Since that time, Bruce's behaviour had been problematic. He had begun complaining about minor issues on an almost daily basis, and telling other staff members that Linda was persecuting him. Linda admitted that she had become exasperated with Bruce on a couple of occasions and had spoken harshly to him, but she had not been personally abusive or anything of that nature. She also told Sally that the claims that she had excluded him from team meetings and had criticised him behind his back were 'paranoid nonsense'. She said that she considered Bruce's grievance to be vexatious and that, in her view, it should not be taken seriously.

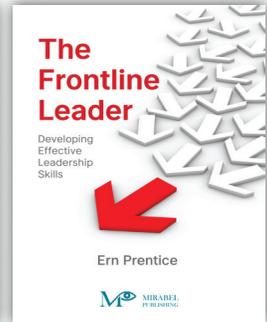
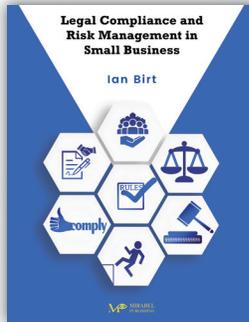
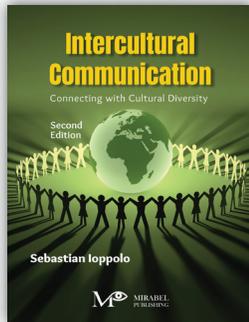
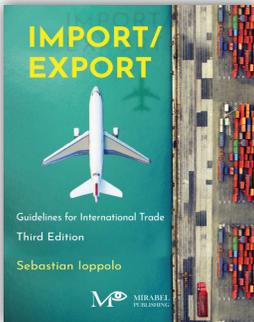
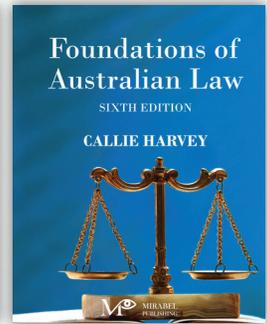
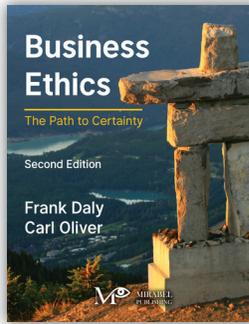
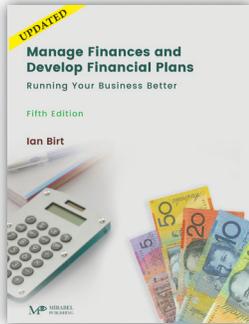
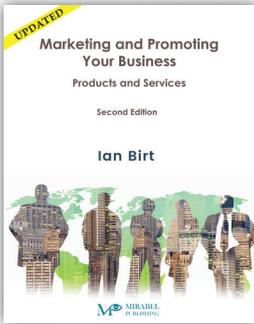
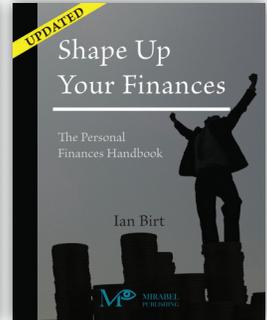
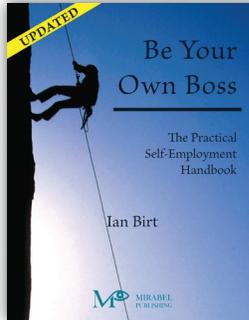
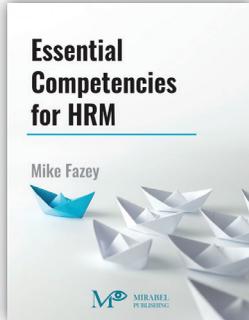
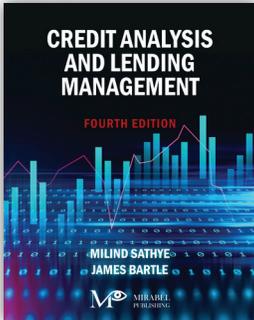
Afterwards, Sally checked Bruce's personnel file and found nothing to indicate any previous performance or behavioural problems. However, given the anecdotal evidence of his 'quirky personality', the extreme nature of the grievance document,

and Linda's good reputation as a manager, she felt that it was likely that Bruce's complaints were probably an overreaction to the situation.

The university's grievance policy requires her to discuss the matter with the complainant before deciding how to proceed - something she isn't looking forward to.

Discussion Questions

1. On the face of it, does it seem that Bruce's grievance is in fact vexatious? If so, should Sally proceed with a formal investigation at all? Would an investigation just be a waste of time and resources?
2. How should Sally approach the interview with Bruce? What information should she seek from him?
3. Should the onus be on Bruce to prove his claims of bullying and intimidation, or on Linda to disprove them?
4. Does Bruce's eccentricity cast doubt on his claims?
5. Is Linda's request for Bruce to log his daily work reasonable? Is three months a reasonable time for Bruce to improve his productivity?



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