



GRIEVANCE PROCEDURES: A BEST PRACTICE GUIDELINE

Produced by The Sustainability Initiative of South Africa NPC



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Section 1 — Introduction

The SIZA programme has been designed to ensure Ethical Trade and Environmental Assurance from all suppliers in the South African agricultural industry. The goal is to have a commitment of continuous improvement of labour and environmental conditions on all farms, packhouses and processing facilities in a practical and comprehensive manner which has the potential to benefit businesses, positively impact hundreds of thousands of employees and protect the planet. As part of the improvement process, all SIZA members must ensure adequate grievance procedures are in place as part of ensuring adequate employee wellness.

There is an obligation that falls onto employers to ensure an effective grievance procedure is in place within the business to allow for any grievance to be lodged, received and resolved adequately. An efficient workplace grievance procedure can be utilised to effectively resolve issues quickly without harming relationships, and rather strengthen the channels of communication. Following either the informal or formal process, a grievance procedure provides a framework for open dialogue to take place within a mutually respectful manner through effective communication, listening, and conflict management. The aim of this guide is to raise awareness and assist those in agriculture to enhance their existing grievance procedures and strengthen dialogue and trust between everyone within the business.



Section 2 — Aims of a Grievance Procedure

Where groups of people work together, conflict could arise for a number of reasons, including interpersonal issues, how workplace policies and procedures are applied, and unhappiness about the conduct and behaviour of others, including managers, supervisors and employees, in the workplace.

To keep the working environment healthy, it is always better to try and settle any conflicts or resolve any disputes informally and as soon as possible.

Employers should also provide employees with a formal trustworthy way for raising their grievances. The grievance procedure should try to resolve grievances as close to their source as possible. This should be done through meaningful consultation, discussion and joint problem solving.

The aim of the grievance procedure is to provide employees with an easy and trustworthy way of raising any workplace grievances that they may have. The grievance procedure sets out a formal way for employees who want to have their grievances heard and settled in a friendly way.



Section 3 — What is a Grievance?

A grievance is defined as any concern, worry, unhappiness, or dissatisfaction that an employee might have as a result of a workplace issue, or a particular workplace relationship. This can include employees' allegations toward employers for violating certain conditions in their contracts, general dissatisfaction regarding workplace procedures or a break in interpersonal relationships. Common examples of grievances in the workplace that are seen within agriculture (on farms and in packhouses) include:

- employees feel that they are not heard by management on general work concerns
- misunderstandings related to payslips or contracts
- discontent over working hours
- unhappiness about the way supervisors speak to employees sometimes

These grievances, if not handled and dealt with properly, can foster and cause a lot of frustration and misunderstandings between work colleagues, employees and managers and influence the overall productivity and job satisfaction within the workplace.



Section 4 — What is a Grievance Procedure?

When a grievance is brought to the attention of an employer or management, there should be a formal way of addressing the employee's concern and trying to reach a resolution. This process is usually referred to as the grievance procedure. The process is usually characterised by setting out the how the process will work, what actions can be taken and confirm the confidentiality by which the information will be handled.

It is essential that every business makes provision to include a formal grievance procedure as part of their every-day business operations. SIZA member businesses have an ethical duty to meet various requirements as stipulated in the **SIZA Social Standard**, under the code requirement 6.4 (and subsequent sub-sections). These requirements place the duty on the business to ensure that there is an effective grievance procedure in place through which employees can make their grievances known to management. The requirements expand to include the responsibility to explain the grievance procedure with employees, make sure everyone in the business is aware of the process and how it works, along with protecting the confidentiality and anonymity of the person utilising the grievance procedure. The grievance procedure applies to all employees on the farm, regardless of their role or seniority. Therefore, any employee can lodge a grievance using the procedure.



There are two processes, namely an informal and formal process that can be followed, depending on what the people involved decide, and depending on the type of dispute/grievance.

All grievance meetings, informal and formal should be recorded and a copy of the record should be given to the employee.

Let's look at the process: An employee who wishes to lodge a grievance should use the procedure below.

Stage 1 — Informal Process

The employee must discuss the grievance with their immediate supervisor/manager. The immediate supervisor/manager must:



Give the employee a chance to tell him/her freely and privately about their problem;



Listen to the employee's grievance and try to identify the issues raised;



Give the employee a decision about the grievance as quickly as possible;



The manager/supervisor must write down what happened in the meeting/discussion, as well as what decisions have been taken. A copy of this record should be given to the employee and be kept on record.



Stage 2 — Formal Process

If the employee is not satisfied with the immediate supervisor's/manager's decision, the employee may lodge a formal grievance with the next level of management (see example of Grievance Form as annexure).

The formal process can also be followed if the employee wants to remain anonymous.



Once the senior manager has received the grievance form or has been informed about the grievance in another suitable way, she/he must arrange a formal grievance meeting as soon as is reasonably possible.



The employee, and any other relevant parties should be given written notice of the grievance meeting.



The senior manager must tell the employee who lodged the grievance that they have a right to get help from a fellow employee, or representative of a recognised trade union of which they are a member. It may involve anything from a discussion between the parties to a formal enquiry.



In a formal enquiry the people involved will be given a chance to tell their version of the story and may call suitable witnesses.



The senior manager must give the employee who lodged the grievance a written decision.



