



## The Case of the Hopeless Helper

न दण्डात् अकार्याणि कुर्वन्ति ।

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A general feeling exists that the labour laws in India are such that one cannot really discipline those workers who are flouting rules or who shirk work in different ways. Many work for much less period than for which they are paid for. This can happen not only in the government, but also in the semi-government bodies like the public sector units or the autonomous cooperative research institutes such as ATIRA. Such behaviour used to take place in the private sector also, and was protected by the labour unions by ensuring that the punishment is small and dismissal is very difficult. After the closure of inefficient businesses on a large scale after the opening of the Indian economy to market forces, such behaviour in the private sector has almost disappeared. However, it continues unabated in the government and aided organisations even as the third decade of the 21<sup>st</sup> century is coming near. And the impression remains that tough actions cannot be taken to reform the deviating behaviour. In this context, it is worth learning from some interesting cases in managing to reform the erring 'human resource'.

### An Absconding Helper

The Pilot Plant at ATIRA for spinning yarns for small scale experiments consists of machinery of the normal size, but with just one unit or two of each stage of processing. Five persons were employed to run this plant as and when needed, whereby 1 was the master fitter, 2 were machine operators, and 2 were helpers for both the fitter and the operators. One of these helpers, quite satisfactory in his work, had a bad habit of absenting himself from work for days together without any prior permission of the Pilot Mill supervisor or without even prior information. When asked after his return to work after an absence of 10 days, 15 days or even 20 days, about the reason for his absence, he would just keep mum. He was scolded, punished by not paying for any of his absence (irrespective of whether he had any due leave to his credit, which he most often did not have). He was issued written notices several times asking why action should not be taken against him. Nothing seemed to have worked for over a period of six years of his service.

This case was brought to the notice of the newly selected Director. With such a long history of 'non-reform' in his absenting habit, dismissal looked like the only remedy left. Not giving him pay for absences did not simply work, because the wages he earned for a month were about three times what he would have in the private sector. Typical for this class of workers who come from agrarian background, the discipline of working in a confined space for 7-8 hours a day, 6 days a week, is too much of a discipline! Once the earned money is 'enough', enjoying life by 'not working' is a preferred way of living! Educated, middle class persons find such behaviour difficult to understand and to accept. Many spinning mills in mofussil areas experience worker absenteeism of 10-12 days a month because of this phenomenon. The mills arrange for 'substitute' workers, a facility that a non-production pilot plant cannot possibly arrange for. The work in the pilot mill of ATIRA used to suffer considerably because of the absence of this helper. Apparently, the previous Director had let things continue to happen this way because he did not want to 'hit a beehive with a stone'. The strong militant union of workers in ATIRA, led by a fiery, strongly communist, outside leader would have promptly entered into an agitation mode. Another reason was perhaps even stronger; this person was from the Scheduled Castes. It needs to be stated firmly, that he was selected purely on merit, as was the practice in ATIRA in the forgoing 45 years. Neither ATIRA, nor any other of the seven cooperative research association had adopted the policy of keeping reservation for the SC ST communities. One knew that dismissing a person from this community will be viewed by labour courts and high courts very unfavourably. The chances of any dismissed worker being reinstated were always high, and for SCST cases, nearly 100%!

### Action Needed

Quoting from latest books on management, invariably from outside India, from the West or from Japan, is customary in cases where management actions need guidance. In our case, we had found that the concepts of the first total management Guru of the world, Acharya Chanakya, quite meaningful in our environment. His four sutras were quite relevant in this case:

दण्डे प्रणीयते वृत्तिः । *dande praneeyate vruttih* Employment is sustained through enforcement of rules.  
न दण्डात् अकार्याणि कुर्वन्ति । *na dandaat akaaryaani kurvanti* No punishment (makes people) do the things they should not; interpreted another way; with punishment they do not do wrong things.

