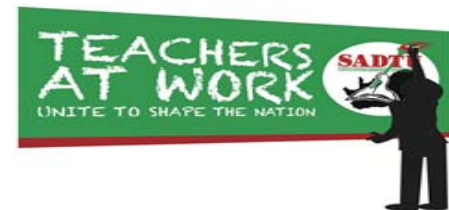




# Chapter G of the PAM

as amended 12 February 2016  
Grievance Procedure

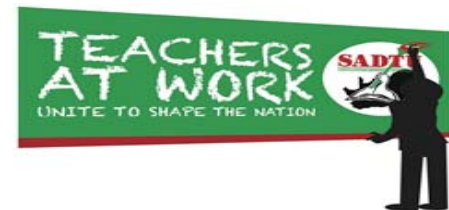
Kopanong Hotel & Conference Centre  
6-10 February 2017





# The Key Question ?

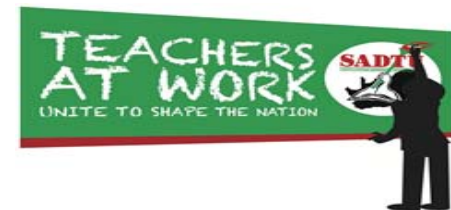
- What is a Grievance?





## Definition of the a grievance

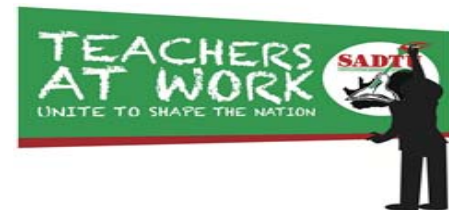
- A **grievance** means a **complaint** by an **employee or employees** affecting the **employment relationship** of a person or persons concerned, or where there is an **alleged misinterpretation** or **violation** of his or her rights.





# Grievances

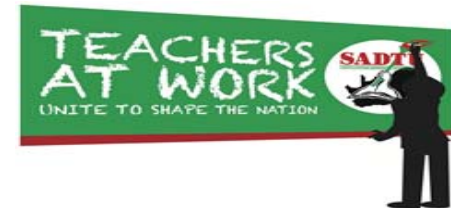
- Lets brainstorm and give some examples of grievances





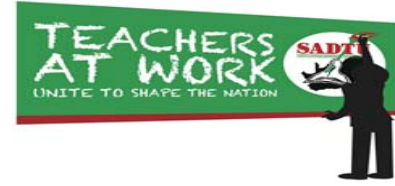
# Objectives of the Grievance Procedure

- **Purpose :**
  - To resolve the grievance as close to the sources of unhappiness.
  - Its must be:
    - Speedily resolved
    - Impartial
    - Its must be equitable
    - Promote sound labour relations





# Time Frames



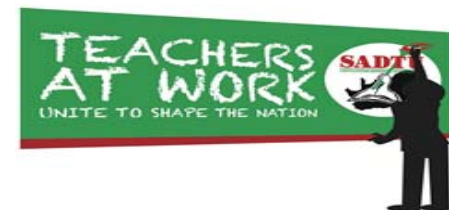
- The employee must lodge a grievance **within 90 days** from the date the educators becomes aware of the act or omission which adversely affects him or her.
- The dates are determine **excluding the first day** but **including the last day.**
- Its important to **adhere to timeframes** others the grievance may become stale.
- This may affect timeframes if members what to refer the matter to the ELRC as a formal dispute, which may result in the need for a condonation application.



# Stages

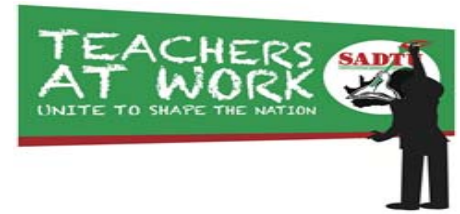
- **Oral Interview**

- This stage entails that there is an oral interview between the **grievant** and the **head of the school** or the **supervisor in the departmental offices**
- **No records** are kept
- The discussion is without **prejudice**





# Formal grievance

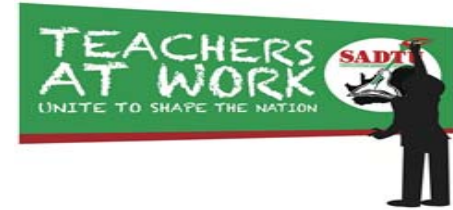


- First level:
  - At the school level for educators at institutions
  - At district level for office based educators
    - The grievance must be lodged with head( at school) or supervisor( at the offices) within 90 days.
    - The Grievant must used form G1 as per the PAM
    - The grievance must have the signature of grievant/s
    - A copy must be filed with the provincial department by the head of supervisor
    - **Question: Why is the form important?**





# The Process



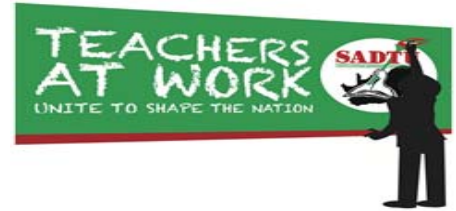
- **First level:**

- At the school level of educators at institutions
- At district level for office based office based educators
- At the provincial level for Head office, office based educators.

