



UNIVERSITY OF PRETORIA
Department of Human Resources

GRIEVANCE PROCEDURE

Document type: Procedure
Policy Category: Human Resources

Document number: R 48/23

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1. PURPOSE

The purpose of this procedure is:

- 1.1. To empower employees of the University of Pretoria (UP) who feel aggrieved about any matter relating to their work or working conditions, or that creates a conflict in the workplace, to discuss the matter with the UP Management in an attempt to resolve the grievance.
- 1.2. To provide communication channels for the appropriate level of management to deal with grievances.

2. SCOPE

This procedure applies to all employees of UP, including academic and professional services staff appointed in permanent and fixed-term positions, but excluding persons engaged by UP as service providers and independent contractors.

3. CONSEQUENCES OF NON-COMPLIANCE

Non-compliance with this procedure shall result in the contravention of UP's Code of Conduct for Employees and/or the Escalation Policy, which may lead to disciplinary action, as set out in the Disciplinary Code and Procedure for Employees.

4. DEFINITIONS

4.1 Employee: an employee as defined in section 213 of the Labour Relations Act 66 of 1995, as amended¹

4.2 Grievance: dissatisfaction experienced by employees in their work or workplace, which they wish to bring to the attention of Management for a possible solution

4.3 Manager: any employee of UP who has managerial or supervisory

¹ **employee** means

- (a) Any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and
 - (b) Any other person who in any manner assists in carrying on or conducting the business of an employer ...'
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responsibilities

- 4.4 Recognised trade union:** refers to a registered trade union complying with the requirements of the Labour Relations Act, as amended and with which UP has entered into a recognition agreement
- 4.5 Supervisor or line manager:** any employee of UP who has managerial or supervisory responsibilities
- 4.6 LRA:** the Labour Relations Act 66 of 1995, as amended
- 4.7 Co-worker:** a fellow employee of the aggrieved employee, employed by UP
- 4.8 CCMA:** the Commission for Conciliation, Mediation and Arbitration
- 4.9 Members of the Executive:** the Vice-Chancellor and Principal and Executive Directors, Chief Operating Officers and the Registrar.
- 4.10 Union representative:** a shop steward or union official representing a recognised trade union

5. GENERAL GUIDELINES

- 5.1** The following guidelines must be considered in applying the Grievance Procedure:
 - 5.1.1** The aggrieved employee should fully state the nature of the grievance and provide summarised context of the issues pertaining to the grievance when completing the relevant Grievance Form.
 - 5.1.2** The grievance procedure must at all times be applied as a mechanism to resolve grievances as quickly as possible.
 - 5.1.3** It is acknowledged that a grievance can be lodged against a co-worker or line manager / supervisor. If lodged against a co-worker, such grievance must be brought to the attention of the supervisor of the co-worker against whom the grievance is lodged.

- 5.1.4 Aggrieved employees who are members of a recognised trade union have the right to seek assistance regarding a grievance from a union representative, or alternatively from a co-worker if they are not members of a recognised trade union.
 - 5.1.5 In any of the processes in terms of this procedure, employees may be represented and/or accompanied by a co-worker (employee representative) or a union representative of the recognised trade union of which they are members, but not by external legal representatives, labour consultants or other representatives.
 - 5.1.6 The rights granted in terms of these procedures to union representatives and/or co-workers are subject to meetings being scheduled and proceedings being conducted in a manner that will prevent any unnecessary disruption to the operations / work responsibilities of the participating union representative(s) or co-worker(s).
 - 5.1.7 Matters of mutual interest that form part of matters on which Management and the recognised trade unions should consult / negotiate, must be dealt with in accordance with the provisions of the recognition agreements between the employer and the recognised trade unions and may not be dealt with in terms of the Grievance Policy and Procedure.
 - 5.1.8 Matters that have already commenced in terms of the Disciplinary Code and Procedure for Employees, which include an investigation in terms of the Code, or in terms of the Anti-discrimination policy, the Whistle-blowing and Anti-fraud policy, or any other approved UP policy, shall only form the subject matter of a grievance once any of the above-mentioned processes have been internally concluded.
 - 5.1.9 In the case of an employee being dissatisfied with the recommendation or decision regarding appointment, promotion or confirmation of appointment by a Recruitment and 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 has been provided on the subsequent decision and specific reasons therefore, those internal remedies will be regarded as having been exhausted.
 - 5.1.10 Employees and/or their union or co-worker representatives will not forfeit any salary or benefit as a result of attending meetings scheduled with Management to deal with a grievance in accordance with these procedures.
 - 5.1.11 An employee who lodges a grievance must, at the same time, propose a possible solution to the grievance.
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- 5.1.12 Unless otherwise agreed, the informal procedure must be followed before the formal grievance procedure is instituted.
- 5.1.13 This policy should be read in conjunction with the Alternative Dispute Resolution Guidelines (ADR).

