

# Report on Grievance Trends in the Public Service

## September 2007



Published in the Republic of South Africa by:

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Compiled by: Branch: Investigations and Human Resource Reviews

Distribution by: Directorate: Communication and Information Services

ISBN: 978-0-621-37473-5

RP: 222/2007

Printed by Creda Communications



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# Glossary

**“employee”** refers to an officer or employee as contemplated in section 2(1) of the Public Service Act, 1994 (as amended)

**“EXCO”** refers to the Executive Committee of a department that comprises members of the Senior Management Service

**“grievance”** refers to a dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal

**“Grievance Rules, 2003”** refers to the Grievance Rules promulgated in Government Gazette No. 7722, Vol. 457 No. 25209 on 25 July 2003

**“Head of Department”** refers to a person as defined in section 12(2) of the Public Service Act, 1994 (as amended)

**“HR”** refers to human resources

**“line manager”** refers to a member of the Public Service's Senior Management Service charged with a range of responsibilities that are part of a department's core function

**“LR”** refers to labour relations

**“manager”** refers to a member of the Public Service's Senior Management Service

**“national department / department at national level”** refers to a department listed in Schedule 2 of the Public Service Act, 1994 (as amended)

**“PFMA”** refers to the Public Finance Management Act, 2000

**“PSC”** refers to the Public Service Commission as established in terms of section 196 of the Constitution of the Republic of South Africa, 1996

**“prescribed timeframe”** refers to the timeframe prescribed in the Grievance Rules within which a grievance must be lodged by an employee and or timeframe within which a grievance must be resolved by a department

**“provincial department / department at provincial level”** refers to a Public Service department that is part of one of the nine Provincial Administrations of the Republic of South Africa

**“PMDS”** refers to the Public Service’s Performance Management and Development System

**“supervisor”** refers to any employee in charge of an organisational unit that is on a salary level below that of the Senior Management Service

**“organisational climate / organisational culture”** refers, for purpose of this report, to the general work atmosphere of a Department which is either characterised by happy and energetic looking, positive and upbeat employees or unhappy, downcast and sullen looking employees.

# Foreword

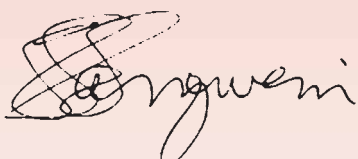
The Public Service Commission (PSC) takes pleasure in releasing this Report in terms of the provisions contained in section 196 of the Constitution, 1996 and Rule 1.2 of the Grievance Rules, 2003.

Grievances of employees pose a threat to achieving labour peace and promoting service delivery. As such, they must be dealt with effectively and timely.

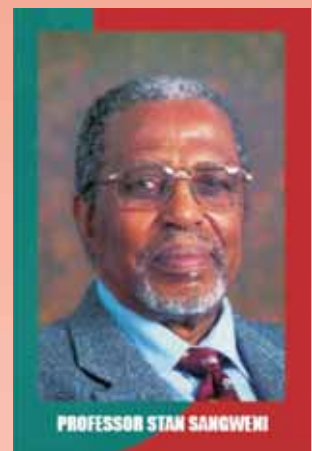
The PSC is mandated through section 196(4)(f)(i) of the Constitution, 1996 to investigate the grievances of employees. In managing grievances, the PSC has developed Grievance Rules which were negotiated in the PSCBC. In terms of the Grievance Rules 2003, departments are required to report to the PSC on a six-monthly basis on the grievances handled by them.

Based on these reports and the grievances dealt with by the PSC, it is in a position to reflect critically on the causes of grievances and the manner in which they are managed in the Public Service.

Through this report, the PSC seeks to examine the major reasons for dissatisfaction amongst individual employees and the manner in which this is addressed in the Public Service. Based on the findings, trends have emerged that require Heads of Departments' urgent attention. To this end the report contains numerous recommendations to assist in placing the management of grievances in the Public Service on a much needed improved level.



**PROFESSOR SS SANGWENI**  
**CHAIRPERSON: PUBLIC SERVICE COMMISSION**



# Executive Summary

## I. INTRODUCTION

The promotion of sound labour relations is one of the key constitutional responsibilities bestowed on the PSC. In the past years since its establishment, the PSC has articulated this responsibility through its investigations into grievances, its contribution to the development of a grievance resolution framework and its monitoring and evaluation of grievance management practices.

The PSC's continued investigation of grievances has also led to the generation of monthly reports, with graphical analyses of grievance trends. These reports have, up to now, not been available for public consumption, but have placed the PSC in a position where it is able to identify problems with the current management of grievances and can offer advice on amendments to the *Grievance Rules*<sup>1</sup>.

Collectively, information that the PSC has on grievance management allows it to produce a comprehensive commentary on grievance trends within the Public Service in South Africa.

## 2. OBJECTIVES

The objectives of this report are to –

- provide a statistical overview of grievances in the Public Service, internal to departments and grievances referred to the PSC;
- analyse grievance trends and causes of grievances in the Public Service;
- assess overall grievance management in the Public Service;
- provide a report on grievance trends in the South African Public Service; and
- make recommendations to improve the Grievance Rules and grievance management in the Public Service.

## 3. METHODOLOGY

The report covers the period January 2005 to June 2006. In order to meet the objectives of this research report, the following methodology was adopted:

<sup>1</sup> The Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of employees in the Public Service, Government Gazette number 25209 of 2003.

## Database analysis

The data on all grievances received by the PSC during the period in question, and the six monthly<sup>2</sup> reports from departments for the following periods, were analysed:

- **Period 1:** January – June 2005
- **Period 2:** July – December 2005
- **Period 3:** January – June 2006.

The analysis was done in respect of the following aspects, which also constitute the headings under which the analysis is discussed –

- the number of grievances lodged in each department;
- the number of grievances finalised in each department;
- the number of grievances finalised in each department within the prescribed time limit;
- the number of grievances pending in each department;
- a breakdown of the causes and or nature of grievances in each department; and
- a breakdown of the race and gender distribution of the aggrieved in each department.

The analysis of each aspect is followed by a discussion of trends and reasons for shortcomings in the management of grievances, which is further enriched by findings of prior and concurrent investigative work of the PSC.

## 4. LIMITATIONS

The limitations experienced in the compilation of this report relate to the following:

- Despite a format for the submission of grievance management reports by departments, some reports were still inaccurate and/or contained incomplete data.
- Although categories of grievances and their definitions were identified, departments were unable to accurately categorise their own grievances.
- Some departments failed to submit reports.
- Most of the reports received were submitted long after the due date resulting in a delay of their analysis.

The above state of affairs impacts adversely on the effective monitoring of grievance management by departments, and on the PSC's ability to report to the National Assembly and the provincial legislatures in terms of Rule 1.2 of the Grievance Rules, 2003.

<sup>2</sup> Republic of South Africa, Public Service Commission, Rule 1.1 of the Grievances Rules, 2003.

## 5. MAIN FINDINGS

- The overall number of grievances registered by aggrieved employees in the Public Service has substantially increased in national departments and the PSC, but progressively declined in provincial departments over the three reporting periods.

TABLE i: NUMBER OF GRIEVANCES

ORIGIN OF GRIEVANCES	NUMBER OF GRIEVANCES			
	Period 1	Period 2	Period 3	Total
National Departments	146	337	621	1104
Provincial Departments	1417	1227	728	3372
Referrals to the PSC	238	431	487	1156
<b>Total</b>	<b>1801</b>	<b>1995</b>	<b>1836</b>	<b>5632</b>

While the number of grievances reported is in itself cause for concern as it indicates relative high levels of dissatisfaction among employees which on aggregate has increased, these figures may not be an accurate barometer on the actual level of unhappiness amongst employees. Not all employees resort to formal grievances, and as a result there may very well be many more unhappy employees than the figures would suggest.

- Grievances normally arise in the workplace as a result of an official act or omission. Such act or omission usually arises from the application of a regulatory framework. Consistently, dissatisfactions around performance assessment, salary matters and recruitment and selection emerged as the top three causes of grievances in the Public Service.

Attempting to understand the reasons for such trends can be somewhat complex. Firstly, if one looks at these causes they all, to some degree, affect the livelihoods of individuals and hurt them in the pocket. As such, they are more likely to react, hence the higher number of grievances in this area. Secondly, the high number of dissatisfactions may point to inadequate management of policies. Actions or omissions emanating from these areas are a result of the application of the policy framework.

An unhappy employee is not an optimal worker. Usually such an aggrieved employee channels his/her energy away from the work at hand, with an inevitable negative impact on motivation, work quality, dedication and loyalty to the employer. Given the debilitating effect on the workplace and the workforce, grievance management is a very important managerial function that cannot be neglected. It therefore stands to reason that failure to address unhappiness in the workplace poses a threat to overall service delivery.

- Bearing in mind the foresaid, it is disturbing that the finalisation rate of grievances has decreased from period to period. A credible and effective grievance policy is dependent not only on a stipulated procedure but also the belief that it will be implemented in a fair, coherent and objective manner. Paramount to all of this is that resolution to a grievance will be found speedily. The Public Service's low overall finalisation rate (53%) tends to erode the very pillar that an effective grievance policy rests on.
- This low finalisation rate goes hand in hand with a high number of pending grievances (47%). The increasing number of grievances exacerbates the problem around pending grievances, as more grievances within departments will only put a greater strain on the capacity to finalise the grievances. This "knock-on" effect deepens the problem around grievance management. Such "knock-on" effect is also felt through premature referral of grievances to the PSC or the various Sectoral Councils of the PSCBC. This is because aggrieved employees become impatient by the protracted time departments take to resolve their grievances, or else feel that departments are not adhering to the Grievance Rules.

Apart from the procedural unfairness that arises, deeper problems creep into the system. The longer grievances are left unattended, the deeper the resentment grows, turning an aggrieved employee into a negative catalyst, sowing seeds of hostility amongst his/her peers towards the employer. When matters reach this stage, it stands to reason that the more aggrieved employees there are, the bigger the threat to the organisation's work culture. Further to this, failure to address grievances diminishes aggrieved employees' right to a quick resolution of their grievances.

- Apart from the low finalisation of grievances, this report abounds with instances of non-adherence to the Grievance Rules. Culprits of such non-adherence range across the spectrum: Departments, employees and trade unions. A number of deviations on the part of the different stakeholders have been highlighted: Non-adherence to time lines, premature and inappropriate referrals and not reducing grievances into writing and delays by departments in providing the PSC with documents and information resulting in many grievances having to be held in suspense have been observed. Simply put, such non-adherence points to abdication of grievance management and/or undermining of the Grievance Rules, and also point to the refinement of the Rules. Failure to refine the Rules to accommodate practices and reality may result in a situation where the Rules become irrelevant to the role-players.

- Getting to the bottom of this trend of poor grievance finalisation and poor adherence to the Grievance Rules posed a challenge as departments' six monthly reports do not contain this level of detail. For this purpose, the PSC had to rely on its findings in prior and concurrent investigative work. Prior to the research findings in the PSC's report on the Management of Poor Performance in the Public Service, it was generally thought that line managers simply abdicate their human resource management responsibilities, including grievance management. However, this report shed light on deeper problems in this regard, namely that –
  - ❑ line managers lack the necessary time to deal with grievance management. This stems from staff capacity problems, i.e. numbers of employees and skills exacerbated by inefficient recruitment practices;
  - ❑ line managers lack the necessary interpersonal and technical skills to deal with grievances, and as a result tend to procrastinate when faced with grievances;
  - ❑ line managers do not receive adequate advisory and facilitation support from human resource and labour relations practitioners. This is often compounded by these support staff placing an over-emphasis on administrative and procedural issues rather than the deeper dimensions of LR and HR management; and
  - ❑ line managers themselves do not always possess the requisite knowledge and skills to deal with grievances. This reinforces the critical importance of advisory support that should be provided by HR and LR Practitioners, and calls for a repositioning of these practitioners to respond to such needs.

Compounding this situation is a geographic spread of regional and district offices and issues around decentralisation and devolution of authority.

## 6. RECOMMENDATIONS

The findings of this report have made a strong case for improvement in grievance management in the Public Service. The current situation is characterised by increasing grievances, poor rate of timely grievance resolution, prolonged grievances and general inability to manage grievances effectively. To address this, the PSC has made a number of recommendations pertaining to the following:

- Amendments to the Grievance Rules:

Numerous shortcomings have been identified, but many do not lie at the door of the Grievance Rules. Rather than the policy framework, shortcomings are more prevalent among the management of the policy. However, some of the inability on the part of departments do speak to the issue of practical, “on the ground” realities, and suggest some consideration for amendments to the Grievance Rules. Where it was

possible to refine the Grievance Rules, this has been done, mindful of the fact that these proposals are subject to agreement between the employer and labour in the PSCBC.

- Review of departmental HR policies and practices:

The consistent high levels of dissatisfaction around performance assessment, recruitment and selection and salary matters raise serious concerns about departmental policies and practices around these matters. This clearly points to a need for an immediate review of departmental policies and practices, particularly in these areas, if departments are going to make a dent in the increasing number of grievances.

- Capacity building:

The problems experienced around capacity are multifaceted and far-reaching. The various constituent variables are subsequently dealt with below:

#### *Building line function capacity*

Managers complain of being under undue strain due to a lack of employees and employee skills, leaving them with barely sufficient capacity to deal with their core line functions activities. Grievance management is seen as a non-core line function. Apart from building the necessary capacity, there is therefore a need to re-orientate line managers to appreciate the strategic impact that effective grievance management can make on their core business.

#### *Building overall knowledge and skills for grievance management*

Departmental role players are not adequately versed in the grievance policy, and this spurs inefficiency and improper implementation. Consideration should be given to providing training in respect of the legal and procedural prescripts pertaining to grievances, together with an explanation of substantive issues and the legal dictums that underlie such procedures. The South African Management Development Institute (SAMDI) should also develop a module on grievance management to be included in the training to be offered to supervisors and members of the Senior Management Service.

#### *Provision of strategic and expert support*

The staff support components of a department, in particular Human Resource Management and Labour Relations must support the needs of their internal stakeholders, rather than solely as protectors of administrative and procedural processes. Both have a key responsibility to ensure that HR and LR practices

are done in an effective manner that would inhibit the possibility of disputes arising. In addition, Human Resource components should ensure that departmental policies provide the necessary guidelines, delegated power of authority and timeframes. Labour Relations components should ensure, through monitoring, that employees are familiar with their rights and obligations.

#### *Information management and departmental grievance oversight*

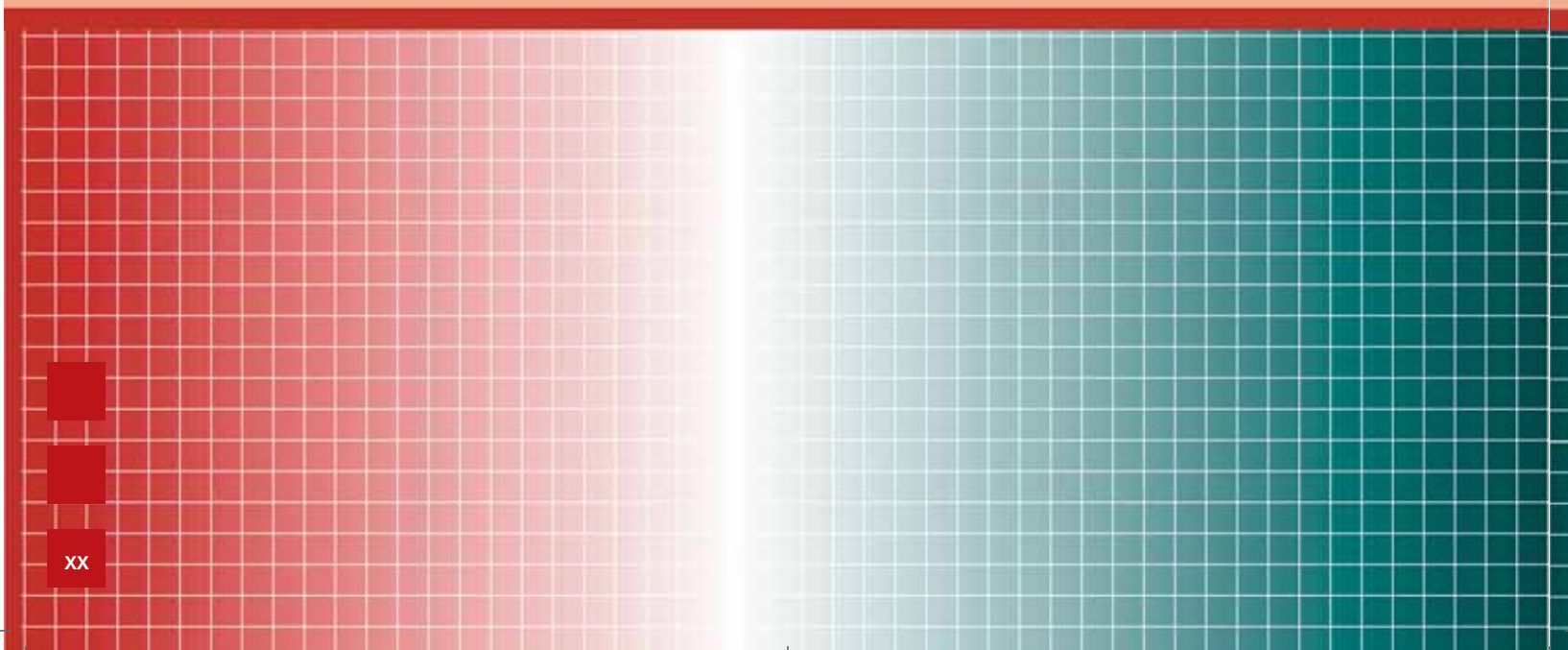
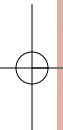
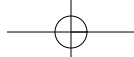
Departments need to understand that internal monitoring and evaluation (M&E) is not solely for reporting purposes, and must begin to appreciate the strategic advantage of imbedded M&E practices. Departments often have a wealth of information at their disposal in the areas of human resources and labour relations that could guide important strategic management decisions. In the absence of such awareness much of the value is lost. Likewise, the M&E approach to grievance information is rather seen as an irritant to them. As a result departmental oversight on grievance management is inadequate and needs to be improved to ensure that the trends and their likely impact are fed into the decision-making processes of the organisation.

#### *Employee orientation*

Given a multitude of procedural problems around the management of grievances, in part caused by employee ignorance on the Grievance Rules, it will be to the benefit of all role players if employees could be re-orientated on the proper grievance procedures. The high number of unsubstantiated grievances suggests that many of the grievances are as a result of misunderstanding, misinformation or misinterpretation. General awareness-raising on the grievance procedure and release of information sheets containing guidelines and principles will promote greater understanding and appropriate utilisation of the framework. Considering turnover rates of staff, such orientation should be conducted on a regular basis.

## **7. CONCLUSION**

This report portrays a picture of departments that do not comply with the grievance framework, and do not display the seriousness that grievance management should receive. The PSC therefore encourages meaningful engagement with this report and the significance of the trends that have emerged. These provide useful indicators for a proactive approach to address the causes of grievances, thereby minimising levels of dissatisfaction, which should make grievance management much easier.



# Chapter One

## Introduction

## 1.1 INTRODUCTION TO THE STUDY

One of the key constitutional responsibilities bestowed on the PSC is the promotion of sound labour relations. Through the years the PSC has articulated this responsibility through its investigations into grievances, its contribution to the development of a grievance resolution framework and its monitoring and evaluation of grievance management practices.

As a result of such an approach, its experiences in this area have resulted in the PSC being regarded as a leading arbiter of grievances in the Public Service. This is reflected variously through its handling of grievances, the requests for its advice in the area of labour relations and its role in the development of grievance rules.

However, the PSC has to a large degree been focusing on the symptoms rather than on the causes of the grievances and how they can be prevented in the first place. Such focus can be understood as the PSC has a constitutional responsibility to investigate grievances, thus its reactive role.

In order to broaden its perspective in the wider promotion of labour relations this requires efforts that will prevent grievances arising. To do this, the PSC needs to understand what practices are the causes of grievances and how such practices can be addressed to minimise the number of grievances that arise.

Arguably, the PSC is in a very good position to provide such deeper analyses and insights into the trends, practices and management approaches that impede, support and/or enhance the promotion of labour relations in the Public Service.

The PSC's continued investigation of grievances has also led to the generation of monthly reports, with graphical analyses of grievance trends. These reports have, up to now, not been available for public consumption, but have placed the PSC in a position where it is able to identify problems with current management of grievances and can offer advice on amendments to the *Grievance Rules*<sup>3</sup>.

Collectively, information that the PSC has on grievance management allows it to produce a comprehensive commentary on grievance trends within the South African Public Service.

## 1.2 OBJECTIVES OF THE REPORT

The objectives of this report are to –

- provide a statistical overview of grievances in the Public Service, internal to departments and grievances referred to the PSC;
- analyse grievance trends and causes of grievances in the Public Service;
- assess overall grievance management in the Public Service;
- provide a report on grievance trends in the South African Public Service; and
- make recommendations to improve the grievance rules and grievance management.

## 1.3 THE PSC'S ROLE IN GRIEVANCE MANAGEMENT IN THE PUBLIC SERVICE

### 1.3.1 Legislative mandate

The PSC derives its mandate from sections 195 and 196 of the *Constitution*, 1996<sup>4</sup> Section 195 sets out the values and principles governing public administration, which should be promoted by the PSC. While the values and principles hang together, the following apply directly to grievances in terms of section 195 of the *Constitution*, 1996:

<sup>3</sup> Republic of South Africa, Public Service Commission, Rules for dealing with the grievances of employees in the Public Service, Government Gazette number 25209 of 2003.

<sup>4</sup> Republic of South Africa, Public Service Commission, Rule 1.1 of the Grievances Rules, 2003.

- Public administration must be accountable.
- Good human resource management and career-development practices must be cultivated to maximise human potential.
- Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past in order to achieve broad representation.

The PSC is, in terms of section 196 (4) (f) (ii) of the *Constitution*, 1996, mandated to either of its own accord, or on receipt of any complaint, investigate grievances of employees in the Public Service concerning official acts or omissions and to recommend appropriate remedies.

In terms of section 196 (5) and (6), the PSC is accountable to the National Assembly and reports at least once a year to the National Assembly and in respect of its activities in a Province to the legislature of that Province.

In terms of section 11 of the *Public Service Commission Act*, 1997<sup>5</sup>, the PSC may make rules in respect of its role and functions contained in section 196 of the *Constitution*, 1996.

In terms of section 35(1) of the *Public Service Act*, 1994 (as amended)<sup>6</sup>, an officer or employee may, for the purpose of asserting his/her right in this regard, lodge a complaint or grievance concerning an official act or omission with the relevant executing authority under the circumstances/ conditions/ manner laid down by the PSC's rules in this regard. If that complaint or grievance is not resolved to the satisfaction of such an officer or employee, the relevant executing authority shall submit the complaint or grievance to the PSC in the manner and time or within the period prescribed by the PSC.

In addition to this, Rule 1.1 of the *Grievance Rules*, 2003 directs that Heads of Department must ensure that grievance resolution is evaluated by maintaining a record of the number of grievances resolved from the beginning of each calendar year and report to the PSC on a six monthly basis. In terms of Rule 1.2 of the *Grievance Rules*, 2003, the PSC must report on the management of the grievances and the efficiency of the grievance procedure at least once a year to the National Assembly and in respect of its activities in a Province to the legislature of that Province.

### 1.3.2 Development of Grievance Rules

As indicated earlier, the PSC has a constitutional mandate in terms of section 196 (4) (f) (ii) of the *Constitution*, 1996, to investigate grievances of employees in the Public Service concerning official acts or omissions, and to recommend appropriate remedies. This mandate places the PSC in a pivotal role in respect of grievance resolution.

At the time of the PSC's inception, the grievance procedure in the Public Service was regulated by Regulation A.227. This regulation was seen as a cumbersome and time-consuming procedure. The PSC recognised the need for a much more streamlined approach to grievances and initiated the much needed transformation in grievance management.

Regulation A.22 was repealed and on 1 July 1999, Interim *Grievance Rules* for the Public Service were promulgated<sup>8</sup>. On 19 September 2003 the *Grievance Rules* for the Public Service<sup>9</sup> were implemented. The adoption of these *Grievance Rules* followed a process of negotiation between the employer and labour in the Public Service Co-ordinating Bargaining Council (PSCBC) as they were matters of mutual interest. The PSC

<sup>5</sup> Republic of South Africa. *Public Service Commission Act*, Act 46 of 1997.

<sup>6</sup> Republic of South Africa. *Public Service Act*, Act 35 of 1994 (as amended).

<sup>7</sup> Republic of South Africa. *Public Service Regulations issued by the former Commission for Administration*, 10 June 1994, Government Gazette number R1091 of 10 June 1994.

<sup>8</sup> Republic of South Africa. *Public Service Commission. Rules for Dealing with Complaints and Grievances of Officials in the Public Service*, Government Gazette number 20231 dated 1 July 1999.

<sup>9</sup> Republic of South Africa. *Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service*, Government Gazette number 25209 of 2003.

ensured that the grievance procedure contained in the Grievance Rules was aligned with the provisions of section 35 of the Public Service Act, 1994 (as amended).

Service departments falling outside of the Public Service Act have in terms of the collective agreements developed their own grievance rules. These service departments are the South African Police Service (SAPS), the Department of Education, the South African National Defence Force, the South African Secret Service, the National Intelligence Agency and the Department of Correctional Services (DCS). Constitutionally, such grievance procedures do not, however, restrict the jurisdiction of the PSC to investigate grievances that emanate from these sectors. Before entering into such investigations, however, the PSC does allow for the internal process in accordance with the departmental grievance procedure to first run its course.

To supplement the Grievance Rules, 2003<sup>10</sup> and ensure their effective implementation, the PSC developed Guidelines for the new grievance procedure for the Public Service. Such Guidelines were intended to facilitate easier cross-over from the interim Grievance Rules to the new Grievance Rules.

## **I.4 METHODOLOGY**

In order to meet the objectives of this research report, the following methodology was adopted:

### **I.4.1 Scope of the project**

The scope of the project covers the period January 2005 to June 2006. This covers all grievances received by the PSC during these periods and the six monthly<sup>11</sup> reports from departments for the following periods:

- **Period 1:** January – June 2005
- **Period 2:** July – December 2005
- **Period 3:** January – June 2006.

Statistics from the South African National Defence Force, the South African Police Service, the Department of Correctional Services, the National Intelligence Agency and the South African Secret Service are not included in the analysis contained in Chapter 3, which deals with Grievance Resolution in Departments. However, statistics pertaining to the South African National Defence Force, the South African Police Service and the Department of Correctional Services are included in Chapter 4, which discusses trends in respect of grievances referred to the PSC for consideration in terms of section 35 of the Public Service Act, 1994 (as amended).

### **I.4.2 Database analysis**

The information gleaned from the grievances received by the PSC and the six monthly reports of departments are consolidated into two separate internal databases housed within the PSC. The databases contain the following variables –

- the number of grievances lodged in each department;
- the number of grievances finalised in each department;
- the number of grievances finalised in each department within the prescribed time limit;
- the number of grievances pending in each department;
- a breakdown of the causes and or nature of grievances in each department; and
- a breakdown of the race and gender distribution of the aggrieved in each department.