CCMA

If the employee is still not satisfied with the decision made by the senior manager, they may (depending on the type of grievance) refer the matter to the Commission for Conciliation Mediation and Arbitration (CCMA). The details are listed in chapter 15 of this guide.



If the grievance was anonymous, and the manager/employer is unable to directly respond to the employee concerned, the manager must ensure to communicate the decision on the matter effectively and with the necessary consideration and sensitivity.



Section 5 — What does a grievance form look like and where should they be kept?

A copy of a 'best practice' grievance form is attached at the end of this document as an Annexure. Grievance forms should be available to all employees at the farm office. Copies of the form should also be left in places where employees can get hold of them easily and privately. Examples of such places would be the eating area, change rooms, the workshops and other places where employees spend a lot of time.



Section 6 — How do you hand in a grievance?

The grievance can be lodged with the employee's immediate supervisor/manager or anonymously via the company's confidential grievance box. It is always a good idea to discuss the problem/grievance directly with the supervisor/manager and try and resolve the problem. If the grievance is against the employees' supervisor/manager, the employee may raise the grievance with the supervisor's manager directly or utilise the anonymous grievance option. It is of course sometimes not ideal for the employee and they would prefer to remain anonymous. In these cases, the employee can complete the grievance form without providing their name.



Section 7 — Key Principles of a good Grievance Procedure

Legitimate and Trusted

- Everyone in the business should recognise the grievance procedure as being real, and employees should feel that they are able to raise their grievances without fear of victimisation or negative come-back. To make sure that the procedure is legitimate the following should be done:
- If there is already an existing grievance procedure on the farm, then this recommended procedure should be looked at so that the existing one may be changed to turn it into a 'best practice' model;
- Before a new procedure is introduced and implemented, there should be discussions on the changes between management and employees (and shop stewards where there are unions on the farm);
- Once it is implemented, all managers, supervisors and employees need to be fully informed on the grievance procedure and how it works;
- After the awareness sessions, training should be given to managers, supervisors and employees on the grievance procedure.
- When someone has raised a grievance using the grievance procedure, it is important to stick to the agreed timeframes so that the legitimacy of the process can be further ensured.

Publicly Available and Accessible

- Everyone should know that the procedure exists and how to use it. This should be done through:
- When new employees start working on the farm there should be a session where someone explains to them how the procedure works;
- There should be meetings with employees to explain the procedure to them – what a grievance is; how to raise it; where to get the necessary forms; where to hand them in; who to give the forms to and where to go for information on how to use the procedure;
- Copies of the mechanism should be put on all notice boards that are seen regularly by employees, and copies should also be put up in workshops and change rooms and other areas where employees gather;
- It would be preferable that all current employees should be given a 'hard copy' of the mechanism when it is introduced.



Transparency

- Everyone should be able to see that the mechanism is working. But at the same time, every person must be treated fairly and with confidentiality when using the grievance procedure.

Engagement and Dialogue

- The mechanism should focus on trying to get people to talk to each other so that they agree on the nature of the problem and agree on solutions that are acceptable to everyone concerned. All managers, supervisors and employees should be trained.

Predictable

- People should know what the steps are in the process; there should be clear timeframes and there must be a way of checking to see if the agreements have been kept. The mechanism must make sure that grievances are settled as close to where they started as possible, and that they are settled quickly and fairly. A member of senior management should take overall responsibility for the mechanism and make sure that the process is followed as it was communicated.

Fair and Empowering

- The mechanism should take into account any differences in power and knowledge between those involved so that there is meaningful communication and a shared responsibility to achieve the agreed outcomes.

A Source of Continuous

- There should be ways to measure the effectiveness of the mechanism so that what we learn about 'best practices' can be used to revise the mechanism.



Section 8 — What is the role of worker committee during grievances?

It is often a common misperception that employee representatives have to deal with all grievance related aspects within a business, without the grievances being communicated with management. This sometimes lead to employees feeling frustrated as their grievance is not resolved or dealt with properly. The worker committee plays a very important role in the facilitation of grievances within the workplace and should further enhance and protect the grievance procedure by allowing for a voice to employees. The worker committee and representatives can engage with all types of employees and relay the necessary grievances to management. It is important to remember that even though worker representatives can engage with employees and management directly, they should never abuse this role. The overall duties of the worker committee is to:

- Promote good relations between employees and employers
- Comment on matters that require attention within the workplace on all aspects related to safety, social responsibility and environmental stewardship.
- Committee members should never only focuss on matters of their own interest, but that of the majority of the workforce.



Section 9 — How to implement the Grievance Procedure: Employers/Senior Managers

It is important that employers and senior managers acknowledge their role and responsibility in managing and implementing the company's grievance procedures. There are certain duties that fall onto the employers and senior managers.

9.1. Employer/Senior management responsibilities

- Senior management must always ensure that an effective grievance procedure is in place.
- This grievance procedure must be clear and communicated to all employees.
- If the grievance is against an employee's immediate manager/supervisor, she/he may ask that another manager listens to his/her grievance.
- Such permission should not be unreasonably refused by the managers concerned.



9.2. What must you as the employer/senior management do if a grievance is lodged?

Once a manager has received a grievance from an employee, she/he should investigate the matter within the timeframes set in the procedure and arrange any necessary meetings related to the grievance.

Stage 1

Where the employee raises the grievance by informally telling their manager about it.

