

POLICY FOR INDIVIDUAL/GROUP PROBLEM SOLVING / GRIEVANCE

OBJECTIVE

The objective of this policy is give guidance for the handling of employees' grievances. These guidelines apply to all members of the employees of the Municipality excluding the Municipal Manager.

MEANING OF GRIEVANCE

A grievance, for the purposes of this policy, means any individual or group work related grievance concerning the conduct of a person in authority, a fellow employee or the implementation of a policy of the Municipality. It does not include grievances in respect of which the Municipality has already published policy guidelines. For example grievances in respect of disciplinary action must be dealt with in terms of that policy.

PRINCIPLES

The employee must be granted the opportunity to use the following procedures:

- a) The aggrieved employee shall verbally inform their immediate supervisor about the complaint, if the complaint involves or relates to the immediate supervisor the employee shall refer the issue to the next higher level of management. If the grievance is resolved it shall be recorded.
- b) If the grievance involves a third party the grievance shall be put down in writing and (union representation shop steward may be utilised) and shall be forwarded to higher level management. Three copies are made one is kept by the employee, one is sent to the HR Officer responsible for handling such cases and the third copy is given to management. If the grievance is still not resolved step three will follow
- c) A grievance investigation shall be conducted by an impartial grievance committee. This Committee will normally consist of a labour relations expert, employee representatives, management and any other expert who may be of particular value.

Management at the various levels must give careful consideration to every grievance lodged and make genuine attempts to resolve it.

Grievances must, whenever possible, be handled by line management at the lowest possible level. Other employees, in an advisory capacity, may help in facilitating a resolution to the problem.

No employee may be victimised for lodging or pursuing a grievance in terms of this policy.

DISCIPLINARY CODE

OBJECTIVE

The objective of this policy is to: -

- Promote good order and efficient functioning of the Municipality;
- Provide employees with a quick and easy reference for the application of discipline;
- Ensure that discipline is applied in a prompt, fair, and consistent manner;
- Ensure that all employees are aware of the Municipality's required standard of behaviour/performance; and
- Ensure fair equal treatment of all employees.

POLICY

A grievance is regarded as any dissatisfaction that an employee or group of employees have, that is connected to their work situation.

- It is the Municipal Manager's prerogative to ensure corrective procedures are followed within the Municipality;
- Corrective actions will be exercised where work performance or behaviour is unacceptable or unsatisfactory, or where terms and conditions of employment are not met;
- Human Resources shall keep corrective action records in the employee files specifying the nature of the corrective action taken and the reasons for taking such actions; and
- This code applies to all employees including Managers.

Certain issues are specifically excluded from the definition of a grievance such as: -

- Salaries and conditions of service that are subject to annual review;
- Dissatisfaction over disciplinary action, which is subject to appeal;
- Reporting of suspected disciplinary infringements, which should be handled according to the disciplinary procedure (if inadequate attention is paid to the matter, a grievance may arise against the way the matter is being handled); and

- Harassment whether physical, racial or sexual, if there is a dedicated procedure for such grievances.

VALUES AND THE PROBLEM SOLVING PROCESS

- The problem solving procedure is a framework within which Municipality management and employees must seek to solve internal problems when they arise;
- Dealing with grievances in a sensitive, expeditious and compassionate manner is encouraged;
- The Municipality must, through the Municipal Manager and Human Resources, deal with any valid grievances in a way that reflects progressive leadership and supports working in a participatory and inclusive manner;
- By solving problems in a structured and non threatening way, Municipality management and employees seek to promote an environment of transparency and equality; and
- At the heart of grievance management is the need for absolute integrity. Employees must be protected from any form of victimisation.

MISCONDUCT AND INCAPACITY

1. BACKGROUND

- 1.1 The Disciplinary Code needs to ensure fair and acceptable corrective action where an employee's work performance is unsatisfactory and/or where an employee's behaviour is unacceptable.
- 1.2 Management is responsible for ensuring that the Code is made available to all employees in order to make the employee's aware of the standards which are expected of them, thus ensuring the protection of the interests of both the employer and employees and promoting the practice of sound and equitable industrial relation within the enterprise.
- 1.3 This policy recognises the right of an employee to a fair hearing, and recognises the right of an employee to appeal against any measure considered unjust or unfair.

2. APPLICABILITY

This policy shall apply to and form part of the contracts of employment of all employees and the principles contained herein shall apply equally to all employees.

3. GENERAL TERMS: MISCONDUCT

- 3.1 The various disciplinary actions detailed in the Disciplinary Code are intended to serve as guidelines to management.
- 3.2 The Code is based on the principle of progressive discipline however, progressive discipline need not be meted out in the respect of certain serious offences, where dismissals would be the appropriate penalty in the circumstances where the offence is so grave that it makes a continued employment relationship intolerable.
- 3.3 In circumstances where rules or standards are well established and are not contained in the Code or where further rules or standards are communicated to the employees the employer will be entitled to take disciplinary action where there has been a transgression of such rule or standard.
- 3.4 Disciplinary warnings issued shall be kept in the personal file of the employee for the duration of that warning.
- 3.5 Expired warnings will not be taken into account in any subsequent disciplinary action.
- 3.6 The employer will be entitled to take into account warnings in respect of other categories of offences, together with the infraction for which an employee has currently against him and where the employee has two or more warnings running concurrently against him and where the employer clearly informs the employee thereof in order to enable the employee to properly prepare himself for the inquiry. The employer will be entitled to dismiss an employee for the cumulative effect of the concurrent warnings.
- 3.7 The following factors shall be taken into account when determining whether dismissal is the appropriate penalty;
 - The gravity of the misconduct,
 - The circumstances of the infringement,
 - The circumstances of the employee which shall include the following:
 - Service period
 - Record
 - Personal circumstances

4. TIME PERIODS RELATING TO THE EXPIRY OF WARNINGS

4.1	Verbal warning	Three (3) months
4.2	Written warning	Four (4) months
4.3	Final written warning	Six (6) months

5. **NATURE OF DISCIPLINARY MEASURES**

5.1 There are four types of penalties that may be applied. In order of severity and depending upon the nature of the transgression, they are as follows:

- Verbal warning
- Written warning
- Final written warning
- Formal inquiry and dismissal

5.2 The warnings are cumulative in nature subject to paragraph 4 hereof

An employee for example who is already in receipt of a verbal warning for a first offence and who commits a further offence of a similar nature within the prescribed time period will be subject to the following step in accordance with paragraph 6.1. Depending however on the nature and severity of the second offences the employee could receive a harsher penalty.

