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GRIEVANCE POLICY


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1 DEFINITIONS

- **Grievance** means any individual or group work related concern regarding the conduct of a person in authority, a fellow employee or the implementation of a municipality's policy, procedure or practice.

2 LEGISLATIVE FRAMEWORK

This policy is established within the framework of the following legislation and regulations:

- The Basic Conditions of Employment Act, 1997 (Act no 75 of 1997)
- Labour Relations Act, 1995 (Act No. 65 Of 1995)
- Municipal Systems Act 32 of 2000
- All collective agreements as amended from time to time, concluded in the South African Local Government Bargaining Council (SALGBC)

3 OBJECTIVES

- 3.1. To establish a common and uniform procedure in the management of employee grievances.
- 3.2. To ensure a fair procedure to resolve grievances through formal measures beyond informal and verbal interventions.

4 APPLICABILITY

- 4.1 This policy is applicable to all staff members excluding Municipal Manager and Section 56 managers.

5 POLICY PRINCIPLES

- 5.1 No employee shall suffer victimisation or occupational prejudice as a result of lodging a grievance.
- 5.2 All grievances must be resolved as soon as possible and at the lowest possible level in the reporting structure.

5.3 This grievance policy addresses all grievances excluding those grievances for which a specific or particular procedure is provided.

6 POLICY PROVISIONS

- 6.1. The grievance procedure is aimed at providing management and staff members of a municipality with a credible mechanism for resolving staff grievances fairly, objectively and expeditiously.
- 6.2. A staff member may not use the grievance procedure:
 - a) to process a disciplinary matter or dismissal; or
 - b) for the purposes of collective bargaining.
- 6.3. A grievance that is brought to management's attention must be considered in a fair manner.
- 6.4. Neither staff member nor his or her representative may suffer any prejudice, directly or indirectly, including victimisation or occupational prejudice, in their employment because they lodged or participated in a grievance.
- 6.5. The grievance proceedings must be conducted in compliance with the standards of procedural fairness.
- 6.6. The parties to the grievance must disclose relevant documents which may assist to resolve a grievance except that no party is required to disclose information that:
 - a) is legally privileged;
 - b) the municipality cannot disclose without contravening a prohibition imposed on it by any law or order of any court;
 - c) is confidential and, if disclosed, may cause substantial harm to a staff member or the municipality; or
 - d) is private personal information relating to a staff member, unless that member of staff consents to the disclosure of the information.
- 6.7. A staff member may be represented by a fellow staff member or trade union representative, which excludes a trade union official of a registered trade union at any stage of the grievance procedures and may not be represented by a legal practitioner.
- 6.8. All proceedings and meetings relating to a grievance should be considered as confidential.

- 6.9. An aggrieved staff member who has referred a grievance, must take reasonable steps to exhaust the grievance procedures prior to referring a dispute to the bargaining council.

7 GRIEVANCE PROCEDURE

7.1 Step One: Immediate Supervisor

- 7.1.1. An aggrieved staff member must lodge a grievance in writing with his or her immediate supervisor on the prescribed form indicating the complaint and the desired result.
- 7.1.2. If the grievance concerns:
- a) the conduct of the staff member's immediate supervisor, the staff member may disregard step one and submit the grievance on the prescribed form to the head of department or the staff member to whom this function is designated;
 - b) the conduct of the head of department, the staff member may disregard steps one and two and submit the grievance on the prescribed form to the municipal manager or his / her nominee.
- 7.1.3. The immediate supervisor must take reasonable steps, in consultation with the aggrieved staff member, to resolve the grievance within five days of the grievance having been lodged with him or her and inform the aggrieved staff member of the outcome in writing.

7.2 Step Two: Head Of Department

- 7.2.1. If a grievance has not been resolved to the satisfaction of the aggrieved staff member within five days of lodging the grievance in terms of step one, the aggrieved staff member may refer the matter in writing within ten days to the head of department or his / her nominee.
- 7.2.2. The head of department or his / her nominee must arrange a meeting to consult and hold discussions with the aggrieved staff member in an attempt to resolve the matter.
- 7.2.3. The head of department or the staff member to whom this function is designated must endeavour to resolve the grievance within 5 days of the grievance being

referred to him or her and must inform the aggrieved staff member of the outcome in writing.

7.3 Step Three: Municipal Manager

- 7.3.1. If a grievance has not been resolved to the satisfaction of the aggrieved staff member within five days of lodging the grievance in terms of step two, the aggrieved staff member may refer the grievance in writing to the municipal manager or his/her nominee within ten days.
- 7.3.2. The municipal manager must hold a meeting, attended by the aggrieved staff member and his or her representative, if applicable, and any other persons who, in the opinion of the municipal manager or a staff member to whom the function was designated, should attend.
- 7.3.3. The municipal manager or his or nominee must:
- a) hear details of the grievance, including proposals to resolve the issue;
 - b) endeavour to reach a resolution within 5 days of the referral in terms of this policy; and
 - c) inform the aggrieved staff member in writing of the outcome of the hearing.
- 7.3.4. The outcome referred to in clause 7.3.3 (c) is final in terms of this procedure, subject to the staff member's right to refer a dispute to the bargaining council established for municipalities or the CCMA or any court of law which has jurisdiction to hear the matter.

