

FACT SHEET on Grievance Resolution 2010/11



Introduction

The Public Service Commission (PSC) is pleased to present its third Fact Sheet on grievance resolution in the Public Service. In the preceding two Fact Sheets, the OSC presented a statistical overview of grievance resolution in the Public Service for the financial years 2008/09 and 2009/10. This Fact Sheet provides a statistical overview on the management of grievance resolution in the Public Service for the 2010/11 financial year. For the first time, the Fact Sheet also provides a statistical overview in respect of the grievance resolution management in 18 municipalities.

The PSC has a constitutional mandate to consider grievances of employees in the Public Service, which it derives from section 196(4)(f)(ii) of the Constitution of the Republic of South Africa, 1996. In terms of section 196(6) of the Constitution, 1996, the PSC must report at least once a year, on its activities to the National Assembly, as well as the legislatures of the nine provinces.

In order to enable the PSC to report on the resolution of grievances in the Public Service, Rule 1.1 of the Rules for dealing with grievances of employees in the Public Service (the Grievance Rules, 2003), published in Government Gazette no 25209 on 25 July 2003, provides for Heads of Department (HoD) to monitor the management of grievances.

The management of the grievance resolution in the Public Service is done by departments maintaining a record of the number of grievances resolved from the beginning of the financial year, and the HoDs report to the PSC on a six monthly basis. The PSC in turn, reports on its activities on a financial year basis. Its reports therefore, reflect the management of grievances reported by HoDs as per the financial year.

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Objectives of the Fact Sheet

The objectives of the Fact Sheet are to provide an overview of –

- the resolution of grievances in the Public Service for the 2010/2011 FY as reported by national and provincial departments;
- grievances referred to the PSC by aggrieved employees and the Executive Authorities; and
- grievances reported at municipal level for three FYs, 2008/2009, 2009/2010 and 2010/2011.

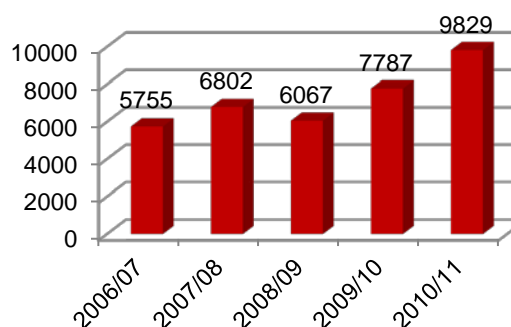
Particular emphasis will be made on -

- the nature, number and causes of grievances; and
- the management of grievances in terms of adherence to procedures and time frames.

Reporting by departments

In order to remind the HoDs to submit their reports to the PSC on the number of grievances processed, the PSC sends a circular to all HoDs every six months. Despite these reminders, the PSC still experiences challenges in obtaining the required information by the due date provided in the circular. In order to obtain outstanding information, the PSC may summons HoDs to appear before an Inquiry of the PSC, in terms of section 10(2)(a) of the Public Service Commission Act, 1997. For the reporting period 01 October 2010 to March 2011, the PSC summonsed the HoDs of Basic Education, Human Settlements and the Secretariat of Police to appear before an Inquiry of the PSC. Compliance with the applicable prescripts is imperative. It is therefore trusted that HoDs will ensure that their reports on grievance resolution are submitted by the due date, in order to prevent the PSC from summonsing HoDs to an Inquiry of the PSC.

Figure 1: Number of grievances for the FYs 2006/07 to 2010/11

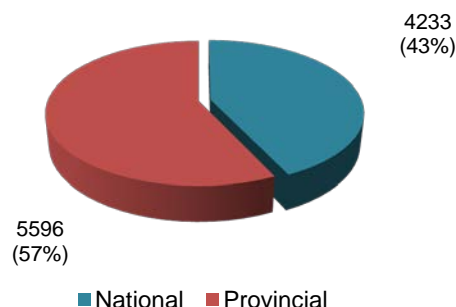


Number of grievances lodged within the Public Service

The number of grievances reported by departments has been increasing progressively over the past two financial years. **Figure 1** provides an overview of the number of grievances lodged for the financial years (FY) 2006/07 to 2010/11. National and Provincial departments reported a total of **9829** grievances for the 2010/11 FY. In comparison with the 2009/10 FY, the number of grievances has increased by 26%. This increase may be attributed to the fact that reports were received from all national and provincial departments. Furthermore, departments are increasingly reporting collective grievances, which contribute to the increasing number of grievances reported to the PSC.

Figure 2 provides a breakdown of the number of grievances reported by national and provincial departments for the 2010/2011 FY. In total, **4233** (43%) grievances were reported by national departments, and **5596** (57%) by provincial departments. In comparison with the previous FY, the number of grievances reported by national departments increased by 14% and in respect of provincial departments of 37%. Compared to the 2% increase in the total number of employees in the Public Service (from 1 272 311 in 2009/10 to 1 297 637¹ in 2010/11), it appears that grievances have substantively increased. However, on the other hand, the increase in the number of grievances reported could also be as a result of increased knowledge of the grievance procedure, which can also be encouraging since it points to more effective internal communication mechanisms in place that keeps employees informed of their rights to utilise the grievance procedure applicable in their workplaces.

Figure 2: Number of grievances at national and provincial level

