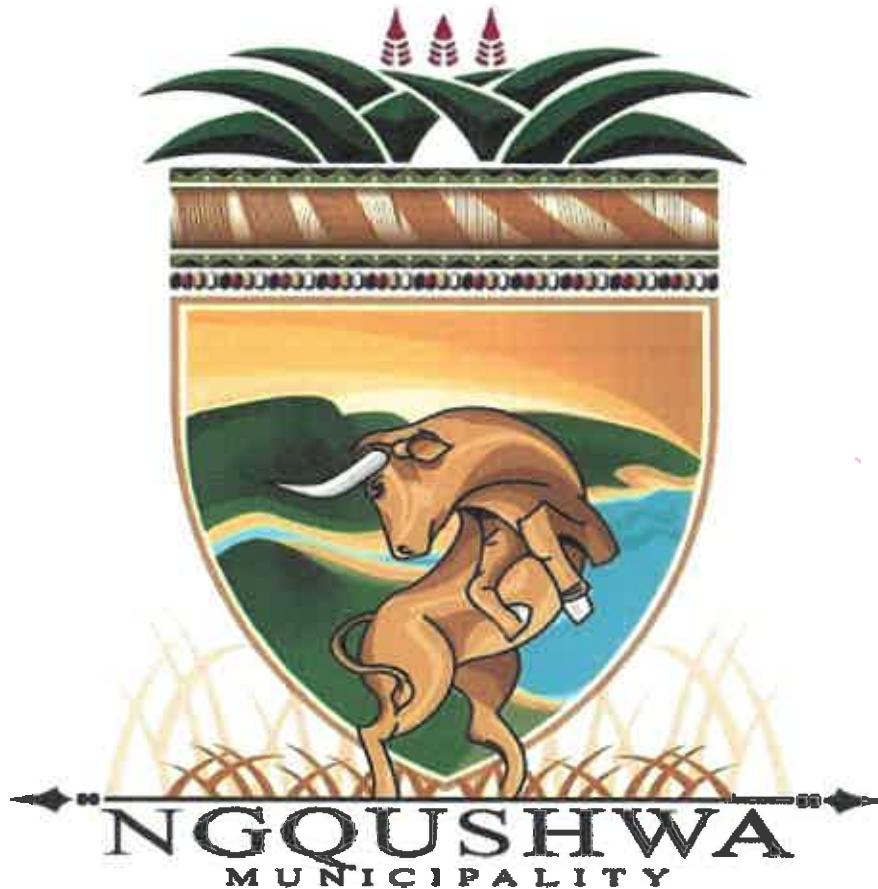


**NGQUSHWA LOCAL**  
**MUNICIPALITY**



**GRIEVANCE PROCEDURE POLICY**  
**2022/2023**

## Summary

<b>Publication Date</b>	11 July 2022
<b>Review Date</b>	19 March 2022
<b>Related Legislation/Applicable Section of Legislation</b>	Municipal Offices Bearers Handbook
<b>Related Policies, Procedures, Guidelines, Standards, Frameworks</b>	Basic Condition of Employment Act, Collective Agreement, Municipal System Act, Employment Equity Act, Municipal Staff Regulations
<b>Replaces/ Repeals (whichever is relevant, if any)</b>	None
<b>Policy Officer (Position)</b>	<i>Director Corporate Services</i>
<b>Policy Officer (Phone)</b>	040 6732 081
<b>Policy Sponsor (Position)</b>	Mkhuseli Mxekezo
<b>Department Responsible</b>	<b>Corporate Services</b>
<b>Unit responsible</b>	Human Resources
<b>Applies to</b>	<b>All staff and External candidates</b>
<b>Key Words</b>	Grievance Policy
<b>Status</b>	Reviewed/ Amended
<b>Council approval date</b>	<i>8 July 2022</i>
<b>Version</b>	<b>1</b>

# REVISION RECORD

**Date**

**Version**

**Revision Description**

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## **1. DEFINITIONS**

**Employee:** means any person employed by the municipality, including all senior managers but excluding Council members

**Policy:** means the Ngqushwa Local Municipality Grievance Policy and Procedure;

**Municipality:** means the Ngqushwa Local Municipality

**Designated Area:** means the Human Resources Department, and the main Reception of the Municipality

**Parties:** means the individuals involved in the grievance, and the Municipality when applicable.

**Working Days:** means Monday to Friday and excludes public holidays and Municipal recess periods

## **2. PREAMBLE**

The objective of this policy is to give guidance for the handling of employees' grievances. These guidelines apply to all members of the employees of the Municipality excluding the Municipal Manager.

