

DR JS MOROKA LOCAL MUNICIPALITY



GRIEVANCE PROCEDURE POLICY AND GUIDELINES FOR THE HANDLING OF GRIEVANCES

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1. INTRODUCTION.

- 1.1. The aim of this Grievance Policy is to ensure that the handling of grievance should be viewed as a means through which employees are able to communicate their dissatisfaction in a manner which they are been treated in the Municipality. 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 also aims to ensure that all communication channels are open and receptive, and that all employees have an adequate opportunity to express their grievances.

2. LEGAL FRAMEWORK

- 2.1. Basic Conditions of Employment Act (Act 75 of 1997)
- 2.2. Labour Relations Act (Act 66 of 1995)
- 2.3. Local Government: Municipal Systems Act (Act 32 of 2000)
- 2.4. SALGBC Main Collective Agreement, 2018, as extended

3. SCOPE OF APPLICATION

- 3.1. The policy shall apply to all employees of DR JS Moroka Local Municipality.

4. DEFINITION

"Grievance", any feeling of dissatisfaction or injustice raise by an employee pertaining to:

- 4.1. A work-related problem with another employee; or
- 4.2. His/her workplace conditions.
- 4.3. Instructions issued to the employee which are regarded as unlawful or unfair
- 4.4. Conduct of a fellow employee.

5. PURPOSE OF THE POLICY

- 5.1. The purpose of this grievance policy is to ensure substantive and procedural fairness to resolve a problems as quickly and as close to their source as possible. To deal with conflict through procedural and consensual means.

6. GRIEVANCE POLICY

- 4.1 All employees who feel aggrieved about any issue related to the workplace are encouraged to lodge a grievance in accordance with this policy and in a prescribed form. It is a democratic right of an employee to have access to the proper channels to correct a situation and no employee shall suffer victimisation or occupational prejudice directly or indirectly as a result of lodging a grievance.
- 4.2 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:
- 4.2.1 That is legally privileged;
 - 4.2.2 That the employer cannot disclose without contravening a prohibition imposed on the employer by any law or order of any court;
 - 4.2.3 That is confidential and, if disclosed, may cause substantial harm to an Employee or employer; or
 - 4.2.4 That is private personal information relating to an employee, unless that employee consents to the disclosure of that information.
- 4.3 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 a right in law to pursue such dispute.
- 4.4 The Labour Relations shall take steps to ensure that employees and managers are informed about this procedure and are trained to implement this procedure effectively.

7. MANAGEMENT AND ADMINISTRATION OF GRIEVANCES

The grievance procedure starts when an employee or employees raises a grievance with his / her / their immediate superior and it ends with the highest authority in the Municipality. Employee or a group of employees must lodge a grievance within seven (7) working days.

5.1 Step One (1): Immediate Superior

- 5.1.1 An aggrieved employee or group of employees must lodge a grievance In writing with his or her immediate superior on the prescribed form in Annexure A setting out the complaint and the desired result.
- 5.1.2 Should the grievance concern the conduct of the employee's immediate Superior, the employee may proceed directly so step two (2) below, Provided that he or she submits the grievance on prescribed form.

- 5.1.3 Should the grievance concern the conduct of the head of department the employee may proceed directly to step three (3) provided he or she submits the grievance on the prescribed form.
- 5.1.4 The immediate superior shall wherever practically possible endeavour, in consultation with the affected employee or employees, to resolve the grievance within ten (10) days of the grievance having been referred to him or her and shall inform the employee of the outcome in writing. An employee may if, he or she so wishes be assisted by a shop steward, fellow employee or union official.

5.2 Step Two (2): Head of Department

- 5.2.1 If a grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within ten (10) days of lodging in terms of clause 5.1.1 above, the employee or employees may refer the matter in writing within ten (10) days to the Head of Department or his or her nominee.
- 5.2.2 The Head of the Department or his/her nominee shall 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.
- 5.2.3 The Head of the Department or his/her nominee shall endeavour to resolve the grievance within ten (10) days of the grievance being referred and shall inform the employee of the outcome in writing.

