

## 3 Things To Know About The Grievance Procedure



### ***An overview of dealing with grievances in the workplace.***

Various rights and obligations are established between the employer and employee when entering into a contract of employment. The basic rights of the employee will be those agreed upon as per the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997) (BCEA). Should either the employer or the employee fail to heed these rights and obligations or fail to comply with the terms as agreed upon, the aggrieved party shall have the right to apply various remedies. One of the remedies available to an employee would be the *grievance procedure*. In general, companies have internal grievance procedures that need to be followed. These grievance procedures are more specifically intended to be a vehicle used by an employee when he/she wishes to lodge a grievance or complaint relating to his/her working conditions.

## **The grievance procedure should not be used by employees:**

- in relation to any disciplinary matter or to lodge an appeal;
- to enter into collective bargaining;
- to negotiate or amend any contract of employment entered into between the employer and employee.

## **An employee needs to know the following when he/she lodges a grievance:**

- They are free to raise any grievance and will not be subject to victimization. This should also apply to shop stewards. Shop stewards need to know that they would not be victimized as a result of having advised or represented any employee in lodging a grievance;
- The grievance will be dealt with discreetly, thereby protecting the confidentiality and privacy of the employee.

## **The correct grievance procedure:**

- An employee who believes he/she has a grievance must first report such grievance to his/her direct Manager or any employee designated to act on behalf of such manager;
- If the grievance involves an immediate supervisor, the aggrieved employee must approach the reporting level immediately above his/her supervisor for the purpose of resolving the grievance;
- The complaint must be reduced to writing, setting out the grievance to be addressed, unless the grievance is of a less serious nature, in which instance the grievance may be dealt with on an informal basis;
- The employee must indicate what his/her desired outcome of the grievance process will be. In this instance, the employee must be advised of his/her rights should the desired outcomes not be achieved;
- The person against whom the grievance is lodged must be clearly identified;
- The normal rules of a hearing will be applicable, for example every party shall have the right to be heard, to call on witnesses, etc.;
- The Manager must try to resolve the grievance and communicate the outcome to the employee as soon as possible. Once a decision has been communicated by the Manager but the employee feels that the grievance has not been resolved, the matter may be referred to a more senior person or the Human Resources department;
- The various stages of the grievance process, as well as the expected timelines of each stage and the outcomes, must be explained to the employee. Although there should be some flexibility in this regard, it must be clear that the grievance is taken serious and that no unnecessary delays are occurring.

When dealing with grievances, the employer needs to recognise that this process forms part of an open, fair and transparent working environment, which will most likely also boost the morale of employees. *About our author: Audrey Cloete obtained her LLB degree from the North-West University Potchefstroom in 2003. She completed her articles with the main focus on Criminal Law and is also an admitted Conveyancer. Audrey joined SERR Synergy in 2015 where she currently works as a Legal Compliance Advisor.*

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