

**FORT COX AGRICULTURE AND FORESTRY TRAINING INSTITUTE**

Fort Cox Agriculture and Forestry Training Institute policies will be recorded on the institutional policy catalogue, will be available at the library and on the institute website, (as <http://www.fortcox.ac.za/policies/>) which will be regularly updated. As it is important to provide critical information such as when the policy was introduced, what it aims to achieve and who has responsibility for its implementation and review.

**GRIEVANCE PROCEDURE POLICY**

**POLICY PARTICULARS**

DATE OF APPROVAL BY CHAIRPERSON: COUNCIL: 31/10/2019

COMMENCEMENT DATE: 1 January 2019

REVIEW DATE: 1 January 2021

**RESPONSIBILITY:**

- IMPLEMENTATION & MONITORING: Human Resources together with Managers/Supervisors
- REVIEW AND REVISION: Human Resource in consultation with the Unions and Managers/Supervisors



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## GRIEVANCES PROCEDURE

### RULES FOR FORT COX AGRICULTURE AND FORESTRY TRAINING INSTITUTE GRIEVANCES PROCEDURE

#### A. DEFINITIONS

In this procedure, unless the context indicates otherwise-

“Commission” means commission for conciliation mediation and arbitration.

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“Days” refers to working days;

“Executing authority” means an authority of the Council Board.

“Grievance” means a dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal;

“Recognised trade union” means all the trade unions admitted in the Fort Cox Agriculture and Forestry Training Institute as well as any other trade union that enjoys the relevant organisational right at the college.

“Resolve” means to settle a grievance to the satisfaction of the aggrieved employee;

“Representative” means a fellow employee, a representative or official of a recognised trade union.

#### B. PURPOSE AND APPLICATION

1. The purpose of this grievance procedure is to advance sound labour relations and address grievance at the Institute by fulfilling the primary objectives of this procedure which are:
  - a. To give effect to section 196(4) (f)(ii) of the Constitution which empowers the Commission to investigate grievances of employees concerning official acts or omissions, and recommend appropriate remedies;
  - b. To promote –
    - i. Sound labour relations;
    - ii. Resolution of individual grievances at the lowest possible level in the Institute.

### C. MANAGING A GRIEVANCE

1. A grievance must as far as possible be resolved by an employer and as close to the point of origin as possible.
2. The employer must ensure that the grievance is dealt with in a fair, impartial and unbiased manner, and that the principles of natural justice are observed.
3. The procedure must be such that it assists and enables an employer and an employee to address dissatisfaction.
4. No employee must be victimised or prejudiced, directly or indirectly, as a result of lodging a grievance.
5. If disciplinary action is being taken against an employee, utilisation of this procedure by the employee to address any matter related to the disciplinary action shall not halt the disciplinary procedure.
6. A grievance must be lodged in writing and all decisions taken during the process must be in writing.
7. An employee may be assisted by a representative.

### D. ADHERENCE TO TIME LIMITS

1. In determining adherence to time limits, this should be calculated by excluding the first day and including the last day.
2. The parties must adhere to the limits set out in this procedure, unless they mutually agree to extend them.
3. A grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or omission which adversely affects him or her.
4. The college has 30 days to deal with the grievance. The period may be extended by mutual agreement in writing.

## E. PROVISION OF INFORMATION

1. An employer must provide relevant information necessary for an employee to lodge or pursue a grievance, if requested.
2. The provision of such information is subject to any limitations imposed by law.
3. The employee must be provided with information about the status of the grievance and the progress made towards the planned finalisation date.
4. The employer must provide the employee with a copy of the grievance form after each applicable level of authority dealt with the grievance.

## F. COLLEGE STAGES TO ADDRESS A GRIEVANCE

1. An employee may lodge a grievance with an employee designated to facilitate the resolution of grievances in the Institute.
2. The prescribed form at Annexure A must be used when a grievance is lodged.
3. The designated employee must liaise with the relevant structure of authority of the section in an attempt to resolve the grievance.
4. The grievance may be resolved by any person within the relevant structures of authority who has the requisite authority to do so.
5. The aggrieved employee will be duly informed by the designated employee about the status and progress made towards the resolution of the grievance.
6. If the grievance is resolved to the satisfaction of the aggrieved employee the confirmation therefore will be reduced to writing by the designated employee.
7. If a grievance cannot be resolved, the executing authority must inform the aggrieved employee accordingly.
8. The section (including the executing authority has 30 days to deal with the grievance. The period may be extended by mutual agreement in writing.

9. If after the aggrieved employee is informed of the outcome of the grievance and he/ she remains dissatisfied –
  - a. He/ she must inform the executing authority in writing within 10 days;
10. If the grievance constitutes an alleged unfair labour practice as defined in the LRA, the employee may inform the executing authority in writing that he/ she wishes to utilise the dispute resolution mechanism through CCMA.  
If there is failure on the part of the Institute to respond to the grievance within the period referred to in clause 8, the aggrieved employee may lodge his or her grievance with –
  - a. The Commission direct.

## G. GRIEVANCE OF THE PRINCIPAL

1. If the Principal has a grievance, he/ she may –
  - a. Submit the grievance to the Council
2. The Council has 30 days to deal with the grievance. The period may be extended by mutual agreement.
3. If there is a failure on the part of the Council to respond to the grievance within the period referred above the Principal may lodge his/ her grievance with the Head of Department of agriculture and Rural Reforms.
4. The Head of Department must within 10 days inform the Principal of his or her decision in writing.
5. Clause F9 and 10 will, read with the changes required by the context, apply to all grievances of the Principal.