6. STEPS IN RESPECT OF INDIVIDUAL GRIEVANCES ²

6.1 Step 1: Supervisor – informal

- 6.1.1 The aggrieved employee may be assisted by a union representative, or alternatively a co-worker.
- 6.1.2 The aggrieved employee must, within three (3) working days, or within a reasonable time after the incident that gave rise to the grievance had occurred, raise and discuss the grievance with the supervisor.
- 6.1.3 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.
- 6.1.4 If the grievance is not resolved within five (5) working days from the date on which it was raised, the employee may follow Step 2 of the grievance procedure. The parties may agree to extend the period by a further five (5) working days if they are of the opinion that an extension of time would afford the parties an opportunity to resolve the grievance.
- 6.1.5 If the supervisor is allegedly wholly or in part the cause and/or the subject of the employee's grievance, or if the supervisor is not available, the employee may directly follow Step 2 of these procedures.

6.2 Step 2: The supervisor's line manager – formal

- 6.2.1 If the grievance has not been resolved during Step 1, or if paragraph 8.1.5 is applicable, the aggrieved employee may proceed to Step 2 of the process.
- 6.2.2 The aggrieved employee should submit an electronic or hard copy of the completed official grievance form to his/her supervisor and a copy thereof to the University's Employment Relations Division (ER).

- 6.2.3 Within five (5) working days of the submission of the completed grievance form, the supervisor's line manager is expected to determine an appropriate procedure, including an ADR process, provided that all parties have been afforded an opportunity to state their case. The supervisor's line manager must ensure that the minutes are captured and forwarded to ER for record keeping.
- 6.2.4 At the end of the grievance meeting(s), the supervisor's line manager should, if possible, present the aggrieved employee with a written decision to the grievance, which must be signed by the parties. The signed decision must be forwarded to Employee Relations Division for record keeping.
- 6.2.5 If the supervisor's line manager is allegedly wholly or in part the cause and/or subject of the aggrieved employee's grievance, or is not available, or if a grievance meeting is not arranged within five (5) working days or held within a reasonable time as agreed with the aggrieved employee, the aggrieved employee and/or the union representative or co-worker may, on behalf of the aggrieved employee, directly follow Step 3 of these procedures.

6.3 Step 3: Line manager's immediate superior

- 6.3.1 If the grievance has not been resolved during Step 2 of the grievance procedure, alternatively if paragraph 8.2.5 above is applicable, the aggrieved employee, with the assistance of a union representative or co-worker, has the right to follow Step 3 of the procedure by referring the matter to the line manager's immediate superior.
- 6.3.2 The line manager's immediate superior must follow the steps as contained in paragraphs 8.2.3 to 8.2.5.
- 6.3.3 If the line manager's immediate superior is allegedly wholly or in part the cause and/or subject of the aggrieved employee's grievance, or if the line manager's immediate superior is not available, or alternatively if a grievance meeting is not arranged as provided in paragraph 8.2.5, the employee and/or the union representative or co-worker may, on behalf of the aggrieved employee, refer the grievance to the next level line manager.