Information obtained from the database was collated in accordance with the classification mentioned above,

<sup>10</sup> *Ibid.*

<sup>11</sup> Republic of South Africa. Public Service Commission. Rule 1.1 of the Grievance Rules, 2003.

and used to provide a statistical overview and analysis of grievance trends. Collation of data was captured under the following headings –

- number of grievances lodged in each department;
- number of grievances finalised;
- number of grievances finalised within the prescribed time limit;
- number of grievances pending;
- causes and or nature of grievances;
- race and gender distribution of the aggrieved; and
- discussion of reasons for shortcomings in the management of grievances.

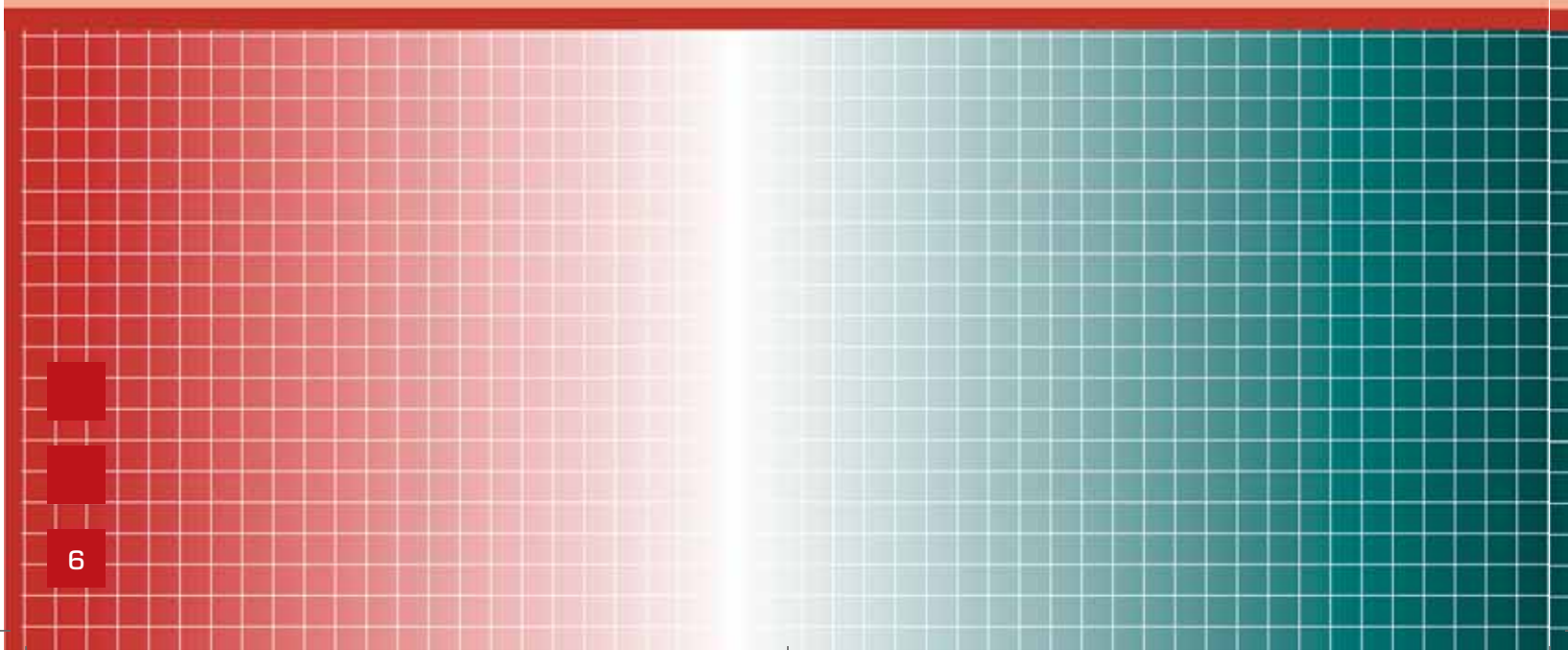
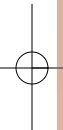
The analysis of trends was further enriched by findings of prior and concurrent investigative work of the PSC.

## **I.5 LIMITATIONS**

The limitations experienced in the compilation of this report relate to the following:

- Despite a format for the submission of grievance management reports, some reports were still inaccurate and/or contained incomplete data.
- Although categories of grievances and their definitions were identified, departments were unable to accurately categorise their own grievances.
- Some departments failed to submit reports.
- Most of the reports received were submitted long after the due date resulting in a delay of their analysis.

The above state of affairs impacts adversely on the effective monitoring of grievance management by departments, and on the PSC's ability to report to the National Assembly and Provincial Legislatures in terms of Rule I.2 of the Grievance Rules, 2003.



# Chapter Two

## Overview of Grievance Procedures in the Public Service

## 2.1 INTRODUCTION

The South African Public Service is an extremely labour intensive institution with more than one million employees. Managing relationships within such an institution is not without its challenges.

Within the employer / employee interface there are many incidences that lead to differences and dissatisfactions, and ultimately to grievances. Such grievances must be managed in such a manner that they do not impact negatively on the operational functioning of a department and takes into consideration the principle of fair labour practice. Such approach requires a structured framework for the management of grievances to ensure fairness and consistency.

This chapter deals with an overview of the grievance procedures in the Public Service as applicable to employees who are in the Public Service but are appointed in terms of legislation relevant to their service departments.

## 2.2 KEY UNDERLYING PRINCIPLES OF GRIEVANCE PROCEDURES

Key underlying principles should underpin an effective grievance procedure. Various publications<sup>12</sup> on labour relations and grievance management give guidance around these principles. Such literature also suggests that these principles have been able to stand the test of time<sup>13</sup>. An effective grievance procedure should essentially display the following key principles:

- Grievance management must be fair, equitable and consistent.
- There must be a clear understanding as to what constitutes a grievance.
- Clear actions must be taken once a grievance has been lodged and must be defined in a grievance procedure.
- Lodging of grievances must be in writing.
- There should be time limits for the lodging and investigation of a grievance.
- A grievance must be resolved as close to the point of origin as possible. This will ensure that a grievance is attended to and resolved in the shortest space of time possible.
- There must be defined communication channels to address the different stages of a grievance.
- The aggrieved should be provided with regular progress on the investigation procedure.
- The outcome of a grievance must be clearly communicated and reasons provided.

A structured grievance procedure provides for organisational space to raise a grievance without fear of retribution or victimisation.

## 2.3 GRIEVANCE PROCEDURES IN THE PUBLIC SERVICE

All public servants employed in the Public Service are covered by a grievance procedure. However, depending on which sector they are employed in, the grievance procedure may differ. As mentioned in Chapter 1 there are service departments that have developed their own grievance procedure distinct from the Grievance Rules promulgated by the PSC in 2003, which apply to employees employed in terms of the *Public Service Act*, 1994 (as amended). For example, officials appointed in terms of the South African Police Service are governed by the *South African Police Service Act*, 1995, and their grievance procedures in particular are contained in Agreements 5 of 1999, 2 of 2001 and 11 of 2001<sup>14</sup> concluded in the Safety and Security Sectoral Bargaining Council.

<sup>12</sup> Nel P S et al, "South African Employment Relations, Theory and Practice", Fifth Edition, 2005 (pp235 -243).

<sup>13</sup> D P Crane, "Personnel, the management of human resources", third edition, 1982 (pp331-334).

<sup>14</sup> Republic of South Africa. South African Police Service. Agreements 5 of 1999, 2 of 2001 and 11 of 2001, Safety and Security Sectoral Bargaining Council of the Public Service Co-ordinating Bargaining Council, concluded in the Safety and Security Sectoral Bargaining Council.

**Table I** below provides a tabulated summary to illustrate the various grievance procedures that exist within the Public Service.

**TABLE I: GRIEVANCE PROCEDURES IN THE PUBLIC SERVICE**

<b>SCOPE</b>	<b>LEGISLATIVE PROVISIONS THAT INFORM THE VARIOUS GRIEVANCE PROCEDURES</b>	<b>KEY PRINCIPLES OF THE VARIOUS GRIEVANCE PROCEDURES</b>
Employees appointed in terms of the Public Service Act, 1994 as amended	The Grievance Rules, 2003	<ul style="list-style-type: none"> <li>• Individual grievance</li> <li>• Prescribed grievance form must be used</li> <li>• Time limit to lodge a grievance</li> <li>• Clear communication protocols to address a grievance</li> <li>• Aim to resolve as close to point of origin</li> <li>• Time limits applicable to resolve a grievance</li> <li>• Designated employee to facilitate investigation</li> <li>• Highest level of grievance resolution within a department by EA</li> <li>• Aggrieved may request referral to PSC <i>via</i> EA if not satisfied with outcome</li> <li>• Matters referred to the PSCBC or a sectoral council not to be addressed by PSC</li> <li>• Time limit for PSC to consider a grievance</li> </ul>
Employees appointed in terms of the Defence Act, 2002	The Defence Act, 2002, section 61(1) C SANDF Directive 1/141/95	<ul style="list-style-type: none"> <li>• Individual and collective grievances allowed</li> <li>• No time limit to register</li> <li>• Forums manage the above</li> <li>• Resolve at lowest point</li> <li>• Prescribed grievance form must be used</li> <li>• Time limits applicable to resolve a grievance</li> <li>• Follow reporting lines</li> <li>• Highest level of grievance resolution with President</li> </ul>
Employees appointed in terms of the South African Police Service Act, 1995	Grievance Procedure as regulated by Agreements 5 of 1999, 2 of 2001 and 11 of 2001 concluded in the Safety and Security Sectoral Bargaining Council	<ul style="list-style-type: none"> <li>• Individual grievance</li> <li>• Time limit to lodge a grievance</li> <li>• Condonation of late submitting may be considered</li> <li>• Resolve at lowest point</li> <li>• Time limits applicable to resolve a grievance</li> <li>• Defined communication protocol to address grievance</li> <li>• Conciliation Meeting</li> <li>• May declare dispute with the Safety and Security Sectoral Bargaining Council</li> </ul>

Employees appointed in terms of the Correctional Services Act, 1994 as amended	Correctional Services Act, 1994 Grievance Procedure Manual	<ul style="list-style-type: none"> <li>• Individual grievance</li> <li>• No time limit to lodge a grievance</li> <li>• Resolve at lowest point</li> <li>• Follow 7 stages</li> <li>• Time limits applicable to resolve a grievance</li> <li>• Final decision rests with Deputy Commissioner</li> <li>• May, if still aggrieved, pursue any lawful course of action</li> </ul>
Employees appointed in terms of the Educators Act, 1994 as amended	The Employment of Educators Act, 1998, section 3(2) Grievance procedure for Educators in Chapter H of the Personnel Administration Measures (PAM)	<ul style="list-style-type: none"> <li>• Individual grievance</li> <li>• Time limit to lodge a grievance</li> <li>• Resolve at lowest point</li> <li>• Grievances must be submitted in writing</li> <li>• Time limits applicable to resolve a grievance</li> <li>• Defined communication protocol to address grievance</li> <li>• May declare dispute with the Executive Officer of Education LR Council</li> </ul>
Employees appointed in terms of the Intelligence Services Act, 2002	Classified information	Classified information

Notwithstanding the different grievance procedures in operation, any employee employed in the Public Service may request an investigation by the PSC in terms of the provisions contained in section 196(4) (f) (i) and (ii) of the *Constitution*, 1996. However, the PSC will only entertain such a grievance if internal remedies within the department have been exhausted.

## 2.4 GRIEVANCE PROCEDURE, 2003

Having provided a broad perspective on the different prevailing grievance procedures, the focus of this research report is on the Grievance Rules, 2003 which are applicable to employees employed in terms of the *Public Service Act*, 1994 (as amended).

According to the Grievance Rules a grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or omission which adversely affects him/her. An employee may lodge a grievance with a designated employee who facilitates the resolution of grievances in the department. The prescribed form must be used when a grievance is lodged.

The Grievance Rules further stipulate that if so requested, an employer must provide the relevant information necessary for an employee to lodge or pursue a grievance, subject however, to any limitations imposed by law.

Although the Grievance Rules do not allow for legal representation, an employee may be assisted by any fellow employee to represent his/her case.

A grievance must, as far as possible, be resolved by an employer and as close to the point of origin as possible. However, the department (including the executing authority) has 30 days to deal with the grievance. If there is failure on the part of the department to respond to the grievance within the prescribed 30 days, the aggrieved officer may lodge his/her grievance –

- (a) with the PSC directly; or
- (b) in the case of an alleged unfair labour practice, with the Public Co-ordinating Bargaining Council or the relevant sectoral council (whichever is applicable) in terms of the dispute resolution procedure.

The 30 day period within which a grievance must be finalised may be extended in writing by mutual agreement. In order to facilitate the resolution of grievances, the designated employee must liaise with the relevant structures of authority in the department.

Even though there is a designated employee responsible for the resolution of grievances, a grievance may be resolved by any person within the relevant structures of authority who has the requisite authority to do so. However, the employer must ensure that the grievance is dealt with in a fair, impartial and unbiased manner and that the principles of natural justice are observed. The procedure must be such that it assists and enables both the employer and employee to address dissatisfaction.

To ensure that there is transparency, no employee must be victimised or prejudiced, either directly or indirectly, as a result of lodging a grievance.

If the grievance is resolved to the satisfaction of the aggrieved employee, he/she must confirm this in writing. If a grievance cannot be resolved, the executing authority must inform the aggrieved employee accordingly.

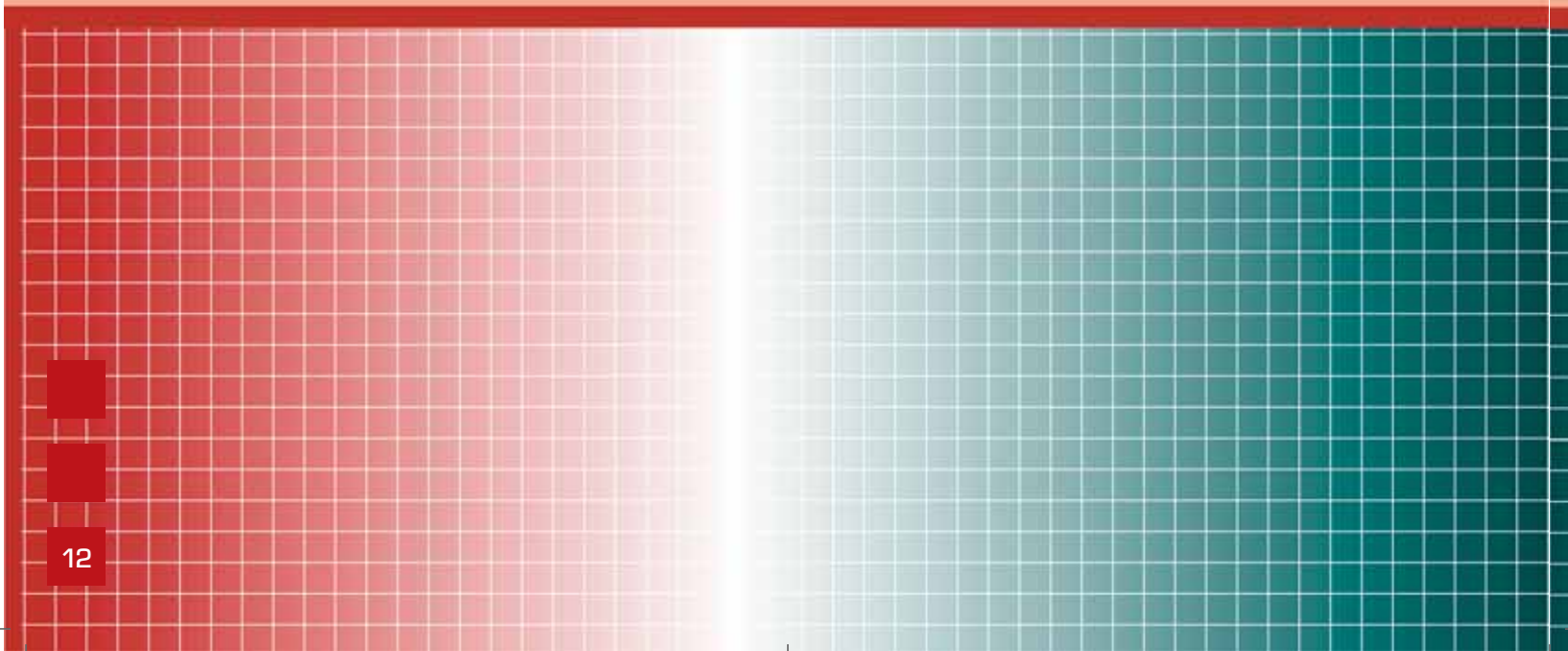
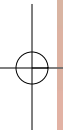
If the aggrieved employee remains dissatisfied after having been informed of the outcome of the grievance –

- (a) he/she must inform the executing authority thereof in writing within 10 days for referral of the grievance to the PSC for further consideration;
- (b) the executing authority must in terms of section 35 (1) of the Public Service Act, 1994 (as amended) forward the grievance and all the relevant documentation to the PSC.

After the referral of a grievance to the PSC and the PSC has received all the information from the executing authority, it must within 30 days consider such grievance and inform the executing authority of its recommendation and the reasons for its decision in writing. On receipt of the PSC's recommendation, the executing authority must, within five days, inform the employee and the PSC of his/her decision in writing.

According to the Grievance Rules, if a Head of a National Department has a grievance he/she may submit the grievance to the President. However, a Head of a Provincial Department may submit his/her grievance to the relevant Premier. The President and the Premier also have 30 days within which they have to resolve the grievance and the period may be extended by mutual agreement in writing. Heads of Departments may request that their grievances be referred to the PSC if they remain dissatisfied after finalisation of the internal process.

The Grievance Rules stipulate that Heads of Departments must ensure that grievance resolution is evaluated by maintaining a record of grievances resolved from the beginning of each calendar year and report on a six monthly basis to the PSC.



# Chapter Three

## Grievance Resolution within Departments

### 3.1 INTRODUCTION

This chapter reflects on data as reported by national and provincial departments in respect of grievances handled within departments. The data analysis on grievances lodged with the PSC is dealt with in Chapter 4 of this Report. As already indicated in Chapter 2, the reporting periods covered by this research are –

- **Period 1:** January – June 2005
- **Period 2:** July – December 2005
- **Period 3:** January – June 2006.

This chapter reflects patterns drawn and analysed from the data in respect of the causes of grievances, the profile of aggrieved officials and the status of grievances. The statistics and patterns are analysed in an attempt to identify discernible trends in grievance management within the Public Service.

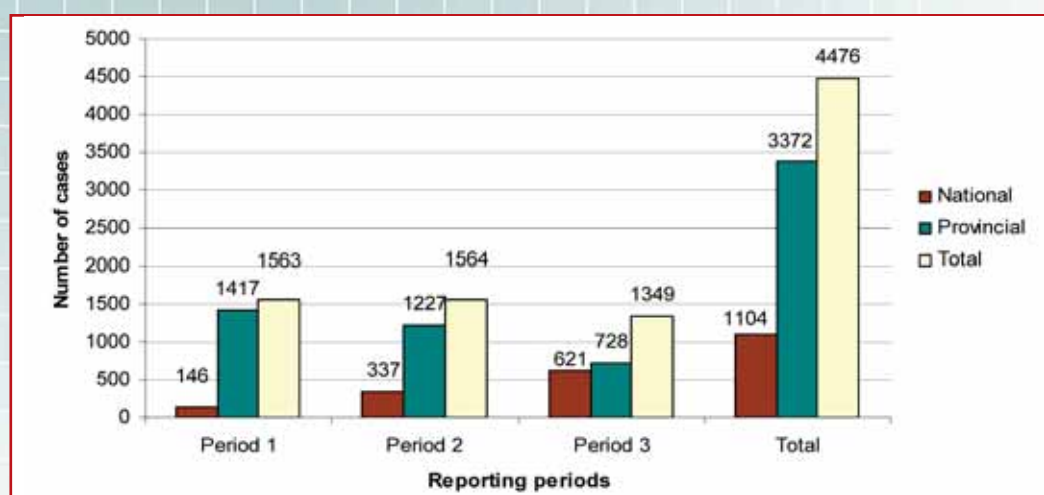
### 3.2 TOTAL NUMBER OF GRIEVANCES REPORTED BY DEPARTMENTS AT NATIONAL AND PROVINCIAL LEVEL

Overall during the three periods mentioned in paragraph 3.1 above, a total number of 4476 grievances were lodged by employees within departments at national and provincial level. **Table 2** below provides a breakdown of cases reported over the three periods at national and provincial level.

**TABLE 2: TOTAL NUMBER OF GRIEVANCES REPORTED BY DEPARTMENTS AT NATIONAL AND PROVINCIAL LEVEL**

ORIGIN OF GRIEVANCES	NUMBER OF GRIEVANCES			
	Period 1	Period 2	Period 3	Total
National	146	337	621	1104
Provincial	1417	1227	728	3372
<b>Total</b>	<b>1563</b>	<b>1564</b>	<b>1349</b>	<b>4476</b>

An analysis of **Figure 1** below indicates that the highest number of grievances was reported by provinces in each period. Overall, the provinces reported a substantially higher number of grievances (74%) as compared to national departments (26%). However, this is in line with the composition patterns of employees employed at provincial level as compared to national level.



**FIGURE 1: TOTAL NUMBER OF GRIEVANCES REPORTED BY DEPARTMENTS AT NATIONAL AND PROVINCIAL LEVEL**

### 3.3 GRIEVANCE RESOLUTION AT NATIONAL LEVEL

#### 3.3.1 Grievances lodged

Overall during the three periods mentioned above, a total number of 1104 grievances were lodged by employees within departments at national level. In Period 1 a total number of 146 grievances were lodged. In Period 2 this figure increased to 337 and in Period 3 no less than 621 grievances were lodged at national departments. **Figure 2** below provides a breakdown of the total number of grievances (reflected as a percentage) reported over the three periods.

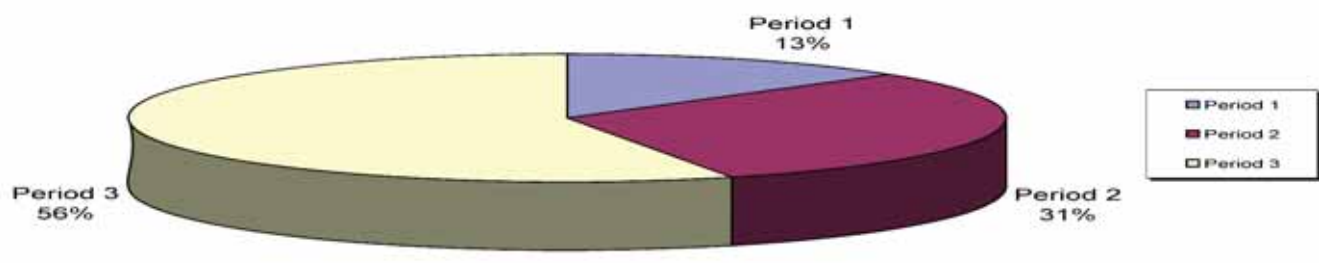


FIGURE 2: PERCENTAGE OF GRIEVANCES REPORTED DURING THE THREE PERIODS

According to **Figure 2** above, the number of grievances lodged by employees has increased quite substantially from period to period, with the highest percentage of cases (56%) reported in **Period 3**.

**Table 3** shows the total number of grievances lodged with national departments per period. It also reflects that the departments of Foreign Affairs, Justice and Constitutional Development, Labour, National Treasury, Public Works, Statistics South Africa and Water Affairs and Forestry have a higher number of grievances than other national departments.

TABLE 3: NUMBER OF AGGRIEVED EMPLOYEES IN NATIONAL DEPARTMENTS FOR THE THREE REPORTING PERIODS

NATIONAL DEPARTMENTS	Period 1 Number Of Grievances Received	Period 2 Number Of Grievances Received	Period 3 Number Of Grievances Received
Agriculture	11	20	22
Arts & Culture	0	0	6
Communications	0	6	6
Education	3	0	5
Environmental Affairs & Tourism	0	13	7
Foreign Affairs	0	38	5
Government Communication Information Service	0	0	0
Health	10	0	9

Home Affairs	0	0	22
Housing	0	4	6
Independent Complaints Directorate	0	2	0
Justice & Constitutional Development	0	109	375
Labour	39	27	25
Land Affairs	15	0	6
Minerals & Energy	0	16	9
National Treasury	29	28	No Report
Provincial & Local Government	4	7	0
Public Enterprises	2	0	0
Public Service & Administration	0	1	0
Office of the Public Service Commission	2	0	2
Public Works	0	0	62
Science & Technology	0	0	0
Secretariat for Safety & Security	0	0	0
SA Management and Development Institute	0	2	1
Social Development	0	2	0
Sport & Recreation South Africa	0	0	2
Statistics South Africa	0	14	10
The Presidency	0	0	3
Trade & Industry	11	8	No Report
Transport	0	6	2
Water Affairs & Forestry	20	33	36
<b>TOTAL</b>	<b>146</b>	<b>337</b>	<b>621</b>

**Table 3** reflects the number of aggrieved employees and **Table 4** the number of grievances recorded. As some employees lodged more than one grievance, the totals reflected in **Table 4** will therefore be higher than the number of aggrieved employees reflected in **Table 3**.

The “no reports” submitted by National Treasury and the Department of Trade and Industry clearly reflect non-compliance with Rule 1.1 of the Grievance Rules, 2003. Such non-compliance impacts on accurate monitoring and evaluation, and skews reporting on grievance management in the Public Service.

### 3.3.2 Causes of grievances

In order to extract grievance patterns, the causes of grievances were categorised by the PSC. **Table 4** below demonstrates the total number of causes of grievances reported from period to period, and also reflects the aggregate ranking order of these causes.

**TABLE 4: CAUSES OF GRIEVANCES AT NATIONAL DEPARTMENT LEVEL**

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	37	47	165	249	3
Undermining of authority	3	6	0	9	8
Application approval/Refusal to approve application	4	7	9	20	7
Disciplinary matter	11	6	16	33	5
Salary problem (adjustment/increase/payment, etc.)	65	50	147	262	2
Performance assessment	30	203	227	460	1
Unfair treatment (other than what is listed)	29	35	50	114	4
Not listed	0	0	29	29	6
<b>TOTAL</b>	<b>179</b>	<b>354</b>	<b>643</b>	<b>1176</b>	

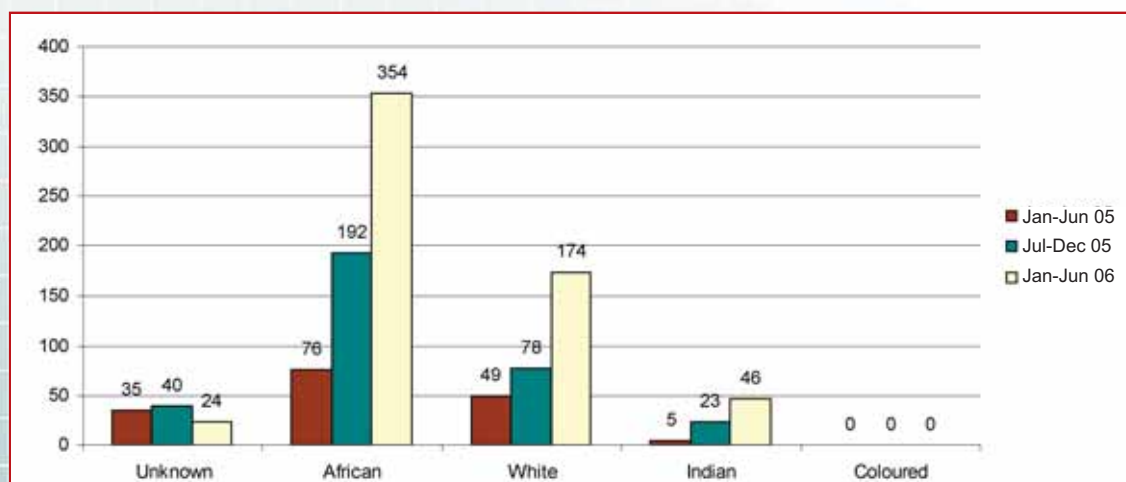
Dissatisfaction around performance assessments is seen as the main cause of grievances at national level. This is followed by salary problems and recruitment and selection.

