

GRIEVANCE PROCEDURE:

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- G.3 ADHERENCE TO TIME LIMITS
- G.4 DEALING WITH GRIEVANCES

ANNEXURE

Annexure G.1 Grievance form

G.1 DEFINITIONS

In this procedure, unless the context indicates otherwise-

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996).

“educator” means any person who teaches, educates or trains other persons or who provides professional educational services, including professional therapy and education psychological services, at any public school, departmental office or adult basic education centre and who is appointed in a post on any educator establishment under the EEA, 1998.

“employer”, in relation to any provision of Chapter 4, 5 or 7 of the EEA, 1998 which applies to, or is connected with –

- (a) an educator in the service of the department of basic education, means the Director-General;
- (b) an educator in the service of a provincial department of education, means the HoD.

“days” refers to working days.

“EEA” means Employment of Educators Act, 1998 (Act No 76 of 1998).

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

“head of department” means the incumbent of a post mentioned in Schedules 1, 2 and 3 of the Public Service Act, 1994, or the person acting in such post.

“Public Service Act” means the Public Service Act, 1994 (Proclamation No 103 of 1994).

“Member of the Executive Council” means the Member of the Executive Council of a province responsible for the education portfolio of that province.

“Minister” means the Minister of Basic Education.

"recognised trade union" means all the trade unions admitted to the ELRC as well as any other trade union that enjoys the relevant organisational rights.

"resolve" means to settle a grievance to the satisfaction of the aggrieved educator.

"representative" means a fellow educator, a representative or official of a recognised trade union.

G.2 OBJECTIVE

G.2.1 Purpose and Application

The purpose of this grievance procedure is to address grievances in public education by fulfilling the primary objectives of this procedure which is to promote –

G.2.1.1 Speedy, impartial and equitable handling of grievances.

G.2.1.2 Sound labour relations.

G.2.1.3 Resolution of individual grievances at the lowest possible level in a department.

G.3 ADHERENCE TO TIME LIMITS

G.3.1 In determining adherence to time limits, this should be calculated by excluding the first day and including the last day.

G.3.2 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.

G.4 DEALING WITH GRIEVANCES

G.4.1 Oral Interview

G.4.1.1. A sincere attempt should be made to resolve any grievance by oral interview between a grievant(s) and the head of a school (herein after referred to as "the head"), and in the case of an educational institution outside a school or the head of a school, the supervisor (hereinafter referred to as "the supervisor"), before differences become formalised grievances.

G.4.1.2. During this process no records will be kept of proceedings which will be without prejudice to either of the parties.

G.4.2 Formal Written Grievance: Institutional Level, (School) and Departmental Level

G.4.2.1. A grievant(s) may lodge a grievance or grievances with the head or the supervisor in writing within a reasonable period of time, but in any event not later than 90 calendar days following on the time and date on which the alleged grievance or grievances occurred. Full details of the nature of the grievance or grievances must be relayed to the head or the supervisor, as the case may be. The grievant(s) must use the attached Form (Annexure G.1) to formally lodge the grievance. 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 head or supervisor, as the case may be, which office shall be identified by the relevant head of a provincial department in each province.

G.4.2.2 The head or the supervisor, 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.

G.4.2.3 The head or the supervisor, 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.

G.4.2.4. If an action or lack of an action, or a decision or lack of a decision, concerns the head or the supervisor, the grievant(s) may refer the matter directly to the regional/district level in respect of a school and departmental level in respect of an institution outside a school, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of the provisions of paragraph G.4.1 above.

G.4.3. Regional/district level in respect of a school and departmental level in respect of an institution outside a school

G.4.3.1. If the grievant(s) is/are not satisfied with the outcome referred to in paragraph G.4.2 above, the grievant(s) may refer the matter in writing, by hand or registered mail, together with the decision of the head or the supervisor, as the case may be, to the regional/district head of education in the case of an educator at a school and in the case of an educator outside a school to the office referred to in paragraph G.4.2.4 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 head or supervisor, as the case may be, and where applicable, to the grievant(s)' trade union.

G.4.3.2. The head or the supervisor shall forward his or her comments together with all relevant information on the grievance or grievances to the regional/district head or the office referred to in paragraph G.4.2.4, as the case may be, within five (5) working days after receiving the referral mentioned in paragraph G.4.3 above.

G.4.3.3. The head of the region/district or the head of the relevant provincial education department, or his/her delegate in respect of an educator outside an educational institution, shall within five (5) working days from the date of receipt of all the parties' referrals, attempt to resolve the grievance or grievances and communicate his or her decision in writing to all parties.

