EDUCATION LABOUR RELATIONS COUNCIL
Established in terms of the S (37)(2) of the LRA of 1995 as amended

CHAMBER: FREE STATE PROVINCE

COLLECTIVE AGREEMENT
No. 3 OF 2003

20 June 2003

GUIDELINES IN HANDLING GRIEVANCES OF
EDUCATORS IN TERMS OF THE GRIEVANCE
PROCEDURE IN PERSONNEL
ADMINISTRATION MEASURES
EDUCATION LABOUR RELATIONS COUNCIL
CHAMBER: FREE STATE PROVINCE

COLLECTIVE AGREEMENT NO 3 OF 2003

GUIDELINES IN HANDLING GRIEVANCES OF
EDUCATORS IN TERMS OF THE GRIEVANCE
PROCEDURE IN PERSONNEL ADMINISTRATION
MEASURES

1. PURPOSE OF THIS AGREEMENT

The purpose of this agreement is to provide for the guidelines to educators and supervisors in the implementation of the grievance procedure.

2. SCOPE OF THIS AGREEMENT

This agreement applies to and binds:

2.1 The employer, and
2.2 All the employees of the employer as defined in the Employment of Educators Act, 1998, whether such employees are members of trade union parties to this agreement or not.
2.3 The employer and employees as confined to the Free State Provincial Department of Education.

3. THE PARTIES TO COUNCIL NOTE AS FOLLOWS:

3.1 The provisions of Chapter H of Personnel Administration Measures dealing with the grievance procedure.

3.2 The need to guide educators and their supervisors on the management and implementation of the Grievance Procedure.
4. THE PARTIES TO THE PROVINCIAL CHAMBER OF THE ELRC THEREFORE AGREE AS FOLLOWS:

4.1 That the guidelines in handling grievances of educators in terms of the grievance procedure in P.A.M as enshrined in

(i) Annexure A – Guidelines in Handling Grievances
(ii) Form A - Informal Grievance Form
(iii) Form B - Formal Grievance Form
(iv) Form C - Grievance Outcome Form

Shall be the guiding rules of procedure in handling grievances of educators.

5. DATE OF IMPLEMENTATION

This agreement shall in respect of parties and non-parties, come into effect on the date it is ratified or endorsed in Council.

6. REFERRAL TO COUNCIL

This collective agreement shall be referred to the ELRC for ratification and or endorsement as per the requirements of the ELRC Constitution.

7. DISPUTE RESOLUTION

Any dispute arising from the application or interpretation of this collective agreement shall be referred to the Council for resolution in terms of its dispute resolution procedures.

8. DEFINITION OF TERMS


b. "Council" - means the Education Labour Relations Council (ELRC)

c. "Employee" - means an educator as defined in the Employment of Educators Act, 1998 as amended

d. "Employer" - means the employer as defined in the Employment of Educators Act, 1998 as amended.
9. **SIGNING OF THIS COLLECTIVE AGREEMENT**

Thus done and signed at **BLOEMFONTEIN** on this the **20th day of JUNE 2003**

**ON BEHALF OF THE STATE AS THE EMPLOYER:**

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>NAME</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>D. CHINDE</td>
<td></td>
</tr>
</tbody>
</table>

**ON BEHALF OF THE EMPLOYEE PARTIES:**

<table>
<thead>
<tr>
<th>TRADE UNION</th>
<th>NAME</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SADTU</td>
<td>M. RAMOELETSI</td>
<td></td>
</tr>
<tr>
<td>NAPTOSA</td>
<td>R. SIKASIKI</td>
<td></td>
</tr>
<tr>
<td>SAOU</td>
<td>D. ROBERSON</td>
<td></td>
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</tbody>
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Annexure A

GUIDELINES FOR GRIEVANCE PROCEDURE FOR EDUCATORS

(a) ORAL INTERVIEW

- The grievance must be registered in writing (using form A)
- The Head of the Institution shall convene an oral interview with the aggrieved party within 7 days after the grievance has been registered with the head with the view to resolving the matter.
- During the process the following rights of the grievant shall be observed:
  ✓ The right to be present
  ✓ The right to be heard

(b) FORMAL WRITTEN GRIEVANCE

(i) A grievant or grievants may lodge a grievance or grievances with the head or the supervisor in writing within a reasonable period of time (using form B), a grievance should be lodged not later than 90 calendar days following on the time and date on which the alleged grievance or grievances occurred.

(ii) The head of the institution shall confer with the aggrieved and all other affected parties convening a grievance meeting no later than 3 working days after receipt of the written grievance in order to resolve the grievance.

