

# UNIVERSITY OF PRETORIA GRIEVANCE PROCEDURE

(Rt 278/08 updated February 2011)

## 1. DEFINITION

- 1.1 A grievance is a feeling of dissatisfaction experienced by an employee in his or her work or conditions and circumstances in the workplace, which he or she wishes to bring to the attention of management for a possible solution.
- 1.2 Matters specifically excluded in paragraph 4 below, or specifically provided for in other properly consulted or negotiated approved institutional Policies, Procedures or Codes, will not be regarded or dealt with as grievances.

## 2. WORD DESCRIPTION

For purposes of this procedure the word “employee” will mean someone who works for the University of Pretoria and who receives remuneration or is entitled to receive remuneration, but will not include suppliers and independent contractors.<sup>1</sup>

## 3. PURPOSE

- 3.1 The grievance procedure is aimed at empowering every individual who works at the University of Pretoria, whenever he/she feels aggrieved about any matter relating to his/her work or working conditions, to discuss the matter with the University management in an attempt to find a solution to the grievance.
- 3.2 The procedure is further aimed at creating a communication channel for the level of management closest to the source of the conflict to deal with a grievance.

## 4. GENERAL GUIDELINES

- 4.1 The following guidelines must be taken into account in the application of these grievance procedures:
  - 4.1.1 The grievance procedure must at all times be applied as a mechanism to solve grievances as quickly as possible.
  - 4.1.2 The aggrieved employee has the right to discuss the grievance with a representative of the union of which he/she is a member.
  - 4.1.3 In any of the processes in terms of this procedure the aggrieved employee may be represented and/or accompanied by a co-worker (employee representative) or a representative of a union of which he/she is a member, but not by external legal lawyers, labour consultants or other parties: Provided that a union may only represent an employee during the grievance procedure if the University and the said union have entered into a Recognition Agreement.
  - 4.1.4 The rights granted by these procedures to representatives and/or co-workers are subject to meetings being scheduled in a manner that will prevent any unnecessary disruption to the work.
  - 4.1.5 Issues that form part of matters on which management and the recognised unions should consult / negotiate should be dealt with in accordance with the recognition agreement(s) between the parties and not in terms of the grievance procedure.
  - 4.1.6 Matters that are already being dealt with in terms of the Disciplinary Code and Procedure for Employees, which includes an investigation in terms of pars 12.1 and 13 of said Code, or in terms of the Code of Conduct on Sexual Harassment, the Policy on Unfair Discrimination on the basis of Race, the Whistle Blowing Policy, the Fraud Policy or any other properly consulted or negotiated approved UP policy, cannot form the subject-matter of a grievance,

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<sup>1</sup> See section 213 of the Labour Relations Act No. 66 of 1995. A person who wishes to use these grievance procedures must render his/her services to the University under the control and supervision of the University.

- 4.1.7 Where an employee is dissatisfied about the recommendation or decision on appointment, promotion or confirmation of appointment by a Recruitment & Selection Committee or a properly delegated decision-making official or body, the grievance procedure should not be used. A fully substantiated request for reconsideration and review should be submitted to the relevant Committee, official or body. Only after such reconsideration has taken place, and feedback on the subsequent decision, with specific reasons therefor has been provided, will it be regarded that internal remedies have been exhausted.
- 4.1.8 An employee and/or his/her union or employee representative will not forfeit any salary or benefit as a result of his/her attending meetings scheduled with management to deal with a grievance in accordance with these procedures.
- 4.1.9 Where an employee institutes a grievance, the employee must at the same time suggest a solution to the grievance.
- 4.1.10 Unless otherwise agreed, the informal procedure must be followed before the formal grievance procedure is instituted.

