



GRIEVANCE POLICY

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Date	: 22.08.2022
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1. PREAMBLE

- 1.1 The grievance procedure shall be deemed to be a condition.
- 1.2 The objective of the grievance procedure is to ensure substantive and procedural fairness to resolve problems as quickly and as close to their source as possible and to deal with conflict through procedural and consensual means, except in matters of unfair dismissals, a written allegation of misconduct, or any other dispute which is regulated by a separate procedure in this agreement.
- 1.3 No employee shall be victimized or suffer 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, but no party will be required to disclose information:
 - 1.4.1 That is legally privileged/restricted;
 - 1.4.2 That the employer cannot disclose information which prohibit the employer to do so by any law or order of any court;
 - 1.4.3 That is confidential and, if disclosed, it may cause substantial harm to an employee or the employer; and
 - 1.4.4 That is the private information of an employee, unless that employee consented to the disclosure of that information.
- 1.5 Nothing in this grievance procedure shall prevent a union to pursue a dispute in its own capacity in terms of any agreed or other dispute procedure, provided it has the right in law to do so, but only after the exhaustion of all internal remedies.
- 1.6 The parties shall take steps to ensure that employees and managers are informed about this procedure and are trained to implement the grievance procedure effectively.

2. DEFINITION OF A GRIEVANCE

In terms of the *Second addendum to the Main Collective Agreement, signed on 07 April 2022, Circular no 09/2020, Extension of the Main Collective Agreement to 30 June 2023, Page 43, Section J, Sub-Clause 23.20*, it define a GRIEVANCE as follows:

“A complaint by an employee or group of employees against another employee and/or any Act or omission of the employer which adversely affects and employee in the employment relationship excluding an unfair dismissal, a written allegation of misconduct, or any other dispute which is regulated by a separate procedure in this agreement “.

3. GRIEVANCE FORM AND PROCEDURE

- 3.1 The aggrieved employee or group of employees who wants to lodge a grievance, must complete the prescribe grievance form as per *Main Collective Agreement, signed on 07 April 2022, Circular no 09/2020, Extension of the Main Collective Agreement to 30 June 2023, Page 60-61, Annexure 5*
- 3.2 A grievance differs from an ordinary complaint and all employees and unions are encouraged to make a written complaint by letter before following the grievance procedure unless exceptional circumstances exist.
- 3.3 An aggrieved employee/group of employees must first approach their direct Supervisor / Head / Manager / Nominee for a grievance form or alternatively the Human Resources (HR) Department.
- 3.4 When the aggrieved employee / group of employees completed the grievance form, the responsible Supervisor / Head / Manager / Nominee must first send it to the Labour Relations Officer / Practitioner, to:

- 3.4.1 Issue it with a grievance number for administrative, tracing and record-purposes.
- 3.4.2 Record it in the grievance registers for checking, control, and record-purposes.
- 3.5 No employee / group of employees are allowed to abuse the grievance procedure in any way or form, and if so, then such conduct constitutes a transgression and depends on the nature thereof, it can be assessed as serious.
- 3.6 Any direct Supervisor / Head / Manager / Nominee who denies the aggrieved employee /group of employees a grievance form, makes him / herself guilty of a serious form of misconduct.
- 3.7 If a group of employees lodge a grievance, the grievance will be regarded as incomplete if it's without a list of the aggrieved employees' names, surnames, employee number, workplace, and signatures.
- 3.8 The group of aggrieved employees will elect amongst themselves, not more than three (3) aggrieved employees, depends on the size of the group and based on operational requirements, who will represent and partake in the grievance discussion with the employer.
- 3.9 Any aggrieved employee or group of employees has a right to choose a local shop steward or a fellow employee from his / her workplace to assist him / her in all stages (step 1, 2 and 3) of the Grievance Procedure.