- The head of supervisor must convene a grievance meeting within **3 working days** of receipt of the formal grievance
- The facts must be presented and considered and all efforts must be made to resolve the matter to the satisfaction of both parties
- The head of supervisor must communicate the outcome to the provincial head office within **5 working days**.
- The communication must indicate if the grievance is **resolved or unresolved**.
- If the matters is dealt within unsatisfactory at the school level, the matter can be referred directly to the district office.



## Regional/district level

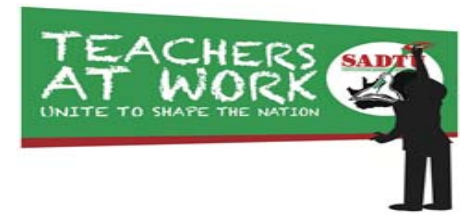


- **Second level**

- If the grievance is not resolved that school level it can be referred to the district head in writing by hand or registered mail and email.
- This must be done within **5 working days** together with the decision of the head of the institution or supervisor
- A copy of the referral must be served on the head or supervisor
- The **head/ supervisor** must forward his/her comments to the district head within **5 working days**.
- The **head of the district** must attempt to resolve the grievance within **5 days of the receipt of the grievance**
- Should the grievant/s not be satisfied with the grievance , he /she may refer the matter to the General Secretary of the ELRC ito the ELRC constitution .



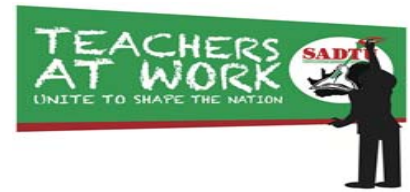
# Role of the Trade Union



- A trade union registered with the ELRC may:
  - Register a grievance with the head or supervisor
  - Head of a relevant education department on behalf of its members/ individually or collectively
  - The Trade Union may represent its members at any stage of the grievance
  - Non member/s may be represented by another employee
  - Parties may extend the timeframes by agreement



# Scenario

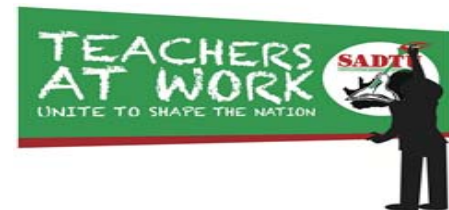


- Joan Jacobs (Persal no 5082467) is a teacher at Reef Primary school. She has been teaching for 15 years and had never taken family responsibility leave in 2016. She took 5 days in 2015, when her son was diagnosed with Tuberculosis. She is a member of SADTU and is a post level 1 teacher. The school resides in the Wonderboom district, in the North West Province. Her home no. is 015 3387756 and cell no is 081663356., fax 0860345678
- On 2 December 2016 her daughter is involved in an accident at school, where she was assaulted by a fellow learner and she fractured her arm. Her daughter is also a learner at the same school where she teaches, Reef Primary School. The learner who assaulted her daughter is the son of the principal of Reef Primary. Ms Jacobs report the matter to the SGB and the SAPS for investigation and insist the boy be disciplined in terms of the school's code of conduct by the SGB. The principal denies that his son assaulted the girl and states his son was provoked and it was self defence.
- Ms Jacobs applies for family responsibility leave for 4 days to care for her daughter after the accident. She completes the leave form and attaches the certificate of her daughter, she received from the hospital, where her daughter spent the weekend. The dates were 5,6,7,8 December. She returned to school on December the day school closed. She was not there to issue her class reports, and the Deputy Principal had to perform the task.
- The principal declines the leave, and states that there was no need for family responsibility leave since Ms Jacobs' husband is unemployed and he could have cared for the 8 year old daughter. He further states in the interest of the other school children she had to come to school. She
- She noticed on her salary advice on 15 January that leave without pay was deducted by the North West Department of education for the 4 days.
- The member comes to you as the union representative and reports the matter.



# Task 1

- Complete the grievance form obo of the member, marked annexure G1
- Time allocation (5 min)





## Task 2

- Group 1
- Use the information in the scenario to role play a grievance meeting at the school level.
- Group 2
  - The Grievance was unresolved at the school level.
  - Role play the same scenario as if the grievance is heard at the district level.

