

Grievance procedure: Step-by-step

How to submit a grievance to your employer

Since the implementation of the new Grievance Procedure for the Public Service (*Government Gazette 25209*: effected 19/09/2003) (PSCBC Resolution 14/2002), the PSA has been inundated with enquiries concerning the prescribed procedure.

In terms of section 14(4) of the *Labour Relations Act 66, 1995*, a shop steward can perform certain functions. Amongst others, has the right, at the request of an employee in the workplace, to assist and represent the employee in grievance and disciplinary proceedings.

Recently, in a few arbitration cases, commissioners held that they would not continue with the arbitration proceedings because the applicant (member) did not invoke (exhaust) the internal departmental grievance proceedings as contained in the respective Public Service prescripts. (Different legislations are applicable to employees employed in terms of the *Public Service Act, SA Police Act, Correctional Services Act* and the *Educators Act*). In view of this, members are reminded to firstly invoke the internal (departmental) proceedings for dealing with grievances before referring the grievance to the PSA Provincial Office. It is expected from shop stewards to assist members in drawing up such grievances once the member has provided all relevant written information.

Guidelines

- A grievance must be registered within 90 days from the date on which the employee became aware of the act or omission by the Department. An employee might be barred from registering a grievance at a later stage owing to the 90-day period.
- During any dispute/complaint/dissatisfaction, it is advisable to immediately register a grievance on the prescribed form as first step. To empower the PSA's representatives (shop stewards), PSA members are urged to approach a shop steward for assistance (where possible) prior to referring matters to a PSA Provincial Office. This will assist in handling grievances quicker and to involve elected shop stewards on ground level. **Remember: Shop stewards are elected by you, the members.**
- In terms of the Grievance Procedure, a shop steward may assist an employee during any stage of the grievance.
- A dispute may not be referred to any Bargaining Council or the CCMA if the internal Grievance Procedure has not been exhausted (except for dismissal disputes) and proof that a grievance was registered before referring the dispute will be required from the member.

- The prescribed form MUST be completed during the grievance process. The “old” procedure, where a letter was written to the employer, will therefore not suffice anymore. Members need to ensure that the correct grievance form is submitted.
- The employer has 30 working days to finalise a grievance and you should diarise this date. This period may only be extended by mutual agreement.
- The employer must provide the employee with the status of the grievance and progress made towards the planned finalisation date.
- Once the grievance has been answered, the aggrieved employee will have the option to, within ten days, request the employer to refer the matter to the Public Service Commission (PSC) (interest disputes) or to refer the dispute to the relevant Bargaining Council (rights disputes).

Steps to follow

- Complete the prescribed grievance form. Please note that annexures can be used to describe the nature and the solutions required. This form must be handed to the employee who is designated to handle grievances in the Department.
- Ensure that the designated employee acknowledges receipt of the grievance and that she or he signs on the grievance form.
- Make sure that a copy of the signed grievance form is kept, as this will be required at a later stage.
- In cases where various members experience the same concern(s), a collective grievance may be registered. It is proposed that a list should be attached to the grievance containing the names and details of all members concerned.
- The Department has 30 working days to finalise the grievance. Please diarise this period (approximately six weeks).
- If an employee does not receive feedback after the 30-working day period or are not satisfied with the response received, the grievance should be referred to the next level. This can either be the Public Service Commission (PSC) or the relevant Bargaining Council, depending on the nature of the dispute.
- Members should forward the grievances to the relevant PSA Provincial Office. On receipt, the PSA’s Labour Relations Section will refer the grievances to the relevant forum.
- Please note that the PSA will require proof that the grievance was properly submitted to the designated employee.

Ivan Fredericks
GENERAL MANAGER