The immediate manager must:

- Give the employee a chance to freely express their problem in private.
- Listen to the employee's grievance and try to identify the issues raised.
- Give the employee a decision about the grievance as quickly as possible.
- The parties should meet and try to resolve the grievance within two (2) working days of the employee mentioning the grievance.





Stage 2

Where the grievance is raised formally (on a Grievance Form or in another suitable way) with management.

When the senior manager receives the grievance form, she/he must schedule a formal grievance meeting as soon as is reasonably possible:

- The employee, and any other relevant parties, should be given written notice of the grievance meeting.
- The employee who lodged the grievance should be told that they have a right to get help from a fellow employee, employee representative/committee, or if they are a union member, from a trade union representative of a recognised union.
- The grievance meeting should be recorded in writing, and a copy of the record should be given to the employee.

How the grievance meeting is held will depend on the type of grievance raised by the employee. It may range from a discussion between the parties to a formal enquiry.

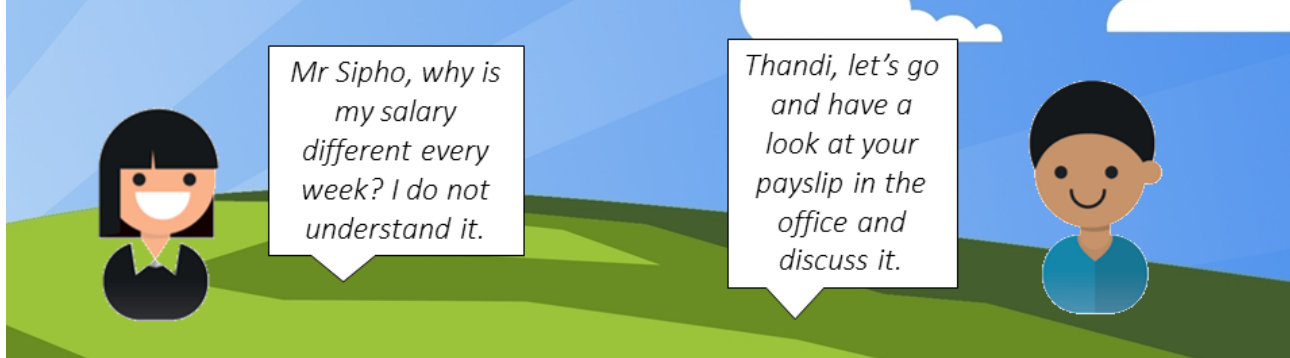
In a formal enquiry the parties involved are given a chance to tell their version of the story and/or call relevant witnesses.

The senior manager must give the employee who lodged the grievance with their written decision. This should be written down in the space provided in the Grievance Form.

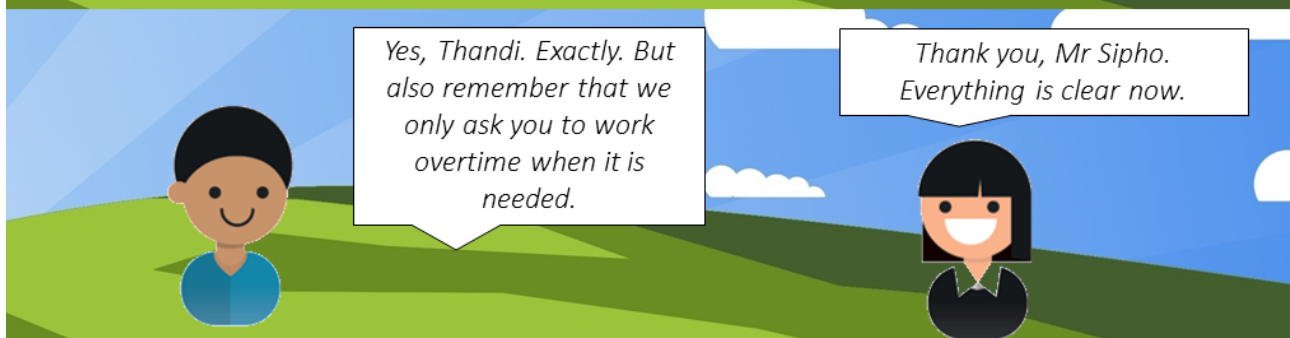
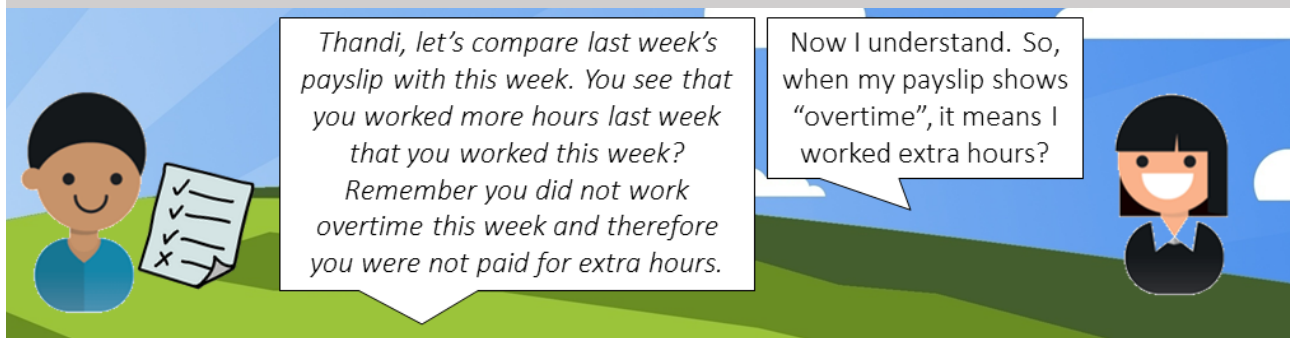
If the employee is still not satisfied with the senior manager's decision they may (depending on what kind of grievance it is) refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA). The details are listed in chapter 15 of this guide.

