



GRIEVANCE PROCEDURE (Annexure D to the Conditions of Service)

Document number	
Custodian	Chief Operating Officer
Responsible Division	Human Resources Division
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Amendments	Policy Principles (Point 3 – 3.2 to 3.15) Procedure – Individual grievance Procedure (Point 5 – 5.2.4, 5.3, and 5.3.1)
Dates of Amendments	2020
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Policies Repealed	

RELATED DOCUMENTS

UJ Documents	Other
<ul style="list-style-type: none"> • UJ Conditions of Service 	<ul style="list-style-type: none"> • Constitution of South Africa Act 108 of 1996; • Basic Conditions of Employment Act (BCEA), Act 75 of 1997; • Labour Relations Act (LRA); Act 66 of 1997 as amended; • Employment Equity Act (EEA), Act 55 of 1998; • Protection of Personal Information Act (POPI), No 4 of 2013; • Promotion of Access to Information Act (PAIA), No 2 of 2000; and • Immigration Act (No 13 of 2002) • Labour Law Amendment Act of 2018.

Stakeholders affected by this document (units and divisions who should be familiar with it):	<ul style="list-style-type: none"> • Executive Leadership Group; • Heads of Department; • Line Managers; • Human Resources; and • Unions
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Contents

1.	Scope and objectives	3
2.	Definitions and interpretation.....	3
3.	Policy principles	3
4.	Restrictions.....	4
5.	Procedure – Individual grievance	4
5.1	Level 1 – Informal stage: Consult the Line Manager.....	4
5.2	Level 2 – Formal stage: Consult with the next level of management – Head of Department or similar.....	4
5.3	Level 3 – Chief Operating Officer	5
6.	Special provisions in respect of group-related grievances	5
7.	Record keeping.....	6
	Annexure A – Grievance Form	7

Grievance Procedure

1. Scope and objectives

- 1.1 The Grievance Procedure is designed to maintain good relations and promote free communication between Management and employees, as it is in everybody's interest to bring workplace dissatisfaction out in the open to prevent problems from festering.
- 1.2 Management will treat grievances sympathetically, consistently and fairly, without victimization, intimidation or any other detriment if a grievance is raised. Any grievance is serious in the eyes of employees who feel strongly enough about an issue to raise it as a grievance.
- 1.3 Using the procedure will not prejudice an employee's future employment prospects. Records or written evidence of matters raised under this procedure will be retained separately from an employee's personal file after a problem has been resolved.

2. Definitions and interpretation

- 2.1 In this document, unless the context clearly indicates otherwise –

“**procedure**” means this Grievance Procedure, which forms part of all employees' conditions of service;
- 2.2 Paragraph headings are inserted for convenience only and cannot be used in the interpretation of this procedure.
- 2.3 If any provision confers any right or imposes any obligation on any party, then notwithstanding that it is only in the interpretation clause, effect must be given to it as if it were a substantive provision.

3. Policy Principles

- 3.1 Management at all levels must try to resolve a grievance as soon as possible. The longer a grievance is left unresolved, the more feelings of dissatisfaction and unhappiness may increase, leading to lack of motivation and other performance-related problems on the part of the aggrieved employee.
- 3.2 The parties involved in a grievance can mutually agree to extend or curtail the time limit of the grievance procedure, provided that in the case of an extension the agreement is reached before the time limit expires.
- 3.3 Employees should not misuse this policy but must have a *bona fide* (legitimate) grievance, which they wish to resolve.
- 3.4 The policy may not be used to negate any disciplinary action initiated against the employee.
- 3.5 An employee lodging a grievance in terms of this policy is entitled to internal representation (i.e. co-employee), provided such person agrees to represent such person.

- 3.6 Each step in the procedure shall be subject to stipulated time limits. It is, however, accepted that these time limits may be varied by mutual agreement or in relation to the availability of a person involved in the process.
- 3.7 In determining adherence to time limits, this should be calculated by excluding the first day and including the last day.
- 3.8 The parties must adhere to the time limits set out in this procedure, unless they agree to extend them.
- 3.9 A grievance must be lodged with the Institution within 30 days from the date on which the employee becomes aware of the act or omission, which adversely affects him/her.
- 3.10 Any grievance not reported within 30 days from the date on which the employee becomes aware of the act or omission, which adversely affects him/her, shall be considered in exceptional circumstances subject to a condonation application.
- 3.11 The seriousness of the grievance raised, i.e. victimization, discrimination, the nature and the extent of the conflict will be considered.
- 3.12 The aggrieved employee should be informed of the progress of his/her grievance within 5 working days of lodging the grievance.
- 3.13 In the event that there is no progress or no reasons forthcoming regarding delay in the response to the grievance, the employee may refer the grievance to the next step in terms of this procedure.
- 3.14 If the grievance is not heard within 30 days of it being lodged, the employee may refer the matter to the CCMA.
- 3.15 Sexual harassment cases are not dealt with as a normal grievance. An aggrieved employee must submit such a case directly to the Director: Employment Relations and Wellness, who will place it on record and handle it in terms of the University's Sexual Harassment Policy.

