



**Report on the
Dispute Resolution Mechanisms
in the Public Service**

Public Service Commission 2003

Public Service Commission report on the dispute resolution mechanisms in the public service.

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FOREWORD BY THE CHAIRPERSON OF THE PUBLIC SERVICE COMMISSION

I am pleased to present this report on the evaluation of the extent to which the existing dispute resolution mechanisms provided for in prevailing legislation are utilized by employees in the Public Service.

This report emanates from the Public Service Commission's constitutional mandate, which, amongst other things, empowers the Public Service Commission to investigate the grievances of employees in the public service concerning official acts or omissions, and to recommend appropriate remedies. Addressing the dissatisfaction of employees is a critical aspect of proper human resource management and fair and sound labour relations. Ineffective dispute resolution mechanisms can adversely impact on performance and service delivery. The need for an effective dispute resolution mechanism, which addresses the needs of both the employee and employer, is very important. It is against this background that the Public Service Commission undertook a survey to assess whether employees utilize the prescribed grievance procedure for the public service or the dispute resolution mechanisms provided for in the Labour Relations Act, 1995, to have their grievances resolved.

I would like to take this opportunity to convey my special thanks to all the national departments, provincial administrations and sectoral councils that participated in the survey. I would also like to extend my gratitude to all staff at Head Office and the regional offices who assisted in preparing the report, and to senior management for their valuable inputs.



PROFESSOR STAN S. SANGWENI
CHAIRPERSON: PUBLIC SERVICE COMMISSION

GLOSSARY OF TERMS USED IN THE REPORT

Constitution, 1996	Constitution of the Republic of South Africa, 1996
ELRC	Education Labour Relations Council
GPSSBC	General Public Service Sectoral Bargaining Council
PHWSBC	Public Health and Welfare Sectoral Bargaining Council
PSC	Public Service Commission
PSCBC	Public Service Co-ordinating Bargaining Council
SSSBC	Safety and Security Sectoral Bargaining Council

1. INTRODUCTION

It is an accepted labour relations principle that employees have a right to voice their dissatisfaction with their employer and employers have an obligation to ensure that such dissatisfaction is investigated. If the dissatisfaction is justified, the employer must ensure that appropriate remedies are implemented. The prevailing legislation further confers the right upon employees to have their dissatisfactions considered by independent and impartial bodies, such as the PSC and the relevant sectoral councils.

As grievances are a contentious area in labour relations, the manner in which they are dealt with by employers is an important barometer of fair labour practice. Very often disputes are referred to the PSC or the sectoral councils because of the employer's ineptitude in investigating the matter. This is also true as far as grievances referred to the PSC are concerned. The PSC during the period under consideration referred a number of cases back to national departments and provincial administrations because of non-adherence to the prescribed grievance procedure. It is considered a fair labour relations practice that a grievance should be resolved at the lowest level possible.

In view of the fact that there are avenues other than the prescribed grievance procedure available to employees for the resolution of their grievances, the Commission considered it prudent to investigate the extent to which dispute resolution mechanisms were utilized in the public service.

2. METHODOLOGY

A study of the prevailing legislation regulating dispute resolution mechanisms, namely the Public Service Act, 1994, the Labour Relations Act, 1995, and Resolution 5 of 2000, as well as the constitutions of the relevant sectoral councils was made. Questionnaires were compiled and sent to three national departments, three provincial administrations, three sectoral councils and the PSCBC for completion. Interviews were conducted with some of the employees who referred their disputes to the relevant sectoral councils.

3. PROBLEMS EXPERIENCED

The main problem experienced during the survey was the late submission of questionnaires by some of the institutions surveyed. All questionnaires had to be obtained if the group was to constitute a representative sample. Some of the information was not reliable, and the statistics provided were questionable as discrepancies were detected. Interviews had to be conducted in some instances to verify the information provided.

4. KEY FINDINGS OF THE SURVEY

4.1 Number of grievances resolved internally

The national departments and provincial administrations that were targeted during the survey managed to finalize 714 of the 1 009 grievances that were referred to the executing authorities during the period 1 June 2000 to 31 January 2002. This amounts to a finalization rate of 70,7%, which is an

indication that the departments and administrations surveyed managed the grievances referred to them reasonably well, although there is room for improvement. It should, however, also be remembered that the complexity of grievances differs and influences the time it takes to resolve them.

4.2 Number of grievances resolved by the PSC as opposed to the number resolved by the sectoral councils

Of the 39 grievances referred to the PSC during the period under review, only 21 were finalized by the PSC during the period (55%). During the same period the GPSSBC and the PHWSBC resolved 402 of the 641 disputes referred to them (62,7%). It will be noted from the above that more employees referred their disputes to the relevant councils than to the PSC. The sectoral councils also had a bigger success rate than the PSC. Furthermore, the PSC had to deal with only 39 cases, whereas the GPSSBC had 357 disputes referred to it, and the PHWSBC 284.

4.3 Period within which grievances referred to the PSC were resolved as opposed to the period it took the sectoral councils to resolve disputes

In most of the cases referred to the PSC, it took longer than six months to finalize a grievance. In some instances it even took 12 to 15 months. In most of the cases it took the sectoral councils 0 to 3 months or 3 to 6 months to finalize the matters. One should in this regard again reflect on the fact that the sectoral councils had to deal with 641 cases, while the PSC had 39 cases referred to it.

4.4 Nature of grievances referred to the PSC and nature of disputes referred to the sectoral councils

The grievances referred to the PSC and the disputes referred to the sectoral councils all related to human resource practices. This may be an indication that departments do not manage human resources in terms of the relevant provisions. Some departments also indicated grievances and disputes related to unfair labour practices, which might also be classified as relating to human resource management.

4.5 Reasons proffered for preference for grievance procedure or dispute resolution mechanism in terms of Resolution 5 of 2000

The following reasons for the preference with regard to the above were provided:

Grievance Procedure

- The procedure gives an opportunity to both parties to engage fully.
- In terms of this procedure, a department is obliged to deal with and resolve grievances.
- If grievances are resolved internally, good employer-employee relations are promoted.
- Managers are forced to take responsibility.
- Grievances are resolved at the lowest level possible.
- The procedure is very clear and is understood by all employees.

- Grievances are resolved by an experienced third party (PSC).

Resolution 5 of 2000

- The Procedure in Resolution 5 of 2000 is faster than the prescribed Grievance Procedure of the PSC, and less prescriptive.
- Employees are more comfortable when an outsider (third party) deals with their grievances, and have more confidence in the process.
- It allows for parties to meet and discuss the matter at conciliation.
- Employees are often frustrated by the grievance procedure because management does not seem prepared or willing to address their grievances or to take responsibility in this regard.
- An arbitration award is final and binding.

4.6 Areas in the prescribed grievance procedure to be addressed by the PSC

Departments raised certain problems which they had encountered with the prescribed grievance procedure and which they thought the PSC should address:

- Investigating officers, appointed internally, are not committed and/or lack the necessary skills and experience.
- The investigation often has to be attended to after office duties.
- It is a very lengthy procedure.
- The PSC's recommendation should be final and binding.
- Time limits should be set for the PSC.

4.7 Referral of cases by the PHWSBC to the departments

In the constitution of the PHWSBC it is stipulated that internal remedies should be exhausted before a dispute is referred to the PHWSBC. It was found that the PHWSBC did not regard it necessary for a grievance to have gone through the PSC for it to consider internal remedies as having been exhausted. References to "internal remedies" in the constitution of the PHWSBC refer to the fact that the department should have attempted to resolve a matter. Cases are referred back to departments to be dealt with internally if there is no proof that efforts were made to resolve them.

4.8 Findings with regard to the procedure followed by the PSC

In analysing the merits of a grievance, the PSC considers all possible enabling legislation and prevailing prescripts that might influence the matter. The PSC's decision is not taken merely on the documentation available, but a thorough written deliberation of the matter is provided for the PSC's consideration. The recommendation of the PSC is not taken by a single commissioner, but once three commissioners have independently reached consensus on the matter. The PSC's decision is substantiated with reasons.

Employees may experience the grievance procedure to be very lengthy. However, very often delays are caused by departments not submitting information in good time. Employees are not always aware of the delays caused by the departments. Furthermore, an aspect which may compound the negative impression some employees have with regard to the grievance procedure is the fact that

the recommendation by the Commission is not final or binding.

4.9 Findings with regard to the procedure followed by the sectoral councils

At the sectoral councils the parties may give evidence, call witnesses, question the witnesses of the other party and address concluding arguments to the arbitrator. The arguments are therefore presented to the arbitrator by the relevant parties. The arbitrator, having considered all relevant aspects, takes a decision, substantiated by reasons. This decision is final and binding.

Therefore, during the above proceedings both the employer and employee are afforded the opportunity to address the arbitrator and to question the witnesses of the other party. Further, employees may perceive the process to be faster than the prescribed grievance procedure, and to have fewer formalities. The employee is also afforded the opportunity to discuss the merits of his or her grievance with the arbitrator.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Through this survey departments and provincial administrations have demonstrated their preference with regard to the use of the prescribed grievance procedure or the dispute resolution mechanism in terms of Resolution 5 of 2000. From the statistics provided in paragraph 4.2 above, it is evident that more disputes were referred to the sectoral councils than grievances were referred to the PSC.

Questions with regard to the expertise and knowledge of the arbitrators in relation to the prevailing prescripts in the Public Service, however, immediately arise. The survey did not test this aspect or elicit responses from arbitrators in this regard. Furthermore, one often hears the remark that the arbitration process “favours” the employee, especially in relation to fair and sound labour relations. A decision as to whether the conduct of the employer or employee was contrary to fair and sound labour relations may be perceived to be subjective.

Another major concern brought to light by the survey is that the PSC merely makes recommendations and not final and binding pronouncements. It became clear from the responses received that this is the predominant reason why employees resort to the sectoral councils to have their disputes resolved.