5.3 Step Three (3): Municipal Manager

- 5.3.1 If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees within ten (10) days of the referral in terms of clause 5.2.3 above, the employee or employees may refer it in to the Municipal Manager or his/her nominee within ten (10).The Municipal Manager shall hold a meeting, attended by the employee or employees and their representative, if required, and any other persons who, in the opinion of the Municipal Manager or his or her nominee should attend.
- 5.3.2 The Municipal Manager or his or her nominee shall hear details of the grievance including proposals to resolve the issue and shall endeavour

to reach an agreed outcome within ten (10) days of the referral in terms of clause 5.2.1 above.

- 5.3.3 The Municipal Manager or his or her nominee shall inform the employee or employees in writing of the outcome of the hearing as envisaged in clause 5.3.2 above, and such outcome shall be final in terms of this procedure.
- 5.3.4 If the grievance is against a Municipal Manager, the aggrieved employee may refer the grievance to the Mayor or Executive mayor, who may either seek to resolve the grievance himself or herself or engage the assistance of an appropriate Senior Manager of another Municipality to help resolve the grievance.
- 5.3.5 If the grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the Council for adjudication provided that a dispute has been declared and the party is entitled in law to declare such a dispute.

6. GUIDELINES FOR THE HANDLING OF GRIEVANCES

6.1 PURPOSE

- 6.1.1 To provide management with guidelines for handling of grievances in the DR JS Moroka Local Municipality.

6.2 DISCUSSIONS

The following guidelines will provide supervisors/ managers with a working tool on the manner in which the grievances are to be handled. The guidelines are in line with the Grievance Procedure as outlined in the Main Collective Agreement, clause 13.

6.2.1 ROLE OF LABOUR RELATIONS DIVISION IN THE GRIEVANCE PROCESSES

The labour Relations Division provides a critical role, during and after the grievance hearing. The division is entrusted with the responsibility of ensuring that there is compliance with the Council's policies that relate to all matters impacting on the employer-employee relationship. In this regard the division has to ensure fairness, expeditious

resolution of problems and management of conflict in the workplace. This role is ensured in the following manner:

A. BEFORE THE GRIEVANCE HEARING

The challenge starts with the manner in which grievance are submitted in the municipality. In this regard the following procedure is proposed:

- That the aggrieved in terms of clause 5.1.1 of the Grievance Procedure Policy lodge a grievance with his or her immediate supervisor depending on which the grievance is lodged against;
- That the employee(s) submits a copy of the grievance to the Labour Relations Office;
- That the immediate supervisors verifies that the Labour Relations Office has received a copy of the grievance;
- The Labour Relations Division ascertain the nature of the grievance and the appropriate channel to handle the same;
- The Labour Relations Division advises the immediate supervisor and the employee, where necessary, of the channel to be followed in dealing with the matter.

B. DURING THE GRIEVANCE HEARING

At the grievance hearing, the role of the Labour Relations Division will be regarded as more of a facilitator, advisor and resolve the matter when delegated. This approach is fundamentally flawed as both the management and employee requires assistant with respect to:

- The interpretation of policies, resolutions, and collective agreement;
- The availability of legislative imperative governing the issue that gave rise to the grievance;
- The availability of previous internal decisions via grievance and/or managerial determination on the matter;
- The availability of awards of court judgements that deal with a similar matter.

The above puts the Labour Relations Division in a key position to influence the trajectory of the grievance hearing. The outcome of the grievance hearing thus vested in the advice that the Labour Relations Division provides to the process. It thus imperative that the chairperson of the hearing seeks advice from the Labour Relations practitioner at the hearing on the implications of the above-mentioned issues on the grievance hearing. The labour Relations Practitioner at

the hearing is thus charged with the responsibility of both protecting the Council's interests as well as ensuring that fairness prevails.

C. AFTER THE GRIEVANCE HEARING

The decision taken at the grievance hearing inevitably requires implementation. In this regard labour Relations Division needs to play both role of the implementer and monitor. This requires the following steps to be taken:

- That Labour Relations be consulted on the outcome of the grievance prior to the issuing of the outcome;
- That the Labour Relations Division must ensure that the outcome is communicated to the employee (s);
- That labour relations Division monitors the implementation of the outcome by having follow up visits/discussions with the affected parties within a reasonable time period to ensure a prevention of the recurrence of the conflict situation;
- Monitor any non-implementation of the grievance resolution.