## **5. STEPS IN RESPECT OF INDIVIDUAL GRIEVANCES <sup>2</sup>**

### **5.1 Step 1: Supervisor – Informal**

- 5.1.1 Where an employee is a member of a union, it is prudent for the aggrieved employee to discuss the grievance with his/her union representative before the grievance is raised with the supervisor. (However, if he/she so prefers, an aggrieved employee may discuss the grievance with an employee representative or directly with his/her supervisor.)
- 5.1.2 An aggrieved employee must within three (3) working days or within a reasonable time after the incident that gave rise to the grievance, raise the grievance with his/her supervisor and subsequently discuss it with the supervisor.
- 5.1.3 The process involving the supervisor is informal. The supervisor has the discretion to determine an appropriate procedure, provided that all the parties are afforded an opportunity to state their case. No formal record of the proceedings needs to be kept. If the parties reach an agreement regarding a solution to the grievance, that the agreement should be put in writing.
- 5.1.4 If the grievance is not solved within five (5) working days from it being raised, the employee may follow Step 2 of these procedures. (The parties may agree to extend the period of five (5) working days if they are of the opinion that an extension of time would afford the parties more time to solve the grievance.)
- 5.1.5 If the supervisor is *in toto* or in part the subject of the employee's grievance, or if the supervisor is not available, the employee may directly follow Step 2 of these procedures.

### **5.2 Step 2: The Supervisor's Line Manager - Formal**

- 5.2.1 If no solution can be found during the informal phase of these procedures (Step 1) or if paragraph 5.1.5 applies, the employee may institute Step 2 of the process by submitting a written grievance on the official grievance form<sup>3</sup> to the supervisor's line manager.
- 5.2.2 A copy of the written grievance is handed to the supervisor and the University's Employment Relations Division.
- 5.2.3 The supervisor's line manager will make arrangements within five (5) working days of the written submission of the grievance, for an investigative meeting to be held at which meeting the supervisor's line manager will investigate the facts of the case.<sup>4</sup> The aggrieved employee is entitled to be present at all times during the investigative meeting(s).
- 5.2.4 The supervisor's line manager has the discretion to determine an appropriate procedure, provided that all parties are afforded an opportunity to state their case. Minutes of the meeting must be kept. (Any solution must be put in writing and be signed by both parties).

<sup>2</sup> See Annexure 1 – B.i.

<sup>3</sup> See Annexure 1 – B.ii.

<sup>4</sup> The meeting must be arranged within five (5) days. It need not take place within five (5) days but must take place within a reasonable time. See Annexure 1 – B.i.

5.2.5 At the end of the investigative meeting(s) the supervisor's line manager should, if possible, present the aggrieved employee with a solution to the grievance. Any solution to the grievance must be put in writing and be signed by the parties.

5.2.6 If the supervisor's line manager is *in toto* or in part the subject of the employee's grievance, or if the supervisor's line manager is not available, or an investigative meeting is not arranged within five (5) working days or held within a reasonable time as agreed with the aggrieved party, the employee and/or the union or employee representative on behalf of the employee may directly follow Step 3 of these procedures.

### 5.3 **Step 3: Line Manager's immediate superior:**

5.3.1 If no solution is found during Step 2 of the procedure, the aggrieved employee and, if he/she is a member of a union, his/her union representative, or his/her employee representative have the right to follow Step 3 of the procedure by referring the matter to the line manager's immediate superior.

5.3.2 The line manager's immediate superior must *mutatis mutandis* follow the steps as contained in 5.2.3 to 5.2.5.

5.3.3 If the line manager's immediate superior is *in toto* or in part the subject of the employee's grievance, or if the line manager's immediate superior is not available, or an investigative meeting is not arranged as provided in paragraph 5.2.6, the employee and/or the union or employee representative on behalf of the employee may directly follow Step 4 of these procedures.

### 5.4 **Step 4: Member of the Executive: Human Resources**

5.4.1 If no solution is found during Step 3 of the procedure, the aggrieved employee and his/her union or employee representative have the right to follow Step 4 of the procedure by referring the matter to the Executive member responsible for Human Resources or a person acting as the authorised representative (proxy) of the latter.

5.4.2 The Executive member responsible for Human Resources or his/her proxy must *mutatis mutandis* follow the steps as contained in 5.2.3 to 5.2.5.

5.4.3 If the line manager's immediate superior as intended in Step 3 is an Executive member of the University, Step 4 is abandoned.

### 5.5 **Step 5: External**

5.5.1 If the employee has exhausted the internal process (Steps 1 to 3 (as well as 4 where applicable)) and the grievance could not be resolved to the satisfaction of the aggrieved employee, or if there is a dispute regarding the interpretation or application of any provision of these individual grievance procedures, any party to the dispute may in writing call upon –

- a) The Commission for Conciliation, Mediation and Arbitration (CCMA);
- b) The Labour Court

in accordance with the respective rules of the Commission and the Labour Court according to the measure to which the Labour Relations Act provides.