4. THE DIFFERENT GRIEVANCE PROCEDURAL STEPS

- 4.1 The aggrieved employee or group of employees are compelled to lodge the grievance at the lowest level, but it depends if it implicates the Immediate Superior or Head of Department or Municipal Manager.
- 4.2 The steps are the following:
 - 4.2.1 Step One (1): Immediate Superior (Supervisor)
 - 4.2.2 Step Two (2): Head of Department (Manager)
 - 4.2.3 Step Three (3): Municipal Manager (or delegated Director)

5. STEP ONE (1): IMMEDIATE SUPERIOR

- 5.1 An aggrieved employee or group of employees must lodge a grievance in writing with his or her Immediate Superior on the prescribed form, reads with clause 3.1 as mentioned above.
- 5.2 If the grievance concerns the conduct of the employee's Immediate Superior, the employee may proceed directly to step two (2), provided that he / she submits the grievance on the prescribed form, reads with clause 3.1 and 4.1 as mentioned above.
- 5.3 Should the grievance concerns the conduct of the Head of Department, the employee may proceed directly to step three (3), provided he / she submits the grievance on the prescribe form, reads with clause 3.1 and 4.1 as mentioned above.
- 5.4 The Immediate Superior must wherever practically possible, try in consultation with the affected employee or employees, to resolve the grievance within ten (10) days from the date it was referred to him / her.
- 5.5 It is within an employee or employees' right to be assisted by his / her fellow employee or local shop steward.
- 5.6 The Immediate Superior must inform the employee in writing of the outcome.

5.7 The employee or employees may refer the unresolved grievance, in writing within ten (10) days to the Head of the Department or his / her nominee.

6. STEP TWO (2): HEAD OF DEPARTMENT

6.1 When the Head of Department or his / her nominee receives the unresolved grievance within the timeframe as mentioned in clause 5.7, he / she must arrange a meeting to consult and to hold discussions with the affected parties, in an attempt to resolve the grievance. If there's non-compliance with the timeframe, as mentioned in clause 5.7, the grievance shall be regarded as resolved and the grievance register shall accordingly be updated.

6.2 It is within an employee or employees' right to be assisted by his / her fellow employee or local shop steward.

6.3 The Head of Department or his / her nominee shall try to resolve the grievance within ten (10) days from the date it was referred to him / her.

6.4 The Head of Department or his / her nominee may request the Immediate Superior to be present at the grievance meeting.

6.5 The Head of Department or his / her nominee must inform the employee or employees in writing of the outcome.

6.6 The employee or employees may refer the unresolved grievance, in writing within ten (10) days to the Municipal Manager or his / her nominee.

7. STEP THREE (3): MUNICIPAL MANAGER

7.1 When the Municipal Manager or his / her nominee receives the unresolved grievance within the timeframe as mentioned in clause 6.6, he / she must hold a grievance meeting, in an attempt to resolve the grievance. If there's non-compliance with the timeframe, as mentioned in clause 6.6, the grievance shall be regarded as resolved and the grievance register shall accordingly be updated.

7.2 The following parties shall be present at the grievance meeting, namely:

7.2.1 The Municipal Manager or his / her nominee, and

7.2.2 The employee or employees, and

7.2.3 Their representative or representatives as mentioned in clause 5.5 and 6.2, and

7.2.4 Any other persons, including the Labour Relations Officer / Practitioner, who should also be present in the opinion of the Municipal Manager or his / her nominee.

7.3 The Municipal Manager or his / her nominee must hear details of the grievance, including proposals to resolve the issue and shall try to reach an agreed outcome, within ten (10) days, reads with clause 7.1 as mentioned above.

7.4 The Municipal Manager or his / her nominee must inform the employee or employees in writing of the outcome of the grievance hearing.

7.5 Such outcome shall be final in terms of the Grievance procedure and the grievance register shall accordingly be updated.

7.6 If a grievance is against a Municipal Manager, the aggrieved employee may refer the grievance to the Mayor or Executive Mayor.

7.7 The Mayor or Executive Mayor may either seek to resolve the grievance.

7.7.1 By himself or herself, and or

7.7.2 By engaging the assistance of an appropriate Senior Manager of another Municipality, to help resolve the grievance, and or

7.7.3 Any other persons, who should also be present in the opinion of the Mayor or Executive Mayor

7.8 Such outcome shall be final in terms of the Grievance procedure and the grievance register shall accordingly be updated.

8. EXTERNAL REMEDIES

8.1 If the grievance is still unresolved, the aggrieved party may refer the grievance to the relevant Council who has jurisdiction to adjudicate the grievance, provided that a dispute has been declared and the party is entitled in law to declare such a dispute.