No one may victimise or harass employees who lodge grievances using the grievance procedure. If an employee believes they are being victimised or harassed, they may raise this with the senior manager overseeing the grievance procedure. This manager should investigate the employee's claim at once. Employees who victimise or harass other employees must be disciplined. If the victimisation or harassment is of a gross nature, they should be dismissed.

Example



**Siphso and Thandi go to the farm office.*





Section 10 — How to use the Grievance Procedure: Supervisors/Middle Management

Supervisors play an important role in managing the grievance procedure as well as building the trust of the employees by making sure the grievances are heard and acted upon. Supervisors must always ensure they take responsibility for their role in ensuring employees feel comfortable using the company grievance procedure.

10.1. Supervisors' responsibilities

- Supervisors must always make sure to follow the grievance procedure as communicated by senior management.
- If the grievance is against an employee's immediate supervisor, she/he may ask that another manager listens to his/her grievance. Such permission should not be unreasonably refused by the supervisors/managers concerned.

10.2. What must you as the supervisor do if a grievance is lodged with you?

Once a supervisor has received a grievance from an employee, she/he should investigate the matter within the desired timeframe and arrange any necessary meetings related to the grievance.

Stage 1

Where the employee raises the grievance by informally telling their supervisor about it.

The supervisor manager must:

- Give the employee a chance to freely express their problem in private.
- Listen to the employee's grievance and try to identify the issues raised.
- Give the employee a decision about the grievance as quickly as possible.
- If the supervisor cannot make the decision based on authority and responsibility within the company, the supervisor should engage with management as soon as possible to resolve the grievance.
- The parties should meet and try to resolve the grievance within two (2) working days of the employee mentioning the grievance.



Stage 2

Where the grievance is raised formally (on a Grievance Form or in another suitable way) with management.

When the senior manager receives the grievance form, she/he must engage with the supervisor to see whether the grievance can be resolved within the team. If not, management must schedule a formal grievance meeting as soon as is reasonably possible:

- The employee, and any other relevant parties, including the supervisors, should be given written notice of the grievance meeting.
- The employee who lodged the grievance should be told that they have a right to get help from a fellow employee, employee representative/committee, or if they are a union member, from a trade union representative of a recognised union.
- The grievance meeting should be recorded in writing, and a copy of the record should be given to the employee.
- If the grievance was raised anonymously, management should provide formal feedback on the situation to all employees in writing or during team meetings to ensure the grievance was handled and resolved adequately.

No one may victimise or harass employees who lodge grievances using the grievance procedure. If an employee believes they are being victimised or harassed, they may raise this with the senior manager overseeing the grievance procedure. This manager should investigate the employee's claim at once.

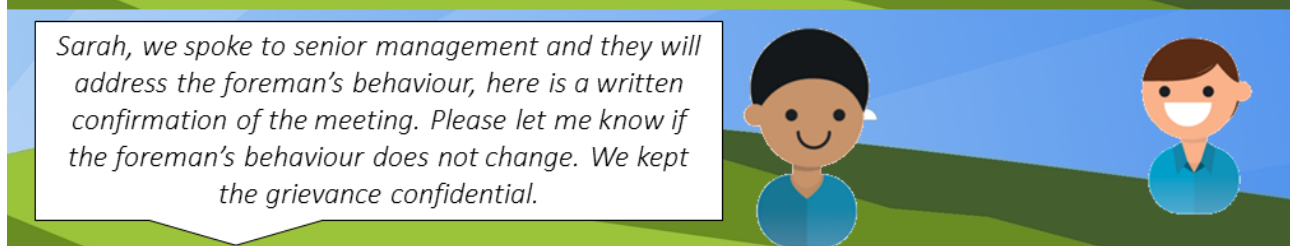
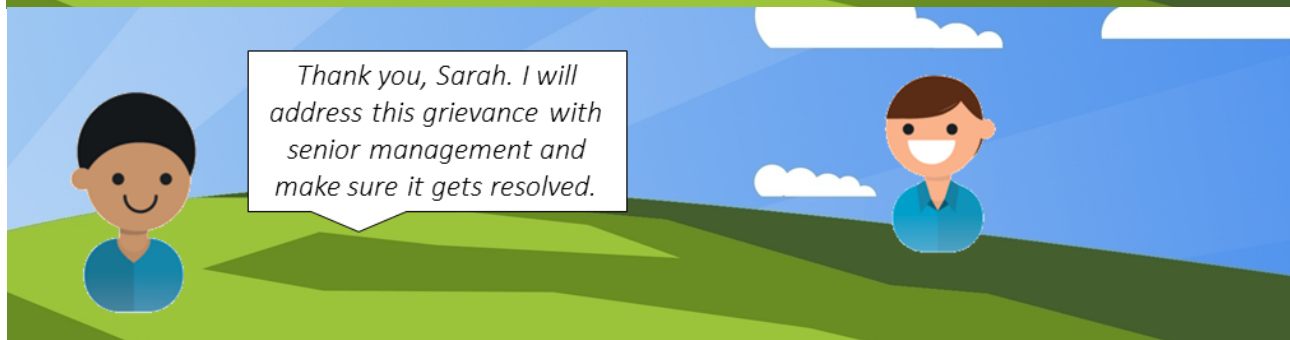
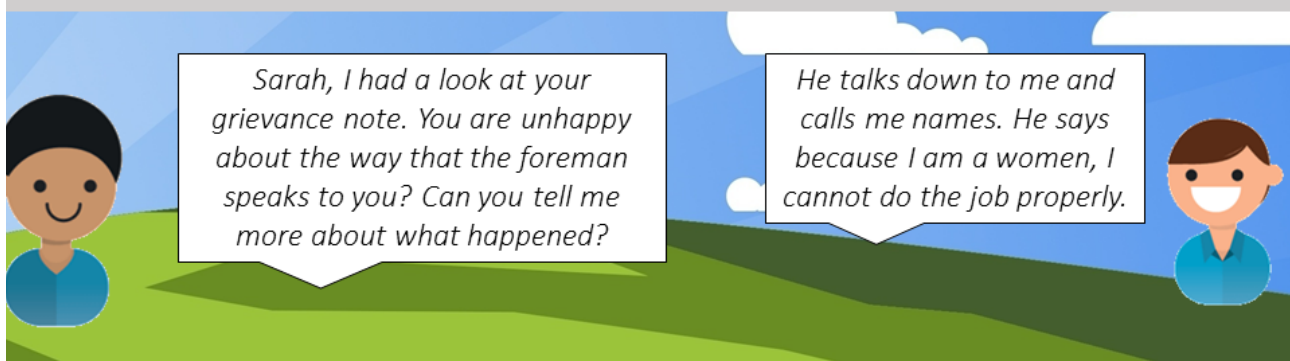
Employees who victimise or harass other employees must be disciplined. If the victimisation or harassment is of a gross nature, they should be dismissed.