6.4 Step 4: External

- 6.4.1 If the employee has exhausted the internal process (Steps 1 to 3, as well as Step 4, if applicable) and the grievance has not been resolved to the satisfaction of the aggrieved employee, any party may refer the matter to –
- a) the Commission for Conciliation, Mediation and Arbitration (CCMA); or
 - b) the Labour Court.

7. STEPS IN RESPECT OF AN INDIVIDUAL GRIEVANCE AGAINST MEMBERS OF THE EXECUTIVE

7.1 Step 1: Informal

- 7.1.1 If an employee wants to raise a grievance against a member of the Executive (with the exception of the Vice-Chancellor and Principal), or an employee appointed in an acting capacity as a member of the Executive, the aggrieved employee must 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 had occurred.
- 7.1.2 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.
- 7.1.3 If the grievance is not resolved within five (5) working days or within a reasonable time from it having been raised with the Vice-Chancellor and Principal, or if the Vice-Chancellor and Principal is allegedly wholly or in part the cause and/or subject of the aggrieved employee's grievance, the aggrieved employee may raise the matter with the Chairperson of the Human Resources Committee of Council.

7.2 Step 2: Formal

- 7.2.1 Upon referral of a grievance in terms of paragraph 9.1.3 above, the Chairperson of the Human Resources Committee of Council will schedule a meeting within five (5) working days or a reasonable time after referral of the grievance, at which meeting the Chairperson will investigate the facts of the case.

- 7.2.2 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, and must ensure that the minutes of the meeting are captured and forwarded to ER for record keeping. The resolution of the grievance must be recorded in writing by the Chairperson as the final outcome of the process, whereafter it should be forwarded to ER for record keeping.
- 7.2.3 If the grievance is not yet resolved after Step 2 (Paragraph 9.2.2) and remains unresolved to the satisfaction of the aggrieved employee, any party may refer a dispute to –
- a) the Commission for Conciliation, Mediation and Arbitration (CCMA), or
 - b) the Labour Court.

8. GRIEVANCES RAISED AGAINST THE VICE-CHANCELLOR AND PRINCIPAL

8.1 Step 1: Informal

- 8.1.1 Where an employee wishes 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 must 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 had occurred.
- 8.1.2 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. The Chairperson must ensure that the minutes of the meeting are captured and forwarded to the Director: Human Resources for record keeping. The resolution of the grievance must be recorded in writing by the Chairperson as the outcome of the process.
- 8.1.3 If the grievance is not resolved within five (5) working days, or within a reasonable time after having been raised with the Chairperson of the Human Resources Committee of Council, or if the Chairperson of the Human Resources Committee of Council is allegedly wholly or in part the cause and/or subject of the aggrieved employee's grievance, the aggrieved employee may raise the matter with the Chairperson of Council.

8.2 Step 2: Formal

- 8.2.1 Within five (5) working days of the submission of the grievance in writing, the Chairperson of Council will schedule a grievance meeting to be held within a reasonable time, at which meeting the Chairperson of Council will investigate the facts of the case.
- 8.2.2 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 must be signed by both parties and submitted to ER for record keeping.
- 8.2.3 If the grievance is not resolved to the satisfaction of the aggrieved employee, any party may refer a dispute to –
 - a) the Commission for Conciliation, Mediation and Arbitration (CCMA), or
 - b) the Labour Court.

9. STEPS TO BE TAKEN IN THE CASE OF GROUP GRIEVANCES

9.1 Step 1: Internal

- 9.1.1 If a group grievance arises among a group of employees, the employees may be assisted by their union representative, or by a co-worker if they are not members of a recognised trade union.
- 9.1.2 The employees should follow the procedure as set out in paragraphs 8.1 to 8.4 of the grievance procedure. The aggrieved employees may not be represented by more than three representatives and are entitled to be represented as set out in paragraph 5.1.3. In exceptional circumstances, the chairperson may exercise the discretion and allow additional representatives.
- 9.1.3 If the group grievance is not resolved to the satisfaction of the group of aggrieved employees in accordance with the procedure prescribed in paragraph 1.1.2, the group may institute Step 2 of the Group Grievance Procedure, as set out below.