यथार्हदण्डकारी स्यात् । *yathaarha-dandakaari syaat* Be the one who gives punishment as deserved.  
दण्डपारुष्यात् सर्वजनद्वेष्यः भवति । *danda-parushyat sarva-jana-dveshyah bhavati* Owing to too harsh punishments (the manger) becomes hate-worthy by all people.

Together, these sutras clearly indicated that an appropriate disciplinary action needs to be taken. AND, if ATIRA employees perceive it as 'too harsh', they will judge the management as 'bad' and would lose their goodwill for the institute.

The management faced an administrative dilemma. Take a strong action and face turbulence; and later, if the courts decide to reinstate, it would mean a loss of face for the management. Take no action, and the impression goes around that the management is weak, any employee can behave wrongly but would not get punished. The Policy Group of 11 persons, which constituted the management in ATIRA, had all heads of the division at the level of Assistant Directors as members. The PG met once a month under the Chairmanship of the Director to take policy decisions and to review work. The PG was aware of this dilemma, agreed that some strong action must be taken to discipline this helper; they discussed ways and means to deal with the situation and came out with a solution that appeared sound. Why not call the leaders of the union to which this helper belonged and explain to them the situation in which this helper finds himself? Request the union leaders to tell this helper that if he does not stop his absenteeism, he stands to lose his job. This was done. The helper was given 6 months to show that he has reformed. He just did not! His remaining absent without information for over 10 days at a time happened twice during this period!!

### **Tough Action**

Clearly, it was necessary to dismiss this helper; to remove him from the job to set a good lesson to other employees about not neglecting their duties. But the management was also aware of this helper's social and family situation, and since he was a sincere good worker when present, he deserved sympathetic humane treatment. Firstly, it was decided that though he is to be dismissed, he will be given all the benefits as if he has retired early; not just the mandatory minimum 3 month's pay. Secondly, a 'show cause' notice was given to him summarizing his absenteeism over the past 6 years and asking him to respond why he should not be dismissed for this consistently poor behaviour in terms of long absences from work. Thirdly, this notice and a history sheet for the 6 years of his service were placed on the general notice board for all employees to see. This history sheet also mentioned that the efforts by the union leaders to persuade him to avoid absenteeism had failed.

An important discussion that took place in the PG meeting needs to be mentioned here. In this meeting held just before the show cause notice was to be issued, a point was raised." Let us be prepared for this case to go to the labour court or even to the high court. Our case needs to be strong. Why not show that this helper was no good at work? We can alter his annual reports on performance, as recorded in his personal file. Then, even if evidence is asked, we can produce the file as evidence." The personnel policy at ATIRA was to promote a person based solely on his/her performance at the job. Excellent performing employees were promoted to the next higher grade in the category in 5 years, good employees in 7 years and satisfactory employees in 10 years. If anyone was found unsatisfactory, he would be given a year to improve by pointing out specifically what is expected in his work performance. If no improvement were to occur, he would be asked to go. (Such a removal had not been necessary, luckily.) There ensued considerable discussion among the PG members on this point of whether to alter this helper's performance record. A consensus was reached that such tampering is not worth undertaking for three 'practical' reasons.

Firstly, to tamper the appraisal forms filled in at different annual appraisals in such a way that no one can detect the difference was not easy. Secondly, the immediate supervisor, the first link in the appraisal process that went through 3 levels of scrutiny, would need to be told and he would have to either agree or be forced to agree. Thirdly, no matter what precautions were to be taken for keeping this change a 'secret', the grapevine in the organisation would ensure that it leaks and every one would be aware of this, including the union leaders. However, the consensus for not doing any such tampering came mainly due to a 'theoretical' reason! ATIRA management had an unspoiled reputation of being ethical in all its dealings, inside and outside the organisation. Transparency was the mainstay for the credibility of the management in the eyes of the employees. The idea of tampering the performance record was entirely against this tradition: it was unethical, immoral and also illegal! The hard earned credibility of the management, earned over 45 years would be destroyed by this one action!! Recognising this, the PG members unanimously decided to make no change in the record of this helper.

