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EDUCATION LABOUR
RELATIONS COUNCIL

**Education Labour Relations
Council
KwaZulu Natal Chamber**

Collective Agreement No. 1 OF 2008

1 August 2008

**THE GRIEVANCE PROCEDURE FOR HANDLING SCHOOL-
BASED PROMOTION GRIEVANCES**

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THE GRIEVANCE PROCEDURE FOR HANDLING SCHOOL-BASED PROMOTION GRIEVANCES

1. PURPOSE

To amend KZN Collective Agreement 2 of 2004 in order to align it to the organogram of the Department of Education

2. SCOPE

This agreement shall bind the KwaZulu Natal Department of Education and all Educators employed by the KwaZulu Natal Department of Education and all parties to the KwaZulu Natal Chamber of the Education Labour Relations Council.

3. PARTIES TO THE CHAMBER NOTE THE FOLLOWING

3.1 Chapter H of the PAM does not adequately address promotion grievances.

3.2 The deficiencies in KZN Collective Agreement 1 and Collective Agreement No 2 of 2004.

3.3 The impact of restructuring on policies and collective agreements of the KwaZulu-Natal Department of Education

4. PARTIES TO THE CHAMBER THEREFORE AGREE THAT:

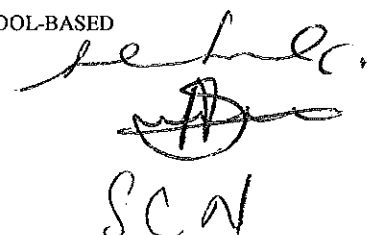
KZN Collective Agreement 2 of 2004 be rescinded and be replaced by this Agreement, namely KZN Collective Agreement 1 of 2008

5. DATE OF IMPLEMENTATION

This agreement shall become effective on the date it has been ratified by Council.

6. DISPUTE RESOLUTION


Any dispute arising from this agreement shall be referred to the Council for resolution in terms of its constitution.


SCN

THUS DONE AND SIGNED AT THE KZN PROVINCIAL CHAMBERS OF THE ELRC, 55 CHURCH ROAD, REDHILL, DURBAN, ON THE

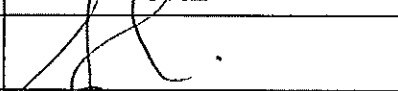

1ST DAY OF AUGUST 2008.

BY


DEPARTMENT	NAME	SIGNATURE
EDUCATION	Sunil Mahabeer	

ON BEHALF OF THE STATE AS EMPLOYER

AND

TRADE UNIONS	NAME	SIGNATURE
CTU - "SADTU"	SIPHOC. NKOSI	
CTU - "SAOU"	ALLEN THOMPSON	

ON BEHALF OF LABOUR


SCN

ANNEXURE 1

COLLECTIVE AGREEMENT 1 OF 2008

Province of Kwa Zulu Natal

Department of Education and Culture

**PROCEDURES FOR DEALING WITH SCHOOL BASED PROMOTION
GRIEVANCES**

This grievance procedure is developed as an expedited process within the framework of the procedure contained in the Personnel Administration Measures with due cognisance taken of the Labour Relations Act of 1995 (as amended) and the Employment of Educators Act No 76 of 1998(as amended). This has been necessitated by the unique nature of School Based Promotions Grievances.

PROCEDURE

1. Should an educator or a union acting on behalf of its member/s or acting on its own lodge a grievance, the prescribed Grievance Form (GR 1) must be completed.
 - Ideally grievances should be lodged within 7 days of the grievance being known.
 - Grievances lodged after 7 days may prejudice persons lodging such grievances in that appointments may have been effected or may be in the process of being effected.
 - Where an appointment has been effected, the grievances must be lodged in the same manner but the grievance hearings will not be held. The Department of Education shall inform the applicant that an appointment had been made and that the dispute should be referred to the ELRC.
2. Form GR1 must be submitted to the District Office for the attention of the labour relations component in the District in which the disputed post was advertised.
3. The District must immediately, if possible, but no later than 2 working days acknowledge receipt of the grievance on form (GR 2) which must be transmitted to the aggrieved party.
4. If the disputed post is not filled the District must immediately inform the Directorate: Human Resource Management to temporarily place the filling of the post on hold.

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SCN

5. The District shall:

- Assign an official, preferably from the Labour Relations Component to gather the necessary information and identify potential witnesses for the Grievance Hearing.
- Establish a District Grievance Committee comprising of the following:
 - Chairperson: Chief Education Specialist/ Deputy Manager Human Resources/ Employee Relations
 - Members: Deputy Chief Education Specialist/Assistant Manager: Employee Relations and Staffing Co-ordinator
- Provide secretarial services to the committee.
- Inform the aggrieved party of the date, time and place and, in respect of individuals, of their rights to representation, at least 7 days before the hearing (GR 3). Should the applicant not attend without good cause shown, the matter may be heard in absentia.

6. The aggrieved shall have the right to:

- be present at the hearing
- be represented by his/her union
- call his/her witnesses, and,
- cross examine witnesses called by the employer.

7. Should there be a need, the parties may meet prior to the hearing to exchange relevant documents and narrow issues etc.

8. The Grievance Committee, after having heard the parties must make a finding. Should the findings be in favour of the applicant, the Grievance Committee shall make appropriate recommendations to the Human Resources Manager at Head Office who shall implement the recommendation.

9. The findings of the Committee shall be recorded on form GR 4 and signed by the aggrieved, his/her union if applicable and the Chairperson of the Grievance Committee.

10. If the Grievance Committee finds against the applicant, it shall recommend to the Human Resources Manager, Head Office whether to release the post or not.