9.2 Step 2: External

9.2.1 If the grievance is not resolved to the satisfaction of the aggrieved employees, any party to the grievance may refer the dispute in writing to –

- a) the Commission for Conciliation, Mediation and Arbitration (CCMA), or
- b) the Labour Court.

10. ASSOCIATED DOCUMENTS

10.1 ASSOCIATED POLICIES AND PROCEDURES

10.1.1 Code of Conduct for employees

10.1.2 Escalation Policy

10.1.3 Disciplinary Code

10.2 ASSOCIATED LEGISLATION

10.2.1 The Labour Relations Act 66 of 1995, as amended

10.2.2 The Basic Conditions of Employment Act 75 of 1997, as amended

10.2.3 The Employment Equity Act 55 of 1998, as amended

11. LIFE CYCLE

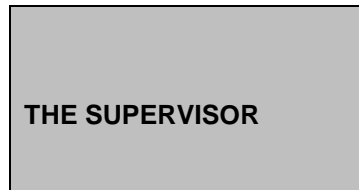
This procedure should be reviewed at least every three (3) years, or as per legislative requirements.

12. DOCUMENT METADATA

Document number:	<i>R48/23</i>
Document version:	<i>R48/23 is the latest approved version replacing Rt278/08</i>
Document approval authority:	<i>Council</i>
Document approval date:	<i>21 June 2023</i>
Document owner:	<i>Director Human Resources</i>
Document author(s):	<i>Human Resources</i>
Next review date:	<i>21 June 2026</i>
Visibility: Display on staff intranet Display on student intranet Display on public web	✓

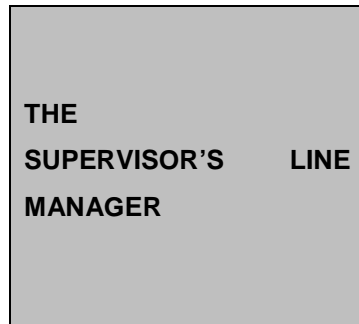
13. ANNEXURE 1 – INDIVIDUAL GRIEVANCE²

STEP 1
(Informal)



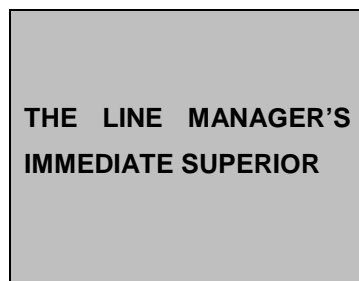
You have three (3) working days to raise the grievance. If the grievance remains unresolved after five (5) working days from referral, **proceed to Step 2.**

STEP 2
(Formal)



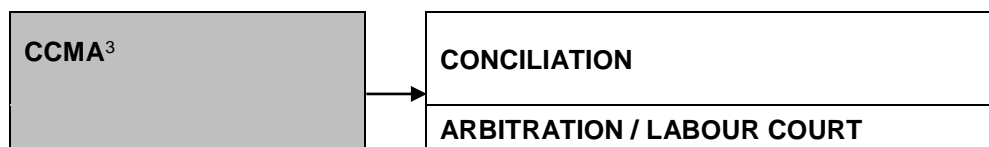
The supervisor's line manager must arrange a grievance meeting within five (5) working days after referral. If the grievance remains unresolved, **or** if a grievance meeting was not arranged within the prescribed time allowed, **proceed to Step 3.**

STEP 3
(Formal)



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

STEP 4
(External)



² Diagrammatic representation of Grievance Procedure: See Annexure 1

³ Commission for Conciliation, Mediation and Arbitration.