



## **GRIEVANCE POLICY**

**Policy No.      HR Manual:01**

**Effective Date: 19 March 2021**


**Revised Date: 19 March 2021**

**Electronic File:**



## APPROVAL OF POLICY

The signatories hereof, being duly authorized thereto, by their signatures hereby authorize the execution of the work detailed herein, or confirm their acceptance of the contents of this Policy and authorized the implementation/adoption thereof, as the case may be, for and on behalf of the parties represented by them.

Name and Position	Date	Signature
Acting Chairperson of the Board  Ms. TE Mawecele _____	29-03-2021	



## TABLE OF CONTENTS

1.	Approval of the Policy .....	2
2.	Purpose of the Policy.....	5
3.	Objectives of the Policy .....	5
4.	Scope of the Policy.....	5
5.	Principles .....	6
6.	Applicable Legislation.....	6 – 7
7.	Definitions.....	7 – 8
8.	The Roles and Responsibilities of the Parties .....	8 – 10
9.	The Grievance Process / Procedure .....	10
9.1	Step One - Notice to Line Manager.....	10 – 11
9.2	Step Two - Written Grievance to next Management Level .....	11 – 12
9.3	Step Three – CEO.....	12
9.4	Step Four - External Dispute Resolution Procedures/CCMA.....	12
9.5	Procedural Issues Relating to the Grievance Process .....	13 – 14
10.	Monitoring and Evaluation .....	14
11.	Policy Review .....	15
12.	Amendments .....	15



<b>13.</b>	<b>Forms .....</b>	<b>16</b>
<b>13.1</b>	<b>Notification of Grievance Step One - Notice to Line Manager .....</b>	<b>16 – 18</b>
<b>13.2</b>	<b>Outcome of Grievance: Step One .....</b>	<b>19 – 20</b>
<b>13.3</b>	<b>Outcome of Grievance: Step Two.....</b>	<b>21 – 22</b>
<b>13.4</b>	<b>Outcome of Grievance: Step Three.....</b>	<b>23 – 24</b>



## **1. PURPOSE OF THE POLICY**

1.1 The purpose of this Policy is to:-

1.1.1 set out standards or norms of behavior that is acceptable at MRTT;

1.1.2 create certainty and consistency in the application of rules and regulations within MRTT's workplace; and

1.1.3 provide a means through which an Employee may raise a Grievance.

## **2. OBJECTIVES OF THE POLICY**

2.1 The objective of this Policy is to provide Employees with an effective communication channel through which they can address a Grievance to Management.

2.2 Employees should be encouraged to use this procedure but also warned not to abuse it with trivial issues.

2.3 The procedures set out in this Policy are intended to be guidelines and not rigid rules.

## **3. SCOPE OF THE POLICY**

3.1 This Policy is applicable to all Employees regardless of their position within MRTT.



#### **4. PRINCIPLES OF THE POLICY**

- 4.1 An Employee or a group of Employees may lodge Grievances, which directly concerns them with MRTT and/or in relation to a specific Employee, in terms of this Policy.
- 4.2 Any Grievance lodged will be attended to as speedily as possible and will not be unreasonably delayed.
- 4.3 Management shall address any Grievance effectively and meaningfully, as promptly as possible at the lowest possible level.
- 4.4 To prevent possible labour disputes from arising and also to enhance sound labour relations, thereby promoting MRTT's operational effectiveness.
- 4.5 To create the opportunity for an Employee to raise a Grievance without fear of prejudice, victimisation or intimidation.
- 4.6 To create an open, honest and sound work relationship between the Employee and line management.

