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GRIEVANCE POLICY AND PROCEDURE

DOCUMENT APPROVAL

	Name	Signature	Date
Responsible Person:			

Date of Last Review: _____

Key words:

Reference documents:

Applicability: *This policy is applicable to all employees.*

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INTRODUCTION

1. INTRODUCTION.

Unresolved grievances may be damaging to the morale of employees and the effective operation of the Municipality. A Grievance policy and procedure is necessary to eliminate the possibility of any detrimental effects arising out of unresolved grievances. This Grievance Policy aims to ensure that all communication channels are open and receptive, and that all employees have an adequate opportunity to express their grievances. It further aims to ensure that grievances are resolved timeously and fairly by adopting a problem solving approach and implementing any appropriate corrective action necessary.

2. SCOPE OF APPLICATION

The policy shall apply to all employees of The Elias Motsoaledi Local Municipality.

3. PURPOSE OF THE POLICY

The purpose of this policy is to give guidance and to provide a framework for all employees and the Municipality to deal with grievances raised effectively, and at the earliest possible stage.

4. GRIEVANCE POLICY

The objects and purposes of the Grievance Procedure will only be achieved if it functions effectively and is properly utilized. In light of the above, the Municipality is committed to ensuring that:

- Employees are aware of the opportunity to express grievances.
 - Employees feel free to express their grievances without the fear of victimization or intimidation or prejudice to their employment relationship.
 - Employees are encouraged to use the procedure, but also warned not to abuse it with false grievances.
 - Sensitive grievances are dealt with privately, and confidentiality of information is maintained.
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The Municipality in accepting this policy gives commitment to the following:

- The resolution of all grievances timeously.
- Recognizing the employees right to be represented by a fellow employee if he/she wishes to do so.
- Ensuring that Management handles grievances with the Human Resources department acting in an advisory capacity.
- Creating an environment in which an employee may lodge a grievance without fear of being victimized or prejudiced.
- Ensure that all grievances are handled in a confidential manner.
- Ensure that each step in the procedure shall be subject to the stipulated time limits, unless otherwise determined by the parties through mutual agreement.

5. GRIEVANCE PROCEDURE

5.1 IDENTIFICATION AND PRELIMINARY INVESTIGATIONS

Employees must be informed of their rights to lodge a grievance and where the applicable Grievance Application Form can be obtained.

All grievances may be lodged with the direct superior, or alternative superior/ Human Resource Department if the employee feels more comfortable doing so. No employee may leave his/her normal place of work or engage in any grievance discussion without prior permission, and such permission shall not be unreasonably withheld.

Assistance must be offered if necessary by the superior in lodging such a grievance and completing the Grievance Application Form. (See form 4.1)

The superior must consider the nature and type of the grievance lodged and based on this assessment make a decision as to the best grievance resolution procedure to follow. The mild grievance can be dealt with via the informal

investigation route, however a serious grievance and sensitive grievance requires a formal hearing. (See guidelines on definitions of mild, serious and sensitive grievances). The appropriate procedures to follow are discussed below.

5.2 THE INFORMAL GRIEVANCE INVESTIGATION

The aggrieved employee's superior, or person with whom the grievance has been lodged must ensure the Grievance Application Form has been correctly completed and the grievance is clearly understood.

The superior must then discuss the grievance and proposed corrective action with the employee in private. The decision on corrective action, if any, must be detailed on the Grievance Application Form.

The aggrieved employee / employee representative or witness must sign the Grievance Application Form.

If the employee is dissatisfied with the decision he/she may lodge an appeal within 5(five) working days of the outcome being received.

If the employee is satisfied with the decisions, the corrective action must be implemented and recorded on the form.

5.3 THE FORMAL GRIEVANCE HEARING

A chairperson from the trained bar must be arranged to conduct the grievance hearing.

The employee must be notified of the grievance hearing in writing. (See form 4.2).

Ensure the aggrieved employee/s receive such notification at **least 2(two) working days** before the Grievance Hearing so as to allow sufficient time to prepare.

If the grievance has been lodged against another party such party must also receive the notification of the hearing and of his/her rights, as well as the grievance/s lodged, **at least 2(two) working days prior** to the hearing.

The Grievance Hearing : Phase 1

The chairperson must advise the parties present of the purpose of the hearing and their rights during the hearing.

The aggrieved employee/s or employee/s representative must then be given an opportunity to motivate the grievance.

The person against whom the grievance was lodged must be given the opportunity to respond to the grievance.

Both parties may present evidence/ call witnesses to motivate their case. Both parties may also cross question witnesses.

The Hearing may be adjourned at this stage if necessary.

Finding on the facts

The chairman must now make a finding on a balance of probabilities on the validity of the grievance.

If the grievance is found to be invalid, the findings must be recorded in writing and signed by the aggrieved employee/ employee representative or witness.

The aggrieved employee must also advised of his/her/their right to appeal within 5(five) working days of receiving the outcome and of the applicable Application for Appeal Form to complete.

If the grievance is found to be valid, the Grievance Hearing: Phase 2 needs to be conducted.

The Grievance Hearing : Phase 2

The chairman must present the finding on the validity of the grievance and permit both the aggrieved employee/s and other party an opportunity to present suggestions for corrective action.

Responses and discussion as to the feasibility of such suggestions must be entertained.

Both parties must be questioned as to whether they are satisfied with the proceedings.

Corrective action

The chairperson must decide on the most effective and viable corrective action and advise the employee in writing of the decision made on the Outcome of Grievance Hearing Form.

The chairperson must ensure that such corrective action is implemented and that progress is recorded. The employee must also be advised of his/her right to appeal against the decision within 5(five) working days of receiving the outcome if he/she is dissatisfied.

GRIEVANCE APPLICATION FORM

NAME OF AGGRIEVED EMPLOYEE (If this is a collective grievance attach list of the names of all aggrieved employees)	
JOB TITLE	
DEPARTMENT	
NAME OF SUPERIOR WITH WHOM GRIEVANCE HAS BEEN LODGED	
REPRESENTATIVE'S NAME	
DATE GRIEVANCE LODGED _____	
NATURE OF THE GRIEVANCE	
SOLUTION PROPOSED BY AGGRIEVED EMPLOYEE	
<p>DATE: _____</p> <p>SIGNATURE OF AGGRIEVED EMPLOYEE: _____</p> <p>DATE: _____</p> <p>SIGNATURE OF SUPERIOR : _____</p>	

**IF FORMAL HEARING IS NECESSARY – INITIATE
IF INFORMAL INVESTIGATION WILL SUFFICE, COMPLETE REMAINDER OF
THIS FORM.**

BRIEF ACCOUNT OF INFORMAL GRIEVANCE HEARING (date, employee
motivation, evidence lead, other party response, suggestions made)

DATE EMPLOYEE INFORMED OF DECISION _____

CORRECTIVE ACTION DECIDED BY SUPERIOR

DATE: _____

SIGNATURE OF AGGRIEVED EMPLOYEE: _____

DATE: _____

SIGNATURE OF SUPERIOR: _____

DATE OF PROGRESS REVIEW _____

PROGRESS

**YOU HAVE THE RIGHT TO APPEAL WITHIN 5(FIVE) DAYS OF THE
OUTCOME**

NOTICE TO ATTEND GRIEVANCE HEARING

TO : _____ DATE : _____

You are hereby informed that a Grievance Hearing will be held on _____(day) the _____ (date) at _____ (time) at _____ (place) where the grievance will be investigated.

We wish to remind you that you have the following rights at the Grievance Hearing:

1. To be represented by a fellow employee of your choice.
2. To the assistance of an interpreter if you require one.
3. To call and cross-question witnesses.
4. To be heard and to put your version to the chairperson.

Kindly inform the Municipality of the identity of your chosen representative, interpreter and any witnesses you may wish to call.

Yours faithfully

(CHAIRMAN)

I hereby confirm notification of the above-mentioned Grievance Hearing and will attend the same:

(SIGNATURE OF EMPLOYEE) DATE: _____

I confirm that the above-mentioned employee received notification, but refused to sign acknowledgement of same and to confirm that he/she would attend the said Grievance Hearing:

(SIGNATURE OF WITNESS) DATE: _____

OUTCOME OF GRIEVANCE HEARING

TO : _____

DATE : _____

As you are aware a Grievance Hearing was conducted on _____ to investigate a grievance lodged by yourself on the _____. I hereby confirm that you were advised of your rights to a representative as well as an interpreter. You were further advised of your right to call witnesses and cross-question witnesses.

After carefully considering the evidence presented I find the grievance lodged by yourself to be **invalid** / **valid**. My reasons are as follows:

If valid: After discussing the feasibility of recommended corrective action I have decided that the following corrective action is reasonable, sufficient and fair under the circumstances:

Note: Details action, responsibility and deadline.

I hereby advise of your right to appeal and such an appeal must be lodged within 5(five) working days of receipt of this notice of outcome. You may obtain the relevant appeal application form from your superior.

Yours faithfully

(CHAIRMAN)

I hereby confirm that I have received this notification and understand the contents thereof:

(SIGNATURE OF EMPLOYEE)

DATE: _____

I confirm that the above-mentioned employee received this notification, but refused to sign acknowledgement of same:

(SIGNATURE OF WITNESS)

DATE: _____

Note : If the corrective action is deemed necessary, a copy of the corrective action must go to all persons detailed in the corrective action responsibilities.

DATE OF PROGRESS REVIEW _____

PROGRESS OF CORRECTIVE ACTION.

6. GRIEVANCE GUIDELINES

6.1 SCOPE OF GRIEVANCES

Employee grievances are wide ranging and may vary from general dissatisfaction with wages or working conditions to dissatisfaction with training and promotion, lack of facilities or inadequate equipment. Grievances may also involve unhappiness on the part of the employee due to unfair treatment, for example a manager/supervisor or fellow employee may have consistently discriminated against an employee or group of employees, treated employees with unnecessary harshness or insulted them.

In determining which type of grievance should be dealt with in terms of the Grievance Procedure one should take note that:

- Generally common grievances regarding wages or working conditions of all employees or a substantial number of employees will be channeled through a representative body such as a Trade Union. Such grievances should be resolved through the collective bargaining machinery in place at the Company and ordinarily become demands rather than grievances.
- Individual grievances or grievances regarding a group of employees concerning dissatisfaction with promotion, training, facilities, equipment or unfair treatment may be channeled through the Grievance Procedure.

Thus a formal grievance may be defined as a complaint, other than demands formulated by a collective and recognised body, which is related to the employee's treatment or position within his/her working environment, which warrants the formal attention of management.

6.2 THE OBJECTS AND PURPOSES OF THE GRIEVANCE PROCEDURE

Usually a grievance procedure is initiated when, within the day-to-day work situation of an employee, an incident has occurred or the employee's position is

such that he is left with a general feeling of dissatisfaction or sense of injustice. The rationale of such a procedure being that if this type of issue is not given formal consideration by management and remains unresolved it may lead to a dispute between the Municipality and employee or group of employees.

- If an individual grievance is not dealt with timeously and fairly the employee may well become disgruntled, demotivated, disloyal and even disobedient.
- If a collective grievance is not dealt with fairly and timeously the problems experienced with the unattended individual grievance are exacerbated and may often result in industrial action.
- The sensitive grievance which is a perceived problem related to issues such as discrimination (for example racial, sexualetc) or harassment by fellow employees or superiors must be attended to with the utmost sensitivity. Failure to do so may result in the Municipality being liable under the Employment Equity Act, civil litigation or even criminal prosecution. The costs of such proceedings in terms of money and time are extensive and must be avoided.

With the above in mind it becomes clear that an effective Grievance Procedure is essential. However the purpose of the Grievance Procedure must not simply be seen as a reactive measure to avoid disputes and excessive costs. The Grievance Procedure must also be seen as a proactive approach aimed at creating an environment that is seen as just and fair. The purposes of the Grievance Procedure are summarised below:

- It creates awareness of employee problems or of problem areas, which should be subjected to further investigation.
 - It emphasizes management concern for the well being of employees.
 - It renders disciplinary procedures more acceptable, since employees also have a means of objecting to management performance/ behaviour.
 - It prevents disputes from arising.
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- It prevents excessive costs in terms of time and money if grievances are effectively dealt with internally.

6.3 DEFINITIONS – WHICH PROCEDURE TO USE

The mild grievance

This type of grievance does not involve a dispute of facts or require that evidence be lead to understand the nature of the grievance. The superior can easily ascertain the nature of the problem and feels that he/she is capable of resolving the grievance without assistance. For example a worker lodges a complaint about the unclean state of the toilet facilities. In this instance the superior is required to follow the Informal Grievance Investigation Procedure.

The serious grievance

This type of grievance revolves around a dispute of facts and further evidence or witness testimonies may be necessary to understand the nature of the grievance. Alternatively the superior does not feel he/she is capable of resolving the grievance without assistance. For example, one worker claims another worker hit him during their lunch break. In this instance the grievance must be channeled through the formal Grievance Hearing Procedure.

The sensitive grievance

The sensitive grievance may include grievances about discrimination, sexual harassment and other forms of harassment, victimisation etc. In this instance the grievance **must be** channeled through the formal Grievance Hearing Procedure.
