



**DEPARTMENT OF SOCIAL DEVELOPMENT
KWAZULU NATAL**

POLICY ON THE MANAGEMENT OF GRIEVANCES

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1. INTRODUCTION

In any situation where two or more people are involved there is some likelihood for conflict to arise. The Department recognises that conflict is inherent within the work setting and hence the need for a grievance procedure as a formal means of addressing employee dissatisfactions and complaints.

The policy on the management of grievances is a procedure that seeks to ensure that employees are protected from arbitrary actions of supervisory and managerial staff and that employees' complaints and dissatisfactions on a variety of issues are dealt with in a formal and organised manner. Grievances may emanate from numerous sources including but not limited to:

- a) Problems affecting employees;
- b) Incompatibility of employees;
- c) Managerial attitudes, values, prejudices;
- d) Unsatisfactory working conditions;
- e) Unfair interpretation and application of departmental procedures;
- f) Sexual harassment; and
- g) Misunderstandings and dissatisfactions arising from interaction with fellow employees.

2. PURPOSE

The purpose of a Grievance Procedure is to provide a process through which the complaints and dissatisfactions of individual employees as well as groups of employees arising out of the employment relationship can be resolved, as close as possible to its source or origin and as speedily as possible.

3. OBJECTIVE

The objective of this policy is to ensure that grievances are handled in an impartial and equitable manner.

4. SCOPE OF APPLICABILITY

This policy applies to all employees of the Department of Social Development.

5. LEGISLATIVE FRAMEWORK

- 5.1 Labour Relations Act, 1995, (Act No.66 of 1995), as amended;
- 5.2 Office of the Public Service Commission (OPSC): Rules for dealing with grievances of employees in the public service;
- 5.3 Public Service Coordinating Bargaining Council, 2002, (Resolution 14 of 2002), as amended; and

5.4 Public Service Act, 1994, (Proclamation No.103 of 1994), as amended;

6. DEFINITIONS, ABBREVIATIONS AND ACRONYMS

6.1 “**Commission**” means the Public Service Commission established in terms of section 196[1] of the Constitution;

6.2 “**Days**” refers to working days;

6.3 “**Designated employee**” means an employee appointed to facilitate grievances;

6.4 “**Employee**” means any person, excluding an independent contractor, who works for another person or for the state and who receives or is entitled to receive any remuneration; and any person who in any manner assists in carrying or conducting the business of an employer, and “employed” and “employment” have a corresponding meaning to that of “employee”;

6.5 “**Employer/Department**” means the KwaZulu-Natal Provincial Government, in its Department of Social Development;

6.6 “**Executive Authority**” means an authority as defined in subsection 1[1] of the Public Service Act, 1994, (Proclamation No.103 of 1994), as amended;

6.7 “**Grievance**” means any dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal;

6.8 “**Head of Department**” means the incumbent of a post mentioned in Schedules 1, 2 and 3 of the Public Service Act, 1994, (Proclamation No.103 of 1994), as amended or the person acting in such post;

6.9 “**Immediate supervisor**” means any supervisor who has authority over and responsibility for employees under his immediate jurisdiction;

6.10 “**OPSC**” Office of the Public Service Commission

6.11 “**PSCBC**” stands for Public Service Coordinating Bargaining Council

6.12 “**Recognised trade union**” means all the trade unions admitted to the Public Service Coordinating Bargaining Council as well any other trade union that enjoys the relevant organisational right in particular department;

- 6.13 **"Representative"** means a fellow employee, a representative or official of a recognised trade union;
- 6.14 **"Resolve"** means to settle a grievance to the satisfaction of the aggrieved employee;

7. PRINCIPLES

- 7.1 The procedure does not replace normal communication between employees and their supervisor/managers and should therefore be utilised in cases where informal communication has been exhausted or is clearly inappropriate;
- 7.2 Grievances of all employees are attended to as soon as possible in a fair and just way;
- 7.3 All employees are subject to the same grievance settling principles;
- 7.4 Resolution of individual grievances at the lowest possible level in the department;
- 7.5 The employee has the right to lodge a grievance and to submit evidence to support his/her case;
- 7.6 The right of employees to submit grievances without prejudicing their conditions of service, or without being victimised, is maintained;
- 7.7 If the employee wishes, he or she may be represented by a fellow employee or a representative of a recognised trade union.
- 7.8 The responsibility of the immediate supervisor or a designated employee within the department is to handle the initial step of the procedure, unless the grievance relates to that supervisor;
- 7.9 The employee can refer his/her grievance to higher authority within the procedure;
- 7.10 The department has 30 working days to resolve grievances, unless parties mutually agree to extend the dates;
- 7.11 Management's responsibility and authority for the resolution of grievances is maintained;
- 7.12 Grievances are to be handled with the dignity and privacy of the employee in mind;
- 7.13 The grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or

omission which adversely affects him or her;

7.14 The Grievance Procedure shall not entertain matters being addressed in collective bargaining structures; and

7.15 The supervisor or a designated employee should advise all parties during the course of the investigation.

NOTE: *Employees are encouraged to follow the internal grievance procedure to avoid delays.*

8. THE GRIEVANCE PROCEDURE

8.1 An employee may lodge a grievance with an employee designated to facilitate the resolution of grievances in the department;

8.2 The prescribed form in Annexure A must be used when a grievance is lodged;

8.3 The supervisor or designated employee must liaise with the relevant structures of authority of the department in an attempt to resolve the grievance;

8.4 The grievance may be resolved by any person within the relevant structures of authority who has the requisite authority to do so;

8.5 The aggrieved employee will be duly informed by the designated employee about the status and progress made towards the resolution of the grievance;

8.6 If the grievance is resolved to the satisfaction of the aggrieved employee the confirmation thereof will be reduced to writing by the designated employee;

8.7 If a grievance cannot be resolved, the Executing Authority must inform the aggrieved employee accordingly;

8.8 If after the aggrieved employee is informed of the outcome of the grievance and he/she remains dissatisfied:

(a) He/she must inform the Executive Authority in writing within 10 days; and

(b) The Executive Authority must in terms of Section 35 (1) of the Public Service Act, 1994, (Proclamation No.103 of 1994), as amended, forward the grievance and the relevant documentation to the Public Service Commission for a recommendation within(5) five days of being informed by the aggrieved employee.