(iii) The head or the supervisor as the case may be shall communicate in writing the outcome (using form C) to the aggrieved or his representative within 5 working days of the resolution or non-resolution of a grievance.
(iv) During the process the following rights of the grievant shall be observed:

- The right to be present
- The right to be heard
- The right to be represented
- The right to cross examine witnesses

(v) If an action or lack of action, or a decision or lack of decision, concerns the head or the supervisor, the grievant or grievants may refer the matter directly to the district level in respect of a school/college and head office in respect of an institution outside a school/college, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of the provisions of paragraph (A) above.

(vi) Records of proceedings will be kept.

(c)

i. If the grievant or grievants is/are not satisfied with the outcome referred to in sub-clause (B) above, the grievant or grievants may refer the matter in writing, by hand or registered mail, together with the decision of the head or the supervisor, as the case may be, to the District Director in the case of an educator at a school/college and in the case of an educator outside a school/college to the office referred to in sub-clause (B)(iii), within 5 working days of the parties failing to resolve the grievance or grievances. A copy of the referral must be presented to the head or supervisor, as the case may be, and where applicable, to the grievant or grievants’ trade union.

ii. The head or the supervisor shall forward his or her comments together with all relevant information on the grievance or grievances to the District Director or the office referred to in sub-clause (B)(iii), as the case may be, within 5 working days after receiving the referral mentioned in sub-clause (C)(i) above.
iii. The District or the head of the provincial education department, or his/her delegate in respect of an educator outside an educational institution, shall within 5 working days from the date of receipt of all the parties referrals, attempt to resolve the grievance or grievances and communicate his or her decision in writing to all parties.

iv. Should the grievant or grievants not be satisfied with the outcome, he or she may register a formal dispute with the Executive Officer of the Education Labour Relation Council (hereinafter referred to as the “Council”) in terms of the provisions of the Council’s constitution.

(d) CODE OF GOOD PRACTICE IN HANDLING GRIEVANCE

(i) The Employer should have a positive duty to implement the procedures.

(ii) Grievances will be dealt with seriously expeditiously, sensitively and confidentially.

(iii) Employees will be protected against victimization, retaliation and false accusations for lodging grievances and or testifying during grievance hearings.

(iv) Care should be taken during investigation of the grievance that the aggrieved party is not disadvantaged and that the position of the other parties is not prejudiced.
FORM A

GRIEVANCE FORM: INFORMAL GRIEVANCE TO BE COMPLETED BY EMPLOYEE

A. Surname & Initials: ........................................................................................................
   Persal: .....................................................................................................................
   Name of School: .....................................................................................................
   District: ....................................................................................................................
   Tel: (w) ........................................ (h) .........................................................
   Cell: ........................................................................................................................

B. NATURE OF GRIEVANCE
   ☐ Promotion
   ☐ Appointment
   ☐ Disciplinary Hearing
   ☐ Victimisation & Harassment
   ☐ Salary & other benefits
   ☐ Transfers
   ☐ Non-renewal of contract
   ☐ Other (specify) ....................................................................................................

Signature of Grievant: ..............................................................................................
Date: .......................................................... Place: ..............................................

Acknowledgement of receipt

Received by: ..............................................................................................................

Signature of recipient: ............................................................................................
Capacity: ...................................................................................................................
Date: ........................................................................................................................
FORM B

GRIEVANCE FORM: FORMAL GRIEVANCE TO BE COMPLETED BY EMPLOYEE

A. SURNAME & INITIALS: ..............................................................................

PERSAL: ...........................................................................................

NAME OF SCHOOL: ............................................................................

DISTRICT: ...........................................................................................

TELEPHONE (W) ........................................ (H) ..............................

CELL: .................................................................................................

B. NATURE OF GRIEVANCE

☐ Promotion
☐ Appointment
☐ Disciplinary Hearing
☐ Misconduct
☐ Salary & other benefits
☐ Victimisation & Harassment
☐ Transfers
☐ Non-renewal of contract
☐ Other (specify) ............................................................................

C. DETAILS OF GRIEVANCE (Attach a separate page if the space provided is not sufficient)

Date of occurrence: ................................................................................

Full details: ..........................................................................................
D. RELIEF SOUGHT (expected outcome)

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

Signature of Grievant: ..............................................................................

Date: .................................... Place: ....................................................

Acknowledgement of receipt

Received by: ............................................................................................

Name and Initials

On: ...........................................................................................................

Date

Signature of recipient: ..............................................................................

Capacity: ..................................................................................................
FORM C

OUTCOME OF THE GRIEVANCE

To: ...........................................................................................................

From: ........................................................................................................

Date: ...........................................................................................................

Signature: .............................................................. Capacity: ..........................

Grievance was resolved □ unresolved □ on ...........................................

Summary of the facts
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Next step
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......................................................................................................................
......................................................................................................................
......................................................................................................................

Signature of Supervisor / Head of Institution: ..............................................

Date: ...........................................................................................................

Received by grievant: .......................................................... Signature

Date: ...........................................................................................................