## H. OTHER PROCEDURE

1. When a grievance is lodged in terms of this procedure, an aggrieved employee must disclose whether he or she is utilising any other procedure.




**I. Review**

This policy will be reviewed every three years in consultation with all relevant stakeholders, from the date of implementation to determine whether it will contribute to the achievement of the Overall objectives of Fort Cox Agriculture and Forestry Training Institute.

**J. Approval**


Signed:

Z. Dumezweni 

15/04/2019

NEHAWU Chairperson: Fort Cox Institute Branch

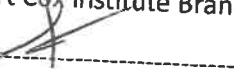
Date

S. C. Busakwe 

15/04/2019

PSA Chairperson: Fort Cox Institute Branch

Date

S. S. Rawula 

15/04/19

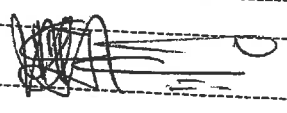
Fort Cox Institute Representative

Date

It is recommended that the Institute Principal and the Chairperson of the Council approve this policy for implementation, with effect from 1 January 2019

**RECOMMENDED/ NOT RECOMMENDED**

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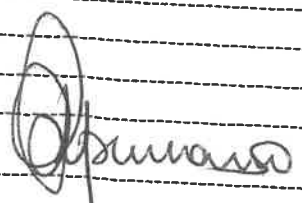
15/04/2019

Dr PJ Masika

Date

**APPROVED/ NOT APPROVED**

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31/10/2019

Dr P Lupuwana

Date





**GRIEVANCE FORM****PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM**

1. This form must be used to lodge a grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an official act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the official act or omission which adversely affects you.
3. You may be assisted or represented by a fellow employee or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the employee designated to facilitate grievance at your institution. The Institute will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant executing authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the Institute will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form. The Human Resources Section of the Institute will then file the form.
8. You are required to complete Parts A and B of this form and to then hand it to the employee designated to facilitate grievance at the Institute. The employee will affix his/her signature in the block below part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form where receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the employer and yourself during the various stages where attempts will be made to resolve the grievance.

<b>PART A: PERSONAL INFORMATION</b>					
<i>To be completed by aggrieved employee</i>					
<b>Initials and Surname</b>					
<b>Employee number</b>					
<b>Institution</b>					
<b>Section</b>					
<b>Rank/ Designation</b>					
<b>Date on which you become aware of the official act or omission</b>					
<b>Contact numbers</b>		<b>Tel No</b>		<b>Fax No</b>	
<b>Name of representative (where applicable)</b>					
<b>Contact numbers of representative</b>		<b>Tel No</b>		<b>Fax No</b>	
<b>Name of trade union (where applicable)</b>					
<b>Contact numbers of trade union</b>		<b>Tel No</b>		<b>Fax No</b>	

**PART B: DETAILS OF GRIEVANCE**

To be completed by aggrieved employee:

What are you aggrieved about (if space below is not enough, please attach additional pages(s)):

What solution do you propose:

SIGNED

: \_\_\_\_\_  
EMPLOYEE

\_\_\_\_\_  
DATE

Receipt of grievance form acknowledged and copy given to aggrieved employee

DESIGNATED EMPLOYEE

\_\_\_\_\_  
DATE

Name : \_\_\_\_\_

Rank : \_\_\_\_\_

**PART C: GRIEVANCE RESOLUTION: LEVELS**

**NOTES:**

- This part of the form makes provision for various levels of authority to attempt to resolve the dispute. There are, however, no prescribed levels for the resolution of a grievance. Depending on the circumstances, one or more pages below need to be completed.
- If the grievance cannot be resolved up to level of the Principal, it has to be submitted to the Council (i.e. the page below that specifically refers to the executing authority has to be completed).
- The grievance must be dealt with by all the applicable levels (including the executing authority) within a period of 30 days, unless extended by agreement with the aggrieved employee.
- Should the grievance not be attended to within the period of 30 days (or an extended period agreed to with the aggrieved employee), in the case of an alleged unfair labour practice, the aggrieved employee has the right to submit the grievance to CCMA (whichever is applicable) to be dealt with in terms of the dispute resolution procedures.

(Part C continued)

LEVEL : \_\_\_\_\_

(Indicate official relationship to aggrieved employee e.g. supervisor, head of section.)

To be completed on behalf of employer

Name : \_\_\_\_\_

Designation : \_\_\_\_\_

Telephone No : \_\_\_\_\_

Fax No : \_\_\_\_\_

Was grievance resolved?

Yes

No

If yes, give details of agreement (if the space below is not enough please attach additional page(s))

SIGNED : \_\_\_\_\_

ON BEHALF OF EMPLOYER

DATE

To be completed by employee

Was grievance resolved?

Yes

No

Do you have any comments?

SIGNED : \_\_\_\_\_

EMPLOYEE

DATE

(Part C continued)

LEVEL

EXECUTING  
AUTHORITY

To be completed by executing authority

Decision in respect of grievance and reasons for decision  
(please attach additional page(s) if necessary)

SIGNED

EXECUTING AUTHORITY

DATE

To be completed by aggrieved employee

Was grievance  
resolved?

Yes

No

If no, please explain why you are still dissatisfied:

SIGNED

EMPLOYEE

DATE

Do you want the grievance to be referred to the Public Service Commission?

Yes

No