There was no response from the helper to the show cause notice. The union to which he belonged would not help him to defend, because their word had not been kept by him. After due waiting time, he was dismissed and the dismissal letter conveyed to him that all his dues are deposited into his account at the bank at ATIRA, where all employees got their salary deposited every month.

What would happen on the employee front after this dismissal was announced was anybody's guess. What really happened was an eye-opener for all, including the management.

- The Union formally announced that they will not defend this helper, nor will they take his case to the court.
- A leader of the union, who was the minority dissident on this issue, started appealing to the employees to raise funds for this helper's defense, independently of the union. Got no response whatever!
- This leader had advised the helper not to take away his dues from his bank account till his defense takes place etc. in order to strengthen his case. After waiting for 3-4 months, this helper withdrew his full amount from the bank account.
- The union members from the accounts section had spread the word that this helper is given his dues as if he has retired.
- There was no murmuring or agitation against this dismissal of a SCST person from the staff, including other SCST members of the staff.

It could thus be seen that the steps taken by the management to ensure that not only the tough action taken should be fair and just, but also its perception by the employees should be fair, had succeeded. In fact, the management was happily surprised that their actions have succeeded so well!

And there was another good reason for the satisfaction of having dealt well with a difficult situation and for the surprise at the result. Immediately after the Show Cause notice was served to this helper, the Director got a call from the President of the union to which this helper belonged. He, a doctorate in physics, had organized a union at the institute where he was doing his PhD. As a die-hard communist, he wanted to strive for defending the rights of the 'downtrodden' workers of all academic institutes in Ahmedabad. He was leading the ATIRA union as President, though not an employee of ATIRA. He gave a call to the Director, "Hello Doctor XX, I hear that you are planning to dismiss a helper working in your pilot mill. He is a poor man with a family and you want to take away his job? Do you want to start your tenure as Director with a dismissal?" This leader was on good 'Hello Doctor' terms with the earlier Director of ATIRA.

The response from the new Director was somewhat like this." Dr. XXX XX, please note that I do not possess any doctorate, am just a simple graduate. And, yes, I am taking an action that I am myself not happy about. But justice has to be done and if the action needed is dismissal, I would need to take that action." Given this interaction with the top boss of the militant union, the management was not sure whether everything will go well after the dismissal. It did: no court case, so no question of the possibility of reinstatement of the dismissed person, no backlash from the unionised employees.

### **Lessons the Management Learnt**

- Everyone understands that the rules made for smooth working of an organisation need to be followed by each and every employee. Disciplinary action against an erring employee is necessary.
- The purpose of the disciplinary action is basically to get the person to behave according to the rules. If persuasion, oral advice, written notices do not bring about any change, then a strong action is needed.
- Any punishment must be given using due processes of law, which are based on the principles of natural justice. This adherence ensures that all actions of the management are legally correct.
- Dismissal from service is the strongest punishment; even when this is meted out, it is seen a just and fair by all employees if they are aware of the reasons why such action had to be taken.
- Such awareness is generated among employees only if the management is fully transparent while taking such a harsh decision.
- That the management is unhappy to have to take such a decision, which hurts the dismissed person and his family, has to be openly stated.
- Empathy from the management to the dismissed is best demonstrated by compensating for the loss of job as much as possible, under the rules and regulations of the organisation.
- Legal actions of defense and resultant court cases can also get avoided with total transparency before and after dismissal.

The advice given by Acharya Chanakya in ca 300 BCE (Before Common Era) to managers of the state on how to go about disciplining employees is seen to be quite valid in 2000 CE. Unpleasant though a disciplinary action would be, it has to be taken, wisely. Good rules and good discipline to follow the rules together make running an organisation easier; this was so yesterday, is so today and will be so tomorrow.