

GRIEVANCE PROCEDURE

This Grievance Procedure should be read in conjunction with the HSRC Human Resources Policies and Procedures Covering Document which contains important information on HSRC Human Resources Policy, its purpose and scope, how it will be applied, and the delegation of authority under it.

1. INTRODUCTION

A grievance is defined as:

“A feeling of dissatisfaction felt by an employee or group of employees, due to a negative experience in the service relationship, that has been brought to the attention of management.”

The effective management of conflict and employee dissatisfaction requires a systematic and orderly mechanism to contain and regulate conflict and therefore ensure that:

- ☐ The trust of HSRC employees in management is maintained;
- ☐ HSRC corporate policy is applied; and
- ☐ Grievances are handled as speedily as possible, at the appropriate level, and at their point of origin.

2. PURPOSE AND OBJECTIVES OF THE GRIEVANCE PROCEDURE

The grievance procedure has been established in order to:

- ☐ Provide a structured manner in which to defuse flashpoints that may arise in the relationship between employer and employee, as well as between employee and employee;
- ☐ Handle employee grievances fairly and consistently; and
- ☐ Resolve grievances as quickly as possible.

As such, the grievance procedure serves a dual purpose:

2.1 Recognising that fair, reasonable and speedy resolution of grievances is in the common interest

It is in the interests of both employer and employee to consider and resolve issues arising between them:

- ☐ In a fair and reasonable manner; and
- ☐ As soon as possible.

In this respect, the grievance procedure is intended to provide channels for the resolution of any problem which an employee or group of employees may have.

2.2 Enabling any employee or group of employees to have a grievance resolved as quickly, and as close to the point of origin, as possible

In this light, failure to respond to a grievance in terms of this grievance procedure:

- ☐ Will be deemed as a breach of the procedure; and
- ☐ May result in a dispute being declared.

3. THE GRIEVANCE PROCEDURE IS SUBJECT TO CERTAIN LIMITATIONS:

The grievance procedure may **not** be used:

- ☐ As an alternative to, or as an appeal mechanism against, any disciplinary action and/or performance management process instituted; or
- ☐ As a forum for collective bargaining.

4. FIVE GENERAL PRINCIPLES WILL APPLY WHEN THE GRIEVANCE PROCEDURE IS INVOKED:

- ☐ An employee lodging a grievance must place on record a desired outcome from the process;
- ☐ A grievance will be considered to be resolved only when the employee accepts the proposed solution;
- ☐ No employee will in any way be victimised due to the grievance procedure being invoked;
- ☐ If a grievance is not solved within the prescribed time period – or if it is inadequately addressed – it will automatically be escalated to the next stage;
- ☐ An employee will be entitled to representation by a fellow employee and/or a trade union representative recognised by the HSRC during all steps in the grievance procedure (according to Section 213 of the Labour Relations Act (Act 66 of 1995) as amended).

5. GUIDELINES

Guideline	Explanation
The Grievance Procedure exists for the benefit of both the employee and the employer.	<p>The employee concerned – in consultation with a representative (if applicable) – decides whether:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The grievance has been resolved satisfactorily; or <input type="checkbox"/> The grievance must be referred to the next stage. <p>The employee and employer must:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Make an honest attempt to resolve the grievance; <input type="checkbox"/> Attempt to solve the grievance honourably.
The grievance should be resolved within five (5) working days.	<p>The time allowed for the various stages of the procedure will depend on the nature and/or circumstances of the grievance.</p> <p>It is recommended – but not prescribed – that, in most cases, a period of five (5) working days be mutually agreed upon by both parties as reasonable.</p>
The objective of the procedure should always be kept in mind.	In other words, to enable any employee or group of employees to have a grievance resolved as quickly and close to the point of origin as possible.
If a decision is taken, the aggrieved employee has the option to accept or reject the decision.	Decisions will not be summarily enforced “from the top down”.
If the aggrieved employee rejects the decision, the onus is on the employee to decide whether the grievance must be referred to the next stage, and this must be done within five (5) working days.	
<p>If an employee so desires, s/he may seek assistance from:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A union representative recognised by the HSRC; or <input type="checkbox"/> A fellow employee. 	
The parties agree that, where more than one employee is involved, the grievance will be treated as a collective grievance.	<p>In the case of the collective grievance, the number of representatives to be elected by the group to handle the grievance on their behalf should be decided by the employees themselves, but shall not exceed three (3).</p> <p>The representatives elected must be drawn from the group of aggrieved employees and may include a representative of the relevant association/s and/or union/s.</p>
A grievance should ideally be raised within five (5) working days of the incident giving rise to it occurring.	