As reflected in **Table 4** above some grievances lodged relate to disciplinary matters. The position of the PSC regarding such grievances is that the grievance procedure and the Code of Disciplinary Procedure in Public Service<sup>15</sup> are separate processes. Furthermore the Grievance Rules provide that if a disciplinary action is being taken against an employee, utilisation of the grievance procedure by the employee to address any matter related to the disciplinary action shall not halt the disciplinary procedure<sup>16</sup>.

<sup>15</sup> Republic of South Africa. Department of Public Service and Administration. Guide on Disciplinary and Incapacity Matters. PSCBC Resolution 2/1999.

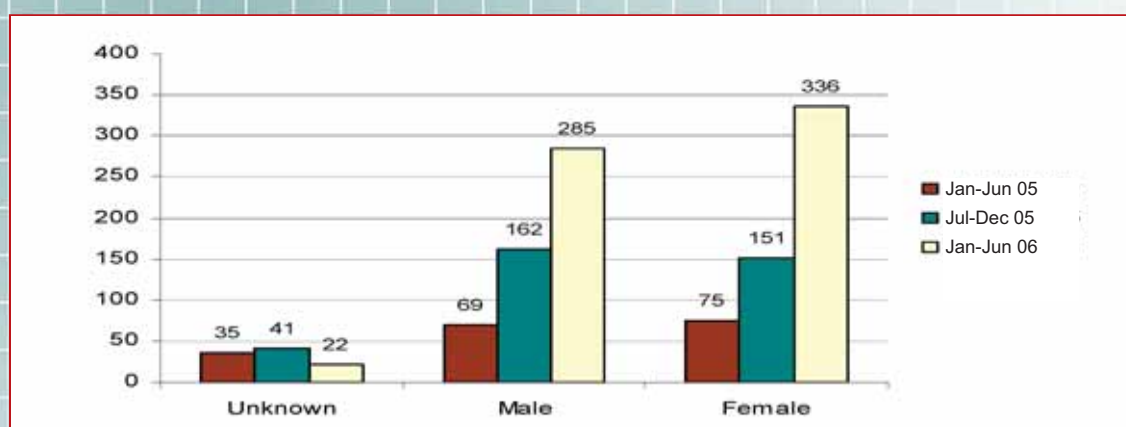
<sup>16</sup> Republic of South Africa. Public Service Commission. Rule C.5 of the Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003.

The racial and gender distribution of the aggrieved employees in the national departments is reflected in **Figure 3** and **Figure 4**.



**FIGURE 3: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES**

**Figure 3** and **Figure 4**, depict respectively the racial and gender distribution of aggrieved employees. Both the racial and gender spread of aggrieved officers roughly follow the same racial composition ratios of the Public Service, as reflected in the PSC's Report on Affirmative Action.<sup>17</sup> The report reflects the highest number of employees in the Public Service as Africans, followed by Whites, Coloureds and Indians. As the number of grievances increased from period to period, the basic racial and gender distribution pattern increased in a proportional manner. This pattern suggests that race and gender do not appear to be an underlying or added dimension to the lodging of grievances.



**FIGURE 4: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES**

One of the limitations mentioned in chapter I, was the inadequate grievance resolution reports submitted by departments. As is evident in **Figure 3** and **Figure 4**, the race and gender of a considerable number of aggrieved employees are unknown as the fields were not completed by certain departments.

### 3.3.3 Status of grievances within departments

The status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes. In other words a grievance can be resolved by a department, within defined time frames and to the satisfaction of the aggrieved. Alternatively, the department may have carried out the grievance investigation and the aggrieved party remains dissatisfied. This section looks at these variations and draws patterns for trends analysis.

<sup>17</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

Data submitted by departments reflect the status of grievances, namely whether grievances lodged with them were:

- Finalised
- Finalised within prescribed time frames
- Referred to other agencies
- Pending.

**Table 5** depicts the status of grievances per national department.

**TABLE 5: NATIONAL DEPARTMENTS' REPORTS ON THE STATUS OF GRIEVANCE**

<b>NATIONAL DEPARTMENTS</b>	<b>Number Of Grievances Received</b>	<b>Number Of Grievances Finalised</b>	<b>Number Finalised Within Prescribed Time frames</b>	<b>Number Referred to OPSC and other Agency</b>	<b>Pending</b>
Agriculture	53	29	5	1	24
Arts & Culture	6	4	3	0	2
Communications	12	3	0	1	9
Education	9	2	0	1	7
Environmental Affairs & Tourism	20	14	1	0	6
Foreign Affairs	43	24	2	3	19
Government Communications (GCIS)	0	0	0	0	0
Health	19	7	0	1	12
Home Affairs	22	21	20	0	1
Housing	10	1	0	1	9
Independent Complaints Directorate	2	1	0	0	1
Justice & Constitutional Development	484	109	9	0	375
Labour	91	63	46	16	28
Land Affairs	21	16	2	3	5
Minerals & Energy	25	20	7	1	5
National Treasury	57	11	0	0	46
Provincial & Local Government	11	6	0	0	5

Public Enterprises	2	2	0	0	0
Public Service & Administration	1	0	0	0	1
Office of the Public Service Commission	4	2	0	0	2
Public Works	62	20	17	14	42
Science & Technology	0	0	0	0	0
SA Management Development Institute	3	1	0	1	2
SA Revenue Service	0	0	0	0	0
Social Development	2	2	0	0	0
Sport & Recreation South Africa	2	0	0	0	2
Statistics South Africa	24	17	3	0	7
The Presidency	3	1	0	1	2
Trade & Industry	19	11	3	5	8
Transport	8	8	0	0	0
Water Affairs & Forestry	89	31	12	9	58
<b>TOTAL</b>	<b>1 104</b>	<b>426</b>	<b>130</b>	<b>58</b>	<b>678</b>

### Grievances finalised by national departments

Grievances are regarded as having been finalised within a department when a department's internal grievance investigation has been concluded to the level of the executing authority, and the aggrieved is informed of the outcome. Such definition would include instances where aggrieved officers remain dissatisfied with the outcome and requests the referral of their grievances to the PSC or the PSCBC or one of its Sectoral Councils.

As depicted in **Table 5**, national departments only managed to finalise 426 cases of the 1 104 grievances received, which puts the overall average finalisation rate for the investigation of grievance in national departments at an unsatisfactory 40%.

A breakdown of grievances finalised per period is reflected below:

- **Period 1** – 84 (69%) grievances finalised out of 146 lodged
- **Period 2** – 142 (47%) grievances finalised out of 337 lodged
- **Period 3** – 200 (34%) grievances finalised out of 621 lodged.

## Grievances pending finalisation in national department

Grievances pending refers to grievances where the grievance has not been finalised, and the department has not provided an outcome to the aggrieved party.

Flowing from **Table 5** the following number of grievances were reflected as pending within national departments:

- **Period 1** – 62 (31%) grievances pending out of 146 lodged
- **Period 2** – 195 (53%) grievances pending out of 337 lodged
- **Period 3** – 421 (66%) grievances pending out of 621 lodged.

This high and increasing number of pending grievances is a matter for concern. Not only does it suggest that grievances are not being dealt with timeously, but it may also illustrate inadequate grievance management within departments. Compounding this problem was the fact that in the data submitted by the departments there was no information on details of the outcome of certain grievance investigations. For example, in **Period 1**, the outcome of 35 grievances was unknown, while in **Periods 2** and **3**, the outcomes of 28 and 22 grievances respectively, were unknown.

## Timely resolution of grievances

According to the Grievance Rules, 2003, a grievance must be finalised within a period of 30 days from the date it was lodged. Prolonging the finalisation of grievances is not healthy for the individual or the organisation. The dissatisfaction tends to fester and impact negatively on the surrounding staff.

In **Period 1** only 20 of the 84 finalised grievances were finalised within the prescribed time limit. In **Period 2** only 17 out of 142 grievances were finalised within the prescribed time limit. In **Period 3**, 93 of the 200 finalised grievances were finalised within the prescribed time limit.

An overall analysis of **Table 5** shows that over the entire period on average only 30% of grievances were investigated and finalised within the prescribed time limit. This points to inadequate grievance management within departments and suggest that grievance investigations are not being prioritised, or there is difficulty in implementing the grievance procedure, or a combination of the two.

## 3.4 GRIEVANCE RESOLUTION AT PROVINCIAL LEVEL

This section reflects the patterns drawn and analysed from the provincial departments' data in respect of the causes of grievances, the profile of aggrieved officials and the status of grievances. The statistics and patterns are analysed in an attempt to classify distinct trends in grievance management within the Provinces.

For ease of reference, **Table 6** provides a global picture of the total number of grievances lodged in the respective reporting Periods in each provincial administration. The number of grievances in a province may not be an indictment of the province's grievance management but may indicate that departments in a particular province may be better at keeping grievance records in terms of Rule 1.1 of the Grievance Rules, 2003 than other departments.

TABLE 6: PROVINCIAL ADMINISTRATION REPORTS ON GRIEVANCE STATISTICS FOR THE THREE PERIODS

PROVINCIAL ADMINISTRATION	Period 1	Period 2	Period 3	TOTAL
Eastern Cape Province	308	145	101	554
Free State Province	149	198	106	453
Gauteng Province	154	156	136	446
KwaZulu-Natal Province	157	210	132	499
Limpopo Province	412	127	58	597
Mpumalanga Province	55	62	30	147
Northern Cape Province	No Report	27	47	74
North West Province	81	171	67	319
Western Cape Province	101	131	51	283
<b>TOTAL</b>	<b>1417</b>	<b>1227</b>	<b>728</b>	<b>3372</b>

**Table 6** reflects Limpopo and Eastern Cape Provinces as having reported the highest number of grievances overall. The total number of grievances for these two provinces is influenced by the reports for **Period 1** where Limpopo had 412 grievances and Eastern Cape had 308. However, in **Periods 2** and **3**, grievances in these two provinces decreased by more than 60%. The Northern Cape Province reflects the lowest number of grievances over the three **Periods**. However, this must be seen against the fact that during the first period no report was submitted by any of the departments in that province. The Mpumalanga Province consistently shows a low number of grievances lodged as compared with other provinces.

The analysis that follows focuses on provincial administrations and reflects on the trends that emerge.

### 3.4.1 EASTERN CAPE PROVINCIAL ADMINISTRATION

#### 3.4.1.1 Grievances lodged

Unlike the situation in National Departments, the number of grievances lodged by employees in departments in the Eastern Cape Provincial Administration (Eastern Cape) decreased quite substantially from period to period. In **Period 1** a total number of 308 grievances were lodged. In **Period 2** this figure fell to 145 and again to 101 in **Period 3**.

The Department of Agriculture, Conservation, Environment and Tourism received the highest number of grievances over the three reporting periods. Furthermore, as is evident from **Figure 5**, the number of grievances lodged with the Department of Agriculture, Conservation, Environment and Tourism stands at 219, while the Department of Education, which is the biggest department in the Province, only reported 84 cases. This would suggest that grievance management in the Department of Agriculture, Conservation, Environment and Tourism will have to be looked at much closer, especially against the causes of grievances.

**Figure 5** below depicts the total number of grievances lodged per department in the Eastern Cape Provincial Administration over all three periods, as reported by the departments.

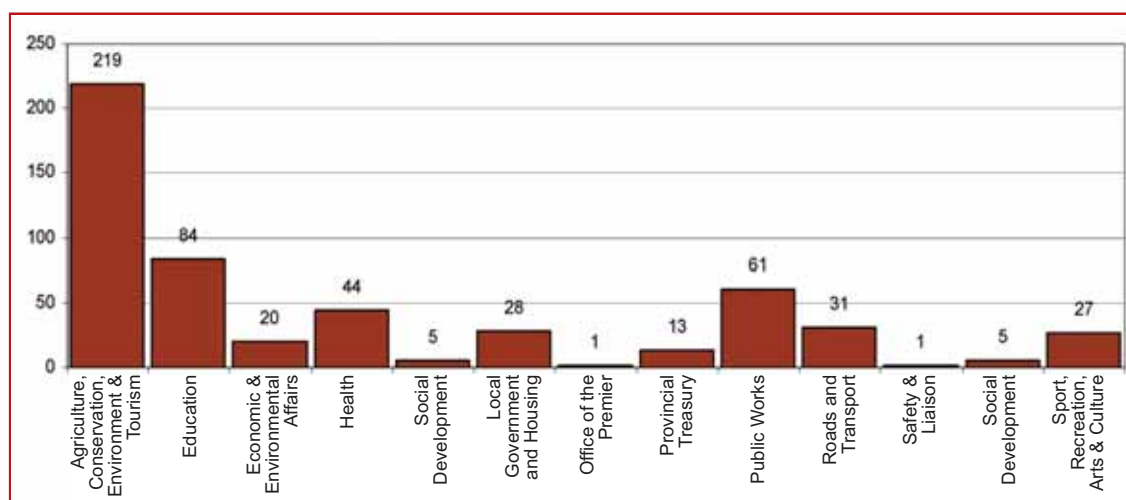


FIGURE 5: NUMBER OF GRIEVANCES LODGED IN THE EASTERN CAPE PROVINCE

### 3.4.1.2 Causes of grievances

The causes of grievances lodged per period are reflected in **Table 7** below.

TABLE 7: CAUSES OF GRIEVANCES IN THE EASTERN CAPE PROVINCE

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	7	34	30	71	3
Undermining of authority	3	0	0	3	8
Application approval/Refusal to approve application	2	5	5	12	6
Disciplinary matter	1	3	4	8	7
Salary problem (adjustment/increase/payment, etc.)	99	37	17	153	2
Performance assessment	170	64	36	270	1
Unfair treatment (other than what is listed)	5	1	9	15	5
Not listed	21	1	0	22	4
<b>TOTAL</b>	<b>308</b>	<b>145</b>	<b>101</b>	<b>554</b>	

The top three causes of grievances in the Eastern Cape departments are dissatisfaction around performance assessments, salary related matters and recruitment and selection. This may require a serious look into the current policies and practices in relation to the identified areas to assess the underlying causes of the

dissatisfactions expressed. In some instances it may be that a good policy is being implemented badly. Assessing the policies in these areas and their implementation could result in a discernible drop in the number of grievances in the province.

### 3.4.1.3 Racial and gender distribution among aggrieved employees

Patterns on racial and gender distribution of the aggrieved employees per period were tracked as is shown in **Figure 6** and **Figure 7**.

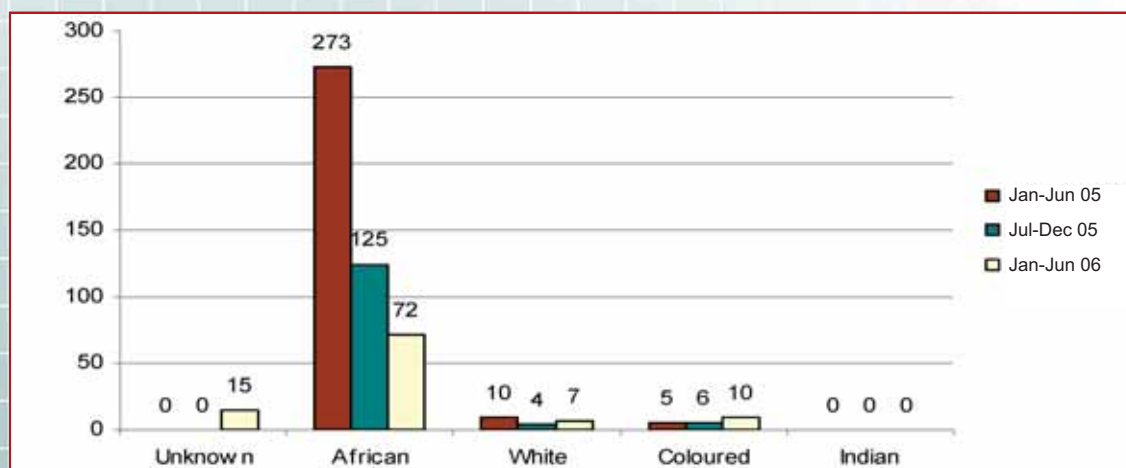


FIGURE 6: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE EASTERN CAPE PROVINCIAL ADMINISTRATION

**Figure 6** and **Figure 7** represent the racial and gender distribution of grievances lodged in the Eastern Cape Province. As the racial and gender spread represent the demographics of the Public Service<sup>18</sup> in the Province, neither of these categories appears to be an added dimension in the lodging or causes of grievances.

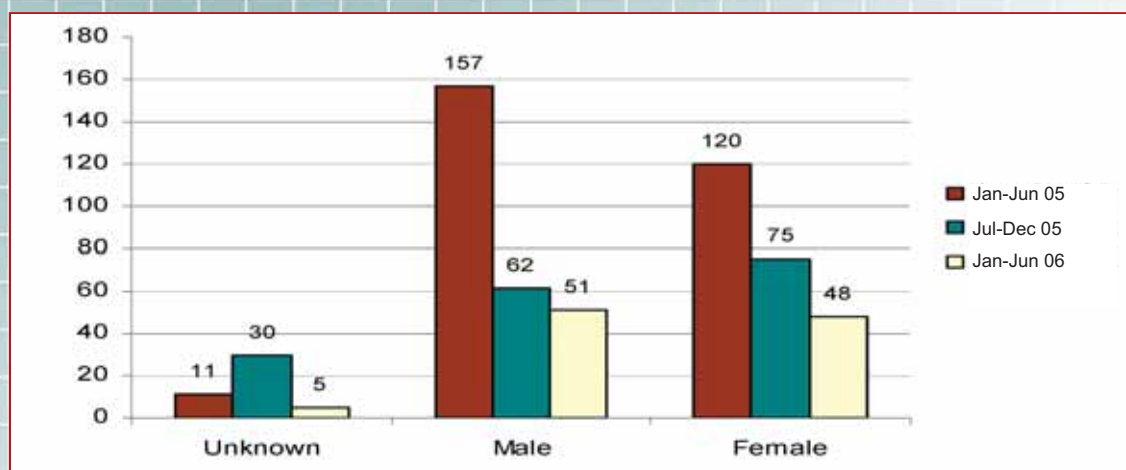


FIGURE 7: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEE IN THE EASTERN CAPE PROVINCIAL ADMINISTRATION

### 3.4.1.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province's departments reflect, in **Table 8** below, the status of grievances.

<sup>18</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

TABLE 8: NUMBER AND STATUS OF GRIEVANCES IN THE EASTERN CAPE DEPARTMENTS

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD 1			PERIOD 2			PERIOD 3		
	1	2	3	1	2	3	1	2	3
Education	52	24	28	0	0	8	52	24	20
Agric, Conserv, Environm & Tourism	182	32	5	160	6	0	22	26	5
Health	13	–	31	4	–	0	9	–	31
Sport, Recreation, Arts & Culture	13	9	5	13	4	5	0	5	0
Social Development	–	–	5	–	–	0	–	–	5
Public Works	20	36	5	18	12	4	2	24	1
Treasury	5	5	3	5	0	1	0	5	2
Roads & Transport	9	11	11	6	0	1	3	11	10
Safety & Liaison	1	–	0	0	–	0	1	–	0
Economic Affairs & Tourism	3	11	6	2	1	1	1	25	5
Office of the Premier	1	–	0	0	–	0	1	–	0
Local Government & Housing	9	17	2	3	10	1	6	7	1
<b>TOTAL</b>	<b>308</b>	<b>145</b>	<b>101</b>	<b>211</b>	<b>33</b>	<b>21</b>	<b>97</b>	<b>127</b>	<b>80</b>

### Grievances finalised

As depicted in **Table 8**, the Eastern Cape departments only managed to finalise 265 cases of the 554 grievances received, which puts the overall average finalisation rate in this Province at 48%. A breakdown of grievances finalised per period is reflected below:

- **Period 1** – 211 (69%) grievances finalised out of 308 lodged
- **Period 2** – 33 (23%) grievances finalised out of 145 lodged
- **Period 3** – 21 (79%) grievances finalised out of 101 lodged.

As is evident from **Table 8**, the Departments of Sport, Recreation, Arts and Culture and Public Works managed to finalise a higher number of grievances. However, the same cannot be said of the rest of the departments which tend to point to a generally inadequate level of grievance management in the Province. The Department of Education has consistently not finalised grievances in **Periods 1** and **2**. It is only in **Period 3** that 8 of 28

grievances were finalised. In the absence of reasons reported for this poor level of performance, this matter is in need of further scrutiny.

### Grievances pending

The figures represented in **Table 8** on pending grievances highlight the concerns around grievance management already raised in respect of the finalisation of grievances within the Province. A further concern that emanates from this is that a high number of aggrieved employees remain dissatisfied for a prolonged time due to the high numbers of grievances pending. This is not conducive to employee wellness and productivity. Below is a breakdown of grievances pending per period.

- **Period 1** – 97 (31%) grievances pending out of 308 lodged
- **Period 2** – 127 (79%) grievances pending out of 160 lodged
- **Period 3** – 80 (79%) grievances pending out of 101 lodged.

Unfortunately the reasons for this high number of pending grievances cannot be explained. It can be either that the Province's departments are lacking in the necessary capacity to handle grievances in an expeditious manner, or that they lack the necessary skills to do so or simply that they do not afford the management of grievances the necessary priority. Reasons will have to be established through further research.

### Grievances finalised within the prescribed time limit

In **Period 1** the Eastern Cape departments managed to finalise 9 (3%) out of 308 lodged grievances within the prescribed time limit. In **Period 2** no grievances (0%) out of a total number of 145 grievances lodged were finalised within the prescribed time limit. In **Period 3** matters improved slightly, where 7 (7%) out of 101 lodged grievances were finalised within the prescribed time limit.

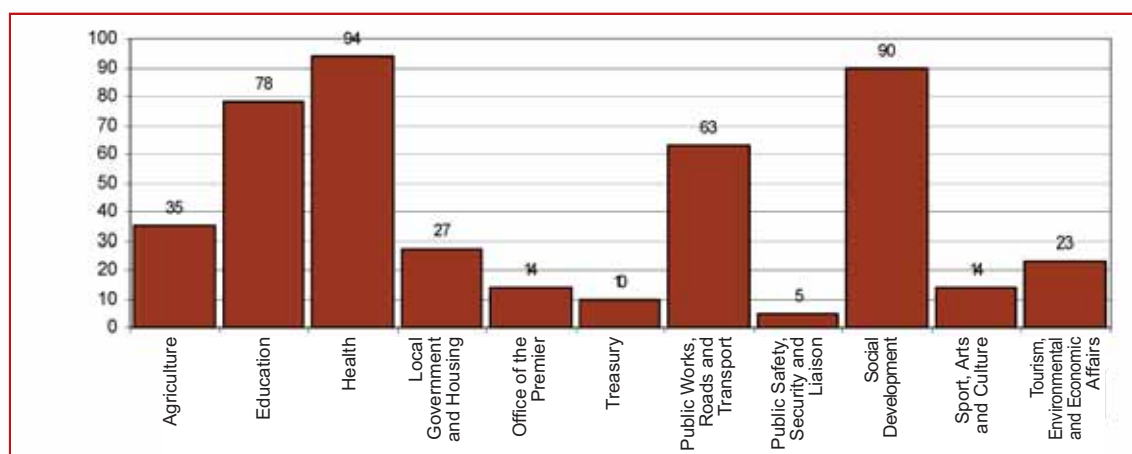
Overall, only 6% of grievances were finalised within the prescribed time limit of 30 days.

## 3.4.2 FREE STATE PROVINCIAL ADMINISTRATION

### 3.4.2.1 Grievances lodged

Rather than a continuous decrease or increase over the three periods, the data from the Free State Provincial Administration (Free State) shows a fluctuation in the number of grievances lodged. This is unlike the patterns observed in the National Departments where the number of grievances lodged demonstrated a continued increase, or in the provincial departments in the Eastern Cape and Limpopo, where the number of grievances lodged showed a continued decrease. This vacillation is reflected as follows: In **Period 1** a total number of 149 grievances were lodged. In **Period 2** this figure increased to 198, whereas only 106 grievances were lodged in **Period 3**.

**Figure 8** below indicates the total number of grievances lodged in departments in the Free State Provincial Administration for the period in question, as reported by the departments:



**FIGURE 8: NUMBER OF GRIEVANCES LODGED IN THE FREE STATE PROVINCIAL ADMINISTRATION**

Despite overall lower grievances in comparison to the other provinces, within this Province the departments of Health (94 grievances), Social Development (90 grievances), Education (78 grievances) and Public Works, Roads and Transport (63 grievances) registered a fairly high number of grievances. This may point to worrying signs of grievance management in these departments.

### 3.4.2.2 Causes of grievances

The causes of grievances lodged per period in the Free State departments are reflected in **Table 9** below.

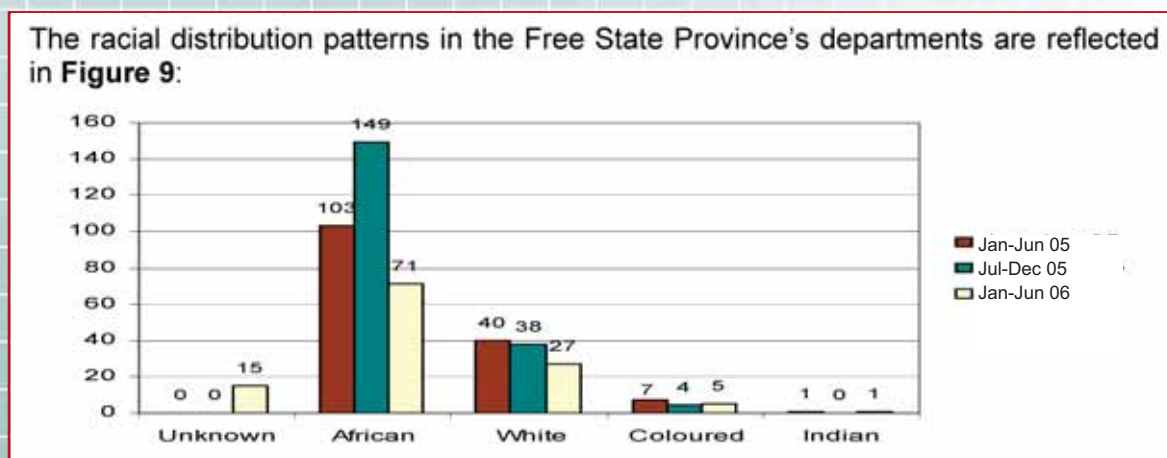
**TABLE 9: CAUSES OF GRIEVANCES IN THE FREE STATE PROVINCIAL DEPARTMENTS**

CAUSES OF GRIEVANCES	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	19	24	12	55	4
Undermining of authority	0	19	0	19	6
Application approval/Refusal to approve application	3	9	8	20	5
Disciplinary matter	0	5	7	12	7
Salary problem (adjustment/increase/payment, etc.)	21	28	15	64	3
Performance assessment	64	85	39	188	1
Unfair treatment (other than what is listed)	31	18	21	70	2
Not listed	11	10	4	25	8
<b>TOTAL</b>	<b>149</b>	<b>191</b>	<b>106</b>	<b>446</b>	

On a ranking scale, dissatisfactions around performance assessments, unfair treatment and salary problems rank the highest. The category ranked the second highest cause of grievances, unfair treatment, includes aspects such as verbal abuse, unfairness, racial and gender discrimination, favouritism, victimisation, humiliation and intimidation. This goes to the issues of behaviour and attitude, and reflects perhaps on how human resources are managed in the Province. People management and an appreciation for such management may be an area of training needed. This is apart from the need to review the policies and the application of these policies and practices in respect of performance assessment, unfair treatment and salary matters, as was pointed out in the analysis on National Departments and the Eastern Cape Province.