11. The Chairperson of the Grievance Committee shall communicate the decision of the Committee to the grievant within 3 working days of the conclusion of the grievance hearing.

12. The grievant must within 3 working days of receipt of the findings indicate on Form GR 4 whether the findings are accepted or whether the grievant intends lodging a dispute with the ELRC.

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SCW

GR 1

EXPEDITED PROMOTIONS GRIEVANCE FORM**1. DETAILS OF REFERRING PARTY****(A). Details of the Aggrieved Educator where the educator is lodging a grievance.**

(a) Surname: _____

(b) First Name/s: _____

(c) I.D. No.: _____

(d) Persal No.: _____

(e) Postal Address: _____

(f) Telephone: (W) _____

(H) _____

(Cell) _____

(g) Fax: _____

(h) Current school/Department Office where Grievant is stationed:
_____(i) Is the grievant represented by a trade union? Yes No

If yes, which union? _____

Postal Address: _____

Tel: _____ Fax: _____

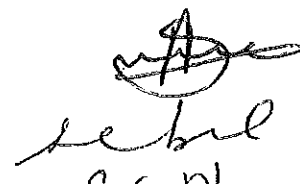
Contact Person: _____ Cell no: _____

(B). Details of the UNION where the union is lodging a grievance on behalf of its member/s.

(a) Name of the trade union: _____

(i) Postal Address: _____

(ii) Telephone: _____



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(iii) Fax: _____

(iv) Email: _____

(b) Name of the Union Observer: _____

(c) Details of the aggrieved member: _____

(i) Surname: _____

(ii) First Name/s: _____

(iii) I.D. No.: _____

(iv) Persal No.: _____

(v) Postal Address: . _____

(vi) Telephone: (W) _____

(H) _____

(Cell) _____

(vii) Fax: _____

(viii) Current school/ Department Office where Grievant is stationed:

2. DETAILS OF THE GRIEVANCE

2.1. HRM NO. _____

2.2. Post No. _____

2.3. District: _____

2.4. Post Description: _____

2.5. Name of School: _____

2.6. Circuit: _____

2.7. Ward: _____

2.8. Tel: _____

2.9. Fax: _____

2.10 Reasons for being aggrieved/or facts of the case. (Please include the relevant section of the regulation/ procedure/ legislation/ collective agreement etc that has/ have been breached:

(Should this space be insufficient, attach one additional page)

3.1. This grievance arose on: _____

3.2. Relief Sought: (Indicate clearly the relief you seek):

3.3. Would the relief you seek affect the rights and/or interests of other persons. If yes furnish details of the other persons who may be affected.

I confirm that all the above information presented above is, to the best of my knowledge true and correct.

I further accept that in participating in this expedited process I am bound by the procedure as set out in Collective 1 of 2008

SIGNATURE OF GRIEVANT

SIGNATURE OF REFERRING
TRADE UNION REPRESENTATIVE

DATE

[Handwritten signature]
[Handwritten signature]
S. S. N.

'Specimen'

GR 2

ACKNOWLEDGEMENT OF RECEIPT OF GRIEVANCE

NAME OF DISTRICT _____

NAME OF GRIEVANT: _____

PERSAL NO: _____

NAME OF SCHOOL/INSTITUTION: _____

POST/S IN DISPUTE: _____

POST NO: _____

HRM NO: _____

POST DESCRIPTION: _____

SCHOOL/ INSTITUTION: _____

ACKNOWLEDGEMENT OF RECEIPT OF GRIEVANCE

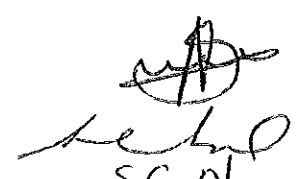
Your grievance referral form dated . _____ is hereby
acknowledged. You will be advised of the date and venue of your grievance
hearing in due course.

LABOUR RELATIONS OFFICER

DATE

'Specimen'

GR 3

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NOTICE OF GRIEVANCE HEARING

NAME OF DISTRICT _____

NAME OF GRIEVANT: _____

PERSAL NO.: _____

NAME OF SCHOOL/INSTITUTION: _____

POST/S IN DISPUTE:

POST NO: _____

HRM NO: _____

POST DESCRIPTION: _____

SCHOOL/ INSTITUTION: _____

DISTRICT: _____

NOTICE OF GRIEVANCE HEARING

Be advised that the grievance hearing in respect of the above post/s has been set down as follows:

DATE: _____

TIME: _____

VENUE: _____

You may be represented by a fellow employee or union representative.

LABOUR RELATIONS OFFICER

DATE

GR 4

[Handwritten Signature]
School
C.C.N.I.

DEPARTMENT OF EDUCATION: KWAZULU NATAL

NAME OF DISTRICT _____

DISTRICT GRIEVANCE COMMITTEE DECISION:

In the grievance lodged by _____

Persal No. _____ in respect of post No. _____ of

HRM no. _____ (D.P/ HoD/ Principal) at _____

School, the Grievance Committee finds that:

The Grievance Committee therefore recommends that:

CHAIRPERSON
SIGNATURE
Grievance Committee

NAME OF CHAIRPERSON

DATE

**ACKNOWLEDGEMENT OF GRIEVANCE HEARING DECISION
BY THE APPLICANT**

1. The decision is accepted by the undersigned parties.
2. The decision is not accepted by the grievant.

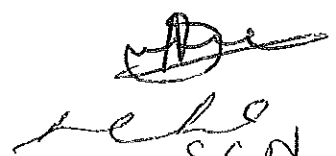
NAME OF GRIEVANT

SIGNATURE

UNION REPRESENTATIVE
SIGNATURE
ON BEHALF OF GRIEVANT

DATE

NB: In the event that a dispute is being lodged, a copy of this form must accompany the dispute referral form.



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