



## **OVERBERG RENOSTERVELD CONSERVATION TRUST ("ORCT")**

**POLICY NAME:** Personnel Grievance Policy

**POLICY & VERSION NUMBER:** 5 Version 1

**APPROVED BY BOARD:** DATE: 15 September 2023

**EFFECTIVE FROM:** DATE: 1 October 2023

### **1. PURPOSE**

The Grievance Procedure is available to any staff member that has a grievance in the work situation. The ORCT accepts that it is in the mutual interest of the Trust and its employees that a formal procedure exists to bring grievances to the attention of management without fear of discrimination or victimisation.

The ORCT appreciates the value of sound labour relations. However, frustrations, dissatisfaction and feelings of injustice do sometimes exist among and between employees. This policy gives employees the opportunity to raise their grievances and to enable management to respond to them as quickly and effectively as possible, so that employees can function in optimum conditions.

## **2. POLICY OBJECTIVES**

- 2.1 Enable employees to bring their grievances to management's attention in an effective manner;
- 2.2 Ensure that grievances are investigated and resolved properly and quickly, and in a way that is fair to all the parties concerned;
- 2.3 Establish mutual trust between management and employees;
- 2.4 Provide management with support in the management of conflict in the workplace.

## **3. REGULATORY FRAMEWORK**

Labour Relations Act 66 of 1995.

## **4. PRINCIPLES**

- 4.1 Instances where the grievance is of a serious nature or where the employee requests a formal grievance hearing then this will be arranged without detriment to the employees' service with the organisation.
- 4.2 Grievances should be handled as speedily as possible in an early stage at the point where the grievance originated. It is important to adhere to the timelines mentioned below.
- 4.3 An employee has the right to be represented by an elected employee representative in the handling of his/her case. An appointed person will provide advice to all parties and provide support at each level of investigation.
- 4.4 Should the services of an interpreter be required, the ORCT will provide this service.
- 4.5 This policy and procedure applies to all permanent and contract employees.

## **5. ROLES AND RESPONSIBILITIES**

### **5.1 The Role of Management**

In the case of the Director, the below applies to his/her reporting line to the Trustees:

- 5.1.1 Encourage the employee to express his/her grievance freely and openly without fear of victimization or intimidation.
- 5.1.2 Clarify the grievance with the employee. Note the relevant facts relating to the grievance and distinguish fact from opinion.
- 5.1.3 Ask the employee what outcome is desired.
- 5.1.4 Verify the facts by questioning witnesses and other people who may be able to contribute.
- 5.1.5 Obtain assistance from other people who may be able to contribute.
- 5.1.6 Seek acceptance of the decision from other members of management if necessary.
- 5.1.7 Monitor adherence to the grievance procedure by all participants at all times.
- 5.1.8 Go to all reasonable lengths to exhibit behaviour that shows a desire to amicably resolve the matter of concern.

5.1.9 Appoint an employee representative should the need arise.

## **5.2 The Role of the Employee Representative**

5.2.1 Listen to the employee's grievance and encourage the employee to express his/her grievance freely and openly without fear of victimisation or intimidation.

5.2.2 Investigate, together with the employee, his/her grievances to ensure that all the circumstances and the facts relating to the grievance are accurate and assist the employee to prepare a reasonable case for presentation to management.

5.2.3 Counsel the employee as to whether his/her grievance is valid or not and if it does not merit management's attention, to assist the employee by advising how best s/he can resolve his/her grievance.

5.2.4 Assist the employee during the grievance hearing to make representation.

## **6. PROCEDURE**

### **6.1 Step 1:**

Minor grievances should be addressed at an informal meeting between the employee and the Director as an effective way of resolving them and to encourage open communication between management and staff.

### **6.2 Step 2:**

6.2.1 A staff member with a grievance (other than a minor grievance as in Step 1) must first report the grievance verbally to the person immediately in charge of him/her.

6.2.2 This should be done as soon as possible but no later than three working days following the day the event occurred that gave rise to the grievance.

6.2.3 If no agreement is reached, the staff member may seek the assistance of the Director.

### **6.3 Step 3:**

6.3.1 The staff member and the Director must arrange to see the person in charge of the staff member as soon as possible but no later than three working days from when reported to resolve the problem.

6.3.2 If a satisfactory solution is not reached then the next step becomes effective.

### **6.4 Step 4:**

6.4.1 This stage involves the completion of the grievance form by the staff member (Appendix A).

6.4.2 The staff member signs the form together with the Director and submits it to the Chair of the Board of Trustees with a copy to Human Resources (Office Manager).

6.4.3 The Chair will delegate the matter to a specific Trustee to investigate and resolve the grievance together with the person against whom the staff member has a grievance, the staff member concerned, and the Director.

6.4.4 If a satisfactory solution is not reached within three working days of the grievance first being raised at Step 2, then the next step becomes effective.

**6.5 Step 5:**

6.5.1 This is the final stage of the grievance procedure.

6.5.2 A grievance hearing shall be arranged by the Director within five working days of the receipt of the grievance form (as per Step 4) with a neutral chairperson.

6.5.3 At the hearing the chairperson shall hear the matter to ensure that the facts in the matter are established. This shall include establishing the nature of the redress which is required to resolve the grievance.

6.5.4 The hearing shall normally be attended by the assigned Trustee, the Director, the Office Manager, the aggrieved staff member and the person who is the source of the staff member's grievance. A record of the proceedings shall be kept by the Office Manager.

6.5.5 The Chairperson, having heard the matter, shall make his/her findings and ensure that these are set out in writing within three days of the hearing.

**6.6 Step 6:**

A staff member who remains aggrieved after Step 5 may follow the dispute resolution mechanism provided by the Labour Relations Act (Act 66 of 1995).

**7. MONITOR AND REVIEW**

The policy will be reviewed every 3 years on the anniversary of first approval.

## GRIEVANCE FORM

Department \_\_\_\_\_

**Statement of Grievance:**

### Desired Solution

Signature of Director: \_\_\_\_\_ Date: \_\_\_\_\_