### 3.4.2.3 Racial and gender distribution among aggrieved employees

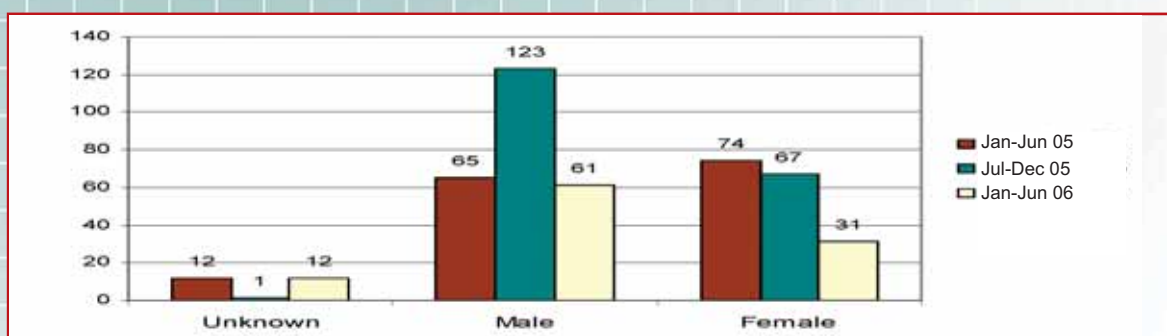
The racial distribution patterns in the Free State Province's departments are reflected in **Figure 9**:



**FIGURE 9: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE FREE STATE PROVINCIAL ADMINISTRATION**

The racial distribution of grievances lodged in the Free State Province represents the demographics of the Public Service<sup>19</sup> in the Province. It would therefore appear that race is not an added dimension in the lodging or causes of grievances.

The gender distribution patterns in the Free State Province's departments are reflected in **Figure 10**:



**FIGURE 10: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE FREE STATE PROVINCIAL ADMINISTRATION**

**Figure 10** shows that slightly more women lodged grievances than their male counterparts in **Period 1**. However, this changed in **Periods 2** and **3** with nearly double the number of men lodging grievances as compared to women. This represents quite a substantial shift to the pattern.

<sup>19</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

### 3.4.2.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province's departments reflect, in **Table 10** below, the status of grievances.

**TABLE 10: NUMBER AND STATUS OF GRIEVANCES IN THE FREE STATE DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Agriculture	16	8	11	3	2	0	13	6	11
Education	23	36	19	17	0	1	6	36	18
Health	–	69	25	–	25	2	–	44	23
Local Government & Housing	9	9	9	2	2	7	7	7	2
Public Safety, Security & Liaison	1	3	1	0	3	0	1	0	1
Public Works, Roads & Transport	20	27	16	18	27	16	2	0	0
Office of the Premier	1	11	2	0	7	0	1	4	2
Social Development	64	15	11	46	12	9	18	3	2
Sport, Arts and Culture	6	2	6	5	2	1	1	0	5
Treasury	6	4	0	5	4	0	1	0	0
Tourism, Environmental & Economic Affairs	3	14	6	1	6	3	2	8	3
<b>TOTAL</b>	<b>149</b>	<b>198</b>	<b>106</b>	<b>97</b>	<b>90</b>	<b>39</b>	<b>52</b>	<b>108</b>	<b>67</b>

#### Grievances finalised

As shown in **Table 10**, the Free State departments only managed to finalise 226 out of 453 grievances received. This puts the overall finalisation rate in the Province at 50%. The concern in this regard is that 50% of aggrieved employees' state of dissatisfaction is prolonged. This must be seen in the context of the debilitating effect that unhappy employees have on the work floor and the resultant effects this have on productivity and service delivery. A breakdown of grievances finalised per period is reflected below:

- **Period 1** – 97 (65%) grievances finalised out of 149 grievances lodged
- **Period 2** – 90 (45%) grievances finalised out of 198 grievances lodged
- **Period 3** – 39 (37%) grievances finalised out of 106 grievances lodged.

While the decline in grievance finalisation from **Period 1** to **2** could be ascribed to a sharp increase in grievances from **Period 1** to **Period 2**, such argument would not hold water given the continued decline in grievance finalisation in **Period 3** where less grievances were reported.

### Grievances pending

As **Table 10** shows, the continued decrease reported in grievance finalisation inevitably results in an ever-increasing number of pending grievances as summarised below:

- **Period 1** – 52 (35%) of the 149 lodged grievances are pending
- **Period 2** – 108 (55%) of the 198 lodged grievances are pending
- **Period 3** – 67 (63%) of the 106 lodged grievances are pending.

From **Period 1** to **3**, the percentage of pending grievances almost doubled. If this trend is not attended to urgently, it may forecast a continued worsening scenario in this regard. The highest numbers of grievances pending are in the Departments of Agriculture, Education and Health.

### Grievances finalised within the prescribed time limit

In **Period 1**, 10 (7%) out of a total of 149 grievances were finalised within the prescribed time limit by Free State departments. In **Period 2** only 4 (2%) out of 198 lodged grievances finalised were finalised within the prescribed time frame. Matters improved slightly in **Period 3** when the timely finalisation of grievances rose to 18 (17%) out of the 106 grievances lodged. Overall Free State departments were only able to finalise 14% of the grievances within the prescribed time frame. This low percentage may suggest that grievance management is not prioritised, or there is a lack of capacity, or both. What is certain is that this low rate must be addressed if the Province is to benefit from the effects of good grievance management.

## 3.4.3 GAUTENG PROVINCIAL ADMINISTRATION

### 3.4.3.1 Grievances lodged

As in the case with the Free State Province, the data from the Gauteng Provincial Administration also shows a fluctuation in the number of grievances lodged. The number of grievances lodged with the Gauteng departments increased from **Period 1** (154) to **Period 2** (156), but declined slightly in **Period 3** (136).

The number of grievances lodged with departments in the Gauteng Provincial Administration is summarised in **Figure 11** below. As is evident from **Figure 11**, the Department of Education's data is not included because the report was inaccurate and contained inaccurate information.

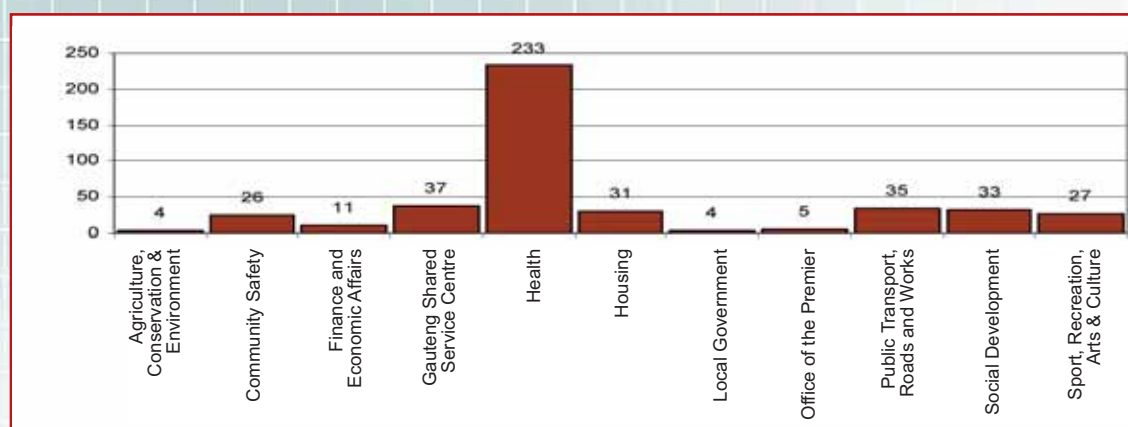


FIGURE 11: NUMBER OF GRIEVANCES LODGED IN THE GAUTENG PROVINCIAL ADMINISTRATION

It is clear from **Figure 11** that the Department of Health is faced with serious labour relations challenges given its high number of grievances. This problem requires urgent attention so as not to allow present shortcomings to hamper the delivery of quality health services.

### 3.4.3.2 Causes of grievances

The causes of grievances lodged in the Gauteng Provincial Administration per period are reflected in **Table 11** below:

**TABLE 11: CAUSES OF GRIEVANCES IN THE GAUTENG PROVINCIAL DEPARTMENTS**

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	8	18	22	48	4
Undermining of authority	2	4	1	7	7
Application approval/Refusal to approve application	1	5	4	10	6
Disciplinary matter	7	16	11	34	5
Salary problem (adjustment/increase/ payment, etc.)	34	36	23	93	2
Performance assessment	72	47	47	166	1
Unfair treatment (other than what is listed)	30	29	28	87	3
Not listed	0	1	0	1	8
<b>TOTAL</b>	<b>154</b>	<b>156</b>	<b>136</b>	<b>446</b>	

Not only is dissatisfaction around performance assessments ranked highest, but the high discontent in this human resource area raises cause for concern. It may require an immediate review of the Performance Management and Development System (PMDS) policy. As the same applies to salary related problems and unfair treatment which includes issues such as verbal abuse, unfairness, racial and gender discrimination, favouritism, victimisation, humiliation and intimidation, the policies and practices in these areas may similarly require review.

### 3.4.3.3 Racial and gender distribution among aggrieved employees

Trends in respect of the racial and gender distribution of aggrieved employees in the Gauteng Provincial Administration are depicted in **Figure 12** and **Figure 13**, respectively:

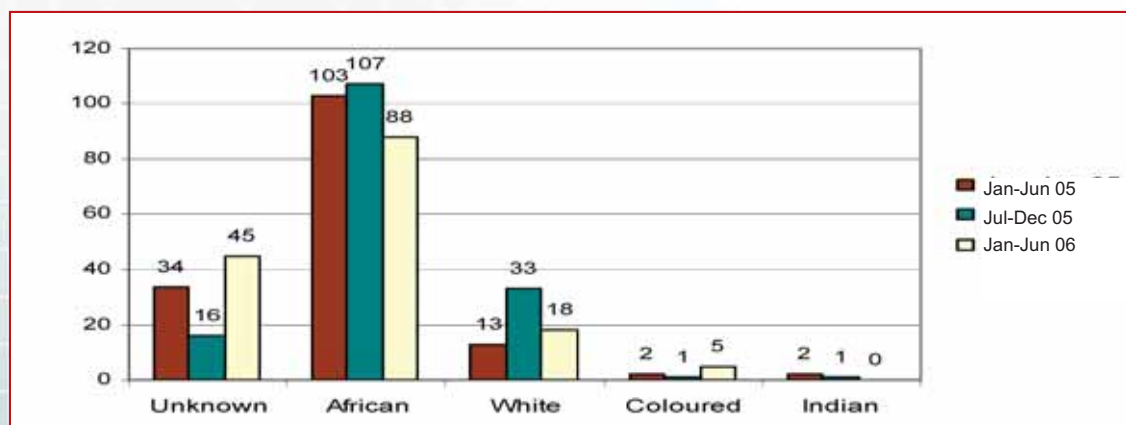


FIGURE 12: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE GAUTENG PROVINCIAL ADMINISTRATION

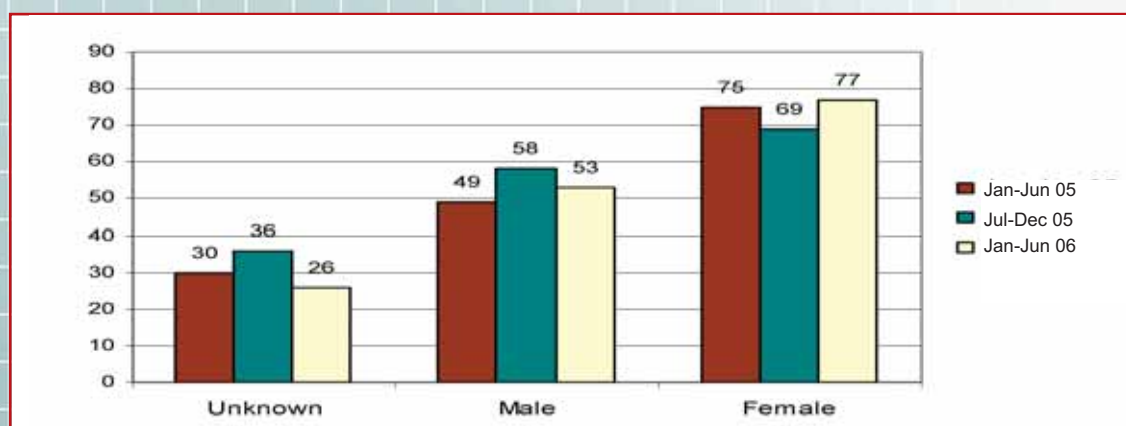


FIGURE 13: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE GAUTENG PROVINCIAL ADMINISTRATION

Figure 12 and Figure 13 represent the racial and gender distribution of grievances lodged in the Gauteng Province. As the racial and gender spread represent the demographics of the Public Service<sup>20</sup> in the Province, neither of these categories appears to be an added dimension in the lodging or causes of grievances.

#### 3.4.3.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

As depicted in Table 12, the number of grievances lodged by employees in the Gauteng departments increased quite substantially from Period 1 to Period 2, but declined slightly in Period 3, demonstrating a similar fluctuating trend to that of the Free State Departments. In Period 1, a total number of 154 grievances were lodged. In Period 2 this figure increased to 156, but fell to 136 in Period 3. However, it must be emphasised that the Province's figures are skewed by that of the Department of Health, as follows:

- In Period 1, 99 of the 154 grievances lodged in the Province were lodged with this Department
- In Period 2, 61 of the 156 grievances lodged in the Province were lodged with this Department
- In Period 3, 73 of the 136 grievances lodged in the Province were lodged with this Department.

<sup>20</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

Data submitted by this Province's departments reflect, in **Table 12** below, the status of grievances.

**TABLE 12: NUMBER AND STATUS OF GRIEVANCES IN THE GAUTENG DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Education	–	–	–	–	–	–	–	–	–
Community Safety	7	11	8	5	6	5	2	5	3
Sport, Recreation, Arts and Culture	12	11	4	10	9	0	2	2	4
Finance and Economic Affairs	3	7	1	1	3	0	2	4	1
Local Government	2	1	1	0	0	0	2	1	1
Health	99	61	73	63	33	45	36	28	28
Housing	15	15	1	8	8	0	7	7	1
Public Transport, Roads and Works	4	23	8	4	18	4	0	5	4
Agriculture, Conservation & Environment	3	1	0	2	0	0	1	1	0
Social Development	5	14	14	5	8	10	0	6	4
Office of the Premier	–	1	4	–	1	2	–	0	2
Gauteng Shared Service Centre	4	11	22	3	9	6	1	2	16
	<b>154</b>	<b>156</b>	<b>136</b>	<b>101</b>	<b>95</b>	<b>72</b>	<b>53</b>	<b>61</b>	<b>64</b>

### Grievances finalised

As depicted in **Table 12**, the finalisation of grievances by the Gauteng departments during the three reporting periods are as follows:

- **Period 1** – 101 (66%) grievances finalised out of 154 grievances lodged
- **Period 2** – 95 (61%) grievances finalised out of 156 grievances lodged
- **Period 3** – 72 (53%) grievances finalised out of 136 grievances lodged.

The low finalisation rates reflected in **Table 12** for the Department of Finance and Economic Affairs (36%), and especially the Department of Local Government (0%), are cause for concern. The concerns discussed in respect of the causes of grievances in **Table 11** may well prove to be a bigger problem to overcome in these two Departments. Further, they may also be sidelined by a lack of expertise to manage grievances. A less likely

reason could be capacity as the two Departments in question have comparatively amongst the lowest number of grievances.

### Grievances pending

As is evident from **Table 12**, the number of pending grievances from period to period demonstrates a gradually worsening trend. In **Period 1**, 53 (34%) of the 154 lodged grievances in Gauteng departments were pending whilst in **Period 2**, 61 (39%) of the 156 and in **Period 3**, 64 (47%) of the 136 lodged grievances were pending. In percentage terms, the variance reflects a gradually worsening scenario.

If allowed to continue, this gradually worsening trend may have an ever-increasing adverse effect on employee morale and service delivery standards.

### Grievances finalised within the prescribed time limit

Despite having one of the better grievance finalisation rates (60%), it is nonetheless a concern that more than half of the Province's departments did not finalise any grievances within the time limit imposed by the Grievance Rules, 2003. The variance in this regard over the three periods is as follows:

- **Period 1** – 11 (7%) out of 154 grievances lodged were finalised in time
- **Period 2** – 10 (6%) out of 156 grievances lodged were finalised in time
- **Period 3** – 43 (32%) out of 136 grievances lodged were finalised in time.

## 3.4.4 KWAZULU-NATAL PROVINCIAL ADMINISTRATION

### 3.4.4.1 Grievances lodged

As in the case with the Free State Province, the data from the KwaZulu-Natal Provincial Administration (KwaZulu-Natal) also shows a fluctuation in the number of grievances lodged. The number of grievances lodged with the KwaZulu-Natal departments increased substantially from **Period 1** (157) to **Period 2** (210), but declined slightly in **Period 3** (132). **Figure 14** provides an inter-departmental comparison within the Province for all three periods.

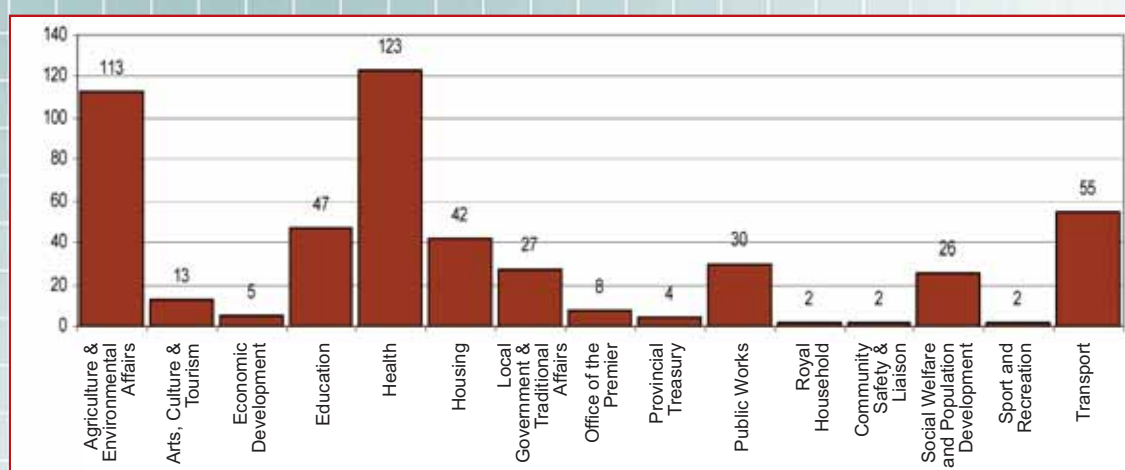


FIGURE 14: NUMBER OF GRIEVANCES LODGED IN THE KWAZULU-NATAL PROVINCE

The Department of Health (123) followed closely by the Department of Agriculture and Environmental Affairs (113), recorded the highest number of grievances. In Gauteng the highest number of grievances was in the Department of Health as well.

### 3.4.4.2 Causes of grievances

The causes of grievances lodged with the KwaZulu-Natal departments are reflected per period in **Table 13** below:

**TABLE 13: CAUSES OF GRIEVANCES IN THE KWAZULU-NATAL PROVINCIAL DEPARTMENTS**

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	45	43	48	136	2
Undermining of authority	0	1	1	2	8
Application approval/Refusal to approve application	6	1	6	13	6
Disciplinary matter	1	8	1	10	7
Salary problem (adjustment/increase/payment, etc.)	34	43	28	105	3
Performance assessment	59	57	35	151	1
Unfair treatment (other than what is listed)	12	31	13	56	4
Not listed	0	26	0	26	5
<b>TOTAL</b>	<b>157</b>	<b>210</b>	<b>132</b>	<b>499</b>	

Constantly, as in other provinces, dissatisfaction with performance assessments is ranked the highest cause of grievances in the Province. Grievances around recruitment and selection, and salary matters rank second and third, respectively.

### 3.4.4.3 Racial and gender distribution among aggrieved employees

Racial distribution of the aggrieved employees in the KwaZulu-Natal Provincial Administration generally follows the composition patterns of the Province's Public Service, as reflected in the PSC's Report on Affirmative Action<sup>21</sup>. However, there is a high number of "unknown cases" largely because the departments did not complete the information at the time of submission of their reports. **Figure 15** provides a summary of the racial distribution patterns in the departments in KwaZulu-Natal:

<sup>21</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

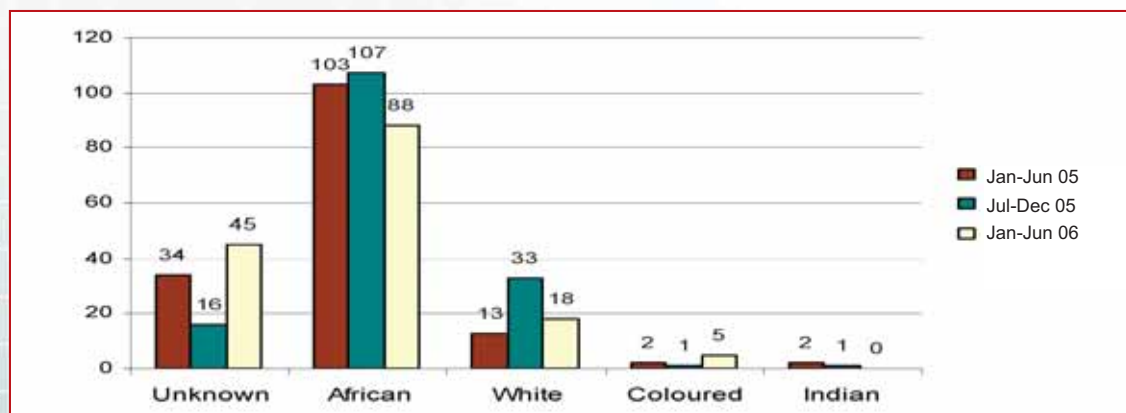


FIGURE 15: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE KWAZULU-NATAL PROVINCIAL ADMINISTRATION

On face value, racial distribution does not appear to be an added cause of grievances in the Province.

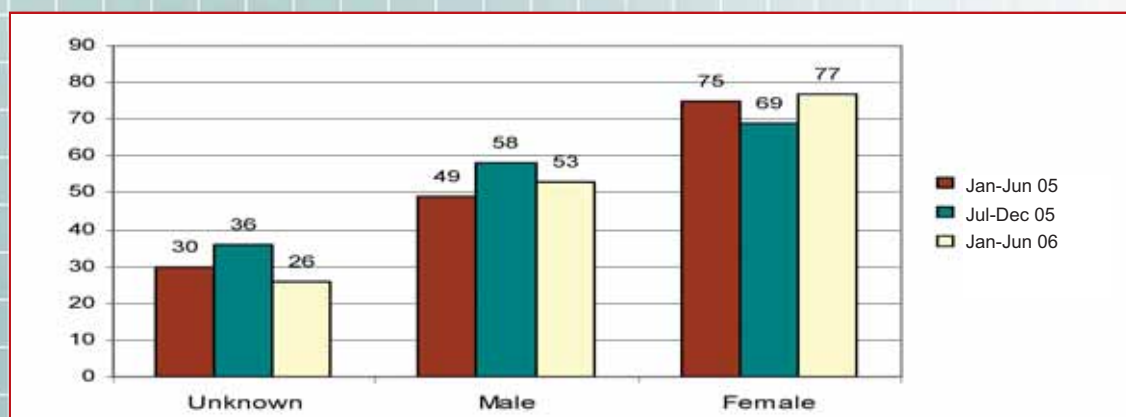


FIGURE 16: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE KWAZULU-NATAL PROVINCIAL ADMINISTRATION

As is evident from **Figure 16**, women have consistently lodged more grievances than their male counterparts over the three periods. This should be looked into as the difference could very well point to gender inequality in the day-to-day management of employees. However, with the information presently available to the PSC, there is no evidence to suggest gender inequality.

#### 3.4.4.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province's departments reflect, in **Table 14** below, the status of grievances.

**TABLE 14: NUMBER AND STATUS OF GRIEVANCES IN THE KWAZULU-NATAL DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Office of the Premier	1	2	5	1	1	3	0	1	2
Health	38	54	31	11	19	19	27	35	12
Agriculture & Environmental Affairs	36	44	33	35	44	23	1	0	10
Economic Development	2	2	1	0	1	0	2	1	1
Provincial Treasury	–	3	1	–	0	0	–	3	1
Local Government & Traditional Affairs	12	5	10	9	1	4	3	4	6
Social Welfare & Population Development	–	24	2	–	12	0	–	12	2
Housing	27	14	1	15	1	1	12	13	0
Transport	22	25	8	1	3	1	21	22	7
Community Safety & Liaison	–	0	2	–	0	1	–	0	1
Public Works	–	19	11	–	13	0	–	6	11
Royal Household	2	0	0	0	0	0	2	0	0
Education	14	14	19	7	6	7	7	8	12
Arts, Culture & Tourism	3	4	6	3	2	4	0	2	2
Sport & Recreation	–	0	2	–	0	0	–	0	2
	157	210	132	82	103	63	75	107	69

Flowing from **Table 14**, a total number of 157 grievances were lodged in **Period 1**, in **Period 2** this figure increased to 210 and fell to 132 in **Period 3**.

### Grievances finalised

Overall, the KwaZulu-Natal departments managed to finalise 248 (50%) of the reported 499 grievances lodged in the Province. As depicted in **Table 14**, the finalisation of grievances by the KwaZulu-Natal departments show the following per period:

- **Period 1** – 82 (52%) grievances finalised out of 157 lodged
- **Period 2** – 103 (49%) grievances finalised out of 210 lodged
- **Period 3** – 63 (48%) out of a total number of 132 lodged.

While the decline in grievance finalisation from **Period 1** to **2** could be ascribed to a sharp increase in grievances in **Period 2**, such argument would not hold water given the continued decline in the finalisation of grievances in **Period 3** where less grievances were reported.

Despite the low finalisation rate of 50%, the Royal Household (0%), the Departments of Economic Development (20%), Sport and Recreation (0%), Transport (9%) and the Provincial Treasury (0%) have fared far below par. This is especially worrying as these departments, with the exception of the Department of Transport, do not have high numbers of grievances to deal with. The most likely explanation for this could be the lack of prioritisation of grievance management and/or a lack of expertise to manage grievances effectively.

