

NDLAMBE MUNICIPALITY CORPORATE SERVICES



GRIEVANCE RESOLUTION POLICY

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GRIEVANCE RESOLUTION POLICY

1. PREAMBLE

The Municipality believes in ensuring the highest standards of professional and ethical conduct. In pursuing these, the Municipality shall make all efforts to resolve grievances as quickly as possible with the utmost concern for reconciling and respecting the privacy concerns of employees.

2. PURPOSE

The purpose is to ensure a fair environment to resolve problems and conflict as quickly as possible, through formal measures beyond informal and verbal interventions.

3. SCOPE

This policy applies to all employees of the Municipality.

4. LEGISLATIVE AND POLICY FRAMEWORK

- Constitution of the Republic of South Africa Act 108 of 1996
- Municipal Systems Act 32 of 2000
- Municipal Structures Act 117 of 1998
- Local Government: Regulations on appointment and conditions of employment of senior managers, dated 17 January 2014
- Local Government: Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Local Government: Guidelines for the Implementation of the Municipal Staff Regulations, 2016 (issued in terms of Section 72, read with Section 120 of the Municipal Systems Act 32 of 2000)
- Municipal Finance Management Act 56 of 2003
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Skills Development Act 97 of 1998

5. DEFINITIONS

All terminology used in this policy shall bear the same meaning as in the applicable legislation, or as defined and / or explained in the Glossary of the Human Resources Policies Manual.

6. PROBLEM STATEMENT

Speedy resolution of grievances is very important to avoid litigious long process

7. POLICY PROVISIONS

7.10 Grievance resolution framework

7.1.1 The grievance resolution framework is aimed at providing management and staff members of the Municipality with a credible mechanism for resolving staff grievances fairly, objectively and expeditiously.

7.1.2 A staff member may not use the grievance resolution mechanisms –

7.1.2.1 to amend any performance agreement or terms and conditions of any performance agreement concluded between that staff member and the Municipality

7.1.2.2 to process a disciplinary matter or dismissal; or

7.1.2.3 for the purposes of collective bargaining.

7.1.3 All grievances shall be resolved as soon as possible and at the lowest possible level in the reporting structure.

7.1.4 A grievance that is brought to management's attention shall be considered in a fair manner.

7.1.5 Neither staff member nor his or her representative shall suffer any prejudice, directly or indirectly, including victimisation or occupational prejudice, in their employment because they lodged or participated in a grievance in terms of this policy.

7.1.6 The grievance proceedings shall be conducted in compliance with the standards of procedural fairness.

7.1.7 The parties to the grievance shall disclose relevant documents which may assist to resolve a grievance except that no party is required to disclose information that –

7.1.7.1 is legally privileged

7.1.7.2 the Municipality cannot disclose without contravening a prohibition imposed on it by any law or order of any court

7.1.7.3 is confidential and, if disclosed, may cause substantial harm to a staff member or the Municipality; or

7.1.7.4 is private personal information relating to a staff member, unless that member of staff consents to the disclosure of the information.

7.1.8 All proceedings and meetings relating to a grievance shall be considered to be confidential.

7.1.9 A staff member may be represented by a fellow staff member or trade union representative, which excludes a trade union official, of a registered trade union at any stage of the grievance procedure but may not be represented by a legal practitioner.

7.1.10 An aggrieved staff member who has referred a grievance, shall take reasonable steps to exhaust the grievance procedures prior to referring a dispute to the bargaining council.

7.11 Roles and responsibilities

7.2.1 The Municipal Manager or his / her delegated assignee(s) accept overall responsibility for the implementation and monitoring of the policy.

7.2.2 The financial implications related to implementing this policy shall be qualified and quantified by Human Resource Management in consultation with the Chief Financial Officer.

8. POLICY MONITORING AND EVALUATION

- 8.1** This policy shall be implemented and effective once recommended by the Local Labour Forum and approved by Council.
- 8.2** Non-compliance to the stipulations contained in this policy shall be regarded as misconduct, which shall be dealt with in terms of the Code of Conduct.
- 8.3** Head of Corporate Services shall carry out the monitoring and evaluation of the policy's implementation.