

RICHTERSVELD

MUNICIPALITY



18. GRIEVANCE POLICY

**RICHTERSVELD MUNICIPALITY
HUMAN RESOURCE POLICY**

GRIEVANCE

GRIEVANCE POLICY

Approved Date: 30/06/2022	Council Resolution Nr: RVM007/06/2022
Effective Date: 01 July 2022	Review Date: 30 June 2023

1. AIM AND PURPOSE

- (1) The aim and purpose of this policy is to lay down rules for the handling of grievances and shall be deemed a condition of service.
- (2) The grievance procedure should ensure fair play, resolve problems fast and efficiently and deal with conflict through legally acknowledged procedural means.
- (3) No employee shall suffer victimization or occupational prejudice as a result of lodging a grievance.

2. TITLE AND APPLICATION

- (1) This policy is known as the Grievance Policy of the Richtersveld Municipality.
- (2) The policy applies to all employees and Councillors of the Richtersveld Municipality.

3. COMMENCEMENT AND VALIDITY

- (1) This policy shall come into full force and effect upon the acceptance hereof by the full council of the Richtersveld Municipality by resolution.

4. LEGAL FRAMEWORK

This policy is guided by the following legislation and agreements:

- (1) Labour Relations Act, Act 66 of 1995;

- (2) Basic Conditions of Employment Act, 75 of 1997;
- (3) Local Government: Municipal Systems Act, 32 of 2000;
- (4) Local Government: Municipal Structures Act, Act 117 of 1998;
- (5) All collective agreements, as amended from time to time, concluded in the South African Local Government Bargaining Council.

CHAPTER 2: GRIEVANCE

5. GRIEVANCE

6.1 Preamble:

Where a specific dispute resolution is catered for in the Main Collective Agreement, Disciplinary Procedure and Code Collective Agreement, this grievance procedure shall not apply. The grievance procedure applicable to Senior Management is a different process regulated by the Local Government: Disciplinary Regulations for Senior Managers, 2010.

6. GRIEVANCE PROCEDURE

6.1 Step one: Immediate Supervisor:

The lodging of a grievance, except in exceptional circumstances, take place within ten (10) days from the time the employee first becomes aware of the matter that gave rise to such grievance. Any grievance submitted outside this time period will not be regarded as a grievance: The process is as follows:

- (1) An aggrieved employee or group of employees must lodge in writing with his immediate superior a grievance on the prescribed form setting out the complaint and the desired result. Such an employee may, if he so wishes be assisted by a shop steward, fellow employee or union official. Should the grievance concern the conduct of the employee's immediate superior, the employee may proceed directly to Step Two provided that he submits the grievance on the prescribed form: and
- (2) The immediate superior shall endeavor, in consultation with the affected employee(s), to resolve the grievance within five (5) days of the grievance having been referred to him and shall inform the employee of the outcome in writing.

6.2 Step two: Head of Department

- (1) If a grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the immediate superior shall refer the matter in writing within five (5) days to the Head of Department or his nominee.

- (2) The Head of Department or his 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.
- (3) The Head of Department or his nominee shall endeavour to resolve the grievance within five (5) days of the grievance being referred and shall inform the employee of the outcome in writing.

6.3 **Step Three: Municipal Manager:**

- (1) If the grievance has not been resolved to the satisfaction of the aggrieved employee or group of employees, the Head of Department or his nominee shall refer it to the Municipal Manager or his nominee within five (5) days in writing who shall hold an enquiry into the grievance, attended by the employee, his representative, if required, and any other persons who, in the opinion of the Municipal Manager or his nominee should attend.
- (2) The Municipal Manager or his/her nominee shall hear details of the grievance including proposals to resolve the issue and shall endeavour to reach a decision within five (5) days.
- (3) The Municipal Manager or his/her nominee shall inform the employee in writing of the outcome of the hearing as envisaged in sub-section (1) above, and such decision shall be final in terms of this procedure.
- (4) If the grievance is against a Municipal Manager, the aggrieved employee shall refer the grievance to the Mayor, which may either resolve the grievance itself or engage the services of an appropriate Senior Manager of another municipality to resolve the grievance.
- (5) If the grievance has not been resolved to the satisfaction of the aggrieved party, that party may refer the grievance to the Bargaining Council for adjudication, provided that a dispute has been declared.

7. **GUIDELINES IN HANDLING A GRIEVANCE**

(1) **Preparation and holding of grievance hearing:**

The person conducting the grievance hearing must:

- (a) Ensure that the venue is private and that the process won't be interrupted;
- (b) Introduce everyone and explain why they are present;
- (c) Explain the reasons for the hearing and how it will be conducted;
- (d) Listen carefully to persons explaining the problem and consider (5) whether there is another issue which might be the root cause of the grievance;
- (e) Listen for any conflicting points; and

- (f) Weigh up all the issues to determine whether there is an issue you need to address.
- (2) It is critical that a grievance must be dealt with great sensitivity and in strict confidence, particularly where it concerns other employees.

7.1 Making a decision:

- (1) Decide what action to take – balance fairness to the person without compromising the Richtersveld Municipality or other employees;
- (2) Inform all concerned parties in writing of the decision and further process to follow if they are not satisfied with the outcome.

7.2 MISUSE OF GRIEVANCE PROCEDURE

- (1) Should it be found, that the grievance procedure is misused for whatever reason and in any way, disciplinary action may be instituted against such an employee.
- (2) Once disciplinary action is instituted against an employee, a grievance dealing with the same issue will not be attended to and should form part of the defence at the disciplinary hearing.

8. CONSULTATION PROCESS

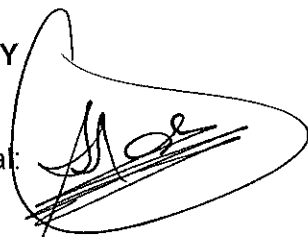
8.1 There need to be consultation with all employees and the local labour forum.

9. ADHERENCE TO POLICY

This policy must be strictly adhered to by all parties of the Richtersveld Municipality. Should a grievance be submitted outside of the determined procedure to a higher office, except as provided for, the person it is submitted to will refer it back to the employee aggrieved to follow the determined procedure.

10 AUTHORITY

MM Approval:



Date:

30/06/2022