Example



***Aphewe goes to the grievance box and opens the grievance letter. Aphewe calls one of the employee representatives and discusses the grievance with the representative.**





Section 11 — How to use the Grievance Procedure: Employees

11.1. How do I lodge a grievance?

There are two ways in which employees may raise a grievance. The grievance can be lodged informally or formally.

Stage 1

Where the grievance is raised informally with the immediate supervisor/manager.

The employee must:

- Discuss the grievance with the immediate supervisor and provide enough detail.
- Be honest.
- Allow time for the supervisor/management to make a decision and provide feedback.

The immediate supervisor/manager must:

- Give the employee a chance to freely and privately tell him/her about the problem.
- Listen to the employee's grievance and try to identify the issues raised.
- Give the employee a decision about the grievance as quickly as possible.
- The parties should meet and try to resolve the grievance within two (2) working days after the grievance was raised by the employee.

Stage 2

If the employee is not satisfied with the immediate supervisor's/manager's decision.

The employee may lodge a formal grievance with senior management. (See Grievance Form at the end of this booklet.) They may also raise a grievance in another suitable way if they want to remain anonymous. This way may include getting a fellow employee, or an employee representative raising the matter on their behalf.

Once the senior manager has received the formal grievance from an employee:

- He/she must schedule a formal grievance meeting as soon as is reasonably possible.



Stage 2 — Continued

- The employee and any other relevant parties must be informed in writing of the grievance meeting.
- The employee who lodged the grievance will be informed of their right to be helped by a fellow employee, or by a representative of a recognised trade union if they are a member.
- How the grievance meeting is held will depend on the kind of grievance raised by the employee. It may range from a discussion between the parties to a formal enquiry. In a formal enquiry the parties involved are given a chance to tell their version of the story and/or call relevant witnesses.
- The senior manager must give the employee who lodged the grievance with his/her written decision. This should be written down in the space provided in the Grievance Form.
- The parties should meet and try to resolve the grievance within three (3) working days of the formal grievance being raised by the employee.
- If the employee is still not satisfied with the senior manager's decision they may (depending on what kind of grievance it is) refer the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA). The details are listed in chapter 15 of this guide.

It is in the interest of all parties in the workplace that employees be given the opportunity to raise grievances, and that in so doing:

- they be given a fair consultation meeting by their immediate supervisor or manager concerning any grievance they may wish to raise;
- have the right to appeal to a more senior manager against a decision made by their supervisor or manager; and
- when raising a grievance, they have the right to be accompanied by a fellow employee of their own choice or a union representative from a recognised trade union of which they are a member.