5.5.2 The party that refers the dispute must convince the Commission that a copy of the dispute referral has been delivered to the other party to the dispute.

5.5.3 Any referral of a grievance to the CCMA before the internal grievance procedure has been exhausted, is premature and thus not a valid referral.

## 6. **STEPS IN RESPECT OF AN INDIVIDUAL GRIEVANCE AGAINST MEMBERS OF THE EXECUTIVE OR COUNCIL**

### 6.1 **Against a member of the Executive**

#### 6.1.1 **Step 1: Informal**

6.1.1.1 Where an employee wants to raise a grievance against a member of the Executive, or an employee appointed in an acting capacity as a member of the Executive, the aggrieved employee has to raise the grievance with the Vice-Chancellor and Principal within five (5) working days or within a reasonable time after the incident that gave rise to the grievance.

6.1.1.2 The process involving the Vice-Chancellor and Principal is informal. The Vice-Chancellor and Principal has the discretion to determine an appropriate procedure provided that all parties are afforded an opportunity to state their case. No formal record of the proceedings needs to be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing.

6.1.1.3 If the grievance is not solved within five (5) working days or within a reasonable time from it being raised with the Vice-Chancellor and Principal, or if the Vice-Chancellor and Principal is *in toto* or in part subject of the employee's grievance, the aggrieved employee may raise the matter with the Chairperson of the Human Resources Committee of Council.

## **6.1.2 Step 2: Formal**

6.1.2.1 The Chairperson of the Human Resources Committee of Council will make arrangements within five (5) working days of the written submission of the grievance, for an investigative meeting to be held within a reasonable time, at which meeting the Chairperson will investigate the facts of the case. The aggrieved employee is entitled to be present at all times during the investigative meeting(s).

6.1.2.2 The Chairperson of the Human Resources Committee of Council has the discretion to determine an appropriate procedure, provided that all parties are afforded an opportunity to state their case. Minutes of the meeting must be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing and signed by both parties.

6.1.2.3 If the grievance is not solved after step 6.1.2.2, the matter will be referred to the Chairperson of the Bar Council for referral to a suitably qualified external conciliator to finalize the matter.

## **6.2 Against the Vice-Chancellor and Principal**

### **6.2.1 Step 1: Informal**

6.2.1.1 Where an employee wants to raise a grievance against the Vice-Chancellor and Principal, or a person appointed in an acting capacity as Vice-Chancellor and Principal, the aggrieved employee has to raise the grievance with the Chairperson of the Human Resources Committee of Council within five (5) working days or within a reasonable time after the incident that gave rise to the grievance.

6.2.2.2 The process involving the Chairperson of the Human Resources Committee of Council is informal. The Chairperson of the Human Resources Committee of Council has the discretion to determine an appropriate procedure provided that all parties are afforded an opportunity to state their case. No formal record of the proceedings needs to be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing.

6.2.2.3 If the grievance is not solved within five (5) working days or within a reasonable time from it being raised with the Chairperson of the Human Resources Committee of Council, or if the Chairperson of the Human Resources Committee of Council is *in toto* or in part subject of the employee's grievance, the aggrieved employee may raise the matter with the Chairperson of Council.

### **6.2.2 Step 2: Formal**

6.2.2.1 The Chairperson of Council will make arrangements within five (5) working days of the written submission of the grievance, for an investigative meeting to be held within a reasonable time, at which meeting the Chairperson will investigate the facts of the case. The aggrieved employee is entitled to be present at all times during the investigative meeting(s).

6.2.2.2 The Chairperson of the Human Resources Committee of Council has the discretion to determine an appropriate procedure, provided that all parties are afforded an opportunity to state their case. Minutes of the meeting must be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing and signed by both parties.

6.2.2.3 If the grievance is not solved after step 6.2.2.2, the matter will be referred to the Chairperson of the Bar Council for referral of the matter to a suitably qualified external conciliator to finalize the matter.