8.9 If the grievance constitutes an alleged unfair labour practice as defined in the Labour Relations Act, 1995, (Act No.66 of 1995), as amended, the

employee may inform the Executive Authority in writing that he/she wishes to utilise the dispute resolution mechanisms provided for in the Public Service Coordinating Bargaining Council (PSCBC) or the relevant sectoral council (whichever is applicable) and that the Public Service Commission should therefore not consider the grievance;

8.10 If there is failure on the part of the department to respond to the grievance within the period referred to in paragraph 7.13 above, the aggrieved employee may lodge his or her grievance with:

- (a) The Commission directly; or
- (b) In the case of an alleged unfair labour practice, with the Public Service Coordinating Bargaining Council (PSCBC) or the relevant sectoral council (whichever is applicable) in terms of its dispute resolution procedure.

9. THE GRIEVANCE OF THE HEAD OF DEPARTMENT

If the Head of department has a grievance, he/she may submit the grievance to the relevant Premier.

10. MONITORING, EVALUATION AND REVIEW

10.1 The Human Resource Management of this department is responsible for communicating the provisions of this policy to all employees;

10.2 The Labour Relations Component of this department shall ensure that grievance resolution is evaluated by maintaining a record of the number of grievances resolved from the beginning of each calendar year and report to the Commission on a six monthly basis; and

10.3 The policy will be monitored, evaluated and reviewed on regular basis to ensure that it achieves the intended purpose.

11. EFFECTIVE DATE

The effective date of this policy will be the date of approval.

12. TITLE OF THE POLICY

This policy shall be called Policy on Management of Grievances.

13. POLICY APPROVAL

This policy was approved on the 20th day of November in the year 2009 and will be effective on the date of approval.



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MR BL NKOSI
HEAD OF DEPARTMENT: SOCIAL DEVELOPMENT

GRIEVANCE FORM

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM

1. This form must be used to lodge a grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an official act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the official act or omission which adversely affects you.
3. You may be assisted or represented by a fellow employee or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the employee designated to facilitate grievances at your institution. The department will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the department will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form. The Human Resources Section of your department will then file the form. It will then be used to report statistics to the Public Service Commission annually.
8. You are required to complete Parts A and B of this form and to then hand it to the employee designated to facilitate grievances at your institution. The employee will affix his/her signature in the block below part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form where receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the employer and yourself during the various stages where attempts will be made to resolve the grievance.

PART A: PERSONAL INFORMATION

To be completed by aggrieved employee:

Initials and Surname : _____
Persal Number : _____
Employing department : _____
Directorate : _____
Rank/Designation : _____
Date on which you became aware of
the official act or omission : _____
Contact numbers : Tel No: _____ Fax No: _____
Name of representative (where applicable) : _____
Contact numbers of representative : Tel No: _____ Fax No: _____
Name of trade union (where applicable) : _____
Contact numbers of trade union : Tel No: _____ Fax No: _____

PART B: DETAILS OF GRIEVANCE

To be completed by aggrieved employee:

What are you aggrieved about (if space below is not enough, please attached additional pages(s):

What solution do you propose:

SIGNED : _____
EMPLOYEE

DATE

Receipt of grievance form acknowledged and copy given to aggrieved employee

DESIGNATED EMPLOYEE

DATE

Name :

Rank :

PART C: GRIEVANCE RESOLUTION LEVELS

NOTES:

This part of the form makes provision for various levels of authority to attempt to resolve the dispute. There are, however, no prescribed levels for the resolution of a grievance. Depending on the circumstances, one or more pages below need to be completed.

If the grievance cannot be resolved up to level of head department, it has to be submitted to the executing authority (i.e. the page below that specifically refers to the executing authority has to be completed).

The grievance must be dealt with by all the applicable levels (including the executing authority) within a period of 30 days, unless extended by agreement with the aggrieved employee.

Should the grievance not be attended to within the period of 30 days (or an extended period agreed to with the aggrieved employee), in the case of an alleged unfair labour practice, the aggrieved employee has the right to submit the grievance to the PSCBC or the relevant sectoral council (whichever is applicable) to be dealt with in terms of the dispute resolution procedures.

LEVEL: _____

(Indicate official relationship to aggrieved employee-e.g. supervisor, head of component/department)

To be completed on behalf of employer

Name : _____

Designation : _____

Telephone No : _____

Fax No : _____

Was the grievance resolved? Yes No

If yes, give details of agreement (if the space below is not enough please attach additional page(s))

SIGNED : _____
 ON BEHALF OF EMPLOYER DATE

To be completed by employee

Was the grievance resolved? Yes No

Do you have any comments?

SIGNED: _____
 EMPLOYEE DATE

LEVEL: EXECUTING AUTHORITY

To be completed by the executing authority

Decision in respect of grievance and reasons for decision (please attach additional page(s) if necessary)

SIGNED: _____
EXECUTING AUTHORITY

DATE

To be completed by the aggrieved employee

Was the grievance resolved? Yes No

If no, please explain why you are still dissatisfied:

SIGNED : _____
EMPLOYEE

DATE

Do you want the grievance to be referred to the Public Service Commission? Yes No