#### **5. APPLICABLE LEGISLATIVE**

- 5.1 This Policy shall be read in conjunction with the following legislation, where applicable:-



5.1.1 Labour Relations Act No. 66 of 1995, as amended; and

5.1.2 Basic Conditions of Employment Act No. 75 of 1997, as amended.

## 6. DEFINITIONS

6.1 Unless the context of this Policy indicates otherwise, words denoting the masculine gender also include the feminine gender and any reference to the singular shall include the plural and vice versa. The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings: -

6.1.1 “**CCMA**” means the Commission for Conciliation Mediation and Arbitration or its successor in title;

6.1.2 “**CEO**” means the Chief Executive Officer of MRTT;

6.1.3 “**Employee**” means any person who is employed by MRTT and who receives, or is entitled to receive, any remuneration from MRTT;

6.1.4 “**Grievance**” means a feeling of dissatisfaction, unhappiness or unfairness by an Employee, which relates to his work situation and his relationship with the Company and/or a specific individual. This does not include a disciplinary decision or disciplinary action taken by the Company;

6.1.5 “**HR Sub-Programme**” means the Human Resources department;

6.1.6 “**Line Manager**” means the manager the Employee is directly reporting to, and “**Supervisor**” shall have a corresponding meaning;



- 6.1.7 “**LRA**” means the Labour Relations Act No.66 of 1995 as amended;
- 6.1.8 “**Management**” mean the managers, senior managers, general managers and/or executives of MRTT;
- 6.1.9 “**MRTT**” means the Mpumalanga Regional Training Trust, a non-profit company, bearing registration number: 1993/006132/08; “**the Company**” and/or “**the Employer**” shall have corresponding meanings;
- 6.1.10 “**Policy**” means this document including all annexures and schedules;
- 6.1.11 “**Trade Union Representative**” means an elected representative of a registered trade union, or of two or more registered trade unions, acting jointly, within MRTT’s workplace; and
- 6.1.12 “**Working Day(s)**” means any day which is not a Saturday, Sunday or a public holiday in the Republic of South Africa;

## **7. THE ROLES AND RESPONSIBILITIES OF THE PARTIES**

- 7.1 The responsibilities of the Employee shall be:-
- 7.1.1 to factually and accurately ventilate his dissatisfaction with an event or situation at work in a responsible manner; and
- 7.1.2 to allow any person designated by MRTT to hear the Grievance and for the opportunity to try to resolve the Grievance.





- 7.2 The responsibilities of MRTT shall be:-
- 7.2.1 to listen to the Employee's Grievance;
  - 7.2.2 to investigate the Grievance;
  - 7.2.3 to present MRTT's view or position regarding the Grievance. If the Grievance is lodged against a particular Employee, and given the nature of the Grievance, the implicated Employee must be allowed to present his side of the story; and
  - 7.2.4 facilitate the speedy resolution of the Grievance by considering the Employee's desired outcomes.
- 7.3 The responsibility of the Line Manager or any person designated by MRTT will be:-
- 7.3.1 to establish the nature and reasons for the Grievance;
  - 7.3.2 to maintain a neutral stance and not to defend either the Employee or MRTT or any other party involved; and
  - 7.3.3 to ensure that a fair process is followed and that all the parties are given a fair opportunity to be heard.
- 7.4 The responsibility of HR Sub-Programme, if present, will be to provide guidance on the relevant policies and procedures to the Employee, Line Manager or such other designated person, on conducting the Grievance in accordance with a fair procedure.



7.5 The responsibility of witnesses, if any, will be:

7.5.1 to submit truthful evidence; and

7.5.2 to give evidence with openness and honesty and without fear of reprisal.

## **8. GRIEVANCE PROCESS / PROCEDURE**

### **8.1 STEP ONE - NOTICE TO LINE MANAGER**

8.1.1 An Employee, who has a Grievance, shall, within 7 (seven) Working Days of the incident that gave rise to his Grievance, bring it to his Line Manager's attention. The Employee must complete the Formal Grievance Form (which is attached hereto) and submit it to his Line Manger. The Line Manager must endeavour to resolve the Grievance within 7 (seven) Working Days of receipt of same. Any decision made by the said manager must be recorded on the Formal Grievance Form.