## **3. NAME OF POLICY**

This is the Grievance Procedure Policy of the Ngqushwa Local Municipality

## **4. OBJECTIVES OF POLICY**

- 4.1 This policy exists to serve as a guide for management of the Municipality in instances where grievances arise.
- 4.2 This policy is put in place for purposes of expediting the resolution of disputes among employees and between management and its employees.
- 4.3 This policy must be applied indiscriminately in all instances where grievances arise; except where its application proves to be impractical to do so.
- 4.3 Examples of impractical situations include, but are not limited to the following:-

**4.3.1 Violence in the workplace that endangers or has the potential to endanger the lives of other fellow employees;**

- **Fraud;**
- **Theft;**
- **Vandalism;**
- **Gross Dishonesty; and**
- **Wrongful disclosure of privileged information.**

## **5. LEGAL FRAMEWORK**

- **Labour Relations Act 66 of 1995 (as amended);**
- **Basic Conditions of Employment Act 75 of 1997;**
- **Municipal Systems Act 32 of 2000 (as amended); and**
- **South African Local Government Bargaining Council Main Collective Agreement.**

## **6. COMMITMENT TO THE POLICY**

**6.1 The Municipality endeavours to effectively and decisively deal with grievances arising in the workplace. The Municipality, in line with its objectives, is committed to ensuring that:**

**6.1.1 Employees are made aware of the policy and their right to express their individual grievances;**

**6.1.2 Employees express their grievances without fear of victimization or reprisal whether it be from other employees or management;**

**6.1.3 Employee grievances are handled with the ultimate delicacy and with the integrity of the affected employee in mind;**

**6.1.4 Employees are encouraged to report and/or express their grievances by using this policy;**

**6.1.5 Employees are cautioned not to bring frivolous and vexatious grievances aimed at debilitating the purpose of this policy.**

**6.1.6 The Municipality in realising its commitment to the policy endeavours to:**

- 6.1.6.1 Resolve all grievances arising out of the workplace expeditiously without favour to any particular employee;
- 6.1.6.2 Ensure that management handles grievances effectively with the Labour Relations Officer acting in an advisory capacity where the need arises;
- 6.1.6.3 Ensure that the rights of both the employer and employees are protected during grievance proceedings
- 6.1.6.4 Ensure that each step provided in the grievance procedure is carried out within the timeframes provided, unless otherwise parties to the grievance mutually agree to more relaxed periods.

## **7. GRIEVANCE PROCEDURE**

### **7.1 Preliminary Issues**

- 7.1.1 The Municipality must inform its employees of the right to lodge a grievance and where the applicable grievance form may be obtained.
- 7.1.2 The lodging of a grievance shall except in exceptional circumstances, take place within ten (10) days from the time the employee first become aware of the matter that gave rise to such grievance.
- 7.1.3 The grievance form may be obtained from Labour Relations Officer
- 7.1.4 For the sake of the aggrieved employee's privacy and/or other parties involved in a grievance, all grievances may be lodged with the relevant line manager or the labour relations officer.
- 7.1.5 In cases where the aggrieved employee's grievance relates to a particular manager, the grievance will be lodged with the labour relations officer.
- 7.1.6 No employee may leave his/her workstation to attend a grievance discussion or hearing without prior permission being granted by the employee's line manager, and such permission may not be unreasonably withheld.

- 7.1.7 The line manager must provide a valid reason in writing as to why an employee under his/her supervision was not granted permission to attend a grievance discussion or hearing.
- 7.1.8 In the event that the aggrieved employee is illiterate or fails to understand the grievance form, he/she must seek assistance either from his/her line manager or the labour relations officer.
- 7.1.9 Upon completion of the required information in the grievance form, the grievance form must be signed by the aggrieved employee using his own penmanship.
- 7.1.10 Upon lodgement of the grievance form, the relevant person (line manager or labour relations officer) will assess and consider the grievance lodged, and based on his/her assessment make a decision as to which grievance procedure to follow (i.e. formal process or informal process).
- 7.1.11 A mild/less serious grievance may be dealt with using the informal process such as informal enquiries, informal meetings, etc.
- 7.1.12 A serious grievance such must be dealt with by means of a formal process, such as appointing an officer to preside over the hearing, submission of documents that an employee relies on to further his/her grievance, etc.
- 7.1.13 The presiding officer must be a neutral individual to the parties concerned, and must be appointed in terms of the Municipality's Disciplinary Code and Procedure.

## **8. MILD/LESS SERIOUS GRIEVANCE**

This type of grievance does not involve a dispute of facts or require that evidence be led to understand the nature of the grievance. The line manager or the labour relations officer can easily ascertain the nature of the problem and is able to resolve the grievance without the assistance of evidence.



## **9. SERIOUS GRIEVANCE**

This type of grievance revolves around a dispute of facts and further evidence or witness testimonies may be necessary understand the nature of the grievance. The labour relations officer upon assessment will recommend that a presiding officer be appointed to hear the grievance.

## **10. INFORMAL GRIEVANCE INVESTIGATION**

10.1 The aggrieved employee's line manager or the labour relations officer must ensure that the grievance form has been correctly filled out and signed by the aggrieved employee and that he/she (line manager/labour relations officer) understands the nature of the grievance.

10.2 The aggrieved employee must be informed of their right to have a representative present at all times

10.3 The line manager or the labour relations officer with whom the grievance was lodged must after careful consideration of the facts discuss the grievance and proposed corrective actions with the employee in private. The agreed upon corrective action must be recorded in the grievance form.

