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**Education Labour Relations
Council
KwaZulu Natal Chamber**

Collective Agreement No. 2 OF 2004

26 November 2004

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

ELRC KZN Chamber: Collective Agreement No. 2 of 2004 – Procedure for handling school-based promotion grievances

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THE GRIEVANCE PROCEDURE FOR HANDLING SCHOOL-BASED PROMOTION GRIEVANCES

1. PURPOSE

1.1 To correct deficiencies that existed in KZN Collective Agreement 1 of 2004:-

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 deficiencies in KZN Collective Agreement 1 of 2004

4. PARTIES TO THE CHAMBER THEREFORE AGREE THAT:

KZN Collective Agreement 1 of 2004 be rescinded and be replaced by this Agreement, namely KZN Collective Agreement 2 of 2004.

5. DATE OF IMPLEMENTATION


This agreement shall be effective from 26 November 2004.

6. DISPUTE RESOLUTION

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

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CHAMBERS OF THE ELRC ON THE**

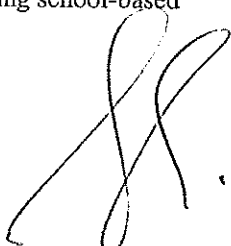




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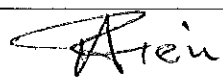
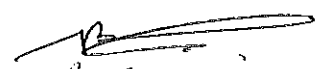
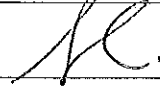
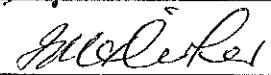
DEPARTMENT	NAME	SIGNATURE
EDUCATION	G. N. NGCOBO	

ON BEHALF OF THE STATE AS EMPLOYER

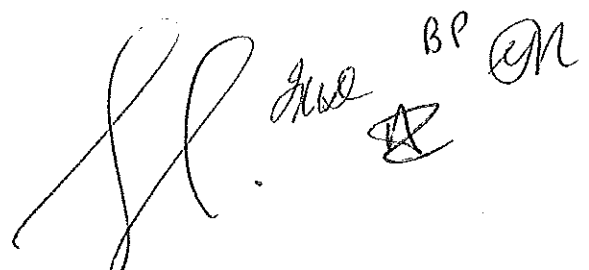
AND

ELRC KZN Chamber: Collective Agreement No. 2 of 2004 – Procedure for handling school-based promotion grievances

TRADE UNIONS	NAME	SIGNATURE
NAPTOSA	A. PIERCE	
NATU	BONGANI P. MPUNGOSE	
SADTU	S.C. NKOSI	
SAOU	ISABELLA DIRKER	

ON BEHALF OF LABOUR

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PROCEDURES FOR DEALING WITH SCHOOL BASED PROMOTION GRIEVANCES

Preamble :

This Grievance procedure is developed as an expedited process within the frame work of the procedure contained in the Personnel Administration Measures with due cognizance 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, grievances must be lodged in the same manner but 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 Regional Office for the attention of the labour relations component in the Region in which the disputed post was advertised.
3. The Region must immediately, if possible, but not 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 region must immediately inform the Directorate: Human Resource Practices to temporarily place the filling of the post on hold.

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5. The Region shall:

- 5.1 assign an official, preferably from the Labour Relations Component to gather the necessary information and identify potential witnesses for the Grievance Hearing.
- 5.2 establish whether any other applicant's rights may be infringed and if so, advise them of the grievance and invite such person/s to be joined in the Grievance Hearing.
- 5.3 establish A Grievance Committee comprising the following :
 - *Chairperson : Chief Education Specialist/Deputy Director : HRSS*
 - *Members : Deputy Chief Education Specialist/ Assistant Manager : Labour Relations Promotions Co-ordinator*
- 5.4 In the event that there is an inordinately large number of grievance applications and having regard to the need to finalise such grievance as speedily as possible, the Regional Chief Director may establish additional grievance committees in keeping with the principles of fair labour practice.
- 5.5 provide secretarial services for the Committee/s.
- 5.6 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
 - to be represented by his/her union
 - to call his/her witnesses, and,
 - to 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 Regional Senior Manager who shall implement the recommendations.
 9. The finding of the Committee shall be recorded on form GR 4 and be signed by the aggrieved, his/her union (if applicable) and the Chairperson of the Grievance Committee.

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10. The Chairperson shall communicate the decision of the grievance committee to the grievant within 3 working days of the conclusion of the grievance hearing.
11. The grievant must, within 3 working days of receipt of the findings indicate on form GR4 whether the findings are accepted or whether the grievant intends lodging a dispute with the ELRC.
12. In the event that a dispute is to be lodged with the ELRC, such application should be lodged within 7 days from the date of having been advised by the Chairperson of the Grievance Committee of the outcome of the grievance hearing. Upon receipt of the copy of the referral form the regional chief director shall withhold the filling of the affected post pending finalisation of the dispute.

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EXPEDITED PROMOTIONS GRIEVANCE FORM

1. Details of the Aggrieved Educator

(a) Surname:.....
First Names:
I. D. No.:.....
Persal No.:.....
Postal Address:.....
Postal Code.....
Tel:.....(W) Tel:..... (H)
Fax:..... Cell:.....

Current School/ Departmental Office where Grievant is
stationed.....

Is the Grievant represented by a Trade Union? Yes [] No []

If yes, which union?.....

Is the Grievant a Trade Union (Observer) Yes [] No []

Name of the Union:.....

Postal address:
.....
.....

Tel:..... Fax:.....

Contact person:..... Cell:.....

2. Details of the Grievance HRM No.:.....

2.1 Post No.:..... Region:.....

2.2 Post Description:.....District:.....

2.3 Name School:.....Circuit:.....Ward:.....

Tel:.....Fax:.....

2.4 Reasons for being aggrieved/ or facts of the case.(Please include the
relevant section/s of the regulation/ procedure/ legislation/ collective
agreement etc. that has/ have been
breached.....
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(Should the space be insufficient, attach one additional page)

3. This grievance arose on :

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

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

I confirm that all 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 procedures set out in Resolution 3 of 2004.

.....
SIGNATURE OF GRIEVANT

.....
DATE

"Specimen"

[Handwritten Signature]
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NAME OF REGION

NAME OF GRIEVANT :.....

NAME OF SCHOOL/ INSTITUTION:.....

POST(S) IN DISPUTE ; POST NO:.....

POST DESCRIPTION:.....

SCHOOL/ INSTITUTION:.....

HRM NO.:.....

NOTICE OF GREVANCE HEARING

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

VENUE :
DATE :
TIME :

You may be represented by your union.

LABOUR RELATIONS OFFICER

DATE : _____

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DEPARTMENT OF EDUCATION AND CULTURE, KZN

NAME OF REGION :.....

REGIONAL GRIEVANCE COMMITTEE DECISION

In the grievance lodged byAgainst HOD/ DP/ Principal
Post No.....at
School, the Grievance Committee finds that: HRM No:.....

.....
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.....
.....

The Grievance Committee therefore recommends that:

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.....

.....
CHAIR PERSON SIGNATURE DATE
GRIEVANCE COMMITTEE

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

.....
.....

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

.....
NAME OF GRIEVANT SIGNATURE DATE

.....
UNION REPRESENTATIVE SIGNATURE DATE
ON BEHALF OF GRIEVANT

[Handwritten signature]
BP MOC MB
[Handwritten initials]