

GRIEVANCE POLICY

TT-FOA-28

Effective Date 24 August 2021

Standard Operating Policy – Finance,
Operations & Administration

1. DOCUMENT CONTROL

1.1. Document Information

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Author signature confirms the contents of this document.

1.2. Approvals

The signatures below confirm that the reviewers agree with the content of the document and that this document is approved for implementation within Tshiamiso Trust.

Name	Position	Signature	Date
Dr May Hermanus	Chairman of the Board		
Kgomotso Molebatsi	Chairperson: HR, Remuneration and Governance Committee		
Daniel Kotton	Chief Executive Officer	<i>Daniel Kotton</i>	05/10/2021

This document is effective from the date of the last approval signature.

1.3. Change Record

Date	Effective Date	Author	Version	Change Reference

1.4. Document Location

The fully executed document is held by: The Trust.
When printed this document is uncontrolled.

2. POLICY SCOPE

2.1. Purpose of the Policy

As a Trust, we believe and are adamant about maintaining, and creating a pleasant and fair working environment for all employees and stakeholders alike. We understand that at times unfortunate instances will occur, causing this environment to be disrupted. Employees have a right to make known their discontent, and in such circumstances, they are encouraged to follow relevant grievance procedures. The purpose of this policy is to ensure that staff has an avenue where complaints are investigated.

A grievance is defined as “any feeling of injustice or dissatisfaction which arises out of the employer / employee relationship, and which requires the attention of management”. If an employee, or a group of employees, feels that they have been unjustly treated, or are seriously dissatisfied with a condition of service, then they have the right to seek amends by means of the grievance procedure to deal with the situation effectively and speedily.

2.2. Objectives of the Policy

It is in the interest of the employment relationship, the well-being of the Trust and all its employees to establish an open-door policy, which can facilitate upward communication at all levels of the Trust.

The effectiveness of this grievance policy and procedure will depend on the extent to which both management and employees have accepted and understood the process and the principles that support it.

The pivotal principle is that employees should be able to talk to their managers and supervisors about any workplace issue that they are concerned about.

A grievance is any dissatisfaction or sense of injustice that an employee may have in connection with:

- his or her job.
- his or her working environment.
- his or her employment practices; or
- management practices

A critical aspect of the grievance process is the "Open Talk" process, which precedes the formal grievance procedure. This process allows the employee and his/her manager to develop and maintain a relationship of trust and openness, by talking to one another, without abusing authority / position .in a situation free from bias and/or discrimination.

2.3. Availability of the Policy

The Policy is available to all Employees and can be accessed on the Trust's intranet. It is the responsibility of each Manager to ensure that the Policy is available to all Employees who report to them.

3. POLICY GOVERNANCE

3.1. Policy Review

The Policy will be reviewed in the year 2023 on considering any changes in legislation and the Trust's operational requirements.

3.2. Ownership of Policy

Ownership of the Policy will be vested in the Human Resources scope of accountability.

3.3. Approval of Policy

The Policy and any amendments from time to time must be approved by Chief Executive Officer and approval by the Board.

3.4. Legal Context

This Policy is informed by the:

- The Constitution of the Republic of South Africa, 1996
- The Employment Equity Act, 1998, as amended.
- The Labour Relations Act, 1995, as amended.
- The Code of Good Practice, Schedule 8 of the Labour Relations Act
- Commission for Conciliation, Mediation and Arbitration ("CCMA")
- The Basic Conditions of Employment Act, 1997, as amended.

3.5. Related Group Policies

The Policy is supported by and should be read in conjunction with the following policies:

- Code of Conduct
- Employment Contracts
- All HR Policies

4. POLICY STATEMENT

The Trust's Grievance policy aims to ensure that a harmonious working environment is created for all employees and to drive open and direct communication between Management and employees.

5. GRIEVANCE POLICY

5.1. General Principles

Fundamental principles that are critical to the success of the grievance procedure:

- Confidentiality of all proceedings and meetings; and
- that the same process applies to all employees, irrespective of positions, and
- Consistency in the application grievance procedure.