It also seems to be a contradiction that the executing authority who initially considered the grievance of an employee has to consider the PSC's decision on the matter. The PSC, as an independent and impartial body, should be in a position to issue an enforceable directive, as is currently the case with arbitration awards made by sectoral councils.

The challenges that have emerged make it necessary for the PSC not only to reconsider its role in the dispute resolution arena, but to look at making amendments to its grievance procedure in order to adapt it to the current trend in dispute resolution.

5.2 Recommendations

(i) Record keeping

Departments are not in a position to provide information with regard to grievances within the relevant department when requested. The PSC therefore embarked on a project to alter the specific function on Persal dealing with grievances in order to enable departments to capture relevant data. Departments should be urged to use this function in order to keep their records updated.

(ii) Internal remedies

The PSC should consider methods to promote its prescribed grievance procedure so that employees and sectoral councils recognize it as one of the internal mechanisms that should be exhausted before disputes are referred to the relevant sectoral council.

This would have to include ways for the PSC to deal with grievances in the most effective and efficient way.

(iii) Problems experienced by departments with the prescribed grievance procedure

The main problem experienced by departments is the fact that the procedure is too lengthy. In order to address this problem the PSC has drafted new Grievance Rules. The area that causes the most problems in this regard is the unavailability of experienced and trained investigating officers. In terms of the new Grievance Rules a designated officer will be responsible for assisting in the resolution of a grievance. The PSC is also considering drafting guidelines which will, among other things, provide guidance to designated officers.

(iv) Failure to adhere to the time constraints in the Interim Grievance Procedure

The PSC should consider means by which departments can be forced to adhere to the prescribed time limits in the grievance procedure.

(v) Recommendations made by the PSC

The PSC should consider ways of entering the arena of dispute resolution as a body making final and binding decisions, not merely recommendations.

(vi) Time limit for the PSC

It transpired that departments have a serious problem with the fact that the current grievance procedure does not prescribe a time limit within which a grievance should be resolved by the PSC. In this regard it should be noted that, in the new Grievance Rules, a time frame of 30 days, calculated from the date on which the PSC receives all the relevant documentation, is prescribed for the PSC for the resolution of a grievance.

1.1 INTRODUCTION

It is an accepted labour relations principle that employees have the right to voice dissatisfaction in the workplace. They also have the right to have their grievances/disputes resolved by an independent and impartial body, within the shortest possible time, and in such a way that sound employment relationships are not adversely affected. These rights are entrenched in the prescribed grievance procedure and the Labour Relations Act, 1995.

Public service employees are becoming increasingly aware of their right to fair administrative justice, and national departments and provincial administrations are tasked with the responsibility of ensuring that grievances/disputes are resolved internally at the lowest level possible. In cases where an employee is still not satisfied, legislation provides various avenues for the employee to follow in order to resolve his or her grievance/dispute.

1.2 LEGISLATIVE CONTEXT

Current legislation provides a number of mechanisms through which the grievances/disputes of employees can be addressed.

In terms of its constitutional mandate, as reflected in section 196(4)(f)(ii) of the Constitution, 1996, the Public Service Commission (PSC) is authorized to investigate the grievances of employees in the public service concerning official acts or omissions, and recommend appropriate remedies. Section 35 of the Public Service Act, 1994, affords an employee who is aggrieved the opportunity to lodge his or her grievance with the PSC in the prescribed manner. In this regard the PSC is mandated by section 11 of the Public Service Commission Act, 1997, to draft Rules for dealing with grievances.

The prevailing labour legislation, on the other hand, also makes provision for an employee to lodge his or her dispute by utilizing the dispute resolution mechanisms provided for in the Labour Relations Act, 1995.

In terms of Resolution 5 of 2000, signed in the Public Service Coordinating Bargaining Council (PSCBC), sectoral councils are, with effect from 1 June 2000, responsible for resolving disputes with regard to matters concerning the interests and rights of employees in the public service. This agreement replaced section 18 of the Public Service Labour Relations Act, 1994, which was retained as an individual dispute resolution system for employees employed in terms of the Public Service Act, 1994, through item 15 of Schedule 7 of the Labour Relations Act, 1995.

With effect from 1 June 2000, sectoral bargaining councils are responsible for resolving disputes of interest and rights of parties that fall within the jurisdiction of the respective councils. The public service has the following sectoral bargaining councils:

(i) **EDUCATION LABOUR RELATIONS COUNCIL (ELRC)**

This bargaining council covers the state as employer and educators employed in terms of the Employment of Educators Act, 1998.

(ii) **SAFETY AND SECURITY SECTORAL BARGAINING COUNCIL (SSSBC)**

This bargaining council covers the state as employer and employees under the South African

Police Service Act, 1995, and those employees in the Department of Safety and Security employed under the Public Service Act.

(iii) **PUBLIC HEALTH AND WELFARE SECTORAL BARGAINING COUNCIL (PHWSBC)**

This bargaining council covers the state as employer and all employees employed in the national Departments of Health and Welfare and the nine Provincial Health and Welfare Departments. It also covers all employees who are employed in health and welfare facilities under the Public Service Act and the Correctional Services Act.

(iv) **GENERAL PUBLIC SERVICE SECTORAL BARGAINING COUNCIL (GPSSBC)**

This bargaining council covers the state as employer and all employees who do not fall within the scope of the sectors mentioned in subparagraphs (i), (ii) and (iii) above (excluding members of the South African National Defence Force and employees of the National Intelligence Agency and the South African Secret Service).

In view of the fact that the employees in the national and provincial departments surveyed fall under the scope of the PHWSBC and the GPSSBC, this investigation focused on the PHWSBC and the GPSSBC.

1.3 AIM OF THE PROJECT

The project was initiated in order to investigate the extent to which the available dispute resolution mechanisms were utilized by employees in the Public Service, in other words, whether employees referred their grievances to the PSC in terms of the prescribed grievance procedure, or whether the dispute resolution mechanisms provided for in the Labour Relations Act, 1994, and Resolution 5 of 2000 of the PSCBC were utilized.

The investigation also attempted to determine -

- (i) the intention of the parties to Resolution 5 of 2000, as to whether an employee can use either the dispute resolution mechanisms provided for by Resolution 5 of 2000, or the prescribed grievance procedure of the PSC; and
- (ii) whether sectoral councils could deal with disputes referred to them without the internal remedies, i.e. the grievance procedure provided for in the enabling legislation, having been exhausted.

The investigation was also intended to assist the PSC in determining any shortcomings in the prescribed grievance procedure for the public service.

2.1 INTRODUCTION

The research done by the PSC in preparation for this report was managed from the PSC Head Office, with various regional offices assisting with collating information from respondents and conducting interviews.

2.2 SCOPE OF THE STUDY

The following departments/provincial administrations were used as a sample group:

- (i) Gauteng Provincial Administration
- (ii) Limpopo Provincial Administration
- (iii) Western Cape Provincial Administration
- (iv) Department of Home Affairs
- (v) Department of Justice and Constitutional Development
- (vi) Department of Labour

The following bargaining councils were used:

- (i) PSCBC
- (ii) GPSSBC
- (iii) PHWSBC

2.3 METHODOLOGY

The following matters are relevant to the methodology used for the project:

(a) *Background study*

A study of the existing legislation regulating dispute resolution mechanisms, namely the Public Service Act, 1994, the Labour Relations Act, 1995, and Resolution 5 of 2000, as well as the constitutions of the relevant sectoral councils and the prescribed grievance procedure published in Government Gazette No. 20231, was made.

(b) *Development of questionnaires*

Detailed questionnaires were developed to obtain information from the relevant national departments and provincial administrations relating to the following general areas:

- The number of grievances lodged and resolved internally.
- The number of grievances referred to the PSC and resolved.
- The nature of the grievances lodged.
- The period within which grievances are resolved.
- The number of disputes referred to sectoral councils and resolved and the reasons for such referrals.
- The number of disputes referred back to departments, and the reasons for such referrals.
- The nature of disputes.

- The period within which disputes were resolved.
- The preferences of departments/provincial administrations with regard to dispute resolution mechanisms, and the reasons for such preferences.
- The problems experienced by departments/provincial administrations with grievance procedures.

(c) *Gathering of information*

The questionnaires were distributed to the sample group. The purpose was to obtain information with regard to the extent to which the dispute resolution mechanisms in the public service, provided for in legislation, are utilized by employees.

(d) *Communication about the project*

The questionnaires were sent with covering letters to the relevant heads of department, in the case of national departments and provincial administrations, and to general secretaries in the case of sectoral councils. In these letters, departments, provincial administrations and sectoral councils were requested to complete the questionnaires and to return them to the PSC.

(e) *Interviews with employees*

Interviews were conducted with some of the employees who referred their disputes to the various sectoral councils.

(f) *Follow-ups with national departments/provincial administrations/sectoral councils*

Enquiries were made to clarify some of the information submitted.

(g) *Discussions with the PSCBC/sectoral councils*

In order to obtain clarity on information provided, discussions were held with the PSCBC and the PHWSBC. Although discussions were held with the GPSSBC in an attempt to obtain the relevant completed questionnaire from it, no response had been received at the time this report was written. The PHWSBC also supplied the PSC with its 2001/2002 Annual Report.

2.4 PROBLEMS ENCOUNTERED DURING THE SURVEY

The project took longer than expected because of various problems encountered in gathering the information. The following major problems were encountered:

- (i) The late submission of completed questionnaires by departments and the PHWSBC. At the time this report was written, the GPSSBC had not submitted a questionnaire at all, despite various follow-ups. The limited number of respondents selected for the survey meant that all questionnaires had to be obtained for the group to constitute a representative sample study, and several reminders had to be directed to respondents in order to obtain the relevant questionnaires.
- (ii) The responses received varied in usefulness, as some questions were not comprehensively completed, or not completed at all. In some instances questions did not elicit adequate responses.