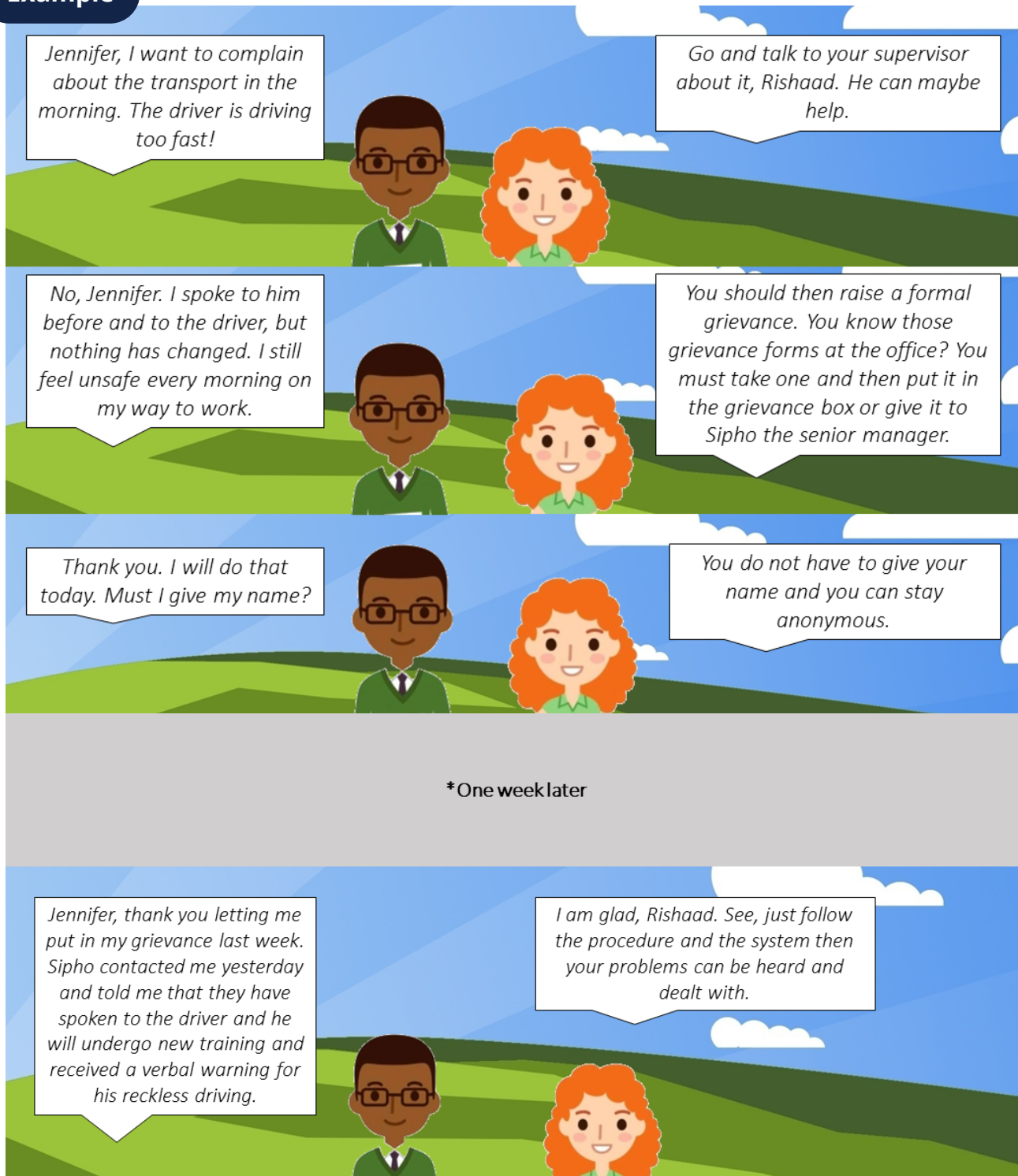
11.2. What if it's my supervisor/manager that I am raising the grievance against?

If the grievance is against an employee's immediate manager/supervisor, she/he may ask that another manager listens to his/her grievance. Such permission should not be unreasonably refused by the supervisors/managers concerned. If the grievance is of such a nature that the complainant would like to remain anonymous, they can certainly raise the grievance without stating their name. The employee can then request as part of their grievance that the grievance be resolved confidentially or that another external party become involved to assist the employee with communicating the grievance.

11.3. What if I am victimised or harassed for raising a grievance?

No one may victimise or harass employees who lodge grievances using the grievance procedure. If an employee believes they are being victimised or harassed, they may raise this with the senior manager overseeing the grievance procedure. This manager should investigate the employee's claim at once. Employees who victimise or harass other employees must be disciplined and could be dismissed.

Example





Section 12 — Training on grievances on farms and in packhouses

Conflicts arise in any business, and it also occurs within agriculture. All conflicts, grievances and disputes should be resolved fairly and responsibly. Solutions should never be one-sided, and it should rather be a continuation of restoring the relationship and working environment. As a best practice guideline, effective mediation and resolving grievances should include training on the specific role during a grievance process. For grievances to be resolved effectively, the following training should be conducted:

- All managers, supervisors, Human Resources (HR) representatives (if they are available) as well as employee representatives should be trained in basic problem-solving skills. Some of these should be basic mediation problem-solving skills and how to represent someone in mediation. The idea is that it will help to prevent disputes if people can use these skills to resolve grievances as soon as it occurs.
- Train managers who conduct grievance processes in basic mediation skills and on how to effectively implement the company's grievance procedure.
- Train all employees on the company's grievance procedure and ensure that employees understand how the procedure works and feel comfortable using it.
- It is also possible to train a selected group of employees to act as mediators in disputes at the second level.

Grievances vary from business to business, and person to person. What feels like a grievance to someone, might to be a grievance to another person. Because grievances can sometimes be very personal, it is important that businesses allow for all types of grievances to be accommodated and resolved. For example, it may be possible that because of an employees' gender, they feel uncomfortable with the way a supervisor speaks to them or even make comments regarding their gender. This might not occur to the supervisor but may border gender harassment. It is therefore important that businesses ensure all employees, supervisors and managers are trained adequately in understanding how every person is affected differently and that if in any scenario an employee feels uncomfortable, they can raise a grievance to make the workplace a better and healthier environment. The goal is not to break the relationship or focus on what others do wrong, and much rather to build and restore trust amongst everyone in the business.





