

SECTION HR 06

AM AHLATHI
MUNICIPALITY

GRIEVANCE

POLICY

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GRIEVANCE POLICY

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SECTION HR 06

GRIEVANCE POLICY

1. THE BARGAINING COUNCIL GRIEVANCE PROCEDURE CODE

On 5 December 2003 the parties on the Bargaining Council entered into a Collective Agreement named the "Grievance Procedure Collective Agreement", a copy of which is attached.

The Agreement came into operation in respect of the parties to the Agreement on 26 March 2003 and will terminate on 30 June 2005. This agreement provides that, in respect of non-parties, it will come into operation on the date determined by the Minister of Labour and will terminate on 30 June 2005.

1.1 Definitions of Grievance

The agreement does not define a "grievance".

In the previous Industrial Council Agreement R905, a grievance was defined as "any unresolved dissatisfaction of an employee or a group of employees that arises from his/her or their service with the Council, but does not include any matter arising from disciplinary action".

A grievance can also be described as a general feeling of dissatisfaction or injustice felt by an employee within the workplace; and also –

A grievance is any feeling of dissatisfaction or injustice raised by an employee pertaining to:

- i) A work related problem with another employee; or
- ii) His/her immediate work place or conditions of employment at the Company;
- iii) Instructions issued to the employee which are regarded as unlawful / unfair;
- iv) Conduct of a fellow employee.

1.2 The Need of a Formal Grievance Handling Procedure

Formal or informal grievance handling mechanisms:

- i) provide employees with a vehicle for upward communication;
- ii) provide management with the opportunity to resolve issues before they develop into disputes;
- iii) provide the means for management to deal with complaints;
- iv) show management's concern for the employees;
- v) is an opposite measure to the Disciplinary Procedure, providing employees with the means to object to Management behaviour / performance;
- vi) create an awareness of potential problem areas.

1.3 Purpose of a Bargaining Council Grievance Procedure Code

According to the Code, the purpose of the grievance procedure code is “to establish a common and uniform procedure for the management of grievances and to replace all existing procedures and regulations”.

1.4 Application of Grievance Procedure Code

The code is authoritative (peremptory) and must be applied by all municipalities falling within the scope of the South African Local Government bargaining Council.

The procedures set out in the Code constitute an automatic condition of service.

1.5 Objectives of Grievance Procedure

The objectives of the grievance procedure code are:

- i) to ensure fair play;
- ii) to resolve problems as quickly as possible;
- iii) and to deal with conflict through procedural means.

1.6 Victimisation and Occupational Prejudice Prohibited

The agreement states that no employee may be subjected to victimisation or occupational prejudice **as a result of lodging a grievance**.

“Occupational Prejudice” in relation to workplace may result when an employee is:

- i) subjected to any disciplinary action;
- ii) dismissed, suspended, demoted, harassed or intimidated;
- iii) refused transfer or promotion;
- iv) subjected to a term or condition of employment or retirement which is altered or kept altered to his or her advantage;
- v) refused a reference, or is provided with an adverse reference, from his or her employer;
- vi) denied appointment to any employment profession or office;
- vii) threatened with any of the above actions;
- viii) otherwise adversely affected in respect of his or her employment, profession or office including employment opportunities and work security.

1.7 Time Period for Lodging of a Grievance

Except when exceptional circumstances exist, an employee or employees must lodge a grievance within ten days from the time he/she/they first become(s) aware of the matter that gives rise to his/her/their grievance.

1.8 Procedure for Lodging Grievance

The procedure outlined below must address all grievances, except those for which a specific or particular procedure is provided.

1.8.1 STEP ONE : IMMEDIATE SUPERVISOR

An aggrieved employee or group of employees must lodge his/her/their grievance in writing on the prescribed form with his/her/their immediate supervisor.

The grievance form must set out the complaint and the desired result.

An employee or employees may, if he/she/they so desire, be assisted by a shop steward, fellow employee or union official in lodging a grievance.

The immediate supervisor must endeavour, in consultation with the affected employee(s), to resolve the grievance within five (5) days of the grievance having been referred to him/her and must inform the employee of the outcome in writing.

Should the grievance concern the conduct of the employee's immediate superior, the employee may proceed directly to Step Two provided that he/she/they submit(s) the grievance on the prescribed form.

1.8.2 STEP TWO : HEAD OF DEPARTMENT

If a grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the immediate superior must refer the matter in writing, within five (5) days, to the Head of Department.

The Head of Department must arrange a meeting to consult and hold discussions with the affected parties in an attempt to achieve a resolution.