9. CONCLUSION

9.1 This Grievance Procedure Policy is in line with the Second addendum to the Main Collective Agreement, signed on 07 April 2022, Circular no 09/2020, Extension of the Main Collective Agreement to 30 June 2023, Page 43, Section J, Sub-Clause 23.20, and all employees and management must adhere to it.

9.2 The policy also provides guidance to employees and management, and it strives to fairness, to resolve grievances at the lowest level, within a specific timeframe and as quickly as possible.

9.3 The policy also strives to sound labour relations and harmony in the workplace.

9.4 The ODM shall on an ongoing basis, monitor and revise the policy if necessary.

10. ACKNOWLEDGEMENT AND APPROVAL

On the minutes of the Council meeting that took place on this Policy was approved.

SIGNED AT _____ ON THE _____ OF _____ 2022

MUNICIPAL MANAGER _____



EXTRACT FROM THE COUNCIL MINUTES HELD ON 22 AUGUST 2022

Item A8. 22.08.2022

COUNCIL POLICIES

S Mdewu: Manager Human Resources

(Ref.: 9/1/B & 6/39/2)

PURPOSE

To present the new and/or revised policies to Council, for adoption.

BACKGROUND

The Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) prescribes the executive and legislative authority of a municipality.

Section 11(3) states that a municipality exercises its legislative or executive authority by-

- (a) developing and adopting policies, plans, strategies and programmes.
- (d) administering and regulating its internal affairs.

Section 86(1) states that a municipality must develop and adopt a policy framework for the establishment, regulation and management of an internal municipal service district.

PROGRESS

In conforming to the above executive and legislative authority of the Municipality, policy workshops were conducted on 14, 15 and 25 July 2022, respectively, with Management and the Unions, and Councillors.

POLICIES PRESENTED DURING WORKSHOPS

Policies workshopped with Management and the Unions on 14 and 15 July 2022:

Performance- and Risk Management

- 1) Performance Management and Development Policy Framework (amended)
- 2) Code of Ethics (amended)
- 3) Anti-Corruption and Fraud Prevention Plan (amended)
- 4) Anti-Corruption, Fraud and Financial Misconduct Policy (amended)
- 5) Combined Assurance Policy Framework (amended)

Human Resources

- 6) Recruitment and Selection Policy (amended)
- 7) Induction Policy (new)
- 8) Exit Interview Policy (new)
- 9) External and Internal Bursaries Policy (amended)
- 10) Grievance Policy (new)
- 11) Education, Training and Development Policy (new)
- 12) Integrated Human Resources Framework Policy (new)
- 13) Employment Equity (new)

Emergency Services

- 14) Shift Leader Policy (Fire Department - new)
- 15) Promotion Policy (Fire Department – new)

It is noted that the above policies were workshopped with Councillors on 25 July 2022, except for the Employment Equity Policy.

OUTSTANDING POLICY TO BE WORKSHOPPED WITH COUNCILLORS

The Employment Equity Policy will be workshopped with Councillors on 22 August 2022, prior tabling of all applicable policies (as previously workshopped), for consideration and approval by Council on the same day.

ICT POLICIES

The following ICT policies were tabled to the ICT Steering Committee during November 2021, and the Corporate Services Portfolio Committee on 7 March 2022. Following the in principle approval of ICT policies on 22 August 2022, all ICT policies will be further workshopped with Councillors for re-adoption in December 2022.

- 1) ICT Change Management Policy
- 2) ICT Access Management Policy
- 3) ICT Migration and Disaster Recovery Plan
- 4) ICT Performance Plan
- 5) ICT Operating System Security Controls Policy
- 6) ICT Security Controls Policy
- 7) ICT Strategic Plan
- 8) Municipal Corporate Governance of Information and Communication Technology

FINANCIAL IMPLICATIONS

Provision will be budgeted for regarding any financial implications in terms of the policies.

STAFF IMPLICATIONS

None

LEGISLATIVE FRAMEWORK

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

ATTACHMENT

List of revised and/or new policies

RESOLVED : (Proposed by Cllr. R Mokotwana and seconded by Cllr. B Mkhwibiso)

- 1) Cognisance was taken of the policies.
- 2) Council approves the policies.

CERTIFIED A TRUE EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD
ON 22 AUGUST 2022.



R BOSMAN
MUNICIPAL MANAGER