8.1.2 In the event that the Employee chooses not to reduce the Grievance being raised to writing, it will merely constitute a complaint and not a Grievance. The timelines and requirements of this Policy do not apply to complaints.

8.1.3 Should the Grievance not be raised within 7 (seven) Working Days from date of incident, the Employee will have no recourse to the Grievance procedure. However, a late submission of a Grievance may be allowed on good cause shown.



8.1.4 If the Grievance concerns the Employee's Line Manager, then the Employee must complete a Formal Grievance Form and submit it to the next level of Management, wherein the steps outlined from clause 8.2.2 below, shall be followed.

8.1.5 If the Employee is not satisfied with the Line Manager's decision, then the Employee shall have the right to raise the Grievance with the next higher level of Management, wherein the steps outlined from clause 8.2.1 below, shall be followed.

## **8.2 STEP TWO - WRITTEN GRIEVANCE TO NEXT MANAGEMENT LEVEL**

8.2.1 If the Employee is not satisfied with the Line Manager's decision, then the Employee must submit the Formal Grievance Form to the next level of Management within 7 (seven) Working Days of the Line Manager's decision.

8.2.2 The aforesaid manager of a higher level shall attempt to resolve the Grievance within 7 (seven) Working Days after having received the Formal Grievance Form, and if necessary convene a meeting in an attempt to resolve the Grievance. The aforesaid time period may be extended by agreement by the parties concerned.

8.2.3 The aforesaid manager of a higher level will hear the Grievance. Any decision made by the said manager must be recorded on the Formal Grievance Form.



8.2.4 If the Employee is dissatisfied with any decision by the said manager, then the Employee must then refer the matter to the CEO within 7 (seven) Working Days of the manager's decision.

### **8.3 STEP THREE – CEO**

8.3.1 The CEO shall endeavour to resolve the Grievance within 10 (ten) Working Days of receipt of the Grievance and if necessary convene a meeting in an attempt to resolve the Grievance. This time period may be extended by agreement of the parties concerned.

8.3.2 Any decision made shall be recorded on the Formal Grievance Form.

### **8.4 STEP FOUR - EXTERNAL DISPUTE RESOLUTION PROCEDURES/CCMA**

8.4.1 In the event that the Employee is still dissatisfied with the result or if the Grievance still remains unresolved, the Employee will be entitled to follow the legal dispute resolution mechanism provided for in the LRA. In other words, the Employee may refer a dispute to the CCMA.

### **8.5 PROCEDURAL ISSUES RELATING TO THE GRIEVANCE PROCESS**

8.5.1 The Grievance process must allow an Employee a fair and unfettered opportunity to ventilate his dissatisfaction with an issue or situation. It must also be conducted in a way that enables Management or any people hearing the Grievance to come to a fair and appropriate decision .To facilitate this process:-

8.5.1.1 if a Grievance meeting is held, it shall be attended by the Employee, his representative (as mentioned in clause 8.5.1.2 below), the relevant Line Manager or next level manager, a minutetaker; and a



representative from the HR Sub-Programme, if necessary;


- 8.5.1.2 an Employee lodging a Grievance may be accompanied and represented at any stage of the procedure by a fellow Employee or a Trade Union Representative;
- 8.5.1.3 an interpreter will be permitted in any Grievance meeting;
- 8.5.1.4 the parties may call witnesses to give evidence, if necessary;
- 8.5.1.5 witnesses may be questioned by both parties;
- 8.5.1.6 depending on the nature of the Grievance, a Grievance meeting may proceed if the aggrieved party is not present;
- 8.5.1.7 minutes of any Grievance meeting must be taken in writing or the proceedings may be recorded;
- 8.5.1.8 the manager and/or such other designated person may consult with other members of Management in order to reach clarity on any issue; and
- 8.5.1.9 MRTT reserves it right to appoint an external independent person to hear or assist with the Grievance at any stage of the Grievance process. Any external independent person appointed by MRTT will be required to listen to the relevant parties, attempt to resolve the Grievance and make a recommendation to MRTT on an appropriate course of action in order to resolve Grievance.