Section 13 — When does a grievance become a good practice?

Throughout this document, and the related training, it is clear that grievances within the workplace can take on many forms and become very difficult to manage. It is also clear that every person has a responsibility to manage the grievance effectively and make sure that by applying the grievance procedure, it is to the benefit of everyone living and working on the farm or in the packhouse. The ideal in any business is to have the grievance procedure benefit the employee, the supervisor and the employer equally. By implementing the various aspects in this guide, along with the learnings from the relevant training, as an employer, supervisor and employee, you can drive an effective grievance procedure.

By ensuring that grievances become more than just a procedure in the business, it is good to remember the following:

- Grievances should be resolved as soon as possible and informally by direct communication between employee and supervisor/manager.
- When the employee cannot communicate the grievance personally, or prefers to remain anonymous, the employee can use the formal procedure through the grievance box. This way, the employee can voice their concerns, without giving their name, and management can respond to the grievance.
- Everyone should remember that unless the grievance is effectively communicated, it cannot be resolved properly. Everyone has a role to play and a duty in reporting and resolving the grievance.
- Management should see the reporting of grievances as an enhancement of the business, rather than a negative procedure. This process benefits everyone and makes the social engagements easier and more effective.





The moment businesses and its employees start to use the grievance procedure as a tool to improve, rather than focusing on the negative, then everyone will benefit and grievances will be resolved much quicker and more effectively.

Therefore we also need to elevate the following in a business:

13.1. Effective Communication

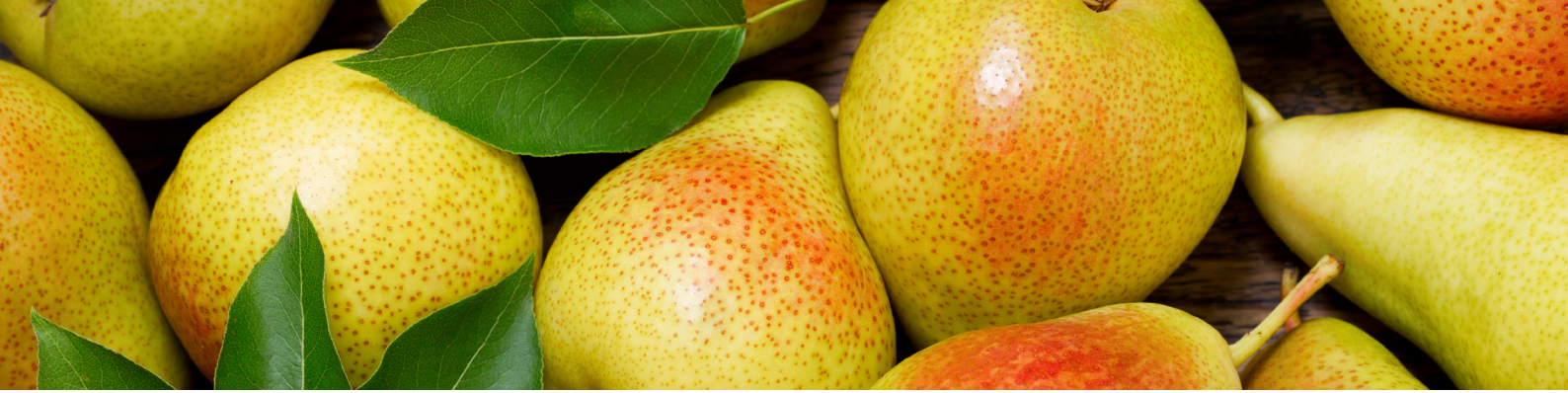
Communication is the process through which thoughts, feelings and/or information are exchanged. Information is sent and received through talking, listening, and writing. This includes verbal- (words) and non-verbal (body language, tone, gestures) communication as well as communication via cell phones (social media, email, phone calls etc). Remember to:

- Speak clearly
- Avoid talking too fast
- Ensure understanding
- Limit unnecessary talk
- Correct non-verbal use
- Ask if you don't understand
- Listen attentively and with interest
- Don't interrupt
- Positive attitude
- Non-judgemental attitude
- Avoid making assumptions

13.2. Effective Listening

When communicating with others, we often focus on what we need to say. However, effective communication is less about talking and more about listening. Listening means not only understanding the words and information being said, but also understanding the emotions the speaker is trying to convey. Remember to:

- Look at the person and maintain eye contact
- Pay attention but be relaxed
- Show that you are listening
- Be open to the information and the conversation
- Listen to the words and try to understand
- Do not interrupt or add your "solutions"
- Wait for a break before asking questions
- Just ask questions to make sure you understand
- Try to feel what the speaker feels
- Give regular feedback
- Pay attention to non-verbal communication



13.3. Effective Conflict Management

Conflict situations occur when people's values, needs, interests, and goals differ. Conflict is natural and normal. Where there are people, there will be conflict. It is, however, important to deal with conflict effectively. Remember to:

- Focus on positive outcome
- Make sure you understand correctly
- Use "I" rather than "YOU" messages
- Manage one topic at a time and stay on the topic
- Choose the right time
- Manage your emotions and avoid aggression
- Don't make decisions for others
- Listen attentively
- Forget about the past
- Acknowledge what the person is saying
- Be willing to reach a compromise
- Be creative in problem-solving

13.4. Trust Development

If we trust, we can be open. Trust in the workplace creates a mutual feeling of understanding and a willingness to listen to each other. If trust is absent, this can lead to misunderstandings and conflict.