- (iii) In some cases the validity of the statistics presented was questionable, and there were discrepancies between the information submitted by the departments/provincial administrations and those submitted by the councils.
- (iv) Several telephonic follow-ups were made in order to obtain information or to clarify issues. In some instances the Office of the PSC had to visit the relevant department/provincial administration/council to clarify some of the information provided.
- (v) The Department of Justice and Constitutional Development failed to furnish the names of the employees who lodged their disputes with the relevant sectoral council, as they felt that such information was privileged. For the sake of uniformity, the names of employees provided by the other departments will therefore not be disclosed in this report.
- (vi) The employees in the Western Cape Provincial Administration who referred their grievances/disputes to the sectoral councils refused to be interviewed for fear of victimization. This is unfortunate because this meant that only the side of the employer could be captured in this report, and no finding can be made about the employees' opinion.
- (vii) The Limpopo Provincial Department of Sport, Arts and Culture indicated on the questionnaire that they had difficulty in keeping records of or tracking disputes and grievances, as these were dealt with by the relevant head of department and finalized without their knowledge. For the period of the survey, officials of this Department reported only one grievance that they had dealt with themselves.
- (viii) The PHWSBC indicated that during the period 1 June 2000 to 31 January 2002, 560 disputes were referred to the relevant council. The PHWSBC could not provide statistics for June, July, August, November or December 2000, as no records for that period existed.

2.5 Responses received from departments/provincial administrations/sectoral councils

The due date for the completion of the questionnaires was 25 March 2002. Reminders had to be sent in order to obtain the completed questionnaires.

With the exception of the GPSSBC, which did not respond to the PSC's questionnaire, all questionnaires were completed, although not all were received by the due date.

Information with regard to the cases dealt with by the GPSSBC, was obtained from Departments only.

3.1 INTRODUCTION

This chapter provides a synopsis of the data provided by the national departments and provincial administrations surveyed, and the relevant sectoral councils and the PSCBC, as well as an analysis of the information provided.

It should be noted that the findings of the survey concentrated firstly on the information received with regard to grievances lodged in terms of the prescribed grievance procedure, and secondly on information received with regard to disputes lodged with the sectoral councils as determined by Resolution 5 of 2000.

The chapter attempts to analyse and discuss, among other things, the preferred dispute resolution mechanism among employees and national departments/provincial administrations. It also examines the problems experienced with the prescribed grievance procedure.

3.2 ANALYSIS OF FINDINGS MADE FROM THE RESPONSES RECEIVED

- (i) The number of grievances lodged and finalized in terms of the prescribed grievance procedure

The table below provides statistics on the number of grievances lodged and finalized in terms of the prescribed grievance procedure in the three national departments reviewed.

TABLE 1: Grievances lodged and finalized in terms of the prescribed grievance procedure in the three national departments reviewed

Department	Number of grievances lodge in terms of the prescribed procedure	Number of grievances, resolved internally	Number of grievances referred to the PSC	Number of grievances referred to the PSC and finalized
Justice and Constitutional Development	188	142	5	2
Labour	50	30	5	3
Home Affairs	3	1	2	2
TOTAL	241	173	12	7

The above table indicates that of a total of 241 grievances lodged in the relevant departments, 173 grievances (72%) were resolved within the departments concerned. Only 12 of the 241 were referred to the PSC, a mere 5% of the total lodged with the departments.

Of the 12 grievances referred to the PSC, 7 were finalized during the reporting period, i.e. 58,3% of the cases referred to it. In 4 cases the PSC recommended in favour of the employees and in 3 cases it upheld the departments' decisions.

Table 2 provides statistics on the number of grievances lodged and finalized in terms of the prescribed grievance procedure in the Limpopo Provincial Administration.

TABLE 2: Grievances lodged and finalized in terms of the prescribed grievance procedure in the Limpopo Provincial Administration

Department	Number of grievances lodged in terms of the prescribed grievance procedure	Number of grievances resolved internally	Number of grievances referred to the PSC	Number of grievances referred to the PSC and finalized
Local Government and Housing	5	3	2	2
Finance, Economic Affairs and Tourism	3	2	0	0
Public Works	33	33	0	0
Premier's Office	2	2	0	0
Sport, Arts and Culture	1	1	0	0
Transport	12	10	0	0
Safety, Security and Liaison	1	1	0	0
Health and Welfare	198	13	2	1
Agriculture	118	40	1	1
Education	44	29	0	0
TOTAL	417	252	5	4

From the above table it can be seen that 252 out of a total of 417 grievances (60,4%) were resolved within the departments in terms of the prescribed grievance procedure. Four departments resolved all the grievances lodged with them, although two of them had only one grievance each, while one had only two. The Department of Public Works resolved all 33 grievances that were lodged with it. The Department of Health and Welfare resolved 131 of the 198 grievances lodged with it.

Of the 417 grievances lodged with the Limpopo Provincial Administration, only 5 were referred to the PSC. Only 1,2% of the total number of grievances lodged with the Provincial Administration were referred to the PSC during the period under review. The PSC resolved 4 of the 5 grievances referred to it. In 2 of these cases the PSC decided in favour of the employees, and in 2 cases it upheld the departments' decisions.

The Department of Public Works, which is a department with a large number of employees on its establishment, reported a comparatively low number of grievances. The conclusion may be drawn that the Department adheres to procedures and ensures that fair and sound labour relations are promoted within the Department. The figures may, therefore, be a reflection of a contented workforce.

Table 3 provides statistics on the number of grievances lodged and finalized in terms of the prescribed grievance procedure in the Western Cape Provincial Administration.

TABLE 3: Grievances lodged and finalized in terms of the prescribed grievance procedure in the Western Cape Provincial Administration

Department	Number of grievances lodged in terms of the prescribed procedure	Number of grievances resolved internally	Number of grievances referred to the PSC	Number of grievances referred to the PSC and finalized
Finance	1	1	0	0
Provincial Administration (Corporate Services)	4	1	1	0
Environmental and Cultural Affairs and Sport	10	4	4	0
Social Services	5	5	0	0
Economic Affairs, Agriculture and Tourism	7	0	4	0
Planning, Local Government and Housing	7	3	4	2
Health	21	15	2	2
Education	85	71	1	1
Community Safety	15	9	0	0
TOTAL	155	109	16	5

During the reporting period 155 grievances were lodged with the various executing authorities in the Province. The department with the highest number of grievances was the Department of Education, which accounted for more than half (54,8%) of the total number of grievances, followed by the Department of Health with 13,5%. The Department of Finance had the lowest number of grievances, making up only 0,6% of the total.

Of the 155 grievances, 109 (70%) were resolved internally during the period under consideration. The Departments of Finance and Social Services resolved all the grievances that were lodged with them (one and five, respectively). The Departments of Education, Health and Community Safety resolved more than half of their grievances. The Departments of Planning, Local Government and Housing, Corporate Services, and Environmental and Cultural Affairs and Sport, managed to resolve less than half of the grievances lodged with them. The Department of Economic Affairs, Agriculture and Tourism did not resolve any of the seven grievances lodged with it.

The survey revealed that, of the 155 grievances lodged with the Provincial Administration, only 16 (10,3%) were referred to the PSC. Of the 16 grievances referred to the PSC, 5 (31,25%) were resolved during the period under review. Of the 5 grievances resolved by the PSC, only one finding was made in favour of the employee, while the PSC upheld the

decisions of the departments in the other four cases. This may be a reflection that the Western Cape Provincial Administration deals with its grievances in a fair manner.

Table 4 provides statistics on the number of grievances lodged and finalized in terms of the prescribed grievance procedure in the Gauteng Provincial Administration.

TABLE 4: Grievances lodged and finalized in terms of the prescribed grievance procedure in the Gauteng Provincial Administration

Department	Number of grievances lodged in terms of the prescribed grievance procedure	Number of grievances resolved internally	Number of grievances referred to the PSC	Number of grievances referred to the PSC and finalized
Office of the Premier	1	1	0	0
Agriculture, Conservation, Environment and Land Affairs	1	0	0	1
Development, Planning and Local Government	2	0	0	0
Social Services and Population Development	40	40	0	0
Sports, Recreation, Arts and Culture				
Health	40	39	1	1
Finance and Economic Affairs	11	5	1	0
Housing	6	4	2	2
Safety and Liaison	0	0	0	0
Public Transport and Roads	13	12	1	1
Education	80	79	1	0
TOTAL	196	180	6	5

From the 196 grievances lodged, 180 (92%) were finalized internally. Only 6 grievances were referred to the PSC for consideration, 5 of which were finalized during the period under review. This may be an indication that the relevant departments gave their co-operation to the PSC in resolving the grievances. Very often delays in finalizing grievances are caused by departments that do not provide information requested by the PSC in good time.

It is commendable that 180 of the 196 grievances lodged with the Gauteng Provincial Administration (92%) were resolved internally. The Office of the Premier (1 grievance) and

the Department of Social Services and Population Development (40 grievances) had a 100% success rate in respect of the internal resolution of grievances. However, the Department of Education, one of the largest departments, resolved 79 out of 80 grievances (99%), which is also laudable. Although the Department of Finance and Economic Affairs resolved only 5 of its 11 grievances, it is evident that most departments contributed to the outstanding performance of the Provincial Administration, and the efficient manner in which grievances were handled. The PSC made findings in favour of 3 employees and upheld the employer's decision in 2 cases.

In considering the effectiveness of the prescribed grievance procedure, it is important to consider not merely the number of grievances finalized by the PSC, but also those finalized by the departments in terms of the prescribed grievance procedure. The fact that in 10 of the 21 cases finalized by the PSC rulings were made in favour of the employee may be an indication that the investigating officers appointed by the Provincial Administration were not sufficiently familiar with the applicable legislation/policies and accordingly advised their heads of department incorrectly. In considering grievances the PSC has realized that one of the major problems with regard to the prescribed grievance procedure is inexperienced investigating officers. When considering the merits of a grievance referred to it, the PSC takes into consideration the investigating officer's report, but also conducts its own thorough investigation. In its endeavour to ensure that the employee is treated fairly at all times, the PSC uses expert employees to advise it on the merits of grievances.