## 9. MONITORING AND EVALUATION

Programme	Name and Position
Planning and Performance Information Manager	FW Magwandana

## 10. POLICY REVIEW AND APPROVAL

Name	Designation	Date Reviewed	Next Date of Review	Signature
Ms. TE Mawelele	Acting Chairperson of the Board	29-03-2021	30-03-2023	

## 11. AMENDMENTS

- 11.1 This Policy does not form part of any other document; it replaces and supersedes any previous MRTT grievance policies, procedures or any other similar document.
- 11.2 This Policy shall only be amended, varied or altered in writing. MRTT reserves the right to make such amendments, variations or alterations to this Policy from time to time with written notice of one calendar month being given after proper consultation with all relevant stakeholders.



**FORMAL GRIEVANCE FORM**

**Notification of Grievance**

**TO:** MANAGER NAME AND SURNAME: \_\_\_\_\_

MANAGER DESIGNATION: \_\_\_\_\_

**FROM:** EMPLOYEE NAME AND SURNAME: \_\_\_\_\_

EMPLOYEE POSITION / JOB TITLE: \_\_\_\_\_

**IS THIS A STEP 1, 2, OR 3**

step 1

step 2

step 3

**NATURE OF GRIEVANCE:**

(attach additional pages if more room is necessary)

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....



**MRTT**

A series of horizontal dotted lines for writing, consisting of 25 lines spaced evenly down the page.





**YOUR DESIRED OUTCOME:**

(attach additional pages if more room is necessary)

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received By

\_\_\_\_\_  
Date



**OUTCOME OF GRIEVANCE: STEP 1**

(Copy must be sent to: Employee, HR Sub - Programme, Personal File)

To be completed by the Employee's Line Manager

**TO:** EMPLOYEE NAME AND SURNAME: \_\_\_\_\_

EMPLOYEE POSITION / JOB TITLE: \_\_\_\_\_

**FROM:** MANAGER NAME AND SURNAME: \_\_\_\_\_

MANAGER DESIGNATION: \_\_\_\_\_

**DATE OF HEARING (IF APPLICABLE):** \_\_\_\_\_

**GRIEVANCE HEARD BY:** \_\_\_\_\_

**DECISION / OUTCOME:**

(attach additional pages if more room is necessary)

.....

.....

.....

.....

.....

.....





**OUTCOME OF GRIEVANCE: STEP 2**

(Copy must be sent to: Employee, HR Sub - Programme, Personal File)

To be completed by the Employee's next level of Management

**TO:** EMPLOYEE NAME AND SURNAME: \_\_\_\_\_

EMPLOYEE POSITION / JOB TITLE: \_\_\_\_\_

**FROM:** MANAGER NAME AND SURNAME: \_\_\_\_\_

MANAGER DESIGNATION: \_\_\_\_\_

**DATE OF HEARING (IF APPLICABLE):** \_\_\_\_\_

**GRIEVANCE HEARD BY:** \_\_\_\_\_

**DECISION / OUTCOME:**

(attach additional pages if more room is necessary)

.....

.....

.....

.....

.....

.....





**OUTCOME OF GRIEVANCE: STEP 3**

(Copy must be sent to: Employee, HR Sub - Programme, Personal File)

To be completed by the CEO

**TO:** EMPLOYEE NAME AND SURNAME: \_\_\_\_\_

EMPLOYEE POSITION / JOB TITLE: \_\_\_\_\_

**FROM:** NAME AND SURNAME: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

**DATE OF HEARING (IF APPLICABLE):** \_\_\_\_\_

**GRIEVANCE HEARD BY:** \_\_\_\_\_

**DECISION / OUTCOME:**

(attach additional pages if more room is necessary)

.....

.....

.....

.....

.....

.....



A series of 25 horizontal dotted lines spanning the width of the page, intended for writing.