### Grievances pending

**Table 14** shows that in **Period 1**, 75 of the 157 lodged grievances at the KwaZulu-Natal departments were pending whilst in **Period 2**, 107 of 210 and in **Period 3**, 69 of the 132 lodged grievances were pending. In percentage terms, the variance reflects a slightly improving scenario, as follows:

- **Period 1** – 75 (48%) of the 157 lodged grievances are pending
- **Period 2** – 107 (51%) of the 210 lodged grievances are pending
- **Period 3** – 69 (52%) of the 132 lodged grievances are pending.

Clearly, the above figures suggest that grievance management in this Province is in need of scrutiny to understand what the obstacles to effective grievance management are. Keeping aggrieved employees waiting for the outcome of their grievances cannot be healthy for the organisation and the workforce.

### Grievances finalised within the prescribed time limit

KwaZulu-Natal departments only finalised 9% of grievances within the prescribed time-limit over the full period. In **Period 1** the departments managed to finalise 7 (4%) out of a total of 157 grievances within the prescribed time limit. In **Period 2** only 1 grievance (0,01%) was finalised within the prescribed time out of a total number of 210 grievances lodged. **Period 3** witnessed a slight improvement with 15 (11%) out of 132 grievances finalised within the prescribed time limit. Clearly departments are having real problems in meeting the time limits prescribed in the Grievance Rules, 2003. This pattern was obvious at national level and is recurring in the provincial patterns.

## 3.4.5 LIMPOPO PROVINCIAL ADMINISTRATION

### 3.4.5.1 Grievances lodged

As in the case of the Eastern Cape Province, the data from the Limpopo Provincial Administration shows a similar decline in the number of grievances lodged. In **Period 1** a total number of 412 grievances were lodged. In **Period 2** this figure fell to 127 and again to 58 in **Period 3**.

The number of grievances reported by the various departments of the Limpopo Provincial Administration (Limpopo) appears in **Figure 17**. The high number of grievances reported by the Department of Public Works (265) is keenly obvious given that this number is roughly three times higher than that of the Departments of Agriculture and Roads and Transport. The latter departments recorded the second and third highest numbers of grievances, respectively.

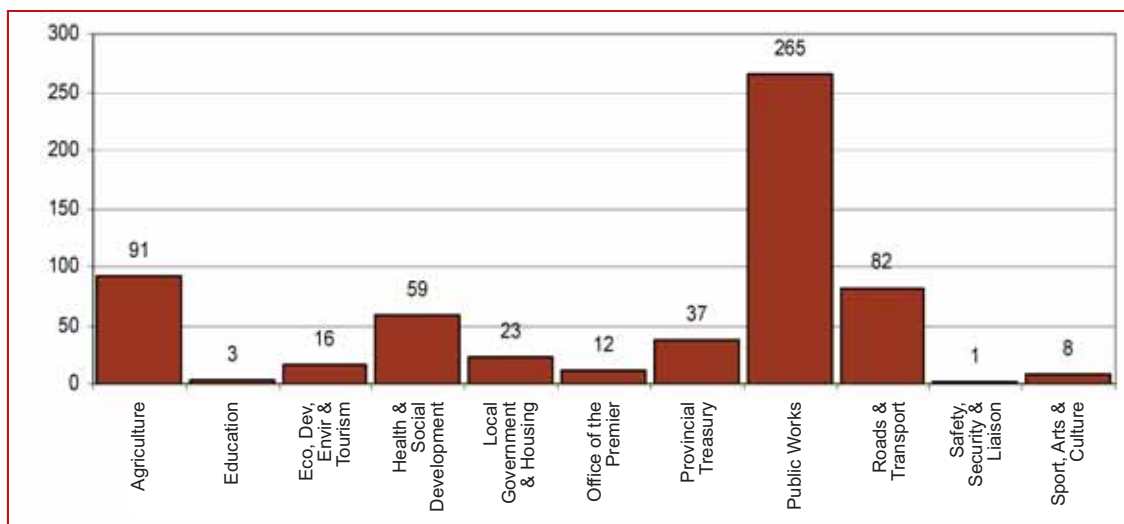


FIGURE 17: NUMBER OF GRIEVANCES LODGED IN THE LIMPOPO PROVINCIAL ADMINISTRATION

### 3.4.5.2 Causes of grievances

The causes of the grievances lodged per period in the Limpopo departments are reflected in **Table 15** below:

TABLE 15: CAUSES OF GRIEVANCES IN LIMPOPO PROVINCIAL DEPARTMENTS

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	60	9	11	80	2
Undermining of authority	1	1	0	2	8
Application approval/Refusal to approve application	2	2	0	4	6
Disciplinary matter	2	0	0	2	7
Salary problem (adjustment/increase/payment, etc.)	29	23	19	71	3
Performance assessment	291	68	21	380	1
Unfair treatment (other than what is listed)	11	9	3	23	5
Not listed	16	15	4	35	4
<b>TOTAL</b>	<b>412</b>	<b>127</b>	<b>58</b>	<b>597</b>	

Constantly, as in other provinces, dissatisfaction with performance assessments is ranked the highest cause of grievances in the Province. Grievances around recruitment and selection, and salary matters rank second and third, respectively.

Table 16 demonstrates that as the Province's grievance numbers decreased from **Period 1** to **Period 3**, problems around recruitment and selection, as well as salary related issues became increasingly acute, to such an extent that these two causes of grievances collectively accounted for 30 (52%) of the 58 grievances registered in **Period 3**.

### 3.4.5.3 Racial and gender distribution among aggrieved employees

The racial and gender distribution patterns of the aggrieved employees per period in the Limpopo departments are reflected in **Figure 18** and **Figure 19**.

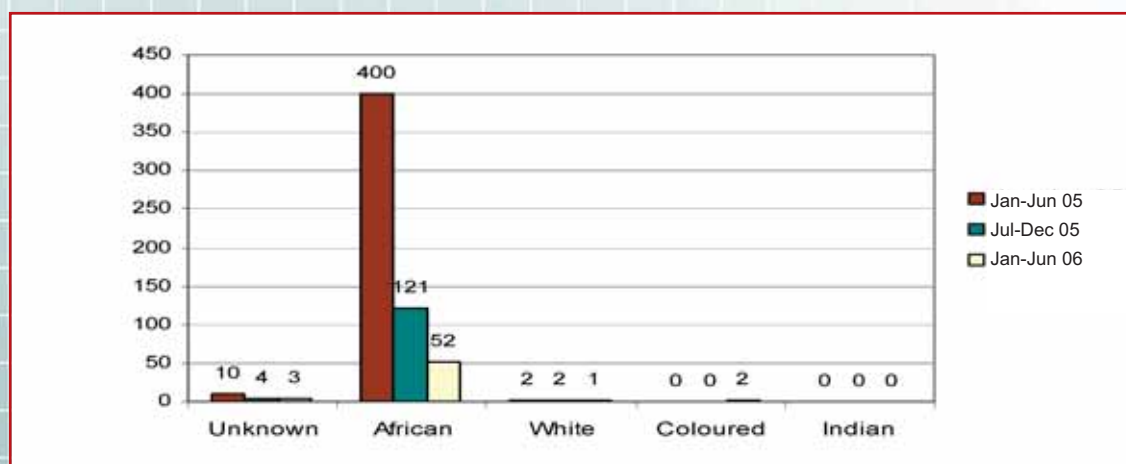


FIGURE 18: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE LIMPOPO PROVINCIAL ADMINISTRATION

The racial distribution of grievances lodged in the Limpopo Province in **Figure 18** more or less follows the demographics of the Public Service in the Province, as reflected in the PSC's Report on Affirmative Action<sup>22</sup>. On face value, and in the absence of more information, race does not appear to be an added dimension in the lodging of grievances in the Province.

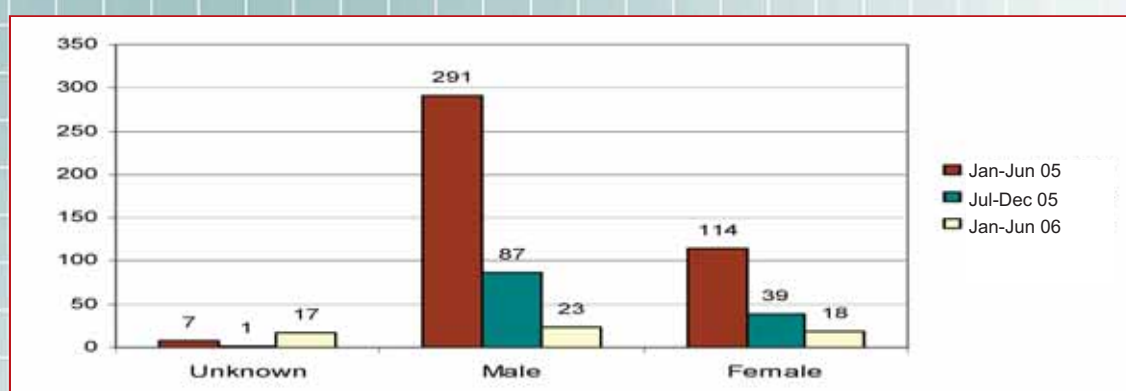


FIGURE 19: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE LIMPOPO PROVINCIAL ADMINISTRATION

As is evident from **Figure 19**, men have consistently lodged more grievances than women over the three periods. This pattern does not align to the gender distribution figures in the Province, as reflected in the PSC's Report on Affirmative Action<sup>23</sup>. It may be interesting for the Province to understand why men lodge more grievances than their woman counterparts.

<sup>22</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service.

<sup>23</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service.

### 3.4.5.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province's departments reflect, in **Table 16** below, the status of grievances.

As in the case of the Eastern Cape Provincial Administration, the number of grievances lodged by employees in the Limpopo departments decreased substantially from period to period, as is reflected in **Table 16** below. A total number of 412 grievances were lodged In **Period 1**, in **Period 2** this figure fell to 127 and again it fell further to 58 in **Period 3**.

**TABLE 16: NUMBER AND STATUS OF GRIEVANCES IN THE LIMPOPO DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Agriculture	35	56	0	9	10	0	26	46	0
Economic Development, Environment & Tourism	6	10	0	4	8	0	2	2	0
Education	–	3	0	–	0	0	–	3	0
Health & Social Development	49	–	10	41	–	9	8	–	1
Local Government & Housing	11	–	12	0	–	2	11	–	10
Office of the Premier	–	–	12	–	–	2	–	–	10
Provincial Treasury	–	13	24	–	3	10	–	10	14
Public Works	265	–	0	193	–	0	72	–	0
Safety, Security & Liaison	1	0	0	1	0	0	0	0	0
Sport, Arts & Culture	2	6	0	2	4	0	0	2	0
Roads & Transport	43	39	0	43	39	0	0	–	0
	412	127	58	293	64	23	119	63	35

## Grievances finalised

Limpopo departments managed to finalise 380 of the 597 grievances lodged over the reporting period. As depicted in **Table 16**, the finalisation of grievances by the Limpopo departments during the three reporting periods is as follows:

- **Period 1** – 293 (71%) grievances were finalised out of 412 lodged
- **Period 2** – 64 (50%) grievances were finalised out of 127 lodged
- **Period 3** – 23 (40%), grievances were finalised out of 58 lodged.

Considering the decrease in the number of grievances to manage, one would have expected an increase in the finalisation of grievances. Instead, the opposite holds true.

While the overall grievance finalisation rate for the Limpopo departments is 64%, almost half of the Province's departments were unable to come close to achieving this rate.

## Grievances pending

The figures represented in **Table 16** on pending grievances highlight the concerns around grievance management already raised in respect of the finalisation of grievances within the Province. A further concern that emanates from this is that a high number of aggrieved employees remain dissatisfied for a prolonged time due to the high numbers of grievances pending. This is not conducive to employee wellness and productivity. Below is a breakdown of grievances pending per period:

- **Period 1** – 119 (29%) of the 412 lodged grievances are pending
- **Period 2** – 63 (50%) of the 127 lodged grievances are pending
- **Period 3** – 35 (60%) of the 58 lodged grievances are pending.

From **Period 1** to **3**, the percentage of pending grievances doubled. If this trend is not attended to urgently, it may forecast a continued worsening scenario in this regard. All the grievances are in the Office of the Premier, the Provincial Treasury and the Department of Local Government and Housing.

## Grievances finalised within the prescribed time limit

In **Period 1**, 12 (3%) out of a total of 412 lodged grievances were finalised within the prescribed time limit by the Limpopo departments. In **Period 2**, 3 (2%) grievances out of 127 lodged were finalised in time. In **Period 3** an improvement in the timely finalisation rate is reflected, resulting in 17 (12%) out of 58 grievances finalised within the prescribed time limit. Overall only 4% of grievances were finalised within the prescribed time limit by departments over the reporting period.

Considering the steady decline in grievances over the reporting period, it is difficult to understand why more than 50% of departments were not able to finalise any grievances within the prescribed time-frame. This could either point to departments lacking the necessary skills to do so, or the inability to prioritise grievance resolution.

### 3.4.6 MPUMALANGA PROVINCIAL ADMINISTRATION

#### 3.4.6.1 Grievances lodged

As in the case with the Free State and KwaZulu-Natal Provinces, the data from the Mpumalanga Provincial Administration (Mpumalanga) shows a similar fluctuation in the number of grievances lodged. The number of

grievances lodged with the Mpumalanga departments increased from **Period 1** (55) to **Period 2** (62), but declined sharply in **Period 3** (30).

**Figure 20** below indicates the total number of grievances lodged in the various departments of the Mpumalanga Provincial Administration. The Department of Public Works submitted a nil report, indicating that no grievances were received throughout the reporting period. Like in Provinces such as the Free State, Gauteng and KwaZulu-Natal, the Department of Health reported substantially more grievances than the rest of the Province's departments. This consistent pattern with reference to the Health Departments requires further interrogation.

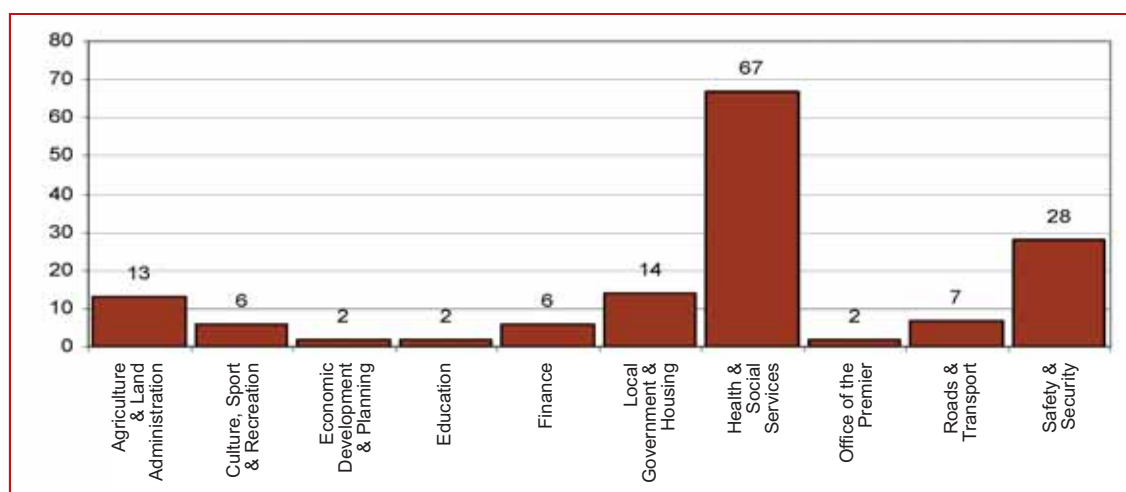


FIGURE 20: NUMBER OF GRIEVANCES LODGED IN THE MPUMALANGA PROVINCIAL ADMINISTRATION

### 3.4.6.2 Causes of grievances

The causes of the grievances lodged in the Mpumalanga Provincial Administration per period are reflected in **Table 17** below.

TABLE 17: CAUSES OF GRIEVANCES

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	8	8	5	21	4
Undermining of authority	0	0	0	0	8
Application approval/Refusal to approve application	3	3	0	6	6
Disciplinary matter	3	2	3	8	5
Salary problem (adjustment/increase/payment, etc.)	13	16	0	29	3
Performance assessment	20	15	13	48	1

Unfair treatment (other than what is listed)	2	18	9	29	2
Not listed	6	0	0	6	7
<b>TOTAL</b>	<b>55</b>	<b>62</b>	<b>30</b>	<b>147</b>	

Like its counterparts in the Free State and Gauteng Provinces, performance assessment and salary related problems are the top two major causes of grievances in the Province.

### 3.4.6.3 Racial and gender distribution among aggrieved employees

The racial and gender distribution of the aggrieved employees per period are reflected in **Figure 21** and **Figure 22**.

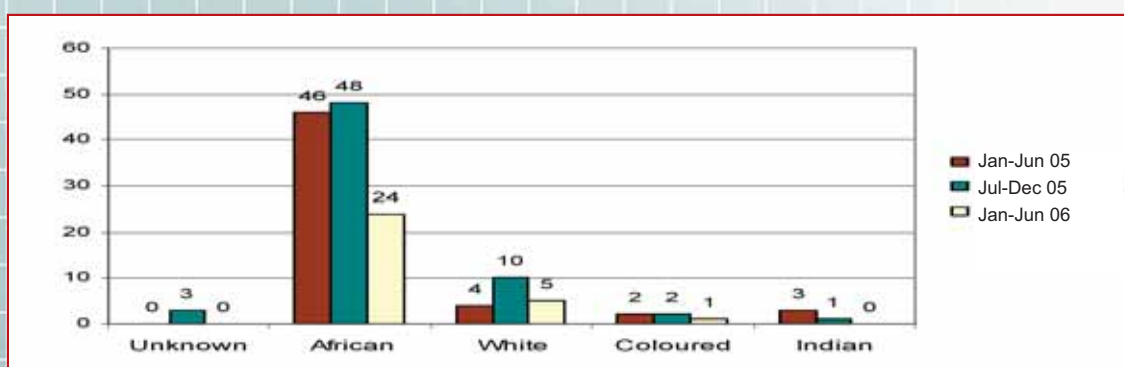


FIGURE 21: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE MPUMALANGA PROVINCIAL ADMINISTRATION

The racial spread of aggrieved employees in **Figure 21** follows the demographics of the Public Service in the Province of the Province<sup>24</sup>. The same holds true for the gender ratios depicted in **Figure 22**. There are marginal differences between the numbers of grievances lodged by men as opposed to women.

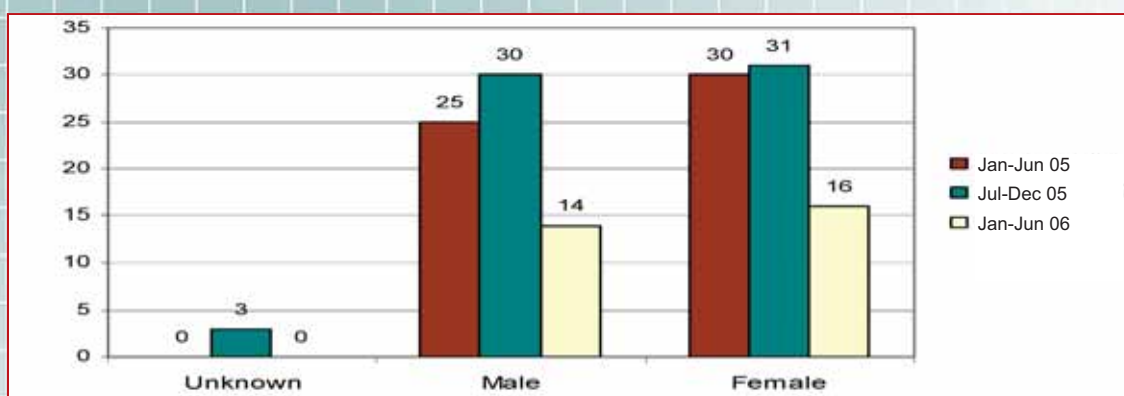


FIGURE 22: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE MPUMALANGA PROVINCIAL ADMINISTRATION

### 3.4.6.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

<sup>24</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

Data submitted by this Province's departments reflect, in **Table 18** below, the status of grievances.

Similar to the Free State and KwaZulu-Natal departments, the number of grievances lodged by employees in the Mpumalanga Provincial Administration increased marginally from **Period 1** to **Period 2**, but declined rather substantially in **Period 3**. In **Period 1** a total number of 55 grievances were lodged. In **Period 2** this figure increased to 62, but fell to 30 in **Period 3**, as is evident from **Table 18** below.

**TABLE 18: NUMBER AND STATUS OF GRIEVANCES IN THE MPUMALANGA DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Public Works	0	0	0	0	0	0	0	0	0
Roads & Transport	0	3	4	0	0	1	0	3	3
Local Government & Housing	7	3	4	7	1	3	0	2	1
Agriculture & Land Administration	2	4	7	2	2	7	0	2	0
Education	–	2	–	–	1	–	–	1	0
Culture, Sport & Recreation	0	6	0	0	0	0	0	6	0
Finance	–	6	0	–	4	0	–	2	0
Economic Development & Planning	1	1	0	1	1	0	0	0	0
Safety & Security	14	10	4	11	1	1	3	9	3
Health & Social Services	31	26	10	27	13	7	4	13	3
Office of the Premier	0	1	1	0	0	0	0	1	1
	55	62	30	48	23	19	7	39	11

NOTE: The Department of Public Works had no grievances lodged in the reporting period.

### Grievances finalised

Overall, the Mpumalanga departments managed to finalise 90 (61%) of the reported 147 grievances lodged in the Province. As depicted in **Table 18**, the finalisation of grievances by the Mpumalanga departments during the three reporting periods is as follows:

- **Period 1** – 48 (87%) grievances finalised out of 55 grievances lodged
- **Period 2** – 23 (37%) grievances finalised out of 62 grievances lodged
- **Period 3** – 19 (63%) grievances finalised out of 30 grievances lodged.

Considering the decrease in the number of grievances to manage, one would have expected an increase in the finalisation of grievances. Instead, the opposite holds true. It is also worth noting that those departments with comparatively less grievances recorded also fared the weakest in the finalisation of grievances. Given the relatively small numbers of grievances in those departments, it would appear that a lack of necessary skills to do so, or inability to prioritise grievance resolution may lie at the root of this trend.

### Grievances pending

As is evident from **Table 18**, the number of pending grievances from period to period demonstrates a gradually worsening trend. In **Period 1**, 7 (13%) of the 55 lodged grievances in Mpumalanga departments were pending whilst in **Period 2**, 39 (63%) of the 62 and in **Period 3**, 11 (37%) of the 30 lodged grievances were pending. In percentage terms, the variance reflects a gradually worsening scenario. If allowed to continue, this gradually worsening trend may have an ever-increasing adverse effect on employee morale and service delivery standards. Considering the low number of grievances as compared to departments in other provincial administrations, this points to ineffective grievance management.

### Grievances finalised within the prescribed time limit

It is cause for concern that many departments were not able to finalise more grievances within the prescribed time limit, particularly those that reported relatively fewer grievances. In **Period 1**, 13 (24%) out of a total of 55 lodged grievances were finalised within the prescribed time limit by the Mpumalanga departments. In **Period 2**, 8 (13%) grievances out of 62 lodged were finalised in time. In **Period 3** an improvement in the timely finalisation rate is reflected, resulting in 9 (30%) out of 30 grievances finalised within the prescribed time limit. Overall only 20% of grievances were finalised within the prescribed time limit by departments over the reporting period. This could either point to departments lacking the necessary skills to do so, or the inability to prioritise grievance resolution.

## 3.4.7 NORTHERN CAPE PROVINCIAL ADMINISTRATION

### 3.4.7.1 Grievances lodged

The Northern Cape Provincial Administration failed to submit a report for **Period 1**. This is clearly in violation of Rule 1.1 of the Grievance Rules, 2003. As stated before, such non-compliance impacts on accurate monitoring and evaluation, and skews reporting on grievance management in the Public Service. However, the data from the Northern Cape Provincial Administration (Northern Cape) in respect of **Period 2** and **Period 3** shows, in percentage terms, a substantial increase in grievances. However, the actual number of grievances lodged in each period is low. In **Period 2**, 27 grievances were lodged, while 47 grievances were lodged in **Period 3**.

**Figure 23** indicates the number of grievances lodged in departments in the Northern Cape. The Department of Finance and the Office of the Premier both submitted a nil report.

Like in Provinces such as the Free State, Gauteng and KwaZulu-Natal, the Department of Health reported substantially more grievances than the rest of the Province's departments. This consistent pattern with reference to the Health Departments requires some interrogation. The second highest number of grievances recorded was with the Department of Education.