It is important to maintain a positive working climate and relationships by resolving grievances within 5(five) working days,

In protecting employees against victimization, an employee and/or his or her representative will not suffer any prejudice in their employment because of lodging a grievance in terms of this grievance procedure, nor shall the aggrieved employee and/or his or her representative incur a loss of wages in respect of time spent at meetings with supervisors and managers for such purposes.

An employee may not use the grievance procedure for the following purposes:

- Amending any agreement or terms or conditions of any agreement concluded between that employee and Pareto (including, but not limited to the contract of employment); and
- Presiding a disciplinary matter or dismissal

5.2. Roles and Responsibilities

Resolution seeking should be the spirit of reporting and addressing any grievance, and each role player has the following responsibilities:

- The employee is responsible for reporting the grievance timeously to their direct Manager and/or HR.
- The Manager is responsible for taking decisions on the grievance and applying immediate relief where it falls within his or her domain of authority. Should the matter remain unsolved the grievance must be escalated to the next level with appropriate authority and HR.

The following is the approach expected:

- To encourage an employee to express his/her concern openly and freely.
- To clarify understanding of the issues and concerns.
- To focus on the issue or the concern and not the employee's personality.
- To distinguish fact from opinion, noting all relevant facts.
- Ascertaining what settlement is desired.
- Verifying all relevant facts, including rules, policies, and procedures of the Trust.
- Obtain help from other members of management where necessary.
- Avoiding unnecessary delays in dealing with the issue or concern.
- Deciding whether the issue or concern is valid.
- To advise the employee of the manager's view of the issue or complaint
- To seek acceptance to the resolution of the issue from the aggrieved employee; and
- To monitor adherence to the terms of the action to be taken, following the discussion.

HR should remain impartial, mediate, or and actively assist with the facilitation of remedial action/relief, keeping record of reported complaints and remedies.

5.3. Grievance Procedure

Informal procedure: Step 1

The employee approaches his/her direct line manager and requests an appointment, stating the issue or concern to be discussed. This is the first step in the grievance procedure, unless the grievance is in respect of the employee's immediate manager, in which case the employee may proceed directly to HR.

At the meeting, the employee/s explains his/her situation and/or his/her grievance and requests for the views of the direct manager and assistance on the grievance at hand. The employee/s and the manager discuss the grievance with a view to reaching a solution. During the discussion, the Manager should encourage a discussion directed specifically towards gaining an understanding of the employee's views.

If the grievance is not resolved by means of the informal procedure, and the employee(s) wish to take the matter further, a formal grievance procedure as set out below may be initiated by completing a formal grievance form which is then submitted to the HR and CEO.

Formal grievance procedure: Step 2

Upon receipt of a grievance form, the Executive Manager or his/her nominee shall attempt to resolve the grievance and may convene an enquiry for this purpose. Attempts must be made to resolve the grievance within 5 (five) working days of the grievance form having been submitted to HR for facilitation.

Present in the enquiry should be the Manager (employee's direct managers), the employee, and the employee's representative (optional). The representative should be a fellow employee. All these parties shall be entitled to make representations. HR or any neutral party preferred by all parties should chair the enquiry.

If the grievance is resolved, the solution shall be recorded on the grievance form by the Executive Manager. The employee shall sign the grievance form, hereby indicating that he/she has accepted the solution as set out in the grievance form.

The Executive Manager shall send the completed and signed grievance form to the Human Resources.

If the grievance is not resolved and the employee wishes to pursue the matter, the employee may proceed with the steps outlined below.

Formal grievance procedure: Step 3

The employee may pursue a grievance failing an acceptable resolution by lodging the grievance with Chief Executive Officer.

The Chief Executive Officer must, within 5 (five) working days after the receipt of the grievance form, convene an enquiry with the aggrieved employee and the representative chosen by the aggrieved employee (optional).

If the grievance is resolved, the solution shall be recorded on the grievance form by the Chief Executive Officer. The employee shall sign the grievance form, thereby indicating that he/she has accepted the solution as set out in the grievance form.

If the grievance remains unresolved, the aggrieved employee may invoke any dispute resolution procedure that exists in terms of the Labour Relations Act and submit the grievance to the CCMA.