Guideline	Explanation
A grievance that cannot be dealt with in terms of the grievance procedure may be referred to an appropriate managerial level.	<p>If the employee and his or her representative believe that a matter cannot be dealt with in terms of this grievance procedure, they may decide by mutual agreement with the Directorate: Human Resources on the most appropriate managerial level to which the grievance may be referred.</p> <p>Prior to discussion with the Directorate: Human Resources the grievance must be rendered in writing – refer to Grievance form.</p>
Nothing in this agreement will prejudice any party in terms of the Labour Relations Act.	<p>From stage 3 an official from the Directorate: Human Resources should be involved during the grievance procedure either by being present or being consulted.</p> <p>However, where this is desired by either party, an official of the Directorate: Human Resources may participate in the procedure at stages 1 and 2.</p>

6. STAGES OF THE GRIEVANCE PROCEDURE

6.1. Stage 1: Grievance is referred to the immediate supervisor

What Happens	Note
An employee shall first raise the grievance verbally or in writing with his or her supervisor.	<p>S/He may be accompanied by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A representative of an HSRC-recognised union; or <input type="checkbox"/> Any other fellow employee who is prepared to assist him or her. <p>It is the responsibility of the aggrieved employee to raise the grievance at any level of management as provided in the procedure.</p>
The supervisor must attempt to resolve the grievance within ten (10) working days.	In a case where the supervisor is the cause of the grievance, it may be referred directly to stage 2 of the procedure.
An attempt must be made at this stage to resolve the grievance.	A meeting between the aggrieved parties (employee and the supervisor) can be arranged to solve their differences.
Should it not be possible to resolve the grievance at this stage, the aggrieved party should submit a written grievance and refer the matter to the next level of management.	<p>Copies of the grievance are distributed as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> One copy to the official who is concerned with stage 2 of the procedure; and <input type="checkbox"/> One copy to the Directorate: Human Resources for information.

6.2. Stage 2: Grievance is referred to the next line supervisor: Managerial level

What Happens	Note
If a satisfactory solution cannot be reached in stage 1 of the procedure, the grievance must be put in writing and a copy of the document must be submitted to the next level (managerial) line supervisor.	It is the responsibility of the aggrieved employee to escalate the grievance to this stage if s/he is not satisfied with the outcome at stage 1.
If the next level line supervisor is unable to resolve the grievance to the satisfaction of the aggrieved employee, the matter may be referred in writing to the next stage (Responsible Executive)).	The grievance must be referred by the aggrieved employee, to stage 3 of the procedure within five (5) working days. S/He may be assisted by his or her representative.

6.3. Stage 3: Grievance is referred to the Responsible Executive

If a satisfactory solution cannot be reached in stage 2 of the procedure, the aggrieved employee may refer the matter to his or her Responsible Executive who must attempt to resolve the grievance within five (5) working days. The employee may be assisted by his or her representative if required.

What Happens	Note
A formal meeting should be held in order to find a satisfactory solution to the grievance. The following should be present at the meeting: <ul style="list-style-type: none"> <input type="checkbox"/> The Responsible Executive (Chairperson); <input type="checkbox"/> A Human Resources Official; <input type="checkbox"/> The aggrieved employee; <input type="checkbox"/> Representatives of the aggrieved employee (if so required); <input type="checkbox"/> Any witness(es) who may be able to assist in the resolution of grievance; <input type="checkbox"/> Any supervisor/s directly involved in the grievance; <input type="checkbox"/> An interpreter (if required by the aggrieved employee). 	At this stage the aggrieved employee will be allowed a representative if s/he so requires.
Should the grievance not be resolved satisfactorily at stage 3, the matter may be referred to the DCEO / GE:SS / CFO.	The grievance may be referred by the aggrieved employee to stage 5 of the procedure. S/He may be assisted by his or her representative.