G.4.3.4. Should the grievant(s) not be satisfied with the outcome, he or she may register a formal dispute with the GS of the ELRC in terms of the provisions of the ELRC's Constitution.

G.4.4 A trade union registered with the ELRC may register a grievance with the head or supervisor or the head of a relevant department of education, as the case may be, on behalf of its members individually or collectively and represent such member or members

during any stage of this grievance procedure. A non-member(s) may be represented by another employee.

G.4.5 The parties to a grievance or grievances may by agreement extend the periods referred to in paragraphs G.4.3.1.and G.4.3.2.and G.4.3.3.above.

GRIEVANCE FORM

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM

1. This form must be used to lodge a formal grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the act or omission which adversely affects you.
3. You may be assisted or represented by a fellow educator or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the person designated to facilitate grievances at your institution. The department will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the head or supervisor will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form.
8. You are required to complete Parts A and B of this form and to then hand it to the head or the supervisor, as the case may be, at your institution/office. The head or the supervisor, as the case may be, will affix his/her signature in the block below Part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form where receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the head or the supervisor, as the case may be, and grievant(s) will be provided with copy during the various stages where attempts will be made to resolve the grievance.

PART A: PERSONAL PARTICULARS:

To be completed by the aggrieved educator

INITIALS AND SURNAME		
PERSAL NUMBER		
REGION/DISTRICT		
SCHOOL / OFFICE		
RANK / POST LEVEL		
DATE ON WHICH YOU BECAME AWARE OF THE ACT OR OMISSION		
PERSONAL CONTACT DETAILS	Tel:	Cell:
	Fax:	
CONTACT DETAILS OF REPRESENTATIVE	Tel:	Cell:
NAME OF TRADE UNION		
CONTACT DETAILS OF TRADE UNION	Tel:	Fax:

PART B: DETAILS OF THE GRIEVANCE:

To be completed by the aggrieved educator(s)

What are you aggrieved about? *(If space below is not enough, please attach additional page(s)):*

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What solution do you propose?

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SIGNATURE: _____ **DATE** _____

Receipt of grievance form acknowledged and a copy given to aggrieved educator(s)

SIGNATURE _____ **DATE:** _____

NAME: _____ **RANK:** _____

PART C: GRIEVANCE RESOLUTION: LEVELS

NOTES:

This part of the form makes provision for levels of authority to attempt to resolve the grievance. Depending on the circumstances, one or more pages below need to be completed. The grievance must be dealt with by the applicable levels within the periods referred to in the procedure, unless extended by agreement with the aggrieved educator. Should the grievance not be attended to within the periods referred to in the procedure or extended period agreed to with the aggrieved educator(s), in the case of an alleged unfair labour practice, the aggrieved educator(s) has/have the right to refer a dispute to the Education Labour Relations Council to be dealt with in terms of the dispute resolution procedures.

To be completed on behalf of the Head of Department

NAME OF OFFICIAL			
DESIGNATION			
RELATIONSHIP WITH AGGRIEVED EDUCATOR	SUPERVISOR/ HEAD	COMPONENT HEAD	DISTRICT HEAD/DIRECTOR
TEL:	Cell:	Fax:	
Was the grievance resolved?	Yes		No

Comments by the aggrieved educator(s) if necessary:

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SIGNATURE: _____ **DATE** _____

On behalf of Employer

NAME: _____ **RANK** _____

Was the grievance resolved?	Yes		No	
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Comments by the aggrieved educator(s) if necessary:

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SIGNATURE _____ **DATE:** _____

EDUCATOR:

PART D : REGION/DISTRICT OR DEPARTMENTAL LEVEL

To be completed on behalf of the Head of Department:

NAME OF OFFICIAL			
DESIGNATION			
RELATIONSHIP WITH AGRIEVED EDUCATOR	DISTRICT/REGIONAL HEAD	COMPONENT HEAD	DIRECTORATE

Tel: _____ Cell: _____ Fax: _____

Decision in respect of the grievance and reasons for the decision *(If space below is not enough, please attach additional page(s)):*

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SIGNATURE: _____ **DATE** _____
On behalf of Employer

NAME: _____ **RANK** _____

Was the grievance resolved?	Yes		No	
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If no, the aggrieved educator (s) must explain why she/he or they are still dissatisfied:

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SIGNATURE _____ **DATE:** _____
EDUCATOR: