

OFFICE OF THE PUBLIC SERVICE COMMISSION**No. 836****23 September 2010****PUBLIC SERVICE COMMISSION ACT, 1997
(ACT No. 46 OF 1997)****RULES FOR DEALING WITH GRIEVANCES OF MEMBERS OF THE SENIOR MANAGEMENT SERVICE,
INCLUDING HEADS OF DEPARTMENT****CORRECTION NOTICE**

Substitute pages 34, 42 and 43 published in *Government Gazette* No. 33540 of 17 September 2010 with the following pages:

**RULES FOR DEALING WITH GRIEVANCES OF MEMBERS OF THE SENIOR
MANAGEMENT SERVICE, INCLUDING HEADS OF DEPARTMENT**

It is hereby notified for general information that the Public Service Commission has under section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), read in conjunction with section 196 (4) (f) (ii) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and section 35 (1), (2) and (3) of the Public Service Act, 1994 (as amended) made the Rules for dealing with grievances of Senior Management Service (SMS) members in the Public Service set out in Schedule 1 hereto.

Thus done and signed at Pretoria on this Seventeenth day of September 2010.

RR MGIJIMA
Chairperson
Public Service Commission

Schedule 1**1. Introduction**

1.1 This Chapter contains the procedures that must be followed in dealing with grievances of members of the Senior Management Service (hereafter referred to as member(s)), including heads of department, as defined in Schedule of the Public Service Act, 1994 (as amended). Section 35 of the *Public Service Act*, 1994 (as amended), provides for a member to lodge a grievance with the relevant executive authority and for his/her grievance to be referred to the Public Service Commission (PSC) for consideration.

1.2 Section 35(3) of the *Public Service Act*, 1994, determines that -

"(3) A head of department may lodge any such grievance with -

- (a) the relevant executive authority in terms of subsection (1); or*
- (b) directly with the Commission under the prescribed circumstances, on the prescribed conditions and in the prescribed manner.*

(4)(a) An employee may only refer a dispute to the relevant bargaining council in the public service or the Commission for Conciliation, Mediation and Arbitration (CCMA), or institute court proceedings, in respect of a right referred to in subsection (1) if -

- (i) he or she had lodged a grievance in terms of that subsection; and*
- (ii) the department does not resolve the grievance to his or her satisfaction within the period prescribed in the rules, contemplated in subsection (5) or the period for referring such dispute or instituting such court proceedings, whichever period is the shorter.*

(b) Paragraph (a) shall not apply to a head of department who has lodged a grievance directly with the Commission in terms of subsection (3) (b)."

[illegible]

PART C: GRIEVANCE RESOLUTION: LEVELS

Notes: This part of the form provides for various levels of authority to attempt to resolve the grievance. There are, however, no prescribed levels for the resolution of a grievance. Depending of the circumstances, one or more pages below need to be completed.

If the grievance cannot be resolved up to the level of the head of department, it has to be submitted to the executive authority (i.e. the page below that specifically refers to the executive authority, must be completed).

The grievance must be dealt with by all the applicable levels (including the executive authority) within a period of 45 days, unless extended by agreement with the aggrieved member.

LEVEL: DESIGNATED EMPLOYEE	
<i>To be completed by the designated employee</i>	
Name	
Designation	
Tel No	Fax No
Was the grievance resolved? Yes <input type="checkbox"/> No <input type="checkbox"/>	
If yes, give details of agreement (if the space below is insufficient, please attach additional page(s))	
SIGNED:	
Designated employee	Date
<i>To be completed by the member</i>	
Was the grievance resolved to your satisfaction? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Do you have any comments?	
SIGNED:	
Member	Date