10.4 The aggrieved employee must sign in order to confirm the outcome and/or of the grievance investigation.

## **11. FORMAL GRIEVANCE HEARING**

11.1 A chairperson must be appointed in terms of the Municipality's Disciplinary Code and Procedure.

11.2 The parties must be informed of the grievance in writing at least 2 (two) working days before the grievance hearing, in order to allow for sufficient preparation for the parties.

## **12. FORMAL PROCEDURE**

12.1 After appointment of the chairperson for the formal grievance hearing, the chairperson must advise the parties present at the hearing:

12.1.1 the purpose of the hearing; and

12.1.2 the parties' rights in the process of the hearing.

12.2 The aggrieved employee must be given the opportunity to state and motivate his/her grievance by means of oral and/or documentary evidence.

12.3 The party against whom the grievance was lodged must be given the opportunity to respond to the aggrieved employee's grievance.

12.4 Parties to the grievance are allowed to present evidence and to call witnesses in furtherance to their arguments.

12.5 Each party may cross examine the other party's witnesses.

12.6 The chairperson, after having heard the parties' arguments, must make a finding based on a balance of probabilities as to whether the grievance is valid.

12.7 If it is found that grievance is invalid, the findings of the grievance must be recorded in writing and signed by both parties, and must be filed in the aggrieved employee's file.

12.8 The aggrieved employee must be advised of his/her rights to appeal within 5 (five) working days of receiving the outcome of the grievance hearing.

12.9 If the aggrieved employee intends to appeal the chairperson's decision, the appeal must be filled out on the applicable form, and in which event the process will start afresh with a new chairperson.

## **13. VALID GRIEVANCE**

13.1 After arguments have been made by the parties in terms of 6.6 above, and the chairperson finds the grievance to be a valid one; the chairperson must present his findings on the validity of the grievance.

13.2 Parties to the grievance are to be given an opportunity to suggest corrective action measures.

13.3 Responses and discussion as to the feasibility of the suggestions must be entertained by the chairperson.

13.4 The chairperson must question the parties as to whether they are satisfied with the proceeding.

#### **14. CORRECTIVE ACTION**

14.1 The chairperson must decide on the most effective and viable corrective action and advise the parties of his/her decision in writing on the applicable grievance form.

14.2 The parties must be advised of their rights to appeal against the decision within 5 (five) working days of receiving the outcome of the proceedings if he/she is dissatisfied.

14.3 The chairperson must ensure that such corrective action is implemented and that progress is recorded on the applicable grievance form.

14.4 The Municipality reserves the right to institute disciplinary action against an employee based on the findings of the grievance procedure.

#### **REVIEW OF POLICY**

Council may annually consider to review and or amendment this Policy, or as and when necessitated by National or Provincial legislation, or as directed by Council.

**AS APPROVED BY COUNCIL ON 08<sup>TH</sup> JULY 2022 UNDER AGENDA ITEM NO 5.1**

  
MUNICIPAL MANAGER

  
MAYOR OBO COUNCI

**FORM G1.1**

<b>NAME OF AGGRIEVED EMPLOYEE</b>  (If this is a collective grievance attach list of the names of all aggrieved employees)	
<b>JOB TITLE</b>	
<b>NAME OF LINE MANAGER/ OFFICER WITH WHOM GRIEVANCE WAS LODGED</b>	
<b>NAME OF REPRESENTATIVE</b>	
<b>DATE OF LODGMENT</b>	
<b>NATURE OF GRIEVANCE (events <u>i.e.</u>, who, what where, when and how)</b>	
<b>EMPLOYEE'S PROPOSED SOLUTION</b>	

**IF A FORMAL HEARING IS NECESSARY – INITIATE PROCEEDINGS**

**IF AN INFORMAL INVESTIGATION WILL SUFFICE, COMPLETE REMAINDER OF THIS FORM.**

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

**CORRECTIVE ACTION DECIDED BY LINE MANAGER/OFFICER**

**DATE PARTIES INFORMED OF DECISION**

**DATE:** \_\_\_\_\_ **EMPLOYEE**

**SIGNATURE** \_\_\_\_\_

**DATE:** \_\_\_\_\_ **MANAGER**

**SIGNATURE** \_\_\_\_\_

**PROGRESS REVIEW DATE**

**PROGRESS MADE:**

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

**FORM G 2.1**

**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~~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 at least 24 (~~twenty-four~~twenty-four) hours before the grievance hearing.

Yours faithfully

\_\_\_\_\_  
(CHAIRPERSON)

**Employee Confirmation**

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

\_\_\_\_\_

(SIGNATURE OF EMPLOYEE)

\_\_\_\_\_

DATE

If Applicable:

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

**FORM G 2.2**

**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:

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**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:

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**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

\_\_\_\_\_  
**(CHAIRPERSON)**

**EMPLOYEE CONFIRMATION**

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

\_\_\_\_\_  
**(SIGNATURE OF EMPLOYEE)**

\_\_\_\_\_  
**DATE:**

If Applicable

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.**

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