



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

**Vol. 445   Pretoria   19   July   2002   No. 23635**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

---

**GOVERNMENT NOTICE**  
**GOEWERMENTSKENNISGEWING**

---

**PUBLIC SERVICE COMMISSION**  
**STAATSDIENSKOMMISSIE**

No. 977

19 July 2002

**PUBLIC SERVICE COMMISSION ACT, 1997**

The Public Service Commission has, under section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), made the rules contained in the Schedule.

.....

CHAIRPERSON

OF PUBLIC SERVICE COMMISSION

## **SCHEDULE**

### **RULES OF PUBLIC SERVICE COMMISSION: LODGING OF COMPLAINTS REGARDING PUBLIC SERVICE**

#### **Definitions**

1. In these rules, unless the context indicates otherwise[]  
"Commission" means the Public Service Commission established under section 196(1) of the Constitution;  
"complaint" means any dissatisfaction regarding an act or omission within the Public Service which adversely affects or may adversely affect a person, or may be detrimental to public administration;  
"institution" means any department or administration in the public service, whether in the national or provincial spheres of government.

#### **Purpose and application**

- 2.(1) The purpose of these rules is to provide for a procedure by which complaints regarding any institution may be lodged with the Commission.
- (2) The rules are made under section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), which authorises the Commission to make rules regarding the matters to which section 196(4) of the Constitution relate.

- (3) All complaints lodged with the Commission will be dealt with confidentially.
- (4) Grievances of employees which fall within the ambit of the formal grievance procedure, and misconduct appeals of public servants, are excluded from this procedure.

### **Complaints which may be considered by Commission**

- 3. Complaints which may be lodged with the Commission, include complaints regarding
  - (a) maladministration and corruption;
  - (b) the standard of service provided;
  - (c) dishonesty or improper dealings with regard to public money;
  - (d) the behaviour, competency, diligence or attitude of staff;
  - (e) any form of discrimination.

### **Institutions which may be investigated by the Commission**

- 4. In order to give effect to section 194(4) of the Constitution, the Commission may investigate practices and procedures in any institution in the public service.

### **Procedure to follow when lodging a complaint**

- 5.(1) Before lodging a complaint with the Commission the complainant should first endeavour to resolve the complaint with the relevant institution.

- (2) If the complainant is still not satisfied, or when it is not desirable for a person to endeavour to resolve a complaint with the relevant institution, he or she may then lodge that complaint with the Commission via the national office or the regional office. In the latter instance the Commission will, in its discretion, deal with the matter.
- (3) The following procedure should be followed when a complaint is lodged with the Commission:
- (a) A complaint must be lodged with the Commission within twelve months from the date on which the incident occurred.
  - (b) A complaint should preferably be—
    - (i) submitted in writing; and
    - (ii) in the form set out in Annexure A.
  - (c) Should the complainant be unable to submit a complaint in writing, the complainant may lodge a complaint in person with the Commission.
  - (d) The following information should be contained in the complaint:
    - (i) The nature of the complaint;
    - (ii) The background and history of the complaint;
    - (iii) The steps that have been taken in trying to resolve the problem; and
    - (iv) The names and particulars of the employees of the institution who have been dealing with the complaint (if applicable).
  - (e) Copies of all documentation relevant to the complaint, should also be submitted to the Commission.

- (4) (a) The Commission is not obliged to investigate anonymous complaints.
- (b) The decision to investigate an anonymous complaint will depend on whether such a complaint is supported by evidence or documentation.
- (5) A complaint in respect of a matter which the Commission has already dealt with may not be resubmitted to the Commission unless new facts or evidence are presented which justify a reconsideration of the matter.
- (6) The Commission will decide whether to deal with a complaint which has already been referred to another forum.

#### **Procedure to be followed by Commission in dealing with complaint**

- 6.(1) Receipt of the complaint will be acknowledged.
- (2) The documentation accompanying the complaint lodged will be assessed in order to determine ☐
  - (a) whether the Commission has the necessary jurisdiction to consider the complaint; and
  - (b) whether the complaint should be dealt with by the Commission.
- (3) The Commission will only conduct an investigation after carrying out the assessment contemplated in subrule (2).
- (4) The complainant will be informed of the outcome of the investigation.

**ANNEXURE A****FORM FOR LODGING COMPLAINT WITH PUBLIC SERVICE COMMISSION**

1. Name of complainant:.....
2. Contact details:  
Postal address:.....  
.....  
Telephone number:.....
3. Nature of complaint / Background (Applicable dates must be provided).....  
.....  
.....  
.....

(Additional pages may be added. Copies of all relevant documentation may be attached.)

4. Names and designations of officials involved:  
.....  
.....  
.....
5. Steps taken to endeavour to solve problem:  
.....  
.....  
.....
6. Institution (Department or administration) involved:  
.....  
.....

Signed:.....

Date:.....