(ii) **The number of disputes referred to and resolved by the sectoral councils**

Table 5 shows the number of disputes from employees in the three national departments referred to and resolved by the GPSSBC. All three departments surveyed fall under the GPSSBC.

TABLE 5: Disputes from employees in the three national departments referred to and resolved by the GPSSBC

Department	Number of disputes referred	Number referred back because prescribed grievance procedure had not been followed	Number of disputes resolved
Justice and Constitutional Development	104	2	76
Labour	21	7	4
Home Affairs	0	0	0
TOTAL	125	9	80

Table 5 indicates that the Department of Justice and Constitutional Development referred 104 disputes to the GPSSBC and the Department of Labour referred 21 disputes to it. No disputes were referred to the GPSSBC by the Department of Home Affairs. Of the 125 disputes referred to the GPSSBC, 80 (64%) were resolved by the GPSSBC. The GPSSBC ruled in favour of the employee in 22 cases, and upheld the employer's decision in 58 cases. Of the 125 disputes referred to the GPSSBC only 9 (7,2%) were referred back to the relevant departments because the prescribed grievance procedure had not been exhausted. The 125

disputes referred to the GPSSBC came from three departments only, which gives some indication of the high number of disputes the GPSSBC would have dealt with during the period under review.

Table 6 shows the number of disputes from employees in the Limpopo Provincial Administration referred to and resolved by the GPSSBC and the PHWSBC.

TABLE 6: Disputes from employees in the Limpopo Provincial Administration referred and resolved by the GPSSBC and the PHWSBC during the period under review

Department	Number of disputes referred to relevant sectoral council	Number referred back because prescribed grievance procedure had not been followed	Number of disputes resolved
Local Government and Housing	6	0	6
Finance, Economic Affairs and Tourism	9	0	4
Public Works	3	0	0
Premier's Office	6	0	6
Sport, Arts and Culture	0	0	0
Transport	6	0	6
Health and Welfare	21	0	21
Agriculture	7	0	7
Education	14	0	8
TOTAL	72	0	58

Table 6 indicates that the department with the highest number of disputes referred to the sectoral councils was the Department of Health and Welfare (21), followed by the Department of Education (14). The Department of Public Works had the lowest figure (3). No disputes were referred to the sectoral council by the Departments of Sport, Arts and Culture or Safety, Security and Liaison. According to the information provided, no disputes were referred back to any of the departments. In the constitution of the PHWSBC it is clearly indicated that internal remedies should first be exhausted before a dispute can be referred to the relevant sectoral council. This is not a requirement in the constitution of the GPSSBC, as organized labour was not in favour of such a provision. From the 58 disputes resolved by the GPSSBC and the PHWSBC during the reporting period, 33 were ruled in favour of the employee and in 25 cases the decisions of the departments were upheld.

Table 7 shows the number of disputes from employees in the Western Cape Provincial Administration referred to and resolved by the GPSSBC and the PHWSBC.

TABLE 7: Disputes from employees in the Western Cape Provincial Administration referred to and resolved by the GPSSBC and the PHWSBC during the period under review

Department	Number of disputes referred to relevant sectoral council	Number referred back because prescribed grievance procedure had not been followed	Number of disputes resolved
Finance	0	0	0
Provincial Administration (Corporate Services)	0	0	0
Environmental and Cultural Affairs and Sport	2	0	2
Social Services	10	0	10
Economic Affairs, Agriculture and Tourism	5	0	5
Planning, Local Government and Housing	3	0	2
Health	48	4	14
Education	66	0	62
TOTAL	134	4	95

The Western Cape Provincial Administration referred a total of 134 disputes, from 6 of its departments, to the sectoral councils. No disputes were referred to the sectoral councils by employees in the Department of Finance or Corporate Services. The Department of Education accounted for the largest number of disputes referred to the sectoral council (66), followed by the Department of Health (48). It is worth mentioning that although the Department of Education referred the largest number of disputes to the sectoral councils, no disputes were referred back to it because the prescribed grievance procedure had not been followed. Only 4 disputes, all from the Department of Health, were referred back by the PHWSBC for this reason. The GPSSBC and the PHWSBC ruled in favour of 10 employees and upheld the departments' decisions in 85 cases.

Table 8 shows the number of disputes from employees in the Gauteng Provincial Administration referred to and resolved by the GPSSBC and the PHWSBC.

TABLE 8: Disputes from employees in the Gauteng Provincial Administration referred to and resolved by the GPSSBC and the PHWSBC during the period under review

Department	Number of disputes referred to relevant sectoral council	Number referred back because prescribed grievance procedure had not been followed	Number of disputes resolved
Office of the Premier	6	0	6
Agriculture, Conservation, Environment and Land Affairs	0	0	0
Development, Planning and Local Government	2	0	0
Social Services and Population Development	7	0	3
Sports, Recreation, Arts and Culture	7	0	1
Health	198	5	97
Finance and Economic Affairs	5	0	3
Housing	3	0	0
Public Transport and Roads	1	0	1
Education	76	0	54
TOTAL	305	5	165

A total of 305 disputes declared by employees in the Gauteng Provincial Administration were referred to the sectoral councils. The Department of Health referred most of the disputes (198), followed by the Department of Education (76). No disputes were referred by the Department of Agriculture, Conservation, Environment and Land Affairs. Of the 305 disputes referred to the sectoral councils, only 5 were referred back (to the Department of Health) by the PHWSBC because the prescribed grievance procedure had not been followed. In one case the employee died before the dispute could be finalized.

The departments indicated that their employees refer their disputes to the sectoral councils because the sectoral councils are independent and adjudicate promptly and justly. Furthermore, they believe that disputes relating to unfair labour practices and unfair dismissals should be referred to the sectoral councils. According to the statistics provided, 76 disputes were decided in favour of the employees, and in 55 disputes the decisions of the departments were upheld. This makes a total of 131 cases finalized by the GPSSBC and the PHWSBC, although it was indicated in the above table that 165 disputes were resolved during the period under review. This discrepancy could not be clarified during discussions with the relevant sectoral councils/departments.

(iii) Comparison between the nature of grievances referred to and resolved by the PSC and the disputes referred to the sectoral councils

The nature of the grievances that were referred to the PSC varied from dissatisfaction with

personnel evaluations, promotions, interviews and the filling of posts, translation in rank, acting allowances and unfair transfers, which are all related to human resource practices. This may be an indication of the manner in which human resources are managed by departments.

The disputes resolved by the sectoral councils covered a wide range of issues. The nature of the disputes referred to the sectoral councils related to appointments, merit assessments, subsistence and travel allowances, notch increments, suspensions, promotions, transfers, unfair dismissals, constructive dismissals, overtime claims, recognition of previous experience, acting allowances, unfair discrimination, unfair termination of contracts and translations in rank. In the Limpopo Provincial Administration 11 of the 21 disputes from the Department of Health and Welfare were in relation to promotions. The fact that employees in this Department had to declare a dispute before they could be promoted indicates that sound labour relations principles are not followed. Although a promotion is not a right, the fact that the sectoral council ruled in favour of the employees may be an indication that those employees deserved the promotions, or that the department did not handle the promotion process properly.

If the nature of the cases referred to the PSC and the sectoral councils is considered, it is apparent that they relate to human resource practices. Although disputes regarding promotions, transfers and appointments are excusable, as procedural errors or the misinterpretation of prescripts in this regard may be possible, national departments and provincial administrations should strive towards having a personnel corps that is fully *au fait* with prevailing policies and legislation regarding human resource practices. Employees in the Gauteng Provincial Administration indicated that their disputes related mostly to unfair labour practices. Sound labour relations are necessary for any working relationship and provided for in legislation, so it is a cause for concern when departments do not adhere to these principles. Departments should ensure that sound and fair labour relations are part and parcel of their employment relationships, and ineptitude in this regard should not be tolerated.

(iv) **Period within which grievances were finalized by the PSC**

Table 9 indicates the time it took the PSC to finalize the 21 grievances referred to it by the three national departments and the Limpopo, Western Cape and Gauteng Provincial Administrations. The periods are calculated from the date on which the grievances were lodged with the department to the date on which the employee received the PSC's recommendations.

TABLE 9: Period within which grievances of employees in the three national departments and the Limpopo, Western Cape and Gauteng Provincial Administrations were finalized

Period	0 - 3 months	3 - 6 months	6 - 9 months	9 - 12 months	12 - 15 months	Total
Number of grievances	3	3	5	4	6	21

It might seem unreasonable for it to take more than six months to deal with a grievance. However, it should be taken into account that the investigation did not reveal how long the grievances stayed with the departments before being referred to the PSC. In dealing with grievances the PSC has realized that departments very often take an unreasonably long time

before submitting the grievances of employees to the PSC. The PSC has also experienced problems in timeously obtaining relevant information from departments. These problems delayed the finalization of grievances.

(v) **Period within which disputes were finalized by the GPSSBC and the PHWSBC**

Table 10 shows the time it took the GPSSBC and the PHWSBC to finalize the 402 disputes referred to it by the three national departments and the Limpopo, Western Cape and Gauteng Provincial Administrations.

TABLE 10: Period within which disputes of employees in the three national departments and the Limpopo, Western Cape and Gauteng Provincial Administrations were finalized

Period	0 - 3 months	3 - 6 months	6 - 9 months	9 - 12 months	12 - 15 months	Total
Number of disputes finalized	232	89	58	11	12	402

It is commendable that most of the disputes referred to the sectoral councils were finalized within three months. Also laudable is that compared to the PSC, which finalized only 21 of the 39 grievances referred to it (53,85%), the sectoral councils managed to resolve 402 of the 641 disputes referred to them (62,71%).

(vi) **Reasons why employees referred their disputes to the sectoral councils**

Most of the employees interviewed indicated that they referred their grievances to the sectoral councils because they had experienced frustrations with management, in that grievances were not dealt with within the prescribed time limits or management was not prepared or willing to address their grievances. Some employees indicated that they had resorted to referring disputes to sectoral councils because they were ignorant with regard to the prescribed grievance procedure. Departments had not advised employees to follow the prescribed grievance procedure before lodging the dispute with the sectoral councils, and it transpired that unions tended to advise employees to refer their dissatisfactions to the sectoral councils. Employees indicated that they preferred to refer their disputes to the sectoral councils because the decisions of the sectoral councils were final and binding.

From the responses received it appears that employees were often not aware of the prescribed procedure, as departments had failed to inform them properly. Unions advise aggrieved employees to refer their grievances to the sectoral councils. It also appears that management did not always want to take responsibility for the resolution of grievances, but it should be impressed on managers that resolving the grievances of their employees is part of their managerial and supervisory responsibility.

(vii) **Preferences of national departments and provincial administrations with regard to dispute resolution mechanisms**

Of the 33 departments surveyed, 14 (42%) indicated that they preferred the prescribed grievance procedure, 11 (33%) preferred the disputes being referred to the sectoral councils and 6 that they did not have a specific preference. Two departments did not respond.

The departments in favour of the prescribed grievance procedure proffered the following reasons for their preference:

- Both parties are afforded an opportunity to engage fully in their endeavour to resolve the grievances. This means that grievances are resolved at the lowest level.
- The department is afforded the opportunity to resolve the grievance, which is beneficial to the trust relationship between employer and employee. Sound employer-employee relations are promoted.
- Managers are forced to take responsibility, which promotes sound employer-employee relations.
- A grievance is resolved by an experienced third party (PSC).
- The procedure is very clear and is understood by all employees.
- A recommendation from the PSC to an executing authority is not binding on the executing authority.
- Grievances are more successfully resolved through internal processes.

It is commendable that departments take the employment relationship seriously, and use internal procedures to resolve the dissatisfactions of employees as part of their endeavours to promote sound employment relationships. However, whereas departments indicated that they preferred the grievance procedure as it ensures that managers take responsibility for resolving grievances lodged by the employees under their supervision, employees indicated that managers refused to attend to grievances. If departments ensured that their managers attend to the grievances of the employees under their supervision this would foster sound employer-employee relations. It would also ensure that employees would be receptive to the grievance procedure, which would result in fewer cases being referred to the sectoral councils. Cases decided in favour of the employee by the sectoral councils to which they were referred may be indicative of a department's inability to manage grievances.

The following reasons were provided in favour of the dispute resolution mechanisms stipulated by Resolution 5 of 2000:

- The Procedure in Resolution 5 of 2000 is quicker than the prescribed Grievance Procedure of the PSC, and less prescriptive.
- Employees are more comfortable when an outsider deals with their grievances and decides on the outcome, and they therefore have more confidence in the process.
- It allows for parties to meet and discuss the matter at conciliation.
- It is more effective and efficient as both the parties are bound by its decision.
- There is no need for an investigating officer. It is difficult to find an employee, who is trained and able to investigate matters.

The departments that preferred the above procedure preferred grievances to be resolved during discussions or at conciliation meetings. This saved the time wasted on trying to resolve the matter within the department, where it was often referred from pillar to post. A major concern to departments is the unavailability of investigating officers. Departments can circumvent this problem by ensuring that specific employees are designated as investigating officers and properly trained.

(viii) **Problems experienced by departments with the prescribed grievance procedure**

The survey revealed that the following problems were experienced by the departments with the prescribed grievance procedure of the PSC:

- (a) As no provision is made for delegation in the grievance procedure, the office of the

- head of department is inundated with work.
- (b) The procedure is very lengthy and has unrealistic time frames. It takes several steps for the problem to be resolved, and in some instances decisions are not accepted by employees, who then have to take the matter up with the PSC.
 - (c) It is a problem to get trained investigating officers with the necessary expertise, especially for matters involving higher ranks. Investigating officers are not committed, and do not prioritize investigations but attend to them after their office duties.
 - (d) The lack of time frames for the PSC means that it often takes a very long time to finalize a grievance.
 - (e) Supervisors delay in resolving disputes or referring them to higher authorities.

As was discussed in paragraph (vii) above, measures should be put in place to provide investigating officers with the necessary training, and to create a database of employees who are trained to deal with grievances. The concern about the lack of time frames for the PSC is addressed in the new Grievance Rules of the PSC, which are currently awaiting ratification in the PSCBC. In these Rules the PSC is given 30 days after receipt of all relevant information to finalize a grievance referred to it. Departments should put measures in place to ensure that managers attend to the grievances of their employees. This could contribute to grievances being resolved at the lowest possible level.

(ix) **Views on the fact that the PSC only makes recommendations**

Most departments indicated that the PSC should make recommendations that were final and binding. It was also indicated the PSC should conduct an independent investigation and provide a report containing a recommendation or directive. It is evident that the involvement of the PSC in dealing with grievances is not totally rejected by departments, but they would prefer the PSC to have the authority to make decisions that are final and binding. Some departments indicated that the fact that the PSC only makes a recommendation frustrates employees, as the executing authority still has the discretion to either implement or reject the relevant recommendation. It was suggested that if the PSC were able to give directions fewer cases would be referred to the sectoral bargaining councils. The overall goal and purpose of the grievance procedure is that the decision of the PSC, as an independent body, should be final and binding.

A few departments indicated that they were satisfied that the PSC should merely make recommendations.

3.3 RESPONSES RECEIVED FROM THE PHWSBC

- (i) The PHWSBC indicated that during the period 1 June 2000 to 31 January 2002, 560 disputes were referred to the relevant councils. The PHWSBC could not provide statistics for June, July, August, November or December 2000, as no records for those specific months.

In the constitution of the PHWSBC it is stipulated that internal procedures should be exhausted before a dispute may be referred to the PHWSBC. From the information obtained during the survey, it is evident that the PHWSBC insists that this requirement is met. This is confirmed by the information provided by the national departments and provincial administrations surveyed.

It was indicated in the questionnaire that 10 cases where the prescribed grievance procedure had not been followed were referred back to the employer to be dealt with in terms of the

prescribed grievance procedure. Discussions with the PHWSBC revealed that it did not consider it necessary for a grievance to have gone through the PSC for it to regard internal remedies as having been exhausted; a dispute had only to have been dealt with within the department concerned.

- (ii) Of the 560 cases referred to the PHWSBC only 41 (7,3%) were resolved during the period under review. From these statistics it appears that the PHWSBC is not very successful with the cases referred to it.

However, the information received from the provincial administrations gives a different picture. (In this regard see paragraph 3.5 below.) According to the Limpopo Provincial Administration, 21 of the 21 cases that it referred to the PHWSBC were resolved (100%). The Western Cape Provincial Administration reported that 24 of the 58 cases it referred to the PHWSBC were resolved (41,4%), and the Gauteng Provincial Administration that 100 of the 205 cases it referred were resolved (48,8%).

- (iii) The nature of the 41 cases resolved by the PHWSBC related to alleged unfair dismissals, alleged unfair labour practices and the unilateral change of conditions of service.
- (iv) The PHWSBC is in the process of amending its constitution with regard to its jurisdiction. At present the PHWSBC has the jurisdiction to consider cases as from 25 May 2002, but it wants to amend the constitution so that it can deal with cases prior to 25 May 2002.

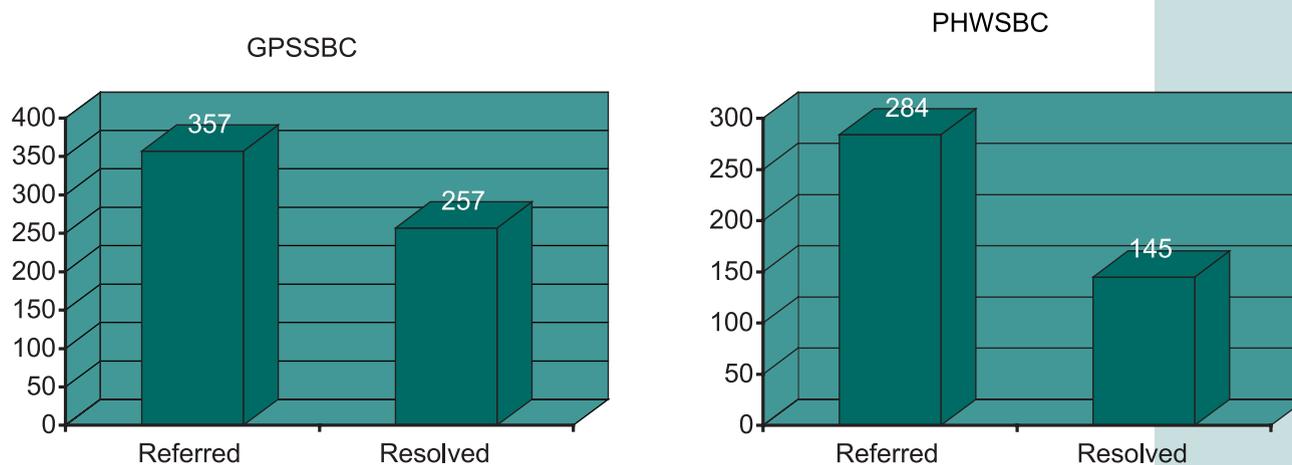
3.4 RESPONSES RECEIVED FROM THE GPSCBC

During a telephonic interview with the investigating team, the Secretary of the GPSSBC indicated that the requirement that an employee first exhaust internal remedies before he or she referred a dispute to the GPSSBC was deliberately left out of its constitution on the insistence of organized labour.