- 3.16 An aggrieved employee is entitled to be assisted by a fellow employee, a recognized trade union representative or a trade union official in the formal stages of the grievance procedure.

4. Restrictions

The grievance procedure may not be used for the following purposes:

- (a) for disciplinary action against an employee, based on information obtained or arising from an employee's seeking to address a workplace grievance;
- (b) as an appeal mechanism by an employee against any disciplinary action;
- (c) for collective bargaining;
- (d) for amendment of general conditions of service;
- (e) for amendment of any other agreement that is binding on the parties.

5. Procedure – Individual grievance

5.1 *Level 1 – Informal stage: Consult the Line Manager*

- 5.1.1 Any employee with a grievance approaches the Line Manager within a reasonable period after the grievance has originated to explain the reasons for dissatisfaction and to request that the grievance be addressed.
- 5.1.2 At this point it is not necessary to have completed a grievance notification form.
- 5.1.3 The Line Manager investigates the grievance and reports back to aggrieved employee as soon as possible, but not later than five working days.
- 5.1.4 If the grievance involves the Line Manager, the employee directly approaches the next reporting level above the Line Manager and informs the Line Manager that this has been done.

5.2 *Level 2 – Formal stage: Consult with the next level of management – Head of Department or similar*

- 5.2.1 If the employee finds the Line Manager's response unacceptable, the employee, within two working days of hearing from the Line Manager, takes the grievance to the next level of management (here referred to as "the Head").
- 5.2.2 The employee may also take the grievance directly to the Head if the Line Manager fails to resolve the grievance in the time agreed upon.
- 5.2.3 Both the employee and the Line Manager explain their respective versions of the grievance in writing and enclose supporting statements or evidence.

- 5.2.4 The Head convenes a meeting within five working days to investigate the grievance, and the Director: Employment Relations and Wellness is notified of the meeting.
- 5.2.5 The Head and the employee may call on others to give evidence, but only if required.
- 5.2.6 The Head makes the findings available to the employee in writing, using the grievance form, within five working days of hearing the matter.

5.3 Level 3 – Chief Operating Officer

- 5.3.1 An employee who still remains dissatisfied may, within five working days after receiving the Head's findings, make representations in writing to the Chief Operating Officer.
- 5.3.2 Within five working days after receiving the signed statements, the (or a nominee) decides who will chair the grievance inquiry and informs the parties accordingly.
- 5.3.3 Within 10 working days of being appointed, the Chairperson holds a formal grievance inquiry with all the parties concerned.
- 5.3.4 Within five working days of hearing the matter, the Chairperson informs all the parties concerned of the decision taken.
- 5.3.5 The Chairperson's decision is final.
- 5.3.6 If still not satisfied, the employee may request his/her trade union to intervene or may declare a dispute in terms of the Act.

6. Special provisions in respect of group-related grievances

- 6.1 If more than one employee has the same grievance, management should pay extra attention to the grievance being raised. Where possible, group-related grievances should be addressed immediately.
- 6.2 In group-related grievances, employees may be represented by a maximum of four representatives, subject to the number of representatives being smaller than the total number of aggrieved employees.
- 6.3 Group-related grievances may be lodged directly at Level 3.
- 6.4 In group-related grievances, management should seek to limit the time for addressing the grievance as much as possible.
- 6.5 Groups of employees should be aware that the Grievance Procedure is the appropriate method of resolving workplace grievances and that means such as stopping work, refusing to tender their services, insolence or insubordination could give rise to disciplinary action.

7. Record-keeping

The Director: Employment Relations & Wellness ensures that all records of grievance inquiries are kept for at least twelve months after the termination of the proceedings.

Approved by Council on 11 November 2005

Amendments approved by Council on 22 September 2020



GRIEVANCE FORM

EMPLOYEE NUMBER				
SURNAME & INITIALS				
DEPARTMENT/DIVISION				
DATE WHEN GRIEVANCE WAS REPORTED				
NAME OF HEAD/LINE MANAGER/DEAN				
CONTACT NUMBERS	EXTENSION		CELL/HOME	

DESCRIPTION OF GRIEVANCE

Attach additional sheets if required

RESOLUTION REQUIRED

EMPLOYEE: _____ DATE: _____

HEAD/LINE MANAGER/DEAN: _____ DATE: _____

STEP 1 (LEVEL 1)	
RESOLVED _____	NOT RESOLVED _____
REASON _____	

RESULTS OF STEP 2 (LEVEL 2)	
RESOLVED _____	NOT RESOLVED _____
REASON _____	

EMPLOYEE: _____ HEAD/LINE MANAGER/DEAN: _____

REPRESENTATIVE: _____ DATE: _____

SEND COMPLETED FORM TO THE EXECUTIVE DIRECTOR: HUMAN RESOURCES

RESULTS OF STEP 3 (LEVEL 3)	
RESOLVED _____	NOT RESOLVED _____
REASON _____	

MEMBER OF MANAGEMENT: _____ DATE: _____

EMPLOYEE: _____ DATE: _____

REPRESENTATIVE: _____ DATE: _____