

## GRIEVANCE PROCEDURE?

Grievance procedure for possible solutions

If **departmental educators** are aggrieved about a particular matter with regard to the honouring of conditions of service or with regard to conditions of service, it is possible that this matter can be addressed by means of a **grievance procedure**, before moving on to refer a formal **dispute**.

The procedure therefore offers the opportunity for an aggrieved educator to address any act or omission, which would lead to the aggrieved party feeling unhappy, uncomfortable or disadvantaged within the workplace and/or employment relationship.

Chapter G of the *Personnel Administrative Measures (PAM)* (2022) stipulates the grievance procedure that must be followed if an educator wishes to lodge a grievance.

The aim of lodging a grievance is as follows:

1. Speedy, impartial and equitable handling of grievances.
2. Sound labour relations.
3. Resolution of individual grievances at the lowest possible level in a department.

### Adhering to time limits are very important

1. In determining adherence to time limits, this should be calculated by excluding the first day and including the last day.
2. A formal written grievance must be lodged with the employer within 90 days from the date on which the educator became aware of the act or omission which adversely affects him/her.
3. Notwithstanding the abovementioned time limit, it is recommended to lodge a grievance as soon as possible after the educator became aware of the act or omission.

### Steps in the grievance procedure

STEP 1: THE INFORMAL PHASE	
Report your complaint / grievance <b>orally</b> to your direct supervisor or principal and try to resolve the problem through a personal conversation before following the official route.	<p>The process is as follows:</p> <ul style="list-style-type: none"> <li>• The supervisor / principal must make a bona fide attempt to resolve any grievance by means of an oral interview.</li> <li>• The supervisor / principal is encouraged to complete the process within 10 working days after the complaint has been reported.</li> <li>• During this process no records will be kept of proceedings which will be without prejudice to either of the parties.</li> <li>• No representation is allowed.</li> <li>• You may request that someone come and observe the process.</li> </ul>

**Aim:** To strengthen the complaint process and effectively deal with it to avoid a formal grievance.

## STEP 2: THE FORMAL PHASE AT SCHOOL LEVEL

If step 1 does not produce the desired result after a reasonable time, a **written grievance** (Grievance Form - Annexure A) can be lodged with the principal. The written grievance must contain full details. This must be done **within calendar 90 days** from the date on which the alleged grievance occurred.

The process is as follows:

- The grievance or grievances must bear the signature or signatures of the grievant(s) and a copy thereof shall be filed with the relevant office of the provincial department of education by the supervisor / principal, as the case may be, which office shall be identified by the relevant head of a provincial department in each province.
- The supervisor / principal, as the case may be, shall confer with the grievant(s), and others involved, within **three (3) working days** of receipt of the formal written grievance in order to resolve the grievance. At this meeting the facts shall be presented and considered and an effort shall be made to resolve the matter to the satisfaction of all parties.
- The supervisor / principal, as the case may be, shall communicate the outcome to the relevant office of the provincial department of education within **five (5) working days** of the resolution or non-resolution of a grievance.
- If an action or lack of an action, or a decision or lack of a decision, concerns the supervisor / principal, the grievant(s) may refer the matter directly to the regional/district level, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of step 1.

**Aim:** To strengthen the formal grievance procedure and effectively deal with it to avoid a dispute.

## STEP 3: THE FORMAL PHASE AT DISTRICT LEVEL

If the grievant(s) is/are not satisfied with the outcome referred to in step 2, the grievant(s) may refer the matter in writing, by hand or registered mail, together with the decision of the supervisor / principal, as the case may be, to the regional/district head of

The process is as follows:

- The supervisor / principal shall forward his or her comments together with all relevant information on the grievance or grievances to the regional/district head **within five (5) working days** after receiving the referral by the grievant(s).
- The head of the region/district or the head of the relevant provincial education department, shall **within five (5) working days** from the date of receipt of all the parties' referrals, attempt to resolve the

education **within five (5) working days** of the parties failing to resolve the grievance or grievances. A copy of the referral must be presented to the supervisor / principal, as the case may be, and where applicable, to the grievant(s)' trade union.

grievance or grievances and communicate his or her decision in writing to all parties.

- A copy of the referral must be handed to the principal, as well as to the SAOU.

**Aim:** To strengthen the formal grievance procedure and effectively deal with it to avoid a dispute.

## STEP 4: DISPUTE REFERRAL TO THE ELRC

If the aggrieved party(ies) is not satisfied with the outcome and depending on the nature of the grievance, **a formal dispute** may be registered **with the ELRC** in accordance with the provisions of the ELRC's Constitution.

The process is set out in the ELRC Constitution PART C - Dispute Resolution Procedures and can be further discussed with members on request.

## General:

The SAOU may register a grievance with the Provincial Department of Education on behalf of SAOU members. However, the matter must first be fully discussed before the grievance is declared. The party(ies) to the grievance or grievances may extend the above periods by means of a written agreement.

If SAOU members are unsure about the process and procedures to be followed, advice can be sought from the SAOU office.