

## GRIEVANCE POLICY AND PROCEDURE

**REVIEWED AND APPROVED BY SKILLS AND EMPLOYMENT EQUITY COMMITTEE ON THE 12<sup>TH</sup> OF NOVEMBER 2012**

### 1. Introduction

- 1.1 Any employee who has a grievance is entitled to make use of the Grievance Procedure.
- 1.2 A grievance is any feeling of dissatisfaction or perceived unfair treatment, which employees experience in relation to their work and employment situation and which constitutes a grievance of right.

### 2. Primary Objective

- 2.1 The aim of the Grievance Procedure is to enable employees to have their grievances resolved fairly, quickly and at the earliest possible stage.
- 2.2 Employees may lodge grievances without fear of victimisation.

### 3. General Principles

- 3.1 No shop steward shall be victimised as a result of his having advised or represented any employee lodging a grievance.
- 3.3 Where victimisation is suspected, an employee may submit details in terms of the Grievance Procedure.
- 3.4 Except in instances where the grievance is of a serious nature, or where the employee so requests, a formal grievance hearing need not be convened in each and every instance. Often an informal meeting between the employee and his manager is the most effective way of resolving minor complaints, and encourages direct communication between management and staff.
- 3.5 When a formal grievance contemplated in 3.4 above is lodged with Management, Management shall convene a formal hearing into the facts of the case, carried out in accordance with the following general principles:
  - 3.5.1 Management shall appoint a chairperson of the grievance hearing in accordance with clause 4 hereof.

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- 3.5.2 The time, date and venue of the grievance hearing shall be set by the chairperson of the grievance hearing.
- 3.5.3 The grievant shall have the right to request an interpreter. It is the duty of the Company to provide an interpreter should the employee request one.
- 3.5.4 The employee and his shop stewards(s) shall have the right to present his case and lead evidence, to call witnesses and to question witnesses, and/or to have copies of any documents produced as evidence at the hearing. In presenting his case, the grievant(s) will be required to state the grounds and reasons of his grievance, and where appropriate lead evidence and argument in this regard. The chairperson of the grievance hearing may request additional evidence and/or witnesses to be led in the hearing to determine the merits of the grievance. The Chairperson will then make a determination on the merits of the grievance and identify any appropriate remedial action.
- 3.5.5 After hearing all available evidence, the Chairperson shall make a finding on the matter and make his decision known to all parties in writing.
- 3.5.6 A record of the proceedings will be kept by a person appointed or nominated by the Chairperson of the grievance hearing.
- 3.4.7 An employee shall be entitled to be represented by an employee from the workplace at which he is employed. However it is his duty to arrange for such representation.
- 3.5.8 In cases where group grievances are addressed, a maximum of two observers (inclusive of the grievants) will be allowed to attend the grievance hearing in addition to the representatives. Any further grievants may be called individually into the grievance hearing to present their case.
- 3.5.9 Should the grievance not be resolved to the satisfaction of the employee(s), he or they shall be entitled to proceed to the next stage of the grievance procedure.

#### **4. Stages of the Grievance Procedure**

##### **4.1 Stage One**

- 4.1.1 An employee who believes he has a grievance must first report such a grievance to the Manager (or his designate).
- 4.1.2 The Manager (or his designate) must endeavour to resolve the grievance and communicate the outcome to the employee as soon as possible. Once a decision has been given by the Manager (or his designate) and the employee feels that the matter must be pursued further, then Stage 2 becomes effective.
- 4.1.3 In the event of an employee having a complaint about his immediate supervisor, he or she must approach the next reporting level of his immediate supervisor directly for the purpose of resolving the grievance.

##### **4.2 Stage Two**

4.2.1 If the employee elects to proceed with the grievance, he shall, with the assistance of his representative, if he so wishes, lodge the grievance with the Manager (or his designate). A Chairperson of the same or higher status as the Chairperson of the original grievance hearing will then be appointed and a further grievance hearing convened.

4.2.2 Once the Chairperson has given a decision and the employee feels that the matter must be pursued further, then the provisions of the Dispute Procedure contained in the Recognition and Procedural Agreement shall be evoked.

## 5. Grievances which are not resolved *(delete if your Company is not unionized)*

5.1 Grievances which have not been resolved to the satisfaction of the employee shall be referred to the local Shop Stewards' Committee, which shall in turn elect to invoke the Dispute Procedure outlined in the Recognition and Procedural Agreement.

## 6. Time limits

6.1 The following schedule constitutes a guide as to the time periods within which the various stages of the grievance procedure are to be initiated. The time limits are in no way prescriptive and may be varied having regard to the particular circumstances of each case, subject to the requirements of fairness and reasonableness.

### 6.2 Schedule

PROCEDURAL STEP	TIME PERIOD	FORM
<b>STAGE 1.</b> Incident(s) giving rise to the grievance	-	-
Lodgement of a grievance	Within 7 Days of incident giving rise to grievance.	Form 1.
Notice of a Grievance hearing	Within 3 Days of lodgement of grievance.	Form 2.
Grievance Hearing	Within 4 Days of Notification to Attend Grievance Hearing.	-
Finding of Grievance Hearing	Within 7 Days of Grievance Hearing.	Form 3.
<b>STAGE 2.</b> Lodgement of Grievance	Within 7 Days of Finding of Grievance Hearing.	Form 1.
Notice of Grievance Hearing	Within 3 days of Lodgement of Grievance. (Stage 2)	Form 2.
Convening of Grievance Hearing	Within 4 days of Notification of Grievance Hearing (Stage 2).	

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Finding of Grievance Hearing	Within 7 Days of Convening Grievance Hearing (Stage 2)	Form 3.
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## 7. Forms

7.1 The Grievance form, together with all relevant documentation, shall be submitted by the employee concerned to the relevant Manager. The Grievance form shall be completed by the employee prior to the initiation of each level of the Grievance Procedure.

7.2 To assist in the application of the procedure, the following standard forms are available.

7.2.1 Form 1. Lodgement of Grievance

7.2.2 Form 2. Notice of Grievance Hearing

7.2.3 Form 3. Finding of Grievance Hearing