This will ensure that the interests of all parties to the grievance are protected.

6.2.2 ROLE OF MANAGEMENT IN THE GRIEVANCE PROCESS

The source and core of any grievance is departmental in its very nature. This immediately calls upon the department management to take a pro-active and involve role in the handling of grievances stemming from within their departments.

This role requires the following from management:

- a. That Management ensures that the grievance is properly received and acknowledged;
- b. That the results of the investigation are communicated to Labour Relations Division in order to obtain advice on the viability of the investigations results, depending on the nature of the grievance;
- c. That the grievance is properly recorded in the department's book;
- d. That the grievance has been appropriately submitted to Labour relations;
- e. That the grievance is investigated and assessed on the merits;
- f. That the grievance hearing is arranged in consultation with Labour Relations;

- g. That at the hearing a genuine attempt is made to resolve the grievance;
- h. That the outcome of the grievance is prepared in writing, communicated and the completed grievance form is signed by both parties;
- i. That the outcome is communicated to affected employee(s); That, where necessary, appropriate post hearing processes are implemented, e.g. counselling in cases of conduct grievance and / or disciplinary measures;

NB:

- ❖ THE GRIEVANCE SHALL NOT BE PASSED-ON TO THE NEXT LEVEL WITHOUT PROVIDING TANGIBLE REASONS WHY IT COULD NOT BE RESOLVED AT THE FIRST LEVEL. ALL GRIEVANCES SHALL ONLY REACH THE LEVEL OF THE MUNICIPAL MANAGER UPON THE HEAD OF DEPARTMENT HAVING GENUINELY ATTEMPTED TO RESOLVE THE MATTER AND SUCH ATTEMPTS HAVING PROVEN TO BE FUTILE. THE LABOUR RELATIONS DIVISION SHALL SUBMIT SUPPORTING MOTIVATION FOR THE GRIEVANCE TO PROCEED TO THE LEVEL OF THE MUNICIPAL MANAGER.

Council Resolution: R216.03.2023 ND

Date of Approval: 30th March 2023

Accounting Officer Signature: _____



6.

ANNEXURE A

DR JS MOROKA LOCAL MUNICIPALITY



GRIEVANCE FORM

NAME OF DEPARTMENT:		
PERSONAL DETAILS		
To be completed by employee/s <i>(If more than one employee, attach separate sheet)</i>	Name of Employee <i>(Print)</i> :	
	Employee No.:	
	Designation:	
	Place of Work:	
	Nature of Grievance:	
	Desired Solution:	

	Signature of Employee:	Date:

STEP 1

To be completed by immediate superior within 10 working days of receipt of grievance	Name <i>(Print)</i> :	
	Date Received:	
	Results of Discussions with Employee:	
	Signature of Immediate Superior:	Date:
	Comments of Employee:	
	Signature of Employee:	Date:

Cut / Tear Along Dotted Line

To be completed by Immediate Superior and handed to Aggrieved Employee	CONFIRMATION OF RECEIPT OF GRIEVANCE FORM	
	Name <i>(Print)</i> :	

	Service No.:			
	Name of Immediate Superior:			
	Signature:		Date:	

STEP 2

To be completed by the Head of Department or Nominee Within 10 working days of receipt	Name (<i>Print</i>):			
	Date Received:			
	Results of Grievance Investigation and Decision of Head of Department or Nominee:			
	Signature of Head of Department or Nominee:		Date:	
	Comments of Employee:			
	Signature of Employee:		Date:	
Name of Shop Steward or Union Official:				
Signature of Shop Steward or Union Official:		Date:		

STEP 3

To be completed by Municipal Manager or	Name (<i>Print</i>):			
	Date Received:			

	Results of Grievance Investigation and Decision of Municipal Manager or Nominee:	
	Signature of Municipal Manager or Nominee:	
Name of Shop Steward or Union Official:		
Signature of Shop Steward or Union Official:		Date: