



IN CRUCE SALUS

# HOLY CROSS HIGH SCHOOL

## GRIEVANCE PROCEDURE

*This Procedure is based on modification of:*

*Personnel Administration Measures,*

*G.N. 267 of 2003 published in Government Gazette No. 24948 dated 21 February 2003,*

**TERMS AND CONDITIONS OF EMPLOYMENT OF EDUCATORS DETERMINED IN TERMS OF SECTION 4 OF THE EMPLOYMENT OF EDUCATORS ACT 1998**

### 1. PURPOSE

- 1.1 The objective of this grievance procedure is to seek to resolve a complaint at the personal level as quickly and as close to the source of the complaint as possible. It is aimed at avoiding a grievance becoming a dispute. In the case where a grievance cannot be resolved through this process and is consequently registered as a dispute in terms of the provisions of the constitution of the Education Labour Relations Council, such registered dispute shall be dealt with in terms of the dispute resolution procedure as set out in the said constitution.
- 1.2 Note that a grievance and the associated procedure is different from misconduct and the associated procedures. The Holy Cross High School follows guidelines set out by the South African Schools Act of 1996 and the South African Council of educators' "Code of Ethics" in this regard and thus this document is not applicable in the case of misconduct and disciplinary procedure.

### 2. DEFINITION

- 2.1 A grievance is a complaint by an employee or employees affecting the employment relationship of the person or persons concerned, or where there is an alleged misinterpretation, or violation of his or her, or their rights.

### DEALING WITH GRIEVANCES

- 3.1 Grievances shall be dealt with in the following manner.

- (a) Oral interview

- (i) A sincere attempt should be made to resolve any grievance by oral interview between a grievant or grievants and the head of the school before differences become formalised grievances.
- (ii) During this process no records will be kept of proceedings which will be without prejudice to either of the parties.

- (b) Formal written grievance: School level

- (i) A grievant or grievants may lodge a grievance or grievances with the principal in writing within a reasonable period of time, but in any event not later than 90 calendar days following on the time and date on which the alleged grievance or grievances occurred. Full details of the nature of the grievance or grievances must be relayed to the principal. The grievance or grievances must bear the signature or signatures of the grievant or the grievants and a copy thereof shall be filed with the educators personal file. The Board of Governors of the Holy Cross High School is to be notified upon receipt of a written grievance.

- (ii) The principal shall confer with the grievant or grievants, and others involved, within 3 working days of receipt of the formal written grievance in order to resolve the grievance. At this meeting the facts shall be presented and considered and an effort shall be made to resolve the matter to the satisfaction of all parties.
  - (iii) The principal, shall communicate the outcome to the Board of Governors of the Holy Cross High School.
  - (iv) If an action or lack of an action, or a decision or lack of a decision, concerns the principal, the grievant or grievants may refer the matter directly to the Board of Governors of the Holy Cross High School, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of the provisions of paragraph 3 (a) above.
- (c) Board of Governors level in respect of the school or principal of the school
  - (i) If the grievant or grievants is/are not satisfied with the outcome referred to in sub-clause (b) above, the grievant or grievants may refer the matter in writing, by hand or registered mail, together with the decision of the principal to the Board of Governors of the Holy Cross High School in the case of an educator at the school and in the case of an educator outside a school to the official representative referred to in sub-clause (b)(i), within 5 working days of the parties failing to resolve the grievance or grievances. A copy of the referral must be presented to the principal, and where applicable, to the grievant or grievants' trade union.
  - (ii) The principal shall forward his or her comments together with all relevant information on the grievance or grievances to the representative of the Board of Governors within 5 working days after receiving the referral mentioned in sub-clause (c)(i) above.
  - (iii) The chairperson of the Board of Governors, or his or her delegate in respect of an educator outside an educational institution, shall within 5 working days from the date of receipt of all the parties' referrals, attempt to resolve the grievance or grievances and communicate his or her decision in writing to all parties.
  - (iv) Should the grievant or grievants not be satisfied with the outcome, he or she may register a formal dispute with the Executive Officer of the Education Labour Relations Council in terms of the provisions of the Council's constitution.
- 3.2 A trade union registered with the Council may register a grievance with the head or supervisor or the head of a relevant department of education, as the case may be, on behalf of its members individually or collectively and represent such member or members during any stage of this grievance procedure. A non-member or non-members may be represented by another employee.
- 3.3 The parties to a grievance or grievances may by agreement extend the periods referred to in sub-clauses (b)(i) and (c)(ii) and (iii) above.