3.5 COMPARISON BETWEEN THE GPSSBC AND THE PHWSBC WITH REGARD TO THE NUMBER OF CASES REFERRED TO AND RESOLVED BY THEM

Figure 1 below provides a comparison of the disputes referred to and resolved by the GPSSBC and the PHWSBC during the period under review. The information was provided by the relevant departments.

Figure 1



The GPSSBC resolved 71,2% of the disputes referred to it, whereas the PHWSBC resolved 51,1% of the disputes referred to it. This could be an indication of the efficiency and effectiveness of the GPSSBC, or of the fact that the GPSSBC does not require internal remedies to be exhausted before it deals with a dispute.

3.6 RESPONSES RECEIVED FROM THE PSCBC

- (i) The PSCBC is of the opinion that the employee has exhausted internal remedies once the employee has made representations to his or her head of department, and the matter has not been resolved to his or her satisfaction.
- (ii) The PSCBC indicated that it saw the PSC as playing a mediatory or facilitatory role. It was evident that the PSCBC did not consider it necessary for a grievance to have gone through the PSC for it to regard internal remedies as having been exhausted; a dispute had only to have been dealt with within the department concerned. The PSC was regarded as an independent external structure, which operated outside of internal departmental structures in the same way as the PSCBC.

3.7 FINDINGS WITH REGARD TO THE PROCEDURE FOLLOWED BY THE PSC

In analysing the merits of a grievance, the PSC ensures that it is in possession of all documentation that may have a bearing on the matter. A thorough background or sequence of events leading to the grievance is compiled in order to provide a full understanding of the events giving rise to the grievance. Enquiries may have to be made in order to ensure that all relevant information has been obtained. The PSC considers all enabling legislation and prescripts that may influence the matter. The PSC's decision is not taken merely on the basis of the documentation available, a thorough written deliberation of the matter is provided for the PSC's consideration. The recommendation of the PSC is not taken by a single commissioner, but once three commissioners have independently reached consensus on the matter. The PSC's decision is substantiated with reasons.

In view of the fact that employees are not always privy to the reasons for the delays in finalizing

grievances, they may regard the grievance procedure as very lengthy. However, very often delays are caused by the departments' failure to provide the PSC with all relevant information in good time. Employees are not always aware of these delays. An aspect which may compound the negative impression some employees have of the grievance procedure is the fact that the recommendation by the PSC is not final and binding.

3.8 FINDINGS WITH REGARD TO THE PROCEDURE FOLLOWED BY THE SECTORAL COUNCILS

During conciliation the relevant parties endeavour to resolve the matter. Both the employer and employee are given the opportunity to state their case in an endeavour to reach an amicable solution.

If the dispute cannot be resolved amicably, the matter is referred to an arbitrator. Although rigid rules with regard to the procedure followed during arbitration do not exist, section 138 of the Labour Relations Act, 1995, provides some guidelines in this regard. It provides that the substantial merits of the dispute should be dealt with, with the minimum of legal formalities. During arbitration proceedings the parties may give evidence, call witnesses, question the witnesses of the other party and address concluding arguments to the arbitrator. The employee is also afforded the opportunity to reason the merits of his or her grievance. The arbitrator, having considered all relevant aspects, makes a decision that is substantiated, final and binding.

An employee may gain the impression that the process is faster than the prescribed grievance procedure, and that there are fewer formalities.

4.1 INTRODUCTION

This chapter presents the observations drawn from the findings and analyses made in Chapter 3 of this report, and reflects current trends in dispute resolution among employees in the public service, as well as the views of the PSCBC and the PHWSBC in this respect.

4.2 RECOMMENDATIONS

In analysing the information received, as well as the comments elicited during interviews with the various role players, certain observations were made. After due consideration, the PSC made certain recommendations with regard to the following areas:

4.2.1 RECORD KEEPING

Departments experienced problems in providing the PSC with the required information/ statistics because they did not have proper record keeping systems. Information had to be extracted manually from the personnel files of aggrieved employees.

The PSC has previously found that the information it required was not readily available, as the Persal system did not make provision for all the information relevant to grievances to be captured on it. In order to alleviate this problem, the PSC embarked on a project to alter the function on Persal dealing with grievances so that departments could capture all the relevant data. In future, this should enable the PSC to obtain information directly from Persal. However, departments will have to be urged to ensure that the data on this function is updated regularly.

4.2.2 INTERNAL REMEDIES

The constitution of the PHWSBC provides that employees must first exhaust internal remedies before resorting to the relevant sectoral council. It has become generally accepted in the public service that the Interim Grievance Rules of the PSC represent the internal dispute resolution mechanism available to employees.

During the survey it, however, became clear that the PHWSBC and the PSCBC did not regard it necessary for a grievance to have gone through the PSC for it to consider internal remedies as having been exhausted, a dispute had only to have been dealt with within the department concerned. This was substantiated by the direct referral of disputes to the PHWSBC. The PSC is regarded as an outside structure available to employees for resolving their grievances.

4.2.3 SHIFT OF RESPONSIBILITY BY MANAGERS

It transpired that managers/supervisors were often unwilling to accept responsibility for the resolution of grievances. The resolution of grievances was therefore delayed and sometimes grievances were not attended to at all. It was found that management is also very often to blame when employees opt not to use the prescribed grievance procedure. Departments should be encouraged to put in place

measures that will force managers to attend to the grievances of the employees under their supervision. This would assist in having grievances resolved at the lowest level possible.

4.2.4 PROBLEMS EXPERIENCED BY DEPARTMENTS WITH THE PRESCRIBED GRIEVANCE PROCEDURE

On scrutinizing the information obtained from the questionnaires, the PSC has identified various problems that employees and departments experience with the Interim Grievance Rules of the PSC. The main problem experienced by departments with the prescribed grievance procedure is the fact that the procedure is too lengthy. In light thereof, and as section 11 of the Public Service Commission Act, 1997, authorizes the PSC to make rules for dealing with grievances, the PSC has drafted new Grievance Rules.

The following are the main reasons for delays in the finalization of grievances:

(i) UNAVAILABILITY OF EXPERIENCED AND TRAINED INVESTIGATING OFFICERS

Investigating officers who are skilled in both investigative methodology and the prescripts/legislation governing the conditions of service of the employee who is aggrieved are seldom available. Very often employees are appointed to investigate a grievance without the necessary expertise. This not only causes delays in the preparation of the report, but also reflects poorly on the standard of the report and the recommendations made, which are not always executable or legally defensible.

Heads of department base their decisions on the advice provided by the investigating officer. If an investigating officer who is not versed in the relevant prescripts or who is not equipped with investigating skills is appointed, he or she may not be in a position to properly advise the head of department with regard to the merits of a grievance. This may result in the head of department being ill-advised when taking a decision with regard to the merits of a grievance. If an investigating officer who is knowledgeable with regard to the relevant prescripts and general investigating skills is appointed, the investigation is more likely to be finalized quickly, and the outcome of the grievance to be reliable.

Something that compounds the problems departments experience with investigating officers is the fact that investigating officers are often tasked with investigations in addition to their normal workload. Consequently, investigations cannot always be dealt with timeously.

The PSC identified the above problems during its consideration of the merits of certain grievances. It has also noted that the reports submitted by investigating officers are very often of an extremely poor quality, and often do not address the core issues of the grievance lodged.

To address the above problem, the parties to the PSCBC have proposed removing the requirement of appointing investigating officers from the grievance procedure. They propose that a designated officer be responsible for facilitating the resolution of the grievance instead.

The PSC foresees that it would draft guidelines on the new prescribed grievance procedure, in which the tasks and functions, as well as the expertise required from the designated officer will be set out.

(ii) FAILURE TO ADHERE TO THE TIME LIMITS IN THE INTERIM GRIEVANCE RULES

The prescribed grievance procedure provides for certain time limits within which grievances should be dealt with. For example, the supervisor of the aggrieved employee should take steps to resolve the grievance within five days. It transpired that departments often fail to abide by the time limits set in the Interim Grievance Rules. The PSC, in considering the merits of grievances, has noted that the finalization of grievances by departments was delayed for unreasonably long periods of time. This, inevitably, leads to employees referring their grievances to the sectoral councils for consideration. A dispute that arises can be referred to the relevant sectoral council without it having to follow a specific route within a department, whereas in the case of a grievance being lodged, the grievance has to follow the steps set out in the prescribed grievance procedure, which is subject to the delays as discussed above.

As stated above, the PSC has drafted new Grievance Rules, which determine that if a department fails to adhere to the prescribed time limits an employee may refer the grievance direct to the PSC.

(iii) DELAYS BY THE PSC IN THE FINALIZATION OF GRIEVANCES

Delays in the finalization of grievances by the PSC are, in the majority of cases, caused by the fact that departments do not send the PSC all the relevant documentation when they refer a grievance to them. A great deal of time is wasted in obtaining the relevant documents, particularly when an aggrieved employee is employed in the regional office of a national department. Employees from the Office of the PSC have to engage in unnecessary correspondence or even visit regional offices with the sole purpose of obtaining information/documentation.

Employees often regard the PSC as the cause of delays in resolving their grievances. However, employees are not always aware of the delays caused by the departments when they do not submit information timeously.

The new Grievance Rules stipulate that the PSC has to finalize grievances within 30 days from the date on which all relevant information/documentation has been received. In order to expedite the finalization of grievances by the PSC, the co-operation of departments is of the utmost importance. If departments ensured that relevant documentation was submitted to the PSC in good time, this would most definitely contribute to a speedier resolution of grievances by the PSC.