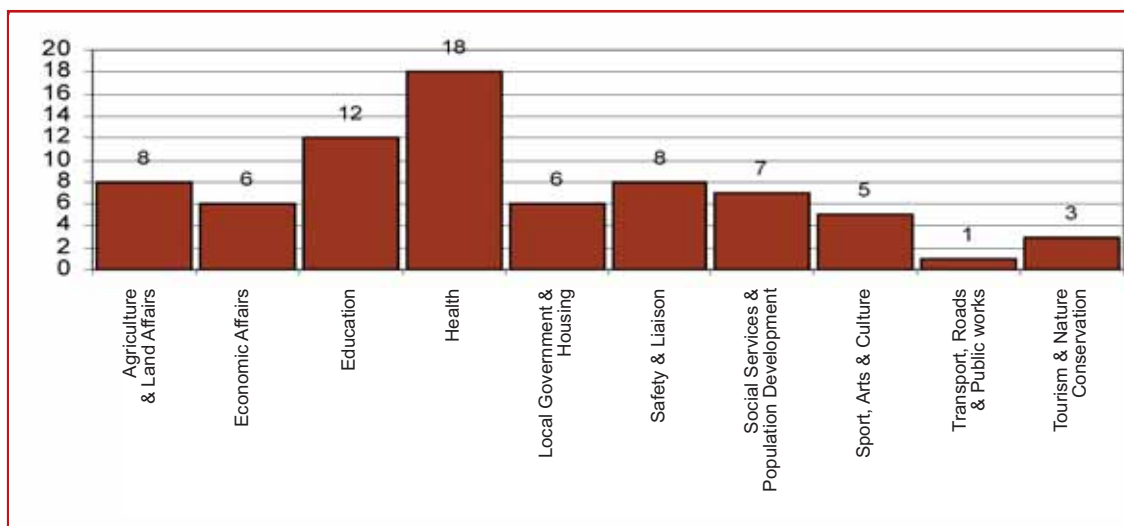


FIGURE 23: NUMBER OF GRIEVANCES LODGED IN THE NORTHERN CAPE PROVINCIAL ADMINISTRATION

### 3.4.7.2 Causes of grievances

The causes of grievances lodged per period in the Northern Cape departments are reflected in Table 19 below:

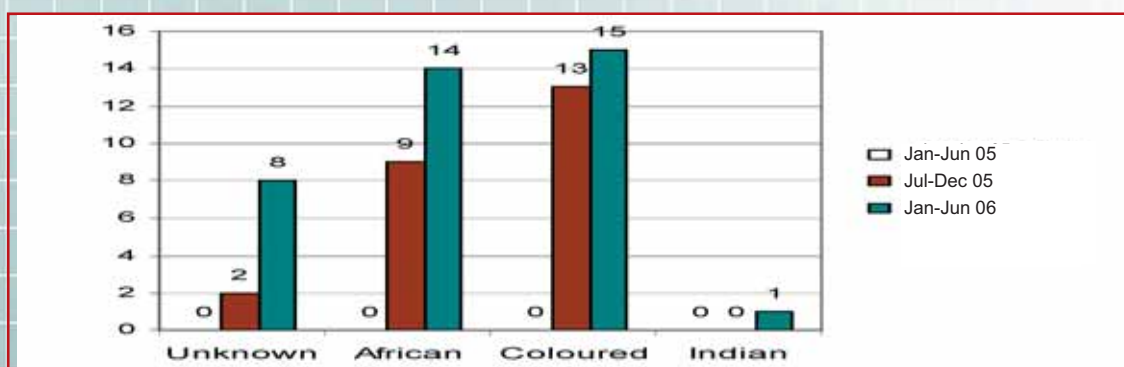
TABLE 19: CAUSES OF GRIEVANCES IN THE NORTHERN CAPE PROVINCIAL DEPARTMENTS

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	0	12	7	19	2
Undermining of authority	0	0	1	1	7
Application approval/Refusal to approve application	0	0	4	4	6
Disciplinary matter	0	6	3	9	4
Salary problem (adjustment/increase/payment, etc.)	0	6	18	24	1
Performance assessment	0	1	7	8	5
Unfair treatment (other than what is listed)	0	2	11	13	3
Not listed	0	0	1	1	8
<b>TOTAL</b>	<b>0</b>	<b>27</b>	<b>52</b>	<b>79</b>	

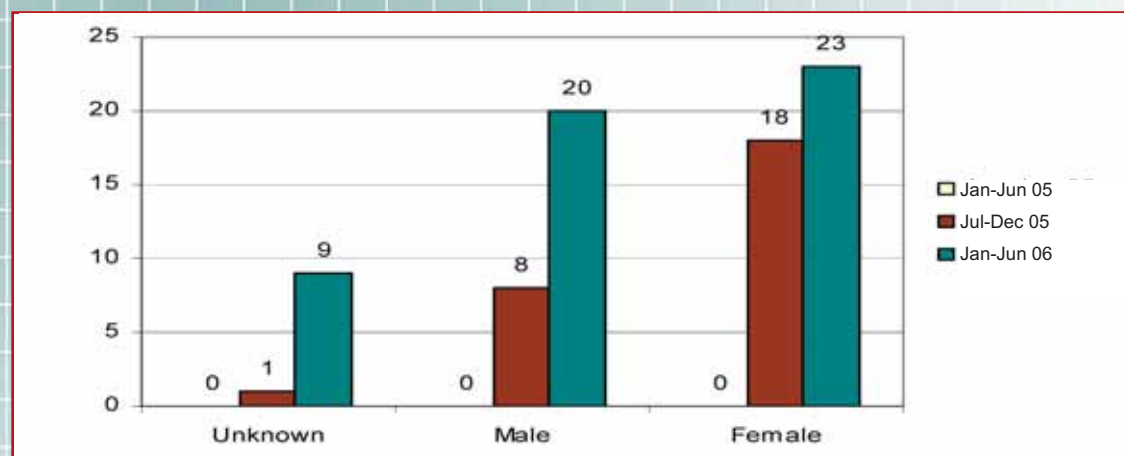
On a ranking scale, dissatisfactions are around salary problems, recruitment and selection and unfair treatment. Such ranking shows a different pattern to most of the provinces, in that dissatisfaction around performance assessments is not in the top three causes. The category unfair treatment includes aspects such as verbal abuse, unfairness, racial and gender discrimination, favouritism, victimisation, humiliation and intimidation. This goes to the issues of behaviour and attitude, and reflects perhaps on how human resources are managed in the Province. People management and an appreciation for such management may be an area of training needed. This is apart from the need to review the policies and the application of these policies and practices in respect of salary problems, recruitment and selection and unfair treatment.

### 3.4.7.3 Racial and gender distribution among aggrieved employees

The racial and gender distribution of the aggrieved employees per period are reflected in **Figure 24** and **Figure 25**:



**FIGURE 24: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE NORTHERN CAPE PROVINCIAL ADMINISTRATION**



**FIGURE 25: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE NORTHERN CAPE PROVINCIAL ADMINISTRATION**

As is evident from **Figure 23**, **Figure 24** and **Figure 25** the numbers of grievances and employees respectively are too low to draw any meaningful inferences.

### 3.4.7.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province's departments reflect, in **Table 20** below, the status of grievances. As stated before and as shown in **Table 20** below, none of the Northern Cape departments submitted reports to the PSC for **Period 1**. In **Period 2** a total number of 27 grievances were lodged, and in **Period 3** this figure increased to 47. Despite not having reported grievances in **Period 1**, the number of grievances is relatively low and should then be assumed to be easily managed.

**TABLE 20: NUMBER AND STATUS OF GRIEVANCES IN THE NORTHERN CAPE DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Office of the Premier	–	–	0	–	–	0	–	–	0
Agriculture & Land Reform	–	2	6	–	1	3	–	1	3
Education	–	11	1	–	11	0	–	0	1
Finance	–	–	0	–	–	0	–	–	0
Economic Affairs, Environmental Affairs & Tourism	–	–	6	–	–	2	–	–	4
Health	–	4	14	–	3	6	–	1	8
Social Development	–	–	7	–	–	3	–	–	4
Sport, Arts & Culture	–	1	4	–	0	1	–	1	3
Public Works, Roads & Transport	–	–	1	–	–	1	–	–	0
Housing & Local Government	–	–	6	–	–	5	–	–	1
Safety & Liaison	–	6	2	–	6	1	–	0	1
Tourism & Nature Conservation	–	3	0	–	0	0	–	3	0
	–	27	47	–	21	22	–	6	25

### Grievances finalised

As shown in **Table 20** the Northern Cape departments managed to finalise 43 out of 74 grievances received. This puts the overall finalisation rate in the Province at 58%. The concern in this regard is that 42% of aggrieved employees' state of dissatisfaction is prolonged. This must be seen in the context of the debilitating effect that unhappy employees have on the work floor and the resultant effects this have on productivity and service delivery. A breakdown of grievances finalised per period is reflected below:

- **Period 1** – no reports submitted by any of the Province's departments
- **Period 2** – 21 (78%) grievances finalised out of 27 grievances lodged
- **Period 3** – 22 (47%) grievances finalised out of 47 grievances lodged.

Given the relatively small numbers of grievances in the Province's departments and the comparatively low grievance finalisation rate, it would appear that a lack of necessary skills or inability to prioritise grievance resolution may lie at the root of the less than satisfactory performance of this Province's departments.

### Grievances pending

As **Table 20** shows, there was a decrease reported in grievance finalisation which inevitably resulted in an increased number of pending grievances as summarised below:

- **Period 1** – no reports submitted by any of the Province's departments
- **Period 2** – 6 (22%) of the 27 lodged grievances are pending
- **Period 3** – 25 (53%) of the 47 lodged grievances are pending.

From **Period 2** to **3**, the percentage of pending grievances more than doubled. If this trend is not attended to urgently, it may forecast a continued worsening scenario in this regard.

### Grievances finalised within prescribed time limit

In **Period 2** the departments finalised 6 (22%) grievances out of a total number of 27 lodged within the prescribed time limit. **Period 3** witnessed a slight improvement as 12 (23%) out of 47 grievances lodged were finalised within the prescribed time limit. Albeit only applicable to two periods, the Northern Cape departments succeeded in finalising only 26% of their grievances within the prescribed time frame.

Almost half of the departments failed to finalise a single grievance within the prescribed time limit. This makes the situation worse given that these departments only had a limited number of grievances to finalise. The conclusion that can be drawn from this, is that grievance management in the Province is unsatisfactory.

## 3.4.8 NORTH WEST PROVINCIAL ADMINISTRATION

### 3.4.8.1 Grievances lodged

As in the case with the Free State, KwaZulu-Natal and Mpumalanga Provinces, the data from the North West Provincial Administration (North West) shows a similar fluctuation in the number of grievances lodged. The number of grievances lodged with the North West departments increased from **Period 1** (81) to **Period 2** (171), but declined sharply in **Period 3** (67).

The number of grievances lodged with the North West departments is indicated in **Figure 26**. As with the Free State, Gauteng and KwaZulu-Natal, the most grievances by far were lodged with the Department of Health.

It is clear from **Figure 26** that the Department of Health is faced with serious labour relations challenges given its high number of grievances (136). This problem requires urgent attention so as not to allow present shortcomings to hamper the delivery of quality health services.

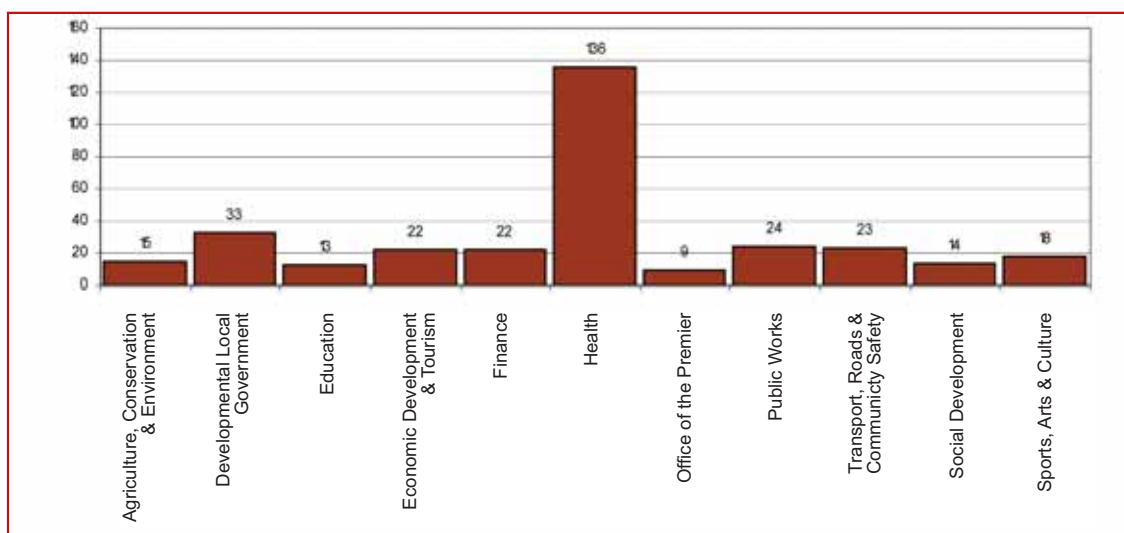


FIGURE 26: NUMBER OF GRIEVANCES LODGED IN THE NORTH WEST PROVINCIAL ADMINISTRATION

### 3.4.8.2 Causes of grievances

The causes of grievances lodged in the North West Province's departments are reflected in **Table 21** below:

TABLE 21: CAUSES OF GRIEVANCES IN THE NORTH WEST PROVINCIAL DEPARTMENTS

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	9	24	12	45	3
Undermining of authority	0	2	0	2	7
Application approval/Refusal to approve application	2	4	6	12	6
Disciplinary matter	2	12	6	20	5
Salary problem (adjustment/increase/ payment, etc.)	12	24	10	46	2
Performance assessment	50	91	20	161	11
Unfair treatment (other than what is listed)	4	14	13	31	4
Not listed	2	0	0	2	8
<b>TOTAL</b>	<b>81</b>	<b>171</b>	<b>67</b>	<b>319</b>	

The top three causes of grievances in the North West departments are dissatisfaction around performance assessments, salary related matters and recruitment and selection. This may require a serious look into the current policies and practices in relation to the identified areas to assess the underlying causes of the

dissatisfactions expressed. In some instances it may be that a good policy is being implemented badly. Assessing the policies in these areas and their implementation could result in a discernible drop in the number of grievances in the Province.

### 3.4.8.3 Racial and gender distribution among aggrieved employees

Patterns on racial and gender distribution of the aggrieved employees per period in the North West Province are reflected in **Figure 27** and **Figure 28**.

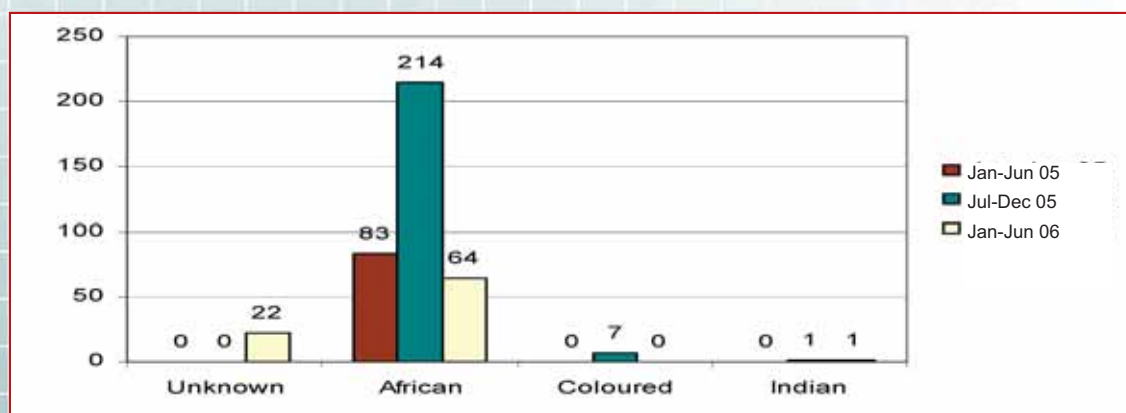


FIGURE 27: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE NORTH WEST PROVINCIAL ADMINISTRATION

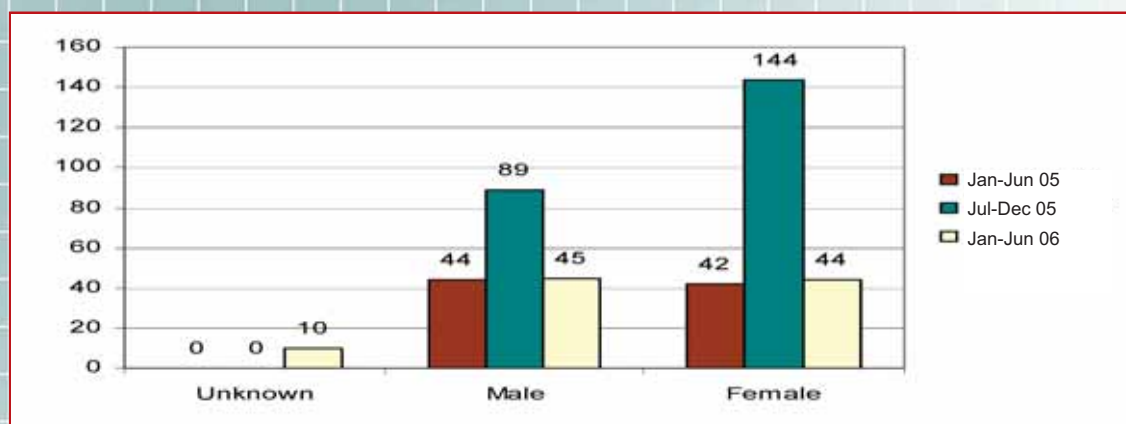


FIGURE 28: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE NORTH WEST PROVINCIAL ADMINISTRATION

The racial and gender distribution of grievances lodged in the Province represent the demographics of the Public Service in the Province<sup>25</sup>. However, note is taken of the fact that no Whites lodged any grievances over the reporting period. This, however, could be a result of the fact that departments did not complete information, as is evident from the “unknown category” depicted in **Figure 28**. **Period 2** witnessed many more women lodging grievances compared to **Periods 1** and **3**. Nevertheless, neither race nor gender appears to be an added dimension in the lodging of grievances in the Province.

### 3.4.8.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes. Data submitted by this Province's departments reflect, in **Table 22** below, the status of grievances.

<sup>25</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

As demonstrated in **Table 22** below, the number of grievances lodged by employees increased marginally from **Period 1** to **Period 2**, but declined rather substantially in **Period 3**. In **Period 1** a total number of 81 grievances were lodged. In **Period 2** this figure increased to 171, but fell to 67 in **Period 3**.

**TABLE 22: NUMBER AND STATUS OF GRIEVANCES IN THE NORTH WEST DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Health	39	87	10	15	62	0	24	25	10
Education	5	8	0	0	4	0	5	4	0
Finance	0	2	10	0	2	1	0	0	9
Social Development	10	4	0	2	1	0	8	3	0
Public Works	8	13	3	6	11	0	2	2	3
Local Government & Housing	12	6	15	6	2	5	6	4	10
Sports, Arts & Culture	0	18	0	0	15	0	0	3	0
Road Transport & Community Safety	7	9	7	7	9	6	0	0	1
Office of the Premier	0	1	8	0	1	2	0	0	6
Finance & Economic Development	0	14	8	0	14	2	0	0	6
Agriculture, Conservation & Environment	–	9	6	–	4	2	–	5	4
	81	171	67	36	125	18	45	46	49

### Grievances finalised

As depicted in **Table 22**, the North West departments managed to finalise 179 cases of the 319 grievances received. This puts the overall average finalisation rate in this Province at 56%. A breakdown of grievances finalised per period is reflected below:

- **Period 1** – 36 (44%) grievances finalised out of 81 lodged
- **Period 2** – 125 (73%) grievances finalised out of 171 lodged
- **Period 3** – 18 (27%) grievances finalised out of 67 lodged.

As is evident from **Table 22**, high grievance finalisation rates were achieved by the Departments of Finance and Economic Development (72%), Health (57%), Public Works (71%), Roads, Transport and Community Safety

(96%) and Sports, Arts and Culture (83%). However, the same cannot be said of the rest of the departments which tends to point to a generally inadequate level of grievance management in the Province.

### Grievances pending

The figures represented in **Table 22** on pending grievances highlight the concerns around grievance management already raised in respect of the finalisation of grievances within the Province. A further concern that emanates from this is that a high number of aggrieved employees remain dissatisfied for a prolonged time due to the high numbers of grievances pending. This is not conducive to employee wellness and productivity. Below is a breakdown of grievances pending per period:

- **Period 1** – 45 (56%) grievances pending out of 81 lodged
- **Period 2** – 46 (27%) grievances pending out of 171 lodged
- **Period 3** – 49 (62%) grievances pending out of 67 lodged.

Unfortunately, the reasons for this high number of pending grievances cannot be explained. It can be either that the Province's departments are lacking in the necessary capacity to handle grievances in an expeditious manner, or that they lack the necessary skills to do so, or simply that they do not afford the management of grievances the necessary priority. Reasons will have to be established through further research.

### Grievances finalised within the prescribed time limit

In **Period 1** the North West departments finalised 35 (43%) out of a total of 81 lodged grievances within the prescribed time limit. In **Period 2** only 3 (2%) grievances out of a total number of 171 lodged were finalised. In **Period 3** a slight improvement in the rate is reflected, where 5 (7%) out of a total number of 67 grievances lodged were finalised. Although the pattern of timely grievance finalisation is aligned to the fluctuation in grievance manifestation, the actual numbers are lower than would have been expected if the ratio pertaining to Period 1 is to be extrapolated to **Periods 2 and 3**.

## 3.4.9 WESTERN CAPE PROVINCIAL ADMINISTRATION

### 3.4.9.1 Grievances lodged

As in the case with the Free State, KwaZulu-Natal, Mpumalanga and North West Provinces, the data from the Western Cape Provincial Administration (Western Cape) also shows a similar fluctuation in the number of grievances lodged. The number of grievances lodged with the Western Cape departments increased from **Period 1** (101) to **Period 2** (131), but declined sharply in **Period 3** (51).

The number of grievances lodged with departments in the Western Cape Provincial Administration (Western Cape) is indicated in **Figure 29**.

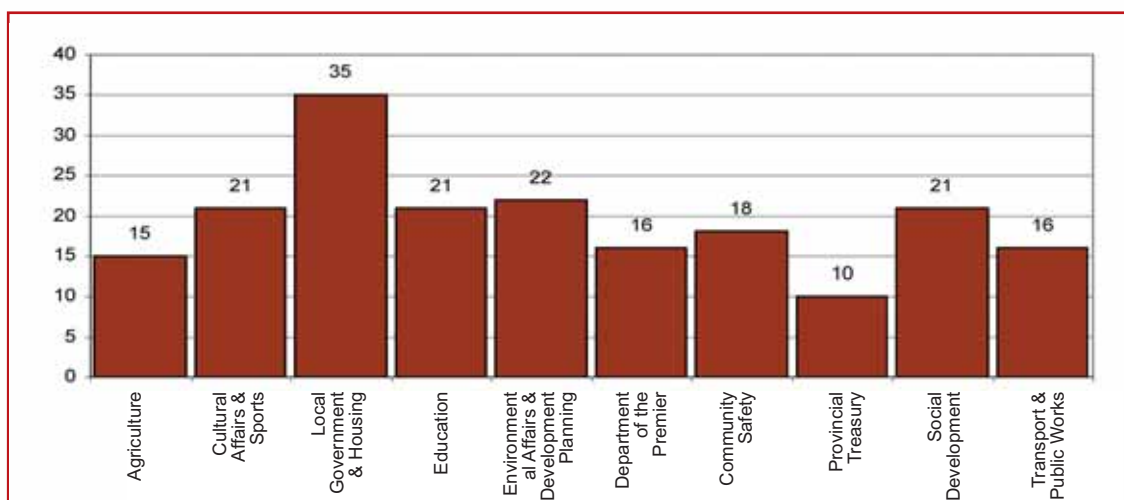


FIGURE 29: NUMBER OF GRIEVANCES LODGED IN THE WESTERN CAPE PROVINCIAL ADMINISTRATION

### 3.4.9.2 Causes of grievances

The causes of grievances lodged in the Western Cape Province's departments are reflected in **Table 23** below:

TABLE 23: CAUSES OF GRIEVANCES IN THE WESTERN CAPE PROVINCIAL DEPARTMENTS

CAUSES OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	TOTAL	RANK
Recruitment and selection	15	22	6	43	4
Undermining of authority	0	0	0	0	8
Application approval/Refusal to approve application	1	0	1	2	6
Disciplinary matter	9	11	6	26	5
Salary problem (adjustment/increase/payment, etc.)	29	18	8	55	3
Performance assessment	19	56	14	89	1
Unfair treatment (other than what is listed)	13	23	16	52	2
Not listed	15	1	0	16	7
<b>TOTAL</b>	<b>101</b>	<b>131</b>	<b>51</b>	<b>283</b>	

Dissatisfaction around performance assessment and salary matters once again feature high up in the causes of grievances in this Province as well. Grievances around unfair treatment (which includes aspects such as verbal

abuse, unfairness, racial and gender discrimination, favouritism, victimisation, humiliation and intimidation) and recruitment and selection rank second and third, respectively.

### 3.4.9.3 Racial and gender distribution among aggrieved employees

The racial and gender distribution of the aggrieved employees per period in the Western Cape are reflected in **Figure 30** and **Figure 31**.

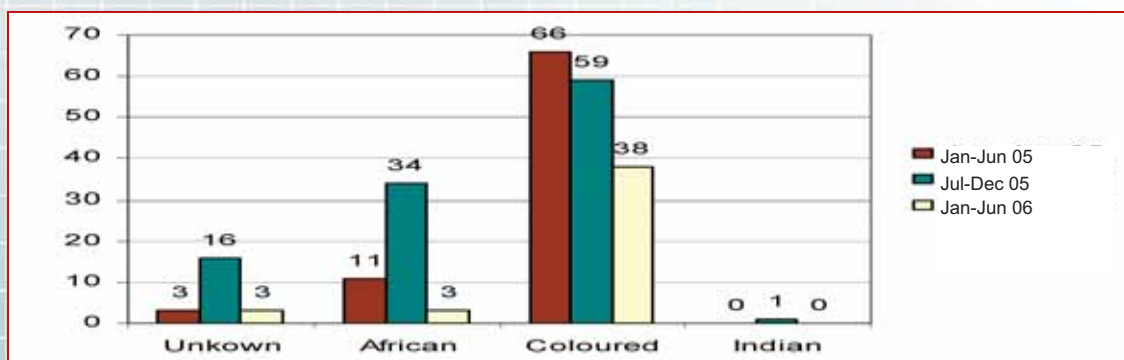


FIGURE 30: RACIAL DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE WESTERN CAPE PROVINCIAL ADMINISTRATION

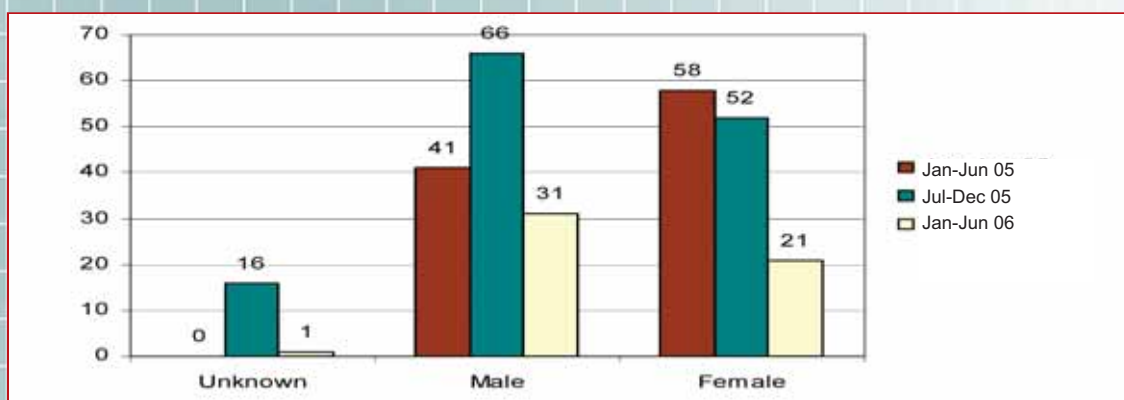


FIGURE 31: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES IN THE WESTERN CAPE PROVINCIAL ADMINISTRATION

The racial and gender distribution of grievances lodged in the Province represent the demographics of the Public Service in the Province<sup>26</sup>. However, note is taken of the fact that no Whites lodged any grievances over the reporting period. This, however, could be a result of the fact that departments did not complete information, as is evident from the “unknown category” depicted in **Figure 31**. **Period 2** witnessed many more women lodging grievances compared to **Periods 1** and **3**. Neither race nor gender appears to be an added dimension in the lodging of grievances in the Province.

### 3.4.9.4 Status of grievances within departments

As was mentioned in the discussion on grievance trends in respect of national departments, the status of grievances provides differentiated patterns for analysis and the effectiveness of the grievance resolution processes.

Data submitted by this Province’s departments reflect, in **Table 24**, the status of grievances.

<sup>26</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

As demonstrated in **Table 24** below, the number of grievances lodged by employees in the Western Cape also increased markedly from **Period 1** to **Period 2**, but declined substantially in **Period 3**. In **Period 1** a total number of 101 grievances were lodged. In **Period 2** this figure increased to 131, but fell to 51 in **Period 3**.

**TABLE 24: NUMBER AND STATUS OF GRIEVANCES IN THE WESTERN CAPE DEPARTMENTS**

DEPARTMENT	NUMBER OF GRIEVANCES LODGED			NUMBER OF GRIEVANCES FINALISED			NUMBER OF GRIEVANCES PENDING		
	PERIOD			PERIOD			PERIOD		
	1	2	3	1	2	3	1	2	3
Health	33	45	3	33	45	0	0	0	3
Education	5	14	2	0	4	2	5	10	0
Social Development	8	9	4	5	2	0	3	7	4
Transport & Public Works	10	5	1	5	3	1	5	2	0
Local Government & Housing	20	10	5	19	6	1	1	4	4
Cultural Affairs & Sport	7	14	0	6	9	0	1	5	0
Environmental Affairs & Development Planning	2	4	16	0	3	16	2	1	0
Economic Development & Tourism	1	1	5	1	1	3	0	0	2
Department of the Premier	6	6	4	2	5	4	4	1	0
Provincial Treasury	2	6	2	2	1	1	0	5	1
Community Safety	2	8	8	0	7	4	2	1	4
Agriculture	5	9	1	2	4	1	3	5	0
	101	131	51	75	90	33	26	41	18

### Grievances finalised

As depicted in **Table 24**, the Western Cape departments managed to finalise 198 cases of the 283 grievances received. This puts the overall average finalisation rate in this Province at 70%. A breakdown of grievances finalised per period is reflected below:

- **Period 1** – 75 (74%) grievances finalised out of 101 lodged
- **Period 2** – 90 (69%) grievances finalised out of 131 lodged.
- **Period 3** – 33 (65%) grievances finalised out of 51 lodged.

These trends are consistent with similar patterns in other provinces. Again, the expectation is that the finalisation rate of grievances should rise in proportion to a reduction in grievances, yet the converse is true.

### Grievances pending

The figures represented in **Table 24** on pending grievances highlight the concerns around grievance management already raised in respect of the finalisation of grievances within the Province. A further concern that emanates from this is that a high number (30%) of aggrieved employees remain dissatisfied for a prolonged time due to the high numbers of grievances pending. This is not conducive to employee wellness and productivity. Below is a breakdown of grievances pending per period:

- **Period 1** – 26 (26%) grievances pending out of 101 lodged
- **Period 2** – 41 (31%) grievances pending out of 131 lodged
- **Period 3** – 18 (35%) grievances pending out of 51 lodged.

Unfortunately the reasons for the number of pending grievances cannot be explained. It can be either that the Province's departments are lacking in the necessary capacity to handle grievances in an expeditious manner, or that they lack the necessary skills to do so, or simply that they do not afford the management of grievances the necessary priority.

### Grievances finalised within prescribed time limit

In **Period 1** the Western Cape departments managed to finalise 36 (36%) out of a total of 101 lodged grievances within the prescribed time limit. In **Period 2** only 4 (3%) grievances out of a total number of 131 lodged were finalised. In **Period 3** the finalisation rate improved slightly to 18%, where 9 out of a total number of 51 grievances lodged were finalised within the prescribed time limit. Overall, the Western Cape Department's timely finalisation rate stands at a disappointing 19%. Although the Western Cape departments managed a respectable grievance finalisation rate, they could not succeed in maintaining this performance by finalising grievances within the prescribed time limit.

## 3.5 CONCLUSION

The trends that have emerged in this chapter suggest that there are some serious concerns about grievance management in the Public Service. A more in-depth analysis of these trends will be discussed in Chapter 5.

# Chapter Four

## Referral of Grievances to the PSC

## 4.1 INTRODUCTION

All previous chapters reflected on the role of the PSC in grievance management, with particular reference to its monitoring. However, the PSC also has a direct role to play in grievance resolution. In a sense it is the last internal grievance resolution route that can be followed prior to an aggrieved employee seeking redress outside of the Public Service. In other words, if an aggrieved employee remains dissatisfied after the executing authority has looked into his/her grievance, such grievance may be referred to the PSC. This chapter deals with grievances that have been referred to the PSC.

In order to provide some continuation and linkages with the trends reported by the departments at national and provincial level the same reporting periods referred to in Chapter 1, paragraph 1.4 will be used to reflect on the trends in grievances:

- **Period 1:** January – June 2005
- **Period 2:** July – December 2005
- **Period 3:** January – June 2006.

The PSC uses a separate database in respect of grievances lodged with it. Such database includes grievances which are referred to it directly even before the internal procedure in the department is exhausted. This chapter reflects on trends on grievances that –

- have not been resolved by departments to the satisfaction of the aggrieved and were subsequently referred to the PSC<sup>27</sup>.
- were referred directly to the PSC by the aggrieved or his/her trade union because department failed to respond within the 30 days time limit<sup>28</sup>; and
- were referred prematurely to the PSC by either the aggrieved official or his/her trade union.

## 4.2 REFERRAL OF GRIEVANCES TO THE PSC

In accordance with section 35(1) of the *Public Service Act, 2004* (as amended) the PSC is the chief arbiter of grievances within the Public Service. This primarily arises from the fact that if an aggrieved person remains dissatisfied after being informed of the outcome of a grievance dealt with by the department, the aggrieved employee, may in terms of Rule F.9 of the *Grievance Rules, 2003*, request that -

- (a) ...
- (b) *the executing authority must in terms of section 35(1) of the Public Service Act, 1994, forward the grievance and the relevant documentation to the Public Service Commission for a recommendation within five days of being informed by the aggrieved employee.*<sup>29</sup>

The mandatory requirement for this to happen is that, a department must have finalised its investigation into the grievance and the aggrieved party remains dissatisfied with the outcome. Such a referral must be done by the relevant executing authority only. This responsibility may not be delegated, as the executing authority has specific responsibilities in respect of grievances in terms of Rule F of the *Grievance Rules, 2003* and section 35(1) of the *Public service Act, 1994* (as amended). A grievance investigation by a Department is only finalised when the Department's recommendations in respect of the grievance have been submitted to the executing authority for consideration and once his/her decision has been communicated to the aggrieved employee.

<sup>27</sup> Republic of South Africa. Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003, Rule F.9.

<sup>28</sup> Republic of South Africa. Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003 Rule F.11 (a)

<sup>29</sup> Republic of South Africa. Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003 Rule F.9.

## 4.2.1 Number of grievances referred to the PSC

The number of grievances referred to the PSC has increased on a yearly basis. Such annual increase could speak to a number of issues: Greater awareness around grievance procedure, practices and policies incorrectly applied that is increasing dissatisfaction, greater confidence in the PSC to resolve grievances and for an increasing unhappiness among the workforce. If one has regard to the trends in the previous chapter and the causes of grievances, it is more likely that the increase reflects a combination of incorrect application of practices and policies, and the inability by departments to deal with grievances timely.

TABLE 25: NUMBER OF GRIEVANCES REFERRED TO THE PSC

ORIGIN OF GRIEVANCES	NUMBER OF GRIEVANCES			
	Period 1	Period 2	Period 3	Total
National departments	108	157	198	463
Eastern Cape	30	53	53	136
Free State	4	20	26	50
Gauteng	3	10	15	28
KwaZulu-Natal	32	44	38	114
Limpopo	18	19	27	64
Mpumalanga	5	9	12	26
Northern Cape	7	62	59	128
North West	27	32	32	91
Western Cape	4	25	27	56
<b>TOTAL</b>	<b>238</b>	<b>431</b>	<b>487</b>	<b>1156</b>

Comparatively the most grievances referred to the PSC were from national departments, suggesting in the absence of further detail, that provincial departments are more inclined to resolve their grievances than is the case with national departments. This deduction is consistent with the tendency that is discussed in Chapter 3, namely that national departments tend to be less compliant with regard to the Grievance Rules, 2003. This is so because on aggregate, there are more grievances that are reflected as pending in the national departments than in the provincial departments.

## 4.2.2 Number of grievances returned due to improper lodging

Grievances are only properly lodged with the PSC if they were referred by the executing authority after the Grievance Rules have been followed. Instances where there is no such adherence, the PSC has little choice but to refer the matter back. Such instances are: Grievances lodged with the PSC before the departmental

investigation is finalised; prior to the decision of the executing authority; prior to the aggrieved having been informed of the outcome; referral by trade unions in deviation of the Grievance Rules and where the PSC has no *locus standi*.

Of the 1156 grievances received by the PSC during the three reporting periods, 710 of these grievances were returned by the PSC to the referral party for one or other of the reasons mentioned above. Of the 710 referred back, 701 were referred back to departments for compliance with the grievance procedure. **Table 26** below provides a breakdown of these referrals.

**TABLE 26: BREAKDOWN OF GRIEVANCES RETURNED BY THE PSC**

REASONS FOR REFERRAL OF GRIEVANCES	PERIOD 1	PERIOD 2	PERIOD 3	TOTAL
Lodged by former officers, 2 years after end of service	2	4	8	14
Lodged after prescribed 90 days	0	0	1	1
Non-adherence to the 30 day time frame to investigate	12	12	12	36
Internal investigation not commenced with	17	37	44	98
Internal procedure not followed by aggrieved or trade union	67	102	178	347
Public Protector has <i>locus standi</i>	2	3	0	5
Lodged directly with the PSC	27	70	108	205
Matter within Magistrates' mandate	1	1	0	2
GPSSBC was handling the matter	1	1	0	2
<b>TOTAL</b>	<b>129</b>	<b>230</b>	<b>351</b>	<b>710</b>

Despite returning the 701 grievances, the PSC is bombarded with enquiries from aggrieved employees or trade unions on the progress relating to the grievances sent back to departments. As a result, the PSC had to follow up on 701 grievances with departments during the three reporting periods. While this does increase the workload of the PSC in this area, such an approach has proved to be successful, especially in respect of follow-up on the part of the employee.

Technically, once the grievance is returned, the PSC should not be involved further until such time the department has dealt with it and the aggrieved requests that it be referred to the PSC. However, the experience of the PSC is that in order to promote fair labour relations practices it has to be followed up with departments.

### 4.2.3 Status of grievances with the PSC

After returning grievances not properly lodged, the PSC had 446 properly lodged grievances during the reporting period. **Table 27** depicts the status of grievances properly referred to the PSC for consideration in terms of section 35 (1) of the *Public Service Act*, 1994, (as amended).

**TABLE 27: STATUS OF GRIEVANCES HANDLED BY THE PSC**

NUMBER OF PROPERLY REFERRED GRIEVANCES	NUMBER OF GRIEVANCES PENDING DUE TO INCOMPLETE DOCUMENTATION & INFORMATION	NUMBER OF GRIEVANCES FINALISED PER PERIOD		
		PERIOD 1	PERIOD 2	PERIOD 3
446	404	6	30	6
		TOTAL FINALISED: 42		

For the PSC to consider such grievances, it requires all source documents and information relevant to each case. Upon analysis of these 446 grievances, the PSC discovered that in 404 grievances, it was not provided with all documents and information to proceed with the consideration of the grievances. Follow-up requests had to be made with the relevant departments. The remaining 42 cases were, however, finalised.

### 4.3 CAUSES OF GRIEVANCES REFERRED TO THE PSC

The causes of grievances referred to the PSC during the reporting periods including those that were referred back to departments are reflected in **Table 28**.

**TABLE 28: CAUSES OF GRIEVANCES REFERRED TO THE PSC**

CAUSE OF GRIEVANCES	NUMBER OF GRIEVANCES				
	Period 1	Period 2	Period 3	Total	Rank
Recruitment and selection	39	65	79	183	3
Undermining of authority	3	4	3	10	8
Application approval/Refusal to approve application	4	5	5	14	7
Disciplinary matter	6	12	14	32	6
Salary problem (adjustment/increase/payment, etc.)	84	94	117	295	2
Performance assessment	101	148	146	395	1
Unfair treatment (other than what is listed)	29	63	87	179	4
Not listed	14	44	50	108	5
<b>TOTAL</b>	<b>280</b>	<b>435</b>	<b>501</b>	<b>1216</b>	

The data captured in **Table 28** was extracted from the number of grievances recorded. As some employees lodged more than one grievance, the totals are slightly higher than the 1156 grievance cases referred to the PSC.

**Table 28** demonstrates that dissatisfaction with performance assessments was consistently ranked the highest cause of grievances, followed by salary matters and recruitment and selection, respectively. This trend aligns with the trend in national and provincial departments as discussed in Chapter 3. At this stage such trend is not surprising as these are the grievances that were not resolved in departments and were referred to the PSC. The continuation of this trend reinforces the view that there may be wide-spread problems in respect of these personnel practices and an urgent need for review.

#### 4.4 RACIAL AND GENDER DISTRIBUTION OF AGGRIEVED OFFICIALS

**Figures 32 and 33** illustrate respectively the racial and gender distribution of aggrieved employees whose grievances were referred to the PSC. Both racial and gender spread of aggrieved officers roughly follow the same racial composition ratios of the Public Service, as reflected in the PSC's Report on Affirmative Action.<sup>30</sup>

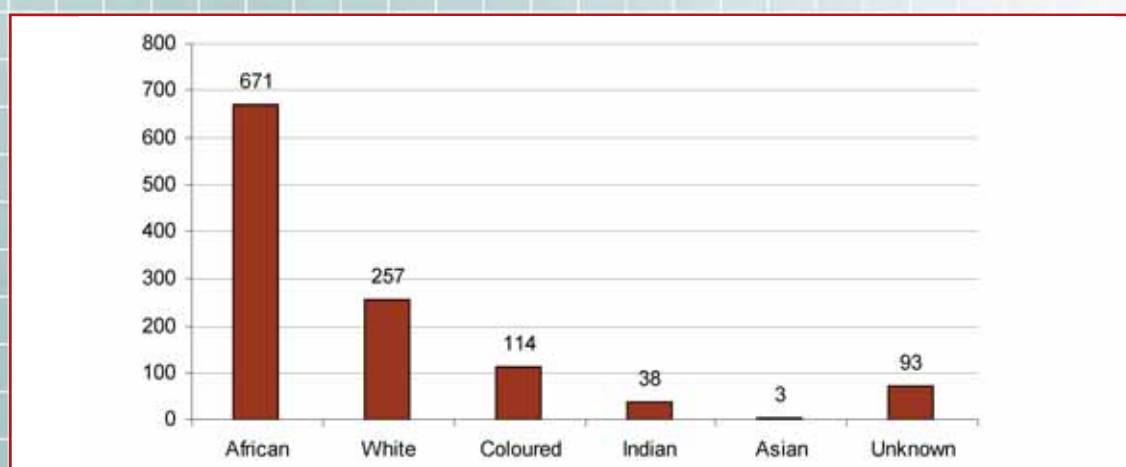


FIGURE 32: RACE DISTRIBUTION OF AGGRIEVED EMPLOYEES WHO'S GRIEVANCES WERE REFERRED TO THE PSC

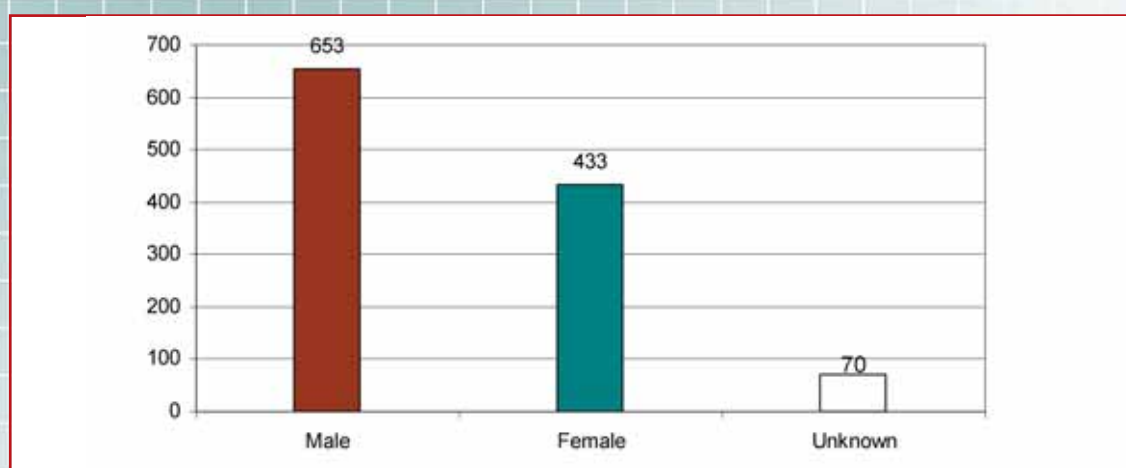


FIGURE 33: GENDER DISTRIBUTION OF AGGRIEVED EMPLOYEES WHO'S GRIEVANCES WERE REFERRED TO THE PSC

An analysis of the racial and gender composition of aggrieved officials whose grievances were referred to the PSC suggests that neither race nor gender appear to be an underlying or added dimension to the lodging of grievances, which is consistent with the general picture in Chapter 3 on national and provincial departments.

<sup>30</sup> Republic of South Africa: Public Service Commission. Report on An Audit of Affirmative Action in the Public Service, 2006.

## 4.5 CONSTRAINTS EXPERIENCED BY THE PSC IN FINALISING GRIEVANCES REFERRED TO IT

Requesting that a grievance be referred to the PSC indicates that the aggrieved official is dissatisfied with the department's handling of the grievance and its outcome. This then places a heightened expectation on the PSC to deal with the grievance objectively and timely. Such expectation is reinforced in the Grievance Rules where the PSC must finalise a grievance within 30 days<sup>31</sup>. However, compliance to this time frame is dependent on the PSC receiving all the information<sup>32</sup> to enable it to consider such a grievance.

Unfortunately, and to the detriment of aggrieved officials, experience has shown that there is a lack of adherence to the Grievance Rules and this creates major constraints in the resolution of grievances by the PSC. The next section attempts a clear articulation of the constraints experienced by the PSC.

### 4.5.1 Premature referral of grievances to the PSC

A key requirement of the Grievance Rules is to ensure that the defined communication protocol is observed. This is to ensure that grievances are adequately addressed within departments and as close as possible to the point of origin.

As **Table 26** has illustrated, of the 1156 grievances referred to the PSC, 710 had to be returned as they were prematurely referred to the PSC. This displays non-compliance on the part of departments in respect of the Grievance Rules. Such non-compliance results in departments themselves referring grievances prematurely, or employees incorrectly using the provisions of Rule F.11 to refer their grievance to the PSC. Rule F.11 relates to a situation where if a department fails to respond to an aggrieved employee's grievance within the mandatory time frame that the grievance may be submitted with the PSC. What this suggests is that there is little, if any, communication between the aggrieved and the department in the handling of the grievance. As a result, the PSC is constantly approached to intervene and in a sense act as a messenger between the two parties. As indicated earlier at paragraph 4.2.2 this places an undue administrative strain on the PSC.

Numerous grievances that could not be finalised to the satisfaction of aggrieved employees are also forwarded to the PSC, without due compliance to Rule F.9 of the Grievance Rules, 2003, which requires the referral to be made by the relevant executing authority. This not only delays the further handling of grievances, but also creates an unnecessary administrative burden for the PSC and its Office in having to refer such cases back for purposes of compliance and then having to continually follow up on such referrals.

### 4.5.2 Provision of incomplete documentation to the PSC

Grievances referred to the PSC must be accompanied by the full set of documents relevant to that grievance. This is primarily because the PSC uses a desktop methodology in the evaluation of grievances. Given such an approach a comprehensive set of documents is a prerequisite to the proper evaluation of a grievance. In many instances, especially in the case of national departments, if documents were included, the PSC had to request for more information on a variety of matters in order to thoroughly consider the grievances. This problem is best illustrated in **Table 27** above.

The national departments compared to provincial departments failed to provide the PSC with information and documents. Further to the foregoing, the PSC had also, on numerous occasions during the overall reporting period, experienced that it had to follow up in writing on its requests for more information. At times, this had to be done up to four times per grievance. In such instances the PSC's approach has been to assist departments in facilitating grievance management. However, experience has shown that departments take advantage of such latitude and aggrieved employees on the other hand are procedurally prejudiced. Given these pressures, the

<sup>31</sup> Republic of South Africa. Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003, Rule G.1.

<sup>32</sup> Republic of South Africa. Public Service Commission. Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003.

PSC has increasingly lately resorted to issuing summonses<sup>33</sup> to Heads of Departments to obtain the necessary cooperation and to ensure the provision of documentation and the speedy finalisation of grievances.

### 4.5.3 Jurisdiction shopping by aggrieved party

Currently, there are a number of avenues that aggrieved employees can approach to adjudicate their grievance. If not controlled, this can result in duplication of resources or abuse on the part of the aggrieved of the different institutions if they are unhappy with the outcome. The grievance rules attempt to manage this situation by stipulating that if an aggrieved party opts to utilise the dispute resolution procedure of the PSCBC, or a relevant Sectoral Council, the aggrieved party will inform the PSC that it should no longer consider the grievance<sup>34</sup>. To further control such situation, the PSC has a Memorandum of Understanding with the Public Protector that essentially says that in view of the degree of overlap between the scope of authority of these two institutions, the Public Protector will deal with grievances/ complaints of the public while the PSC will deal with those in the employ of the Public Service.

Despite all of these measures it is still found that aggrieved employees send their grievances to a variety of institutions. Where it is known that this has happened, the PSC will not enquire into the grievance. However, in instances where it is not known, the PSC may be considering a grievance at the same time that the other institution is also busy with it. Apart from the wastefulness of resources an institution such as the PSC can unwittingly review the work of another. In such instances the PSC will be acting *ultra vires*.

### 4.5.4 Grievance information submitted by departments

Heads of Departments are required in terms of Rule I.1 of the Grievance Rules, 2003, to submit six monthly reports in the finalisation of grievances. These reports are in many instances submitted late and only after a series of reminders to departments. In addition, many such reports are also submitted incomplete or with inaccurate statistics. Such delays and poor submission of data impact negatively on the monitoring role of the PSC and its responsibility to report to National Assembly and the Provincial Legislatures in terms of Rule I.2 of the Grievance Rules.

## 4.6 CONCLUSION

Not surprisingly, the trends seen in Chapter 3 are similar to those found during the PSC's grievance resolutions. What makes it different is that the PSC relies heavily on departments providing it with the necessary information to facilitate its adjudication of grievances. The high degree of non-compliance by departments is a real indictment on managers within departments. Such action negatively affects the ability of the PSC to fulfil its responsibilities.

<sup>33</sup> Republic of South Africa. Public Service Commission Act, Act 46 of 1997, section 10(2).

<sup>34</sup> Republic of South Africa. Public Service Commission. Rule F.10 of the Rules for Dealing with the Grievances of Employees in the Public Service, Government Gazette number 25209 of 2003.

# Chapter Five

## Analysis of Grievance Trends in the Public Service

## 5.1 INTRODUCTION

Effectively improving labour relations means that the PSC has to go beyond grievance resolutions to understand the underlying causes of grievances. In this way, if a particular practice is giving rise to grievances and this is addressed, the number of dissatisfactions should decrease resulting in a happier Public Service workforce.

While the previous chapters have tracked the numbers of grievances and grievance patterns, as based on the data contained in the six monthly reports<sup>35</sup> from departments and the PSC's data on grievances referred to it during the reporting period in question, this chapter analyses the grievance trends in the Public Service.

## 5.2 ANALYSIS OF GRIEVANCE TRENDS IN THE PUBLIC SERVICE

### 5.2.1 Number of grievances lodged in the Public Service

As is evident from both Chapters 3 and 4 and as reflected in **Table 29** below, the overall number of grievances registered by aggrieved employees in the Public Service has substantially increased in national departments and the PSC, but progressively declined in provincial departments over the three reporting periods.

**TABLE 29: NUMBER OF GRIEVANCES**

ORIGIN OF GRIEVANCES	NUMBER OF GRIEVANCES			
	Period 1	Period 2	Period 3	Total
National Departments	146	337	621	1104
Provincial Departments	1417	1227	728	3372
Referrals to the PSC	238	431	487	1156
<b>Total</b>	<b>1801</b>	<b>1995</b>	<b>1836</b>	<b>5632</b>

While there is no baseline to serve as an indicator for the acceptability or otherwise of the percentage of grievances in relation to the size of the Public Service's workforce, the number of grievances reported is cause for concern as such trend indicates relative high levels of dissatisfaction among public servants in the Public Service which on aggregate has increased.

Whereas the figures reported are in themselves reason for concern, these figures may not be an accurate barometer on the actual level of unhappiness amongst employees. Not all employees resort to formal grievances, and as a result there may very well be many more unhappy employees than the figures would suggest. From this perspective, it is important that departments constantly monitor the causes of grievances lodged with them. This may reveal trends that could alert them to possible shortcomings in their own in-house policies and/or the application of such policies. The objective of this is to address such shortcomings proactively to prevent further grievances of a similar nature from arising.

Failure to address unhappiness in the workplace poses a threat to overall service delivery. An unhappy employee is not an optimal worker. Usually such an aggrieved employee channels his/her energy away from the work at hand, with an inevitable negative impact on motivation, work quality, dedication and loyalty to the employer. Given the debilitating effect on the workplace and the workforce, grievance management is a very important managerial function that cannot be neglected.

<sup>35</sup> Republic of South Africa. Public Service Commission. Rule 1.1, Rules for dealing with the grievances of employees in the Public Service were promulgated in Government Gazette number 25209 of 2003.

## 5.2.2 Underlying causes of grievances

Grievances normally arise in the workplace as a result of an official act or omission. Such act or omission usually arises from the application of a regulatory framework. Overall **Table 30** reflects the top eight causes of grievances in the Public Service.

**TABLE 30: CAUSES OF GRIEVANCES IN THE SOUTH AFRICAN PUBLIC SERVICE**

CAUSES OF GRIEVANCES	National Departments	Provincial Departments	Grievances Referred to the PSC	Aggregate for Public Service
Recruitment and selection	3	3	3	3
Undermining of authority	8	8	8	8
Application approval/Refusal to approve application	7	7	7	7
Disciplinary Matter	5	6	6	4
Salary problems (adjustment/increase/payment, etc.)	2	2	2	2
Performance assessment	1	1	1	1
Unfair treatment (other than what is listed)	4	4	4	5
Not listed	6	5	5	6

**Table 30** shows consistently that dissatisfactions around performance assessment, salary matters and recruitment and selection emerged as the top three causes of grievances in the Public Service.

Attempting to understand the reasons for such trends can be somewhat complex. Firstly, if one looks at these top contenders they all, to some degree, affect the livelihoods of individuals. This suggests that if individuals perceive that they are being hurt in their pockets, they are more likely to follow up on the matter, hence the higher number of grievances in these areas.

Secondly, the high number of dissatisfactions may point to inadequate management of policies. Actions or omissions emanating from these areas are a result of the application of the policy framework. For example, performance assessments are carried out according to the PMDS within a department. Possible poor application of the PMDS is the underlying cause for the highest dissatisfaction rate. This is not surprising if one looks at studies conducted by the PSC in the area of performance management.