## **6.3 Against a member of Council**

### **6.3.1 Step 1: Formal**

- 6.3.1.1 Where an employee wants to raise a grievance against a member of Council in his/her capacity as Council member, the aggrieved employee has to raise the grievance with the Chairperson of Council within five (5) working days or within a reasonable time after the incident that gave rise to the grievance.
- 6.3.1.2 The Chairperson of Council will make arrangements within five (5) working days of the written submission of the grievance, for an investigative meeting to be held within a reasonable time, at which meeting the Chairperson will investigate the facts of the case. The aggrieved employee is entitled to be present at all times during the investigative meeting(s).
- 6.3.1.3 The Chairperson of Council has the discretion to determine an appropriate procedure, provided that all parties are afforded an opportunity to state their case. Minutes of the meeting must be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing and signed by both parties.
- 6.3.1.4 If the grievance is not solved after step 6.3.1.3, the matter will be referred to the Chairperson of the Bar Council for referral of the matter to a suitably qualified external conciliator to finalize the matter.

#### **6.4 Against the Chairperson of Council**

##### **6.4.1 Step 1: Formal**

- 6.4.1.1 Where an employee wants to raise a grievance against the Chairperson of Council, the aggrieved employee has to raise the grievance with the Chairperson of the Human Resource Committee of Council within five (5) working days or within a reasonable time after the incident that gave rise to the grievance.
- 6.4.1.2 The Chairperson of the Human Resources Committee of Council will make arrangements within five (5) working days of the written submission of the grievance, for an investigative meeting to be held within a reasonable time, at which meeting the Chairperson will investigate the facts of the case. The aggrieved employee is entitled to be present at all times during the investigative meeting(s).
- 6.4.1.3 The Chairperson of the Human Resources Committee of Council has the discretion to determine an appropriate procedure, provided that all parties are afforded an opportunity to state their case. Minutes of the meeting must be kept. If the parties reach an agreement regarding a solution to the grievance, the agreement has to be put in writing and signed by both parties.
- 6.4.1.4 If the grievance is not solved after step 6.3.1.3, the matter will be referred to the Chairperson of the Bar Council for referral of the matter to a suitably qualified external conciliator to finalize the matter.

## **7. STEPS IN THE CASE OF GROUP GRIEVANCES**

### **7.1 Step 1: Internal**

- 7.1.1 If a communal grievance arises among a group of employees, the employees are entitled to discuss the grievance with their union representative.
- 7.1.2 The employees *mutatis mutandis* follow the procedure as set out in 5.2.1 to 5.4.3. The aggrieved employees must be represented by not more than three delegates. The employees are entitled to being accompanied and represented by a co-worker or by a union representative of the union of which they are members and that is thus recognised by the University.
- 7.1.3 If the group grievance is not resolved to the satisfaction of the agreed group, in accordance with the procedure prescribed in 6.1.2, the aggrieved group of employees may institute step 2 of the group grievance procedure, as set out below.
- 7.1.4 In the case of a group grievance where the interests of the University could be seriously compromised, the senior union representative on the campus could directly follow step 4 of these procedures with the permission of the Executive member responsible for Human Resources.

### **7.2 Step 2: External**

- 7.2.1 If the grievance is not resolved to the satisfaction of the aggrieved employees or if a dispute exists regarding the interpretation or application of any provision of the group grievance procedure, any party to the dispute may refer the dispute in writing to –

- a) The Commission for Conciliation, Mediation and Arbitration (CCMA);

b) The Labour Court

in accordance with the respective rules of the Commission and the Labour Court to the measure to which the Labour Relations Act provides.

7.2.2 The party that refers the dispute must convince the Commission that a copy of the dispute referral has been delivered to the other party to the dispute.

7.2.3 Any referral of a grievance to the CCMA before the internal grievance procedure has been exhausted is premature and thus not a valid referral.

(Updated February 2011)

INDIVIDUAL GRIEVANCE<sup>5</sup>

**STEP 1**  
(Informal)



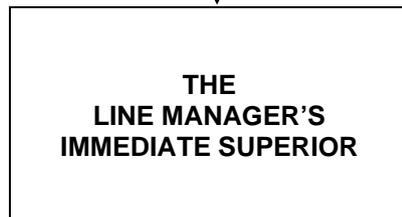
You have 3 working days of raise the grievance. If the grievance remains unresolved after 5 working days from referral, **proceed to Step 2.**