What can you do to build trust in the workplace?

- Spend time on engaging with each other
- Show you care by focusing on your body language and attitude
- Keep an open mind and listen attentively
- Avoid making assumptions





Section 14 — Grievance Procedure: Flowchart

Grievance Mechanism Flowchart

Employee has a workplace concern/grievance as a result of a workplace issue or workplace relationship

Stage 1 — Informal Process

Employee tells their immediate supervisor or manager about the grievance

The parties meet and try to resolve the grievance within two (2) working days of the grievance being raised by the employee

If the employee has been unsuccessful in trying to resolve the grievance informally during stage 1, the employee can also follow the formal procedure.

Stage 2 — Formal Process

Where the employee is not satisfied with the immediate supervisor's/manager's decision, the employee may lodge a formal grievance with the next level of management on the Grievance Form provided, or in another suitable way

The employee may be helped by a fellow employee or a representative of a recognised trade union of which they are a member

The kind of grievance meeting will depend on the type of grievance (it may range from a discussion between parties to a formal enquiry); parties have the chance to tell their version of the story, and may call the relevant witness

The parties meet and try to resolve the grievance within three (3) working days of the formal grievance being raised by the employee

Where the employee is not satisfied with the decision made by the senior manager, the employee may (depending on the type of grievance) refer the dispute to the CCMA

Section 15 — Commission for Conciliation, Mediation and Arbitration (CCMA)

It sometimes happens that a grievance is not resolved in the workplace or that the grievance requires further action, outside of management's control. In these cases, the employee can take the problem to the Commission for Conciliation, Mediation and Arbitration, better known as the CCMA. It is important to remember that not all disputes can be taken to the CCMA and that the employee should first engage with their internal grievance procedure to try and resolve a problem. The following disputes may be referred to the CCMA:

- Unfair dismissals
- Unfair labour practices

According to section 186 (2) of the Labour Relations Act, 66 of 1995 and its later amendments 'unfair labour practice disputes' involve:

- a) unfair conduct by the employer relating to the promotion, demotion, probation (excluding disputes about dismissals for a reason relating to probation) or training of an employee or relating to the provision of benefits to an employee;
- b) unfair suspension of an employee or any other unfair disciplinary action short of dismissal in respect of an employee;
- c) a failure or refusal by an employer to reinstate or re-employ a former employee in terms of any agreement; and
- d) an occupational detriment, other than dismissal, in contravention of the Protected Disclosures Act (Act 26 of 2000), on account of the employee having made a protected disclosure defined in that Act.

Employees can contact CCMA if they feel that they were unfairly dismissed or being unfairly treated:

Call Centre: 086 116 1616
National Office: 011 377 6650/ 01/00

E-mail: ctn@ccma.org.za
Website: www.ccma.org.za



Section 16 — Legal Framework

In line with the Republic of South Africa's Constitution, everyone has the right to fair labour practices.

The Labour Relations Act (LRA) has set up ways (procedures) for addressing disputes and grievances not resolved in the workplace.

Through the Code of Good Practice – Dismissal (CoGP-D), the LRA emphasises that agreements reached jointly between employers and employees in the workplace have priority.

In the Code the basis for relationships between employers and employees is that they treat each other with mutual respect.

Both 'employment justice' and 'efficient operation of business' is considered very important.

Therefore, while employers may demand that employees perform and conduct themselves well, employees must be protected from 'arbitrary action' (CoGP-D 1(3)).

The following regulations are relevant to these guidelines:

- The Constitution of the Republic of South Africa, Act 108 of 1996, Section 23(1).
- Employment Equity Act No. 55 of 1998, Sections 5 and 6.
- The Labour Relations Act, No. 66 of 1995 (as Amended).

Code of Good Practice – Dismissal (CoGP-D): LRA.



Annexure — Grievance Form Template

GRIEVANCE MEETING FORM

EMPLOYEE NAME: _____

SURNAME: _____

I DO NOT WANT TO PROVIDE MY NAME ☐

FORMAL GRIEVANCE LODGED WITH _____ (SENIOR MANAGER'S NAME)

TYPE OF GRIEVANCE

EMPLOYEE'S SIGNATURE _____ DATE _____

TO BE COMPLETED BY THE EMPLOYEE'S SENIOR MANAGER

DATE THE GRIEVANCE MEETING WAS HELD _____

RESULT OF THE GRIEVANCE MEETING _____

SENIOR MANAGER'S SIGNATURE _____ DATE _____

Note: The Senior Manager should give the employee a copy of his/her decision, and a copy should go into the employee's file.

*TIMEFRAMES

The aim of the grievance procedure is to make sure that grievances are resolved as quickly, effectively and as close as possible to the people involved when it first happened. In spite of the time limits and stages set out in the grievance procedure, allowance should be made for the parties to agree on an extension of time.

Sometimes time is needed to investigate a grievance, and it may take longer than the timeframes in the procedure allow. If this happens, the person who is managing the grievance should explain this to the party lodging the grievance and ask them if it may take longer.

The party lodging the grievance should not be unreasonable in agreeing to this extension. Only working days should be taken into account when calculating time periods.