7.4 Grievance against municipal manager

- 7.4.1. If a grievance is against a municipal manager, the aggrieved staff member may refer the grievance to the mayor, who may seek to resolve the grievance.
- 7.4.2. If the grievance is not resolved to the satisfaction of the aggrieved staff member within 5 days, the aggrieved staff member may refer the grievance to the relevant committee of the council established in terms of section 79 of the Municipal Structures Act, which must attempt to resolve the grievance within 30 days of the grievance being lodged.
- 7.4.3. If a grievance has not been resolved to the satisfaction of the aggrieved staff member, the aggrieved staff member may refer a dispute in accordance with the

applicable legislation to the bargaining council established for municipalities or the CCMA or any court of law which has jurisdiction to hear the matter.

7.4.4. If a municipality fails to comply with timeframes set out in this grievance procedure, the aggrieved staff member may refer a dispute in accordance with the applicable legislation to the bargaining council established for municipalities or the CCMA or any court of law which has jurisdiction to hear the matter.

8 ROLES AND RESPONSIBILITIES

The Municipal Manager or his / her nominee accept overall responsibility for the implementation and monitoring of the policy.

Annexure A: Grievance Application Form

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 have been unable to resolve the problem by using informal discussion.
2. You may be assisted or represented by a fellow employee or a trade union representative of a registered and recognised trade union.
3. It is important to complete all information accurately. When the form is completed, it must be given to the staff member designated to facilitate grievances at your municipality. The municipality will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
4. At each stage where a person within the relevant structure of the municipality 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.
5. At the conclusion of each stage of the grievance procedure, the municipality will provide you with a copy of the completed form.
6. Once the grievance has been resolved, you do not need to complete the rest of the form.
7. The department responsible for human resources in the municipality will then file the form. It may be used for the purposes of gathering and reporting upon human resource statistics.
8. You are required to complete Parts A and B of this form and to then hand it to the staff member designated to facilitate grievances at your municipality. The staff member will affix his or 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 municipality and you during the various stages where attempts will be made to resolve the grievance.

PART A:

PERSONAL INFORMATION
To be completed by aggrieved employee

1. Initials and Surname:	
2. Employee number:	
3. Employing municipality:	
4. Department:	
5. Rank/Designation:	
6. Date on which you became aware of the alleged grievance:	
7. Contact information	
Tel No:	
Fax No:	
Email:	
8. Name of representative (where applicable):	
9. Name of trade union (where applicable)	
10. Contact information of trade union:	
Tel No:	
Fax No:	
Email:	

PART B:

DETAILS OF GRIEVANCE

To be completed by aggrieved staff member

What are you aggrieved about? (If the space below is not enough, please attach additional page(s).)

What solution do you propose?

SIGNATURE

STAFF MEMBER

DATE

Receipt of grievance form acknowledged and copy given to aggrieved employee

DESIGNATED STAFF MEMBER SIGNATURE

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 of Department, it has to be submitted to the municipal manager (i.e. the page below that specifically refers to the municipal manager has to be completed).

The grievance must be dealt with by all the applicable levels (including the executing authority) within a period of no longer than 30 days, unless extended by written 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 staff member), in the case of an alleged unfair labour practice, the aggrieved staff member has the right to submit the grievance to the South African Local Government Bargaining Council to be dealt with in terms of the dispute resolution procedures.

LEVEL: _____
(Indicate official relationship to aggrieved staff member - e.g. supervisor, head of division/ component, head of department.)

To be completed on behalf of municipality

Name: _____

Designation: _____

Tel No: _____

Fax No: _____

Email: _____

Was 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 MUNICIPALITY

DATE

To be completed by staff member
Was grievance resolved? Yes__ No__
Do you have any comments?

SIGNED: _____
 STAFF MEMBER **DATE**

LEVEL: _____
(Indicate official relationship to aggrieved staff member - e.g. supervisor, head of component, head of department.)

To be completed on behalf of municipality

Name: _____

Designation: _____

Tel No: _____

Fax No: _____

Email: _____

Was 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 MUNICIPALITY

DATE

To be completed by staff member
Was grievance resolved? Yes ___ No ___
Do you have any comments?

SIGNED: _____
 STAFF MEMBER DATE

LEVEL: MUNICIPAL MANAGER
To be completed by municipal manager or his or her designate
Decision in respect of grievance and reasons for decision. (Please attach additional page(s) if necessary.)

SIGNED: _____
 MUNICIPAL MANAGER DATE

To be completed by aggrieved staff member
Was grievance resolved? Yes ___ No ___
If no, please explain why you are still dissatisfied:

SIGNED: _____
 STAFF MEMBER DATE