TABLE 31: FINDINGS OF PSC STUDIES ON PERFORMANCE MANAGEMENT

STUDY/INVESTIGATION	CORE FINDINGS
Management of Senior Managers' Performance Agreements <sup>36</sup>	<ul style="list-style-type: none"> <li>• Performance agreements place emphasis on outputs rather than outcomes.</li> <li>• There were inconsistencies in the manner that performance criteria were formulated. Some agreements only reflected target dates and very few provided qualitative criteria for the measurement of performance.</li> <li>• Performance is not being reviewed frequently.</li> <li>• Managers were of the view that service delivery is improved through the performance agreement system.</li> </ul>
Investigation into the State of Performance Management Systems in the South African Public Service <sup>37</sup>	<ul style="list-style-type: none"> <li>• Some departments did not consult with stakeholders on the implementation of the PMDS.</li> <li>• PMDS was being implemented without an agreed Policy Framework in 25% of departments.</li> <li>• Persons assigned with the responsibility of PMDS were not all trained.</li> <li>• The PMDS systems were not piloted first in many departments.</li> <li>• A number of departments experienced performance appraisal backlogs.</li> </ul>
Evaluation of Heads of Departments for the 2001/2002 Financial Year <sup>38</sup>	<ul style="list-style-type: none"> <li>• There is a lack of urgency to arrange panels for the evaluation of HoD's.</li> <li>• Sufficient attention to the completion of performance measurement documentation is not provided.</li> <li>• There is a disjuncture between the ratings allocated to HoD's and the performance of their departments.</li> </ul>
Audit into the granting of performance rewards to senior managers of the Departments of Home Affairs, Labour and Correctional Services <sup>39</sup>	<ul style="list-style-type: none"> <li>• In certain instances the system is applied without thorough application of the norms and standards that are supposed to apply.</li> <li>• Performance agreements are not sufficiently thought through and inadequate performance measures are included.</li> <li>• The actual performance evaluation process is in some instances also dealt with haphazardly.</li> <li>• In other instances, managers are not being evaluated at all and performance agreements are not being signed.</li> <li>• The result of such inconsistencies is that managers that should be rewarded for good performance may not be receiving such rewards and those that do not qualify may be benefiting irregularly.</li> </ul>
Investigation into the Management of Poor Performance in the Public Service (Report not yet published) <sup>40</sup>	<ul style="list-style-type: none"> <li>• Many managers appear not to have a thorough grasp of the constituent elements of the System and lack the necessary time, dedication and skills to make it work.</li> <li>• The System is utilised mainly for compliance purposes.</li> <li>• Performance standards are poorly defined and there is hardly any ongoing monitoring of performance, with a resultant absence of regular manager-employee communication, performance feedback, guidance, coaching and mentoring.</li> <li>• Managers' assessments of employees' performance levels are often out of synch with the standards of moderation committees.</li> </ul>

<sup>36</sup> Republic of South Africa. Public Service Commission. *Management of Senior Managers' Performance Agreements*, 2002.

<sup>37</sup> Republic of South Africa. Public Service Commission. *Report on the State of Performance Management Systems in the South African Public Service*, 2004.

<sup>38</sup> Republic of South Africa. Public Service Commission. *Evaluation of Heads of Department for the 2001/2002 Financial Year*, 2004.

<sup>39</sup> Republic of South Africa. Public Service Commission. *Audit into the granting of performance rewards to senior managers of the Departments of Home Affairs, Labour and Correctional Services*, 2006.

<sup>40</sup> Republic of South Africa. Public Service Commission. *Investigation into the Management of Poor Performance in the Public Service*, 2007.

It is clear from this and previous reports of the PSC that there are serious problems in the application of the PMDS. This matter deserves further unpacking in order to highlight some of the more prominent root causes that give rise to such widespread dissatisfaction around performance assessments.

There is a general lack of performance management culture and this is reflected in the apparent haphazard approach in managing performance. Such approach opens the System up to justifiable concerns about objectivity and procedural compliance. Employees want to be evaluated for their performance and when this does not happen their dissatisfactions are in many instances formalised through grievances.

The results of a study into the Management of Poor Performance by the PSC<sup>41</sup>, which will be published soon, confirm that (see **Table 3I**). The roll-out of the PMDS has not been done thoroughly. There is also widespread failure to uphold its underlying principles. Many managers appear not to have a thorough grasp of the constituent elements of the System and lack the necessary time, dedication and skills to make it work. The system is utilised mainly for compliance purposes.

Significantly, from the grievances analysed by the PSC, findings show that managers' assessment of employees' performance levels are often out of synch with the standards of moderation committees resulting in a situation where many dissatisfactions emanate from the moderation of the scores allocated by supervisors. The potential for low morale and discord in the area of performance management is therefore real. Employees may become frustrated that their hard work is not being recognised while other less dedicated employees seem to be advantaged. The net result is that such dissatisfactions are translated into formal disputes between employees and their employers. This could also easily be avoided through a more focused application of the norms and standards that underscores the Performance Management and Development System.<sup>42</sup>

Similarly, the rating of recruitment and selection is not surprising. The many grievances and complaints that have been submitted to the PSC over the years in this regard, show that employees often times take issue with the validity, fairness, objectivity and congruency of the selection process in the filling of posts. Attempts have been made to address this recurring pattern through the publication of the PSC's Toolkit on Recruitment and Selection<sup>43</sup> which provides departments with a guide to better practices. Despite the detailed nature of the Toolkit, the following problems still remain:

- Advertisements are poorly compiled, and lack the necessary depth in person and post specifications, resulting in poor recruitment.
- Job descriptions which form the basis of the advertisements are poorly compiled and results in poor and inadequate selection criteria for the filling of posts.
- Properly defined and valid performance standards are basically non-existent. Such performance standards are as important as job descriptions in that they provide insight into the knowledge and skills that are required to be successful in a post<sup>44</sup>.

Drawing from this, it is evident that the necessary building blocks on which a responsible recruitment and selection process can be based to uphold the principles of fairness, equity and accessibility to careers in the Public Service are not in place.

Dissatisfactions around salary related matters are the third main cause of grievances in the Public Service. Apart from the general dissatisfactions that usually prevail around salaries, a disturbing trend is that many grievances resulting from salary matters have their origin in the alleged inequitable and unfair application of job evaluation results. But what is even more disturbing, is that there are long outstanding grievance cases around matters such as the alleged unfair allocation of the now defunct allocation of second and third notches and the alleged incorrect application of Resolution 7 of 2000.

<sup>41</sup> Ibid.

<sup>42</sup> Republic of South Africa. Public Service Commission. *Challenges Relating to Performance Assessments and Award Systems. A Paper presented by Ms OR Ramsingh, Director-General in the Office of the Public Service Commission at the PSCBC/OPSC Biennial Labour Relations Conference for the Public Service held on 26 to 28 March 2007 at Emperor's Palace, Ekurhuleni.*

<sup>43</sup> Republic of South Africa. Public Service Commission. *A Toolkit on Recruitment and Selection, 2003.*

<sup>44</sup> Ibid.

### 5.2.3 Low rate of grievance resolution

The finalisation rate of grievances has decreased from period to period. A credible and effective grievance policy is dependent not only on a stipulated procedure but also the belief that it will be implemented in a fair, coherent and objective manner. Paramount to all of this is that resolution to a grievance will be found fast. The Public Service's low overall finalisation rate (53%) tends to erode the very pillar that an effective grievance policy rests on.

In almost all cases departments managed to maintain a fairly high grievance finalisation rate during **Period 1**. However, this changed rather drastically in **Period 2** and **Period 3** as depicted in **Table 32** below. There could be a variety of reasons to explain this trend.

**TABLE 32: GRIEVANCE FINALISATION RATES (%)**

NATIONAL DEPARTMENTS			PROVINCIAL DEPARTMENTS		
Period 1	Period 2	Period 3	Period 1	Period 2	Period 3
69%	47%	34%	66%	48%	51%

Prior to the research findings in the PSC's report on the Management of Poor Performance in the Public Service, it was generally thought that line managers simply abdicate their human resource management responsibilities, including grievance management. However, this report shed light on deeper problems in this regard, namely that –

- Line managers lack the necessary time to deal with grievance management. This stems from staff capacity problems, i.e. numbers of employees and skills, exacerbated by inefficient recruitment practices.
- Line managers lack the necessary interpersonal and technical skills to deal with grievances, and as a result tend to procrastinate when faced with grievances.
- Line managers do not receive adequate advisory and facilitation support from human resource and labour relations practitioners. This is often compounded by these support staff placing an over-emphasis on administrative and procedural issues rather than the deeper dimensions of HR and LR management.

Apart from the above, line managers themselves may not have the requisite knowledge and skills to deal with grievances. This reinforces the critical importance that should be provided by HR and LR Practitioners, and calls for a repositioning of these practitioners to respond to such needs.

### 5.2.4 High number of unresolved grievances

During the analysis of data in the previous chapters, unresolved grievances were referred to as pending grievances. Simply put, pending grievances mean grievances have not been resolved, and/or have not been resolved on time. The trends from the data show a high increase in the number of grievances (46%) that are pending. The increasing number of grievances exacerbates the problem around pending grievances, as more grievances within departments will only put a greater strain on their capacity to finalise the grievances. This “knock-on” effect deepens the problem around grievance management. Such “knock-on” effect is also felt through premature referral of grievances to the PSC or the various Sectoral Councils of the PSCBC. This is because aggrieved employees become impatient by the protracted time departments take to resolve their grievances, or else feel that departments are not adhering to the Grievance Rules.

Apart from the procedural unfairness that arises, deeper problems creep into the system. The longer grievances

are left unattended, the deeper the resentment grows, turning an aggrieved employee into a negative catalyst, sowing seeds of hostility amongst his/her peers towards the employer. When matters reach this stage, it stands to reason that the more aggrieved employees there are, the bigger the threat to the organisation's work culture.

### 5.2.5 Difficulties in adhering to time frames

Throughout this report, reference to time frames has posed a constant challenge. This ranges from finalising grievances within a prescribed time to referring grievances to the PSC or advising the aggrieved of the outcome of his/her grievance. Briefly the following time frames prevail:

- A grievance must be lodged with the employer within 90 days from the date on which the employee became aware of the official act or omission which adversely affects him/her.
- A department (including the executing authority) has 30 days to deal with the grievance. The period may be extended by mutual written agreement.
- If, after the aggrieved employee remains dissatisfied after having been informed of the outcome of the grievance, the executing authority must be informed thereof in writing within 10 days. The executing authority must then forward the grievance and all relevant documentation information to the PSC.
- The PSC must finalise a grievance within 30 days of receipt of the grievance as well as all documents and information on a grievance, and make a recommendation to the executing authority.
- The executing authority must inform the PSC and the employee of his/her decision within five days of receipt of the PSC's recommendation in respect of a grievance referred to and considered by it.

In most instances these time frames are not met. This then diminishes the aggrieved employee's right to a quick resolution of his/her grievance, or the delay in submitting documents and information to the PSC results in a grievance being held in suspense.

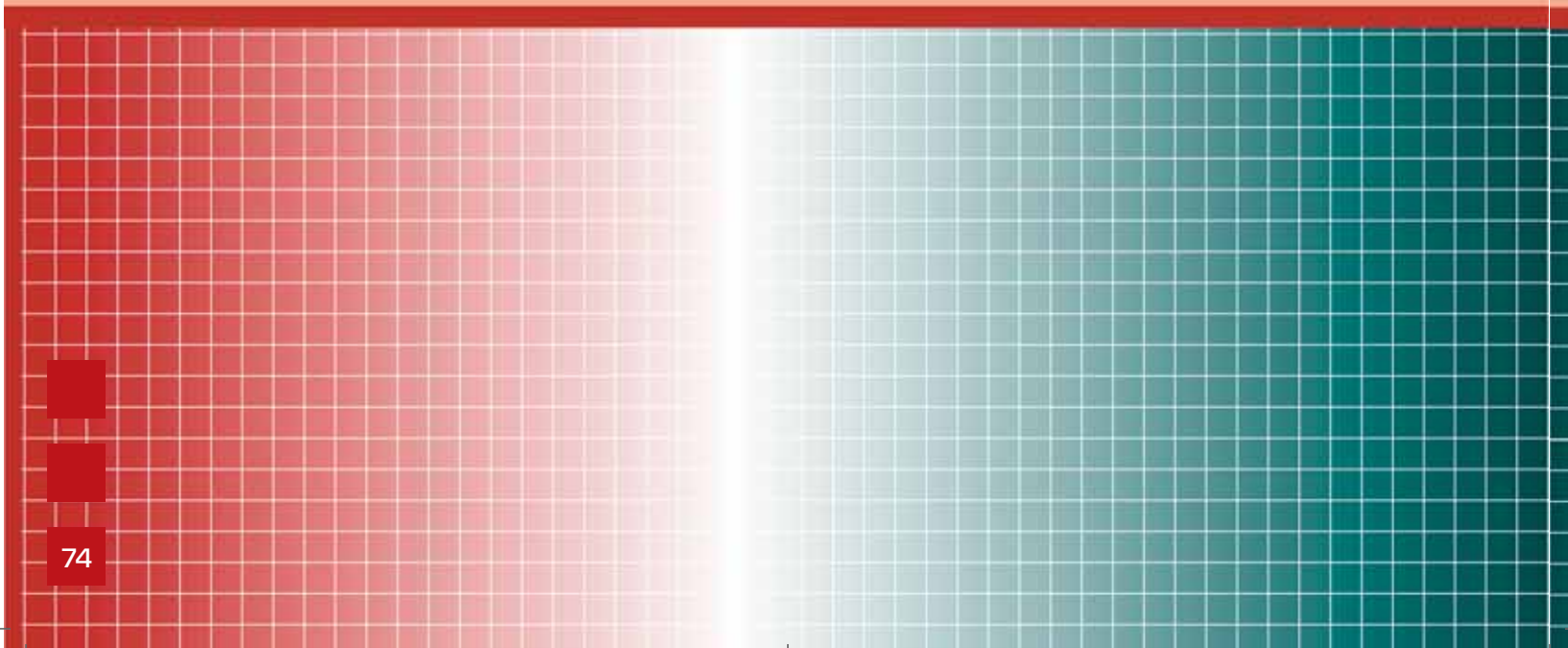
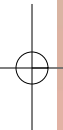
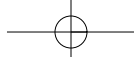
Simply seen, such non-adherence points to abdication of grievance management and/or undermining of the Grievance Rules. However, the high number of unresolved grievances may be pointing to something much deeper. Such deeper interrogation begs the question as to whether the time frames are practical. Grievance Rules are a matter of mutual interest, and the time frames were agreed to by both the employer and employee representatives. Much of the rationale behind such agreement was to ensure the speedy resolution of grievances. The unintended consequence of the time frames has seen an increasing degree of non-compliance on the part of role-players, especially departments. This non-compliance must be seen against high line function responsibility demands, alleged limited capacity, poor policy and systems knowledge, and inadequate advisory support.

Compounding this situation is a geographic spread of regional and district offices and issues around decentralisation and devolution of authority. The current role expression of Labour Relations Officers<sup>45</sup> does not help. These officers experience role ambiguity and against management expectations, have difficulty assuming an impartial advisory role. Rather than facilitators of grievance resolutions they offer advice that they think management would like. As a result, their specialised expertise is clouded by organisational practice.

## 5.3 CONCLUSION

This report abounds with instances of non-adherence to the Grievance Rules. Culprits of such non-adherence range across the spectrum: Departments, employees and trade unions. A number of deviations on the part of the different stakeholders have been highlighted: Non-adherence to time lines, premature and inappropriate referrals and not reducing grievances into writing have been observed and point to the refinement of the Grievance Rules. Failure to refine the Rules to accommodate practices and reality may result in a situation where the Rules become irrelevant to the role-players.

<sup>45</sup> Republic of South Africa. Public Service Commission.



# Chapter Six

## Recommendations to improve problem areas in Grievance Management in the Public Service

## 6.1 INTRODUCTION

The findings of this report have made a strong case for improvement in grievance management in the Public Service. The current situation is characterised by increasing grievances, poor rate of grievance resolution, prolonged grievances and general inability to manage grievances effectively. This chapter provides recommendations to improve the situation.

## 6.2 SUGGESTED AMENDMENTS TO THE GRIEVANCE RULES

Numerous shortcomings have been identified in this research report. Many do not lie at the door of the Grievance Rules. Rather than the policy framework, shortcomings are more prevalent among the management of the policy. However, some of the inability on the part of departments do speak to the issue of practical, "on the ground" realities, and suggest some consideration for amendments to the Grievance Rules.

Where it was possible to refine the Grievance Rules, this has been done and the proposed amendments appear at **Annexure A**. As will be noted the amendments, amongst others, propose an extension of the period for consideration of grievances by departments to 45 days, given the delays experienced in finalising grievances.

The PSC is mindful of the fact that these proposals are subject to agreement between the employer and labour in the PSCBC.

## 6.3 REVIEW OF DEPARTMENTAL HR POLICIES AND PRACTICES

Consistently, the top three causes of grievances in the Public Service are dissatisfactions around performance assessment, recruitment and selection and salary matters. Such a consistency raises serious concerns about the policies and practices around these matters. What compounds this concern is the increasing number of grievances over the three reporting periods, suggesting that the underlying causes of such grievances are not being addressed.

Clearly, there needs to be an immediate review of departmental policies and practices, particularly in these areas, if departments are going to make a dent in the increasing number of grievances. To assist proper implementation, consideration should be given to the development of relevant guidelines to improve the management of the human resource practices.

In addition, departments should prioritise conducting a survey of outstanding cases around matters relating to the alleged unfair allocation of the defunct second and third notches and the alleged incorrect application of Resolution 7 of 2000<sup>46</sup>, and address any problems arising therefrom.

Departments should utilise the services of the DPSA's help desk whenever in doubt.

## 6.4 CAPACITY BUILDING

Throughout this report issues around capacity within departments recurred. The problems experienced around capacity are multifaceted and far-reaching. The various constituent variables are subsequently dealt with below:

### Building line function capacity

Managers have complained of being under undue strain as a result of a lack of the numbers of employees and skills of employees. This leaves them with barely sufficient capacity to deal with what they see as their core line functions activities. Grievance management is seen as a non-core line function. Apart from building the necessary capacity, there is a need for re-orientation among line managers to appreciate the strategic impact that effective grievance management can make on their core business.

<sup>46</sup> Republic of South Africa. Department of Public Service and Administration. Resolutions 7 of 2000 & 2 of 2002, Public Service Co-ordinating Bargaining Council.

## Building overall knowledge, understanding and skills for grievance management

Departmental role players are not adequately versed in the grievance policy, and this spurs inefficiency and improper implementation. Consideration should be given to providing training in respect of the legal and procedural prescripts pertaining to grievances, together with an explanation of substantive issues and the legal dictums that underlie such procedures.

The South African Management Development Institute (SAMDI) should develop a module on grievance management to be included in the training to be offered to supervisors and members of the Senior Management Service.

### 6.5 PROVISION OF STRATEGIC AND EXPERT SUPPORT

The staff support components of a department, in particular Human Resource Management and Labour Relations must support the needs of their internal stakeholders. They need to reposition themselves as facilitators of HR and LR practices rather than solely as protectors of administrative and procedural processes. Both have a key responsibility to ensure that HR and LR practices are done in an effective manner that would inhibit the possibility of disputes arising.

Human Resource components should ensure that the departmental policies provide the necessary guidelines, delegated power of authority and timeframes. In promoting labour peace, departmental Labour Relations components should monitor that employees are familiar with their rights and obligations.

### 6.6 INFORMATION MANAGEMENT AND DEPARTMENTAL GRIEVANCE OVERSIGHT

Departments need to move beyond the view that internal monitoring and evaluation (M&E) is solely for reporting purposes, and must begin to appreciate the strategic advantage of imbedded M&E practices. Departments often have a wealth of information at their disposal in the areas of human resources and labour relations that could guide important strategic management decisions. In the absence of such awareness much of the value is lost. Likewise, the M&E approach to grievance information is rather seen as an irritant to them. As a result departmental oversight on grievance management is inadequate.

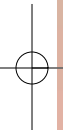
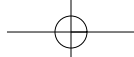
Such departmental oversight needs to be improved. Monthly grievance report, including grievance case progress should form part of the informal departmental reporting on grievance trends. Such monitoring responsibility should be specifically located within the organisation to ensure that the trends and their likely impact are fed into the decision-making processes of the organisation.

Such practices should result in an improvement in the quality of the six monthly reports referred to the PSC.

### 6.7 EMPLOYEE ORIENTATION

Given a multitude of procedural problems around the management of grievances, in part caused by employee ignorance on the Grievance Rules, it will be to the benefit of all role players if employees could be re-orientated on the proper grievance procedures.

The high number of unsubstantiated grievances suggests that many of the grievances are as a result of misunderstanding, misinformation or misinterpretation. General awareness raising on the grievance procedure and release of information sheets containing guidelines and principles will promote greater understanding and appropriate utilisation of the framework. Considering turnover rates of staff, such orientation should be conducted on a regular basis.



# Chapter Seven

## Conclusion

This research report clearly outlines a case of inadequate grievance management in the Public Service. It leaves a picture of departments that do not comply with the grievance framework, and do not display the seriousness that grievance management should receive.

Despite the current lapse, the results of this finding should be received as an opportunity to address the problems and benefit from effective grievance management. The benefits have been reflected throughout the report, especially in relation to the cultivation of good human resource management practices and their positive impact within an organisation.

The PSC therefore encourages meaningful engagement with this report and the significance of the trends that have emerged. The trends provide useful indicators to the risk areas within departments and allow for a proactive approach to addressing the causes of grievances. Such approach should minimise the number of grievances and lower the level of dissatisfaction within a department. Both of which should make grievance management much easier and contribute to a harmonious working environment.

# Annexure A

## Proposed Amendments to the Grievance Rules

## Lodging and following up on a grievance

### “E. PROVISION OF INFORMATION

3. The employee must be provided with information *in writing* about the status of the grievance and the progress made towards the **[planned]** finalisation **[date]** thereof.”

### “F. **[DEPARTMENTAL]** PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

11. If there is failure on the part of the department to respond to the grievance within the period referred to in Rule F.8, the aggrieved **[officer]** employee may, *after having directed an enquiry in writing to the designated employee regarding the status of his or her grievance and has not been provided with a response after 5 days of the written enquiry*, lodge his or her grievance with –
  - (a) the Commission directly; or
  - (b) ...”.

## Jurisdiction shopping

Despite the provision contained in Rule F.10 of the Grievance Rules, 2003, that an employee may opt to utilise the dispute resolution mechanism provided for in the constitution of the Public Service Co-ordinating Bargaining Council or a relevant Sectoral Council, in which case the PSC must be notified so that it no longer considers the case, employees refrain from doing so and tend to alternate between the grievance procedure and the dispute settling procedure. To address this problem the following amendments to the Grievance Rules are recommended:

### “F. **[DEPARTMENTAL]** PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

10. If the grievance constitutes an alleged unfair labour practice as defined in the Labour Relations Act, 1995, the employee **[may]** must inform the executing authority in writing that he/she wishes to utilise the dispute resolution mechanisms provided for in the constitution of the Public Service Coordinating Bargaining Council or the relevant sectoral council (whichever is applicable). **[and that]** *The Department should within 5 days inform the Public Service Commission of the employee’s decision. [should therefore not consider the grievance.]”*

### “J. UTILISING OTHER DISPUTE RESOLUTION MECHANISMS [PROCEDURES]

When a grievance is lodged in terms of this procedure, an aggrieved employee must *inform the designated employee/executing authority in writing whether he or she is utilising any other [procedure] dispute resolution mechanism. The aggrieved employee who has referred his or her grievance to the Commission in terms of Rule F.9, and is also utilising other avenues, must disclose this to the Commission. The Commission shall not consider such a grievance.”*

## Failure to submit grievance forms and clearly articulating grievances

To address the failure of aggrieved employees to reduce their grievances into writing, in the prescribed Grievance form that forms part of the Grievance Rules, the following amendments to the Grievance Rules are recommended:

### “C. MANAGING A GRIEVANCE

6. A grievance must be lodged in writing *by utilising the prescribed Grievance Form at Annexure A*, and all decisions taken during the process must be in writing”.

### “F. [DEPARTMENTAL] PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

1. An employee **[may]** must lodge a grievance with **[an employee designated]** *the designated employee appointed to facilitate the resolution of grievances in the department by using the Grievance Form at Annexure A”.*

### Inappropriate referral of grievances to the PSC

Numerous grievances that could not be finalised to the satisfaction of aggrieved employees are forwarded to the PSC without due compliance to Rule F.9 of the Grievance Rules, 2003, which requires the referral to be made by the relevant executing authority. To address this problem the following amendments to the Grievance Rules are recommended:

### “F. [DEPARTMENTAL] PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

7. If a grievance may be resolved, *it must be submitted to the executing authority for his or her decision and he/she must inform the aggrieved employee accordingly”.*

### “D. ADHERENCE TO TIME LIMITS

4. *Should the aggrieved employee remain dissatisfied with the decision of the executing authority, [an employee] he or she may demand that his or her grievance be referred to the Commission within 10 days of receipt of such [after receiving the executing authority's] decision.*
5. *Where the aggrieved employee requests the referral of the grievance to the Commission in terms of Rule D.4, he or she must give an explanation in writing for his or her dissatisfaction with the Executing Authority's decision – by completing Part C of the prescribed Grievance Form at Annexure A.”*

### Provision of incomplete documentation to the PSC

To address the delays created in the consideration of grievances referred to the PSC by departments' failure to provide the PSC with all documents and information, the following amendments to the Grievance Rules are recommended:

### “F. [DEPARTMENTAL] PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

9. If after the aggrieved employee is informed of the outcome of the grievance and he/ she remains dissatisfied –
  - (a) he/she must inform the executing authority **[thereof]** *of the reasons for his or her dissatisfaction in writing within 10 days of receipt of the executing authority's decision;*
  - (b) the executing authority must in terms of section 35 (1) of the *Public Service Act, 1994*, forward the grievance and **[the]** all relevant documentation *and information* to the Public Service Commission for a recommendation within five days of being informed by the aggrieved employee”.

## “G. REFERRAL TO THE COMMISSION

1. Once the Commission has received all the *documentation* and information from the executing authority, it must within 30 days consider such grievance and inform the executing authority of its recommendation and the reasons for its decision in writing”.

### Failure to adhere to time frames

Departments generally appear to be experiencing difficulty in finalising grievances within the 30 day time limit set by Rule F.8 the Grievance Rules. Added to this, they also neglect to consult with the aggrieved employee to extend the period. This invariably results in the aggrieved employees invoking Rule F.11 by referring their grievances directly to the PSC. The PSC then has to formally request departments to deal with such grievances and has to continually monitor progress from then on. To address these problems the following amendment to the Grievance Rules are recommended:

## “F. [DEPARTMENTAL] PROCEDURAL STAGES TO ADDRESS A GRIEVANCE

8. The department (including the executing authority) has **[30]** 45 days to **[deal]** finalise **[with]** the grievance. In the event that a department discovers that it will require more time to finalise the grievance it must inform the aggrieved official without delay. The period may be extended by mutual agreement in writing”.

### Grievance information submitted by departments

Heads of Departments are required in terms of Rule I.1 of the Grievance Rules, to submit six monthly reports in the finalisation of grievances. Yet, these reports are in many instances submitted late and only after a multitude of reminders to departments and are often submitted incomplete or with statistics that do not tally. To address these problems and to align the reporting with the Public Service’s budgeting cycles, which inform all other reporting, the following amendment to the Grievance Rules are recommended:

## “I. MONITORING AND EVALUATION

1. The head of department must ensure that grievance resolution is evaluated by maintaining a record of the number of grievances resolved from the beginning of each **[calendar]** financial year and report to the Commission on a six monthly basis.
3. *The head of department must submit the record referred to in Rule I.1 above to the Commission within 10 days of the end of each six months of the financial year; using the prescribed Form at **Annexure B**”.*