The employee may be assisted by a fellow employee, shop steward or union official at such a meeting and the immediate superior may also be required to attend the meeting.

The Head of Department or his nominee shall endeavour to resolve the grievance within five (5) days of the grievance being referred to him/her and must inform the employee(s) of the outcome of such grievance in writing.

1.8.3 STEP THREE : MUNICIPAL MANAGER

If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the Head of Department shall refer it to the Municipal Manager or his nominee within five (5) days in writing.

The Municipal Manager must **hold an enquiry into the grievance.**

The enquiry may be attended by the employee, his/her representative, if required, and any other persons who, in the opinion of the Municipal Manager or his nominee, should attend.

The Municipal Manager or his nominee must:

- i) hear details of the grievance including proposals to resolve the issue:
- ii) endeavour to reach a decision within five (5) days ;
- iii) inform the employee in writing of the outcome of the hearing.

As this is a formal enquiry, the rules of natural justice should be followed. This, inter alia, means that all parties must be given an opportunity to present their case and be heard.

The decision of the Municipal Manager or his nominee is final.

1.9 Referral of Grievance to SALGBC

If the grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the South African Local Government Bargaining Council for adjudication.

1.10 Effective Date

The grievance code took effect on 1 July 2003. Any action that commenced before this date must be dealt with in accordance with the grievance code then in existence.

In the agreement days refers to “working days”.

1.11 IMPORTANT NOTES

A problem solving approach should be adopted when dealing with the Grievance:

- a) An Employee should be allowed to verbally explain his/her grievance to the relevant Supervisor or Manager in conjunction with the written Grievance.

- b) The Supervisor or Manager should explore ways of settling the matter in a constructive manner.
- c) No grievance raised should be regarded as unimportant.

1.12 DURING THE HEARING

- i) Ensure privacy;
- ii) Advise the Employee of his/her right to have a representative at the discussion if he/she wishes;
- iii) Ask the Employee to explain the nature of the Grievance, and take appropriate notes of the details;
- iv) Ask questions to obtain total clarity;
- v) Allow the aggrieved Employee to lead any evidence and present witnesses if he/she wishes;
- vi) Ask witness(es) to explain their story of events, take notes of details;
- vii) Ask questions to obtain total clarity;
- viii) Establish what the aggrieved Employee's desired outcome to the Grievance is;
- ix) Adjourn to investigate fully, do not raise any expectations;
- x) Reconvene and feedback your findings;
- xi) Attempt to resolve the Grievance at the lowest possible level.

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ANNEXURE A - GRIEVANCE FORM

NAME OF DEPARTMENT							
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PERSONAL DETAILS

To be complete by employee (s) (If more than one employee, attach separate sheet)	Name of Employee (<i>Print</i>):												
	Employee No.:												
	Nature of Grievance:												
	Desired Solution:												
	Signature of Employee:					Date:	C	C	Y	Y	M	M	D

STEP 1

To be completed by immediate supervisor within 5 working days of receipt of grievance	Name (<i>Print</i>):													
	Date Received:													
	Results of Discussions with Employee:													
	Signature of Immediate Superior:					Date:	C	C	Y	Y	M	M	D	D
	Comments of Employee:													
	Signature of Employee:					Date:	C	C	Y	Y	M	M	D	D

Cut / Tear Along Dotted Line

CONFIRMATION OF RECEIPT OF GRIEVANCE FORM

To be completed By Immediate Supervisor & handed to Aggrieved Employee	Name (<i>Print</i>):												
	Service No.:												
	Name of Immediate Supervisor:												
	Signature:					DATE:	C	C	Y	Y	M	M	D

STEP 2

To be completed by the Head of Department or Nominee within 5 working days of receipt	Name (<i>Print</i>):												
	Date Received:												
	Results of Grievance Investigation and Decision of Head of Department or Nominee:												
	Signature of HOD or Nominee:			Date:		C	C	Y	Y	M	M	D	D
	Comments of Employee:												
Signature of Employee:			Date:		C	C	Y	Y	M	M	D	D	
Name of Shop Steward or Union Official:													
Signature of Shop Steward or Union Official:			Date:		C	C	Y	Y	M	M	D	D	

STEP 3

To be completed by Municipal Manager or Nominee within 5 working days of receipt	Name (<i>Print</i>):												
	Date Received:												
	Results of Grievance Investigation and Decision of Municipal Manager or Nominee:												
	Signature of Municipal Manager or Nominee:			Date:		C	C	Y	Y	M	M	D	D
	Name of Shop Steward or Union Official:												
	Signature Shop Steward or Union Official:			Date:		C	C	Y	Y	M	M	D	D