**STEP 2**  
(Formal)



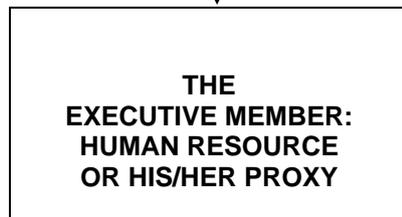
The Supervisor's Line Manager must arrange an investigative meeting within 5 working days after referral. If the grievance remains unresolved **or** if the investigative meeting was not arranged within the prescribed time limit, **proceed to Step 3.**

**STEP 3**  
(Formal)



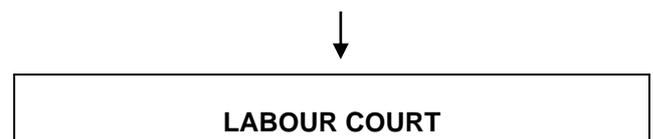
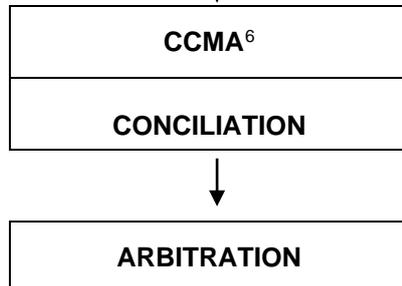
The line manager's immediate superior must arrange an investigative meeting within 5 working days after referral. If the grievance remains unresolved **or** if the investigative meeting was not arranged within the prescribed time limit, **proceed to Step 4.**

**STEP 4**  
(Formal)



The Executive member responsible for human resource or his/her proxy must arrange a investigative meeting within 5 working days after referral of the grievance. If the grievance remains unresolved **or** if the investigative meeting was not arranged within the prescribed time limit, **proceed to Step 5.**

**STEP 5**  
(External)



<sup>5</sup> Diagrammatic representation. For further particulars see Grievance Procedure.

<sup>6</sup> Commission for Conciliation, Mediation and Arbitration.

## UNIVERSITEIT VAN PRETORIA / UNIVERSITY OF PRETORIA

AANMELDING VAN GRIEF / GROEP GRIEF  
REPORTING OF GRIEVANCE / GROUP GRIEVANCE<sup>7</sup>

<b>NAAM: NAME:</b>	<b>PERSEENOMMER: PERSONNEL NUMBER:</b>
<b>AARD VAN GRIEF: NATURE OF GRIEVANCE:</b>	<b>OPLOSSING VERLANG: SOLUTION REQUIRED:</b>
	<b>Aan Toesighouer (naam): To Supervisor (name):</b>  _____
Sit asb die aard van u grief volledig uiteen / Provide full details of the nature of your grievance.	Datum van ontvangs deur Toesighouer: Date of receipt by Supervisor:  _____ 20 ____
	<b>HANDTEKENING VAN TOESIGHOUER: SIGNATURE OF SUPERVISOR:</b>
<b>Datum waarop grief aangemeld is: Date on which grievance was reported:</b>  _____ 20 ____	<b>Ook aan Departement Arbeidsverhoudinge: Also to Department of Employment Relations:</b>
<b>HANDTEKENING VAN GEGRIEFDE PERSEENLID SIGNATURE OF AGGRIEVED EMPLOYEE</b>	Grief no: / Grievance no: _____
	Datum ontvang / Date received _____ 20 ____
	<b>HANDTEKENING VAN ARBEIDSVERHOUDINGE SIGNATURE OF EMPLOYMENT RELATIONS</b>

## VIR GEBRUIK DEUR ARBEIDSVERHOUDINGE / FOR USE BY EMPLOYMENT RELATIONS

Stap / Step:	Voorsitter / Chairperson	Datum van vergadering / Date of meeting	Uitkoms / Outcome
<b>Stap/Step 1: (Informeel/Informal)</b>			
<b>Stap/Step 2 (Formeel/Formal)</b>			
<b>Stap/Step 3: (Formeel/Formal)</b>			
<b>Stap/Step 4: (Formeel/Formal)</b>			

<sup>7</sup> Neem asb kennis dat dit die werknemer se verantwoordelikheid is om die grief ook by Menslike Hulpbronne: Departement Arbeidsverhoudinge te registreer. / Please note that it is the employee's responsibility to register this grievance formally at Human Resources: Department of Employment Relations.