4.2.5 PARTICIPATION OF EMPLOYEES IN THE RESOLUTION OF GRIEVANCES/ DISPUTES

One of the principal reasons for employees/departments preferring the dispute resolution mechanism of the sectoral councils is that the conciliation process affords both parties the opportunity to engage in discussions in an attempt to settle the dispute, and disputes are often resolved amicably. Once conciliation between the employer and employee has failed, the matter may be referred for arbitration. During arbitration an independent person is appointed as an arbitrator for the case. Both the employer and the employee are afforded an opportunity to state their cases, after which the arbitrator decides on the matter. The PSC at the moment considers the merits of grievances on the documents available. However, if it considers it appropriate, the PSC can decide to conduct an investigation involving not only an assessment of the documents relating to the grievance, but also engaging other role-players in the matter. Even when it assesses documentation only, this is done in line with the most basic principle in labour law, namely the *audi alteram partem*

rule (hearing the other side).

4.2.6 NATURE OF GRIEVANCES/DISPUTES

It has been observed that the nature of the grievances referred to the PSC and the disputes referred to the sectoral councils, mostly relate to human resource practices, such as promotions, transfers, filling of posts, dismissals, etc. The survey did not endeavour to determine the reasons why grievances/disputes relate mostly to human resource practices. However, when considering the merits of grievances, the PSC has realized before that human resource practices are not always properly managed. Further, it transpired that departments are often not fully versed in relevant procedures, or do not have policies and procedures regulating the management of human resources.

4.2.7 ROLE OF THE PSC IN RESOLUTION OF GRIEVANCES/DISPUTES

(i) RECOMMENDATIONS MADE BY THE PSC

The biggest challenge the PSC has to face in respect of dispute resolution mechanisms is that the enabling legislation gives it the authority to make recommendations only, which the majority of departments are not satisfied with. They are of the opinion that the PSC should be able to make a final decision on the merits of a grievance. It is considered acceptable for a head of department or executing authority, once an independent body like the PSC has made a decision about the merits of a grievance, to decide not to implement its recommendation. Employees revert to the dispute resolution mechanism because an award given by an arbitrator cannot be overruled by a head of department, but is final and binding.

In order to increase the use of the prescribed grievance procedure by employees, it is of the utmost importance for the PSC to consider requesting an amendment to the Constitution, 1996, giving it the authority to make a directive instead of a recommendation. This would enhance the PSC's visibility and role in the terrain of dispute resolution mechanisms.

(ii) VIEW OF THE PSCBC AND THE PHWSBC

It is evident from the information received that the PSCBC and the PHWSBC do not regard it as necessary for a grievance to have gone through the PSC for it to consider internal remedies as having been exhausted before an employee may refer a dispute to the relevant sectoral council for consideration. The PSC is regarded as an outside structure available to employees who wish to have their grievances resolved.

4.2.8 PROCEDURE FOLLOWED BY THE PSC IN DEALING WITH GRIEVANCES

When analysing the merits of a grievance, the PSC considers all possible enabling legislation and prevailing prescripts, as well as the prevailing labour relations principles that might influence the matter. The PSC's decision is not merely taken on the documentation available, but after a thorough written deliberation of the matter has been provided for the PSC's consideration. The recommendation of the PSC is not taken by a single commissioner, but once three commissioners have independently reached consensus on the matter. The PSC's decision is always substantiated by detailed reasons and references to enabling legislation and/or evidence.

It is observed that the process followed by the PSC in considering the merits of the grievances referred to it ensures that a fair and just decision is made.

4.2.9 PROCEDURE FOLLOWED BY THE SECTORAL COUNCILS

During arbitration the parties may give evidence, call witnesses, question the witnesses of the other party and address concluding arguments to the arbitrator. The arbitrator, having considered all relevant aspects, should make a decision that is substantiated, final and binding.

The perception may be created that the process is faster than the prescribed grievance procedure, and that there are fewer formalities. The employee is also afforded the opportunity to argue the merits of his or her grievance with the arbitrator.

In providing reasons as to why dispute resolution by the sectoral councils is preferred, employees concentrated on the speed with which disputes were resolved. It is noteworthy that employees failed to indicate whether the disputes were dealt with by expert persons, who deal with the disputes in terms of the prevailing legislation and labour relations principles.

4.3. CONCLUSION

It was revealed in this survey that employees prefer their disputes to be resolved by the relevant sectoral councils. During the period under review 40 grievances were referred to the PSC, and 641 to the sectoral councils. The sectoral councils also had a better success rate, in that they resolved 402 cases, whereas the PSC resolved only 22 cases.

Although it is evident that the majority of aggrieved employees referred their grievances to the relevant sectoral council, the PSC is not convinced that this is the best option for resolving disputes. The survey did not test the level of knowledge or expertise of the arbitrators, or even attempt to elicit responses from arbitrators in this regard. Furthermore, one often hears the remark that the arbitration process favours the employee. Decisions as to whether the conduct of an employer or employee was contrary to fair and sound labour relations may not be completely objective.

Through this survey, departments and provincial administrations have demonstrated the problems they have experienced with the grievance procedure and Resolution 5 of 2000. However, an eagerness to manage grievances in terms of the prescribed grievance procedure has been noted, although this depends on the addressing of certain areas of concern, such as the delays in finalizing grievances, and the fact that the PSC merely makes recommendations and not final and binding pronouncements.

It became clear from the responses received that the predominant factor persuading employees to resort to the sectoral councils to have their grievances resolved is the fact that the PSC makes a recommendation that is not final or binding. It seems to be a contradiction that the executing authority who initially considered the grievance of an employee has to consider the decision of the PSC with regard to the dissatisfaction. The PSC, as an independent and impartial body, should be in a position to make an enforceable directive, as is presently the case with arbitration awards given by arbitrators.



NOTES

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Questionnaire

*THE EXTENT TO WHICH THE DISPUTE RESOLUTION MECHANISMS
WITHIN THE PUBLIC SERVICE, PROVIDED FOR IN THE LABOUR
RELATIONS ACT, 1995, THE PRESCRIBED GRIEVANCE PROCEDURE ARE
UTILISED BY EMPLOYEES IN THE PUBLIC SERVICE.*

Department of /Provincial Administration

Department: _____

Completed by: Name: _____

Rank: _____

Directorate: _____

Tel. No: _____

Fax No: _____

E-mail address: _____

INSTRUCTION SHEET ON THE COMPLETION OF THE QUESTIONNAIRE

1. Included is a questionnaire with regard to the consideration of grievances/ disputes lodged by employees within the public service
2. Departments are called upon to ensure that all questions are responded to. **Where questions are not applicable, departments should indicate as such with the acronym N/A next to the questions to indicate that the non-completion of the question was not an oversight.** If the space provided for in the questionnaire is insufficient, do not hesitate to add additional folios to the questionnaire.
3. Where applicable, indicate with an in the appropriate space.
4. An appointment will be arranged with your department to hand in the completed questionnaire at the relevant Regional Office. **Please do not forward the completed questionnaire to this Office/ Regional Office.**
5. For any further clarification you are welcome to contact the following person at the following address:

Mrs A E Kruger, Deputy Director: Employee Grievances
Chief Directorate: Labour Relations
Office of the Public Service Commission
Private Bag X121
PRETORIA
0001

Telephone number: (012) 352-1177
e-mail address: annelenek@opsc.gov.za

Your co-operation in assisting the Office of the Public Service Commission to conduct this investigation is highly appreciated.

1. In terms of the Rules of the Public Service Commission for dealing with grievances of employees in the Public Service, as published in Government Gazette No. 800 dated 1 July 1999, an employee has the right to lodge his or her grievance with his or her department. If such a grievance cannot be resolved departmentally he or she may request that his or her grievance be referred to the Public Service Commission.

- 1.1 How many grievances were lodged with the executing authority during the period 1 June 2000 to 31 September 2001 in terms of the prescribed grievance procedure?

- 1.2 How many of the grievances mentioned in paragraph 1.1 above, were resolved **departmentally** in terms of the prescribed grievance procedure during the above period?

- 1.3 How many of the grievances mentioned in paragraph 1.1 above, were referred to the Public Service Commission, as they could not be resolved departmentally?

- 1.4 How many of the grievances mentioned in paragraph 1.3 were finalised during the period under discussion?

- 1.5 Indicate how many grievances mentioned in paragraph 1.4 were found in favour of the employees and how many were not found in favour of the employees.

NUMBER OF GRIEVANCES IN FAVOUR	NUMBER OF GRIEVANCES NOT IN FAVOUR

- 1.6 What was the nature of the grievances referred to the Public Service Commission?

NUMBER OF GRIEVANCES IN FAVOUR	NUMBER OF GRIEVANCES NOT IN FAVOUR

- 1.7 How long did it take to **finalise** the grievances referred to the Public Service Commission, calculated from the date that the grievances were lodged with the executing authority, until the date that the Commission's recommendations were received? Please ensure that the total corresponds with the number of grievances indicated in paragraph 1.4 above.

PERIOD	NUMBER OF GRIEVANCES
0 - 3 months	
3 - 6 months	
6 - 9 months	
9 - 12 months	
12 - 15 months	
TOTAL	

2. Resolution 5 of 2000 signed in the Public Service Co-ordinating Bargaining Council (PSCBC) determines that with effect from 1 June 2000 sectoral councils are responsible for resolving disputes with regard to interest and rights of employees.

- 2.1 Under which sectoral council's scope does your department fall?

- 2.2 How many grievances were, during the period 1 June 2000 to 31 September 2001, referred directly to the relevant sectoral council as disputes, without following the prescribed grievance procedure?

- 2.3 In cases where employees referred their grievances as disputes to the relevant sectoral council, and the prescribed grievance procedure was not followed, did the relevant sectoral council refer such cases back to be dealt with in terms of the prescribed grievance procedure?

Yes No

If yes, indicate the number of cases referred back during the period under discussion, to be dealt with in terms of the prescribed grievance procedure.

