

GRIEVANCE POLICY

INDEX

	Page
1. Preamble	2
2. Problem Statement	2
3. Purpose of policy	2
4. Definitions	2
5. Scope of application	3
6. Legislative Framework	3
7. Principles Applicable in The Grievance Procedure	3
8. Policy Provisions	4
9. Policy Awareness and Education	6
10. Implementation date	6
11. Policy Monitoring and Evaluation	6
12. Policy Review	6

1. PREAMBLE

- 1.1 This grievance procedure shall be deemed to be a condition of service.
- 1.2 The objective of this grievance procedure is to ensure substantive and procedural fairness to resolve problems as quickly and close to their source as possible and to deal with conflict through procedural and consensual means.
- 1.3 No employee shall suffer victimisation or occupational prejudice directly or indirectly as a result of lodging a grievance.
- 1.4 The parties shall disclose relevant documents which may assist to resolve a grievance to one another save that no party will be required to disclose information:
 - 1.4.1 That is legally privileged;
 - 1.4.2 That the employer cannot disclose without contravening a prohibition imposed on the employer by any law or order of any Court;
 - 1.4.3 That is confidential and; if disclosed, may cause substantial harm to an employee or the employer; or
 - 1.4.4 That is private personal information relating to an employee, unless that employee consents to the disclosure of that information.
- 1.5 Nothing in this grievance procedure shall prevent a union from pursuing a dispute in its own capacity in terms of any agreed or other disputes procedure provided it has the right in law to pursue such dispute.
- 1.6 The parties shall take steps to ensure that employees and managers are informed about this procedure and are trained to implement this procedure effectively.

2. PROBLEM STATEMENT

The Municipality does not really show interest or care to resolving employees' grievances speedily. There is a serious lack of appreciation of the benefits that the municipality can gain from only resolving grievances speedily and to the satisfaction of employees where possible.

Staff morale will improve and in turn improve performance or productivity of the institution, avoid unnecessary disputes or litigations, achieve peace and orderliness in the workplace.

3. PURPOSE

Grievance policy is a tool created to ensure that staff had readily accessible procedure for addressing problems or concerns they may have in respect of their work, conduct, act or omissions by management, or fellow employees or colleagues. Furthermore, to ensure, peace, stability and fairness are prevalent in the workplace.

4. DEFINITIONS

In this policy, any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned and unless the context indicates otherwise.

5. SCOPE OF APPLICATION

This policy applies to all employees of the municipality excluding EPWP and CDWP or Ward Committees.

In the event that the provisions of this policy contradict the SALGBC Collective Agreement on Grievance Procedure, the latter will take precedence.

6. LEGISLATIVE FRAMEWORK

Section 23 (1) of the Constitution

Clause 13 of the SALGBC Main Collective Agreement (Herein after referred to as 'MCA')

Section 72 read with section 120 of the Local Government: Municipal Systems Act, Local Government: Municipal Staff Regulations No. 890 of 2021, and Employment Contract,

7. PRINCIPLES APPLICABLE IN THE GRIEVANCE PROCEDURE

7.1 The SALGBC Collective Agreement on Grievance Procedure is a product of collective bargaining between the three parties (SALGA, SAMWU and IMATU). It is therefore given a superior status in our context than any other legislation dealing with the subject-matter, policy, views, or decisions of the Municipality but subject to the Constitution of the Republic of South Africa or its constitutionality. **Its provisions are mandatory or peremptory.**

7.2 The intention of the informal approach is an attempt to resolve the issues close to their source of origin and expeditiously with minimal disruptions as possible to the operations of the municipality without resorting to the formal means. Unless the issue is such that it cannot be resolved informally or very sensitive or the perpetrator shows no interest to resolve the matter.

7.3 A grievance can be made against the superior/s or colleagues in the same rank or below the aggrieved person or employee or group of employees as long as the aggrieved person does not have the authority to discipline the perpetrator.

7.4 Grievance procedure cannot be invoked for any dissatisfaction arising from a disciplinary outcome or as a direct response to a disciplinary action taken against an employee or group of employees. Disciplinary Code does provide for an appeal process for any outcome of a disciplinary process. This policy is, therefore, off-limits for such circumstances.