6.4. Stage 4: Grievance is referred to the relevant Deputy CEO (DCEO) or GE:SS or CFO

If a satisfactory solution cannot be reached in stage 3 of the procedure, the aggrieved employee may refer the matter in writing to either the DCEO or GE:SS or CFO to whom s/he business unit report to and there must be an attempt to resolve the grievance within five (5) working days. The employee may be assisted by his or her representative if required.

What Happens	Note
<p>The DCEO / GE:SS concerned launches an inquiry into the nature and cause of, and possible solutions to, the grievance.</p> <p>The following should be present at the enquiry:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The DCEO / GE:SS (Chairperson); <input type="checkbox"/> A Human Resources official; <input type="checkbox"/> The aggrieved employee; <input type="checkbox"/> Representatives of the aggrieved Employee (if so required); <input type="checkbox"/> The person giving rise to the grievance (if applicable); <input type="checkbox"/> Any witnesses; <input type="checkbox"/> Any supervisors directly involved in the grievance; <input type="checkbox"/> An interpreter (if required by the aggrieved employee). 	<p>At this stage the aggrieved employee will be allowed a representative if s/he so requires.</p> <p>No legal representatives or attorneys - or unions not recognised by the HSRC - will be permitted to attend the grievance hearing.</p> <p>Representation must be in accordance with the provisions of Section 213 of the Labour Relations Act (Act 66 of 1995) as amended.</p>
<p>Should the grievance not be resolved satisfactorily at stage 4, the matter may be referred to the CEO.</p>	<p>The grievance may be referred by the aggrieved employee to stage 5 of the procedure. S/He may be assisted by his or her representative.</p>

6.5. Stage 5: Grievance is referred to the CEO

If a satisfactory solution cannot be reached in stage 4 of the procedure, the aggrieved employee may refer the matter to the CEO. The employee may be assisted by his or her representative if required.

What Happens	Note
<p>At this stage the grievance is reviewed by the CEO with the assistance of the Director: Human Resources.</p> <p>A formal meeting should be held in order to find a satisfactory solution to the grievance. The following should be present at the meeting :</p> <ul style="list-style-type: none"> <input type="checkbox"/> The CEO or an External Consultant appointed by the CEO (Chairperson); <input type="checkbox"/> The Director: Human Resources; <input type="checkbox"/> he aggrieved employee; <input type="checkbox"/> Representatives of the employee (if required); <input type="checkbox"/> The person giving rise to the grievance (if applicable); <input type="checkbox"/> Any witnesses; 	<p>The possible solutions for resolving the grievance, as put forward during the previous stages, are evaluated and an alternative solution is sought in order to resolve the grievance.</p>

Note: a grievance lodge against the CEO must be submitted to the Director: Human Resources and if the aggrieved and the CEO cannot resolve the matter internally the referral must be submitted to the HSRC Board Chairperson via the Director: Human Resources.

6.6. Declaration of dispute

Should the employee still feel aggrieved after exhausting the five stages of the grievance procedure, the matter should be dealt with in terms of the HSRC's Dispute Procedure which is compliant with the Labour Relations Act (Act 66 of 1995) as amended.

The aggrieved employee (and/or the union acting on his or her behalf) declares a dispute, in writing, to Director: Human Resources.

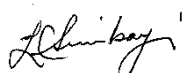
The matter may be referred to the CCMA.

7. DEFINITIONS

CCMA	The Commission for Conciliation Mediation and Arbitration. The CCMA is an independent dispute resolution body established in terms of the Labour Relations Act (Act 66 of 1995). The CCMA does not belong to and is not controlled by any political party, trade union or business. It is not controlled by the state, although it is publicly funded. It may also receive grants, donations and bequests.
LRA	The Labour Relations Act (Act 66 of 1995), as amended.
Responsible Executive	The Executive who serves on the Executive Committee (EXCO) and who are responsible for the overall management of the Division/ Centre / Institute/ Unit.

8. AUTHORISATION

This Procedure was approved by the CEO after consultation with the Executive Committee on 13 May 2021.



Prof Leickness Simbayi
CEO (acting)

Date 19 May 2021

Version control

Version	Date	Author	Detail
4.0	31 May 2021	Ms Erika Lewis	Updates following consultation with Executive Committee