2.4 How many of the disputes referred to in paragraph 2.2 above, were resolved during the period under discussion?

2.5 How long did the relevant sectoral council take to resolve the dispute? Please ensure that the total corresponds with the number of grievances indicated in paragraph 2.4 above.

PERIOD	NUMBER OF DISPUTES
0 - 3 months	
3 - 6 months	
6 - 9 months	
9 - 12 months	
12 - 15 months	
TOTAL	

2.6 Indicate how many disputes were found in favour of the employees and how many were not found in favour of the employees.

NUMBER OF DISPUTES IN FAVOUR	NUMBER OF DISPUTES NOT IN FAVOUR	TOTAL

2.7 What was the nature of the above disputes?

NATURE OF DISPUTES IN FAVOUR	NATURE OF DISPUTES NOT IN FAVOUR

3. Were any of the grievances which were initially lodged with the executing authority in terms of the prescribed grievance procedure, at any stage referred to the relevant sectoral council as disputes by employees?

Yes No

Indicate at what stage such grievances were referred to the relevant sectoral council by the employees as disputes.

STAGE OF REFERRAL TO COUNCIL	NUMBER OF GRIEVANCES
When grievance was lodged with the executing authority in terms of the prescribed grievance procedure.	
After a decision was taken by the head of department.	
On receipt of the recommendation made by the Public Service Commission.	

4. Provide the following details of the employees, who lodged their disputes with the relevant sectoral council?

NAME	RANK	CONTACT TELEPHONE NUMBER	NATURE OF DISPUTE	OUTCOME

QUESTIONNAIRE

THE EXTENT TO WHICH THE DISPUTE RESOLUTION MECHANISMS ARE UTILISED BY EMPLOYEES IN THE PUBLIC SERVICE

Completed by: Name:	_____
Designation:	_____
Tel. No:	_____
Fax No:	_____
E-mail address:	_____

INSTRUCTION SHEET ON THE COMPLETION OF THE QUESTIONNAIRE

1. Included is a questionnaire with regard to the consideration of disputes lodged by public service employees with the GPSSBC.
2. The GPSSBC is called upon to ensure that all questions are responded to. **Where questions are not applicable, it should be indicated as such with the acronym N/A next to the questions to indicate that the non-completion of the question was not an oversight.** If the space provided for in the questionnaire is insufficient, do not hesitate to add additional folios to the questionnaire.
3. Where applicable, indicate with an in the appropriate space.
4. **Please forward the completed questionnaire to this Office by not later than 25 March 2002.**
5. If the GPSSBC has offices in the various provinces, the information requested may be submitted separately. Should this be the case, please make sufficient copies of this questionnaire for distribution to such offices.
6. For any further clarification you are welcome to contact the following person at the following address:

Mr K A Mahesu, Director: Employee Grievances
Chief Directorate: Labour Relations
Office of the Public Service Commission
Private Bag X121
PRETORIA
0001

Telephone number: (012) 352-1044
Fax number: (012) 325-8379
e-mail address: alfredm@opsc.gov.za

Your co-operation in assisting the Office of the Public Service Commission to conduct this investigation is highly appreciated.

1. Resolution 5 of 2000 signed in the Public Service Co-ordinating Bargaining Council (PSCBC) determines that with effect from 1 June 2000 sectoral councils are responsible for resolving disputes with regard to interest and rights of employees.

- 1.1 How many disputes were, during the period 1 June 2000 to 31 January 2002, referred to the GPSSBC.

- 1.2 In cases where employees referred their grievances as disputes to the GPSSBC, and the prescribed grievance procedure as contained in the Interim Grievance Rules of the Public Service Commission, was not followed, did the GPSSBC refer such cases back to the employee to be dealt with in terms of the prescribed grievance procedure?

Yes No

If yes, indicate the number of cases referred back during the period under discussion, to be dealt with in terms of the prescribed grievance procedure.

- 1.3 How many of the disputes referred to in paragraph 1.1 above, and which were not referred back to be dealt with in terms of the prescribed grievance procedure, were resolved during the period under discussion?

- 1.4 How long did the GPSSBC take to resolve the disputes referred to in paragraph 1.3? Please ensure that the total corresponds with the number of grievances indicated in paragraph 1.3 above.

PERIOD	NUMBER OF DISPUTES
0 - 3 months	
3 - 6 months	
6 - 9 months	
9 - 12 months	
12 - 15 months	
TOTAL	

1.5 Indicate how many disputes were found in favour of the employees and how many were not found in favour of the employees.

NUMBER OF DISPUTES IN FAVOUR	NUMBER OF DISPUTES NOT IN FAVOUR	TOTAL

1.6 What was the nature of the above disputes?

NATURE OF DISPUTES IN FAVOUR	NATURE OF DISPUTES NOT IN FAVOUR

1.7 In brief, give an exposition as to the manner in which disputes are dealt with by the GPSSBC.

1.8 How are employees informed of the outcome of their disputes?

1.9 How is the employer informed of the outcome of a dispute lodged against such employer?

2. In paragraph 4 of the GPSSBC referral form "G1", details with regard to the internal grievance procedures followed by the employee, are requested. However, the constitution of the GPSSBC does not provide that an employee should first exhaust his/ her internal grievance procedures before a dispute may be referred to the GPSSBC.

2.1 What was the intention of the parties to Resolution 5 of 2000 in the PSCBC with regard to whether an employee should first exhaust his/ her internal grievance procedure before referring such dispute to the GPSSBC?

3. In terms of the Interim Grievance Rules of the Public Service Commission, as promulgated in Government Gazette No. 800 on 1 July 1999, an employee may refer his/ her grievance to the Public Service Commission if he/ she is still dissatisfied after the matter was dealt with departmentally.

3.1 Was the Public Service Commission as an internal remedy for an aggrieved employee considered during negotiations in the above regard in the PSCBC?

Yes No

If yes, indicate what the decision of the meeting in this regard entailed.

3.2 What do you perceive as the role of the Public Service Commission in resolving grievances/ disputes? How can the Public Service Commission contribute in the field of grievances?

4. Does the GPSSBC have offices in the other provinces?

Yes No

If yes, indicate where these offices are situated and to which ones the questionnaire was distributed. Also indicate whether the questionnaire was received back.

LOCATION OF SUCH OFFICES	QUESTIONNAIRE DISTRIBUTED AND ATTACHED TO THIS QUESTIONNAIRE (INDICATE WITH A X)

5. What problems, if any, does the GPSSBC at this stage experience in the field of resolving disputes?

6. Does the GPSSBC intend to amend the existing procedure, and to what extent?

QUESTIONNAIRE

*THE EXTENT TO WHICH THE DISPUTE RESOLUTION MECHANISMS ARE
UTILISED BY EMPLOYEES IN THE PUBLIC SERVICE.*

Public Service Co-ordinating Bargaining Council (PSCBC)

Completed by: Name: _____

Designation: _____

Tel. No: _____

Fax No: _____

E-mail address: _____

INSTRUCTION SHEET ON THE COMPLETION OF THE QUESTIONNAIRE

1. Included is a questionnaire with regard to the dispute resolution mechanism as agreed upon in Resolution 5 of 2000 by the parties to the PSCBC.
2. The PSCBC is called upon to ensure that all questions are responded to. **Where questions are not applicable, it should be indicated as such with the acronym N/A next to the questions to indicate that the non-completion of the question was not an oversight.** If the space provided for in the questionnaire is insufficient, do not hesitate to add additional folios to the questionnaire.
3. Where applicable, indicate with an in the appropriate space.
4. Please forward the completed questionnaire to this Office by not later than 25 March 2002.
5. For any further clarification you are welcome to contact the following person at the following address:

Mr K A Mahesu, Director: Employee Grievances
Chief Directorate: Labour Relations
Office of the Public Service Commission
Private Bag X121
PRETORIA
0001

Telephone number: (012) 352-1044
e-mail address: alfredm@opsc.gov.za

Your co-operation in assisting the Office of the Public Service Commission to conduct this investigation is highly appreciated.

1. Resolution 5 of 2000 signed in the PSCBC determines that with effect from 1 June 2000 sectoral councils are responsible for resolving disputes with regard to interest and rights of employees. In terms of the provisions of section 35 of the *Public Service Act, 1994*, an employee is afforded the opportunity to refer his or her grievances to the Public Service Commission for consideration.

1.1 At what stage, in your opinion, is an internal remedy exhausted by an employee?

1.2 Was the Public Service Commission as an internal remedy for an aggrieved employee considered during negotiations in the above regard in the PSCBC?

Yes No

1.3 What do you perceive as the role of the Public Service Commission in resolving grievances/ disputes? How can the Public Service Commission contribute in the field of grievances?

- 1.4 What was the intention of the parties to Resolution 5 of 2000 in PSCBC with regard to whether an employee should first exhaust his/ her internal grievance procedure before referring such dispute to a sectoral council?

SECTORAL COUNCIL	
[i] GPSSBC	
[ii] PHWSBC	
[iii] SSSBC	

- 1.5 What is the opinion of the PSCBC as to whether an employee should first exhaust his or her internal remedies before referring a dispute to the relevant sectoral council?

- 1.6 How effective are the sectoral councils functioning at this stage?

- 1.7 Are there areas for improvement, and do you at this stage foresee that amendments to the constitutions of the sectoral councils will have to be effected?

1.8 What oversight role, if any, does the PSCBC play with regard to the sectoral councils?

1.9 How many cases were finalised by the various sectoral councils during the period 1 June 2000 to 31 January 2002?

SECTORAL COUNCIL	NUMBER OF CASES FINALISED
[i] GPSSBC	
[ii] P HWSBC	
[iii] SSSBC	

Private Bag X121
Pretoria
Commission House
cnr. Hamilton & Ziervogel Streets
Tel: (012) 328 7690
Fax: (012) 325 8382
Email: info@opsc.gov.za
www.psc.gov.za