Once the aggrieved party determines that informal approach shall not yield the required outcome, the aggrieved party must complete the prescribed grievance form

obtainable from Human Resources: Labour Relations Section. **No grievance shall be entertained by the Municipality unless it is submitted in the prescribed form.**

Once the prescribed grievance form is completed, it must be submitted to the Labour Relations Office for acknowledgement and processing.

Immediate Supervisor must attempt to resolve the grievance to the satisfaction of the employee or aggrieved party within the period of **5 days unless the parties agreed to extend the period.**

Should the grievance remain unresolved, the Immediate Supervisor must escalate the grievance to the Head of Department or Director.

The **Head of Department or Director** will also have **5 days** to resolve the grievance unless the period is extended by agreement between the parties affected.

If the **HoD or the Director** fails to resolve the grievance to the satisfaction of the aggrieved employee or parties, the grievance must be escalated to the office of the Municipal Manager.

The **Municipal Manager** will also have **5 days** to resolve the grievance unless an extension of the period is reached by the parties in the dispute.

At all material times during the process of grievance procedure, **Aggrieved Employees or Parties must be notified (in good time) of the date, time, and venue where the meeting will take place.**

It is also important to inform the employee or employees about their procedural rights, (Right to be represented by a shop steward or a Colleague during the grievance hearings and the Right to an Interpreter).

All parties must be afforded an opportunity to state their cases or right to be heard must be observed before any decision is taken, if that decision is going to affect the other party involved in the process.

Once the discussions or grievance meetings are concluded, the responsible persons and the aggrieved employee or parties **must insert comment on the prescribed form in the space provided for same. This is extremely important. The prescribed is the only official document available to us for commenting on the outcome of any grievance.** Memorandum can be attached to expand further on the summarized version of the grievance outcome.

8. POLICY PROVISIONS

8.1 STEP BY STEP PROCEDURE FOR FILING A GRIEVANCE

APPROVED BY COUNCIL ON 8 JULY 2022

- (a) Once an employee or group of employees is unhappy or aggrieved in the course of duty or during his/her employment for whatever reason, depending on the gravity of the reason for unhappiness, the employee or group of employees must attempt to raise the concern verbally to the relevant person as prescribed in the policy to afford the alleged perpetrator an opportunity to make amends or correct the wrong.
- (b) Once the need to invoke formal grievance arises, the aggrieved must approach Human Resources for a prescribed grievance form or visit www.salgbc.org.za/maincollectiveagreement and download the prescribed form for completion.
- (c) The fully completed form must be forwarded to Labour Relations Section for acknowledgement and processing. The receiver of the grievance form from Labour Relations Section must append a signature with a date to acknowledge receipt and make a copy of the signed grievance for the aggrieved employee.
- (d) As far as is reasonably practicably, immediately escalate or forward the grievance to a relevant person or authority to deal with the grievance within period prescribed by the policy unless parties agreed to extend the period. If the parties so decide, such an agreement must be reduced in writing.
- (e) The grievance form must set out the complaint in full 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.
- (f) **STEP ONE: IMMEDIATE SUPERVISOR**
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.

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.

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.
- iv) 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.

9. POLICY AWARENESS AND EDUCATION

The employees must be widely consulted, and inputs invited from same through hearings or open discussions, in-service trainings, internal social media platforms and make use of notice boards too.

All such inputs be consolidated and ensure those that are relevant and proper find expression in the final policy document.

10. IMPLEMENTATION DATE


This policy will be effective once approved by the Council following a widespread consultation process indicated above and amendments thereof and tabled to the Local Labour Forum for recommendations to the Council.

11. POLICY MONITORING AND EVALUATION

Non-adherence to the provisions of this policy shall be frowned upon and considered to be a serious misconduct and may result in disciplinary action against the individual failing to observe same.

12. POLICY REVIEW

Policy to be reviewed every five years to coincide with the term of the SALGBC Main Collective Agreement or if any change in legislation occur before that. This policy will be reviewed in June 2027.



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S H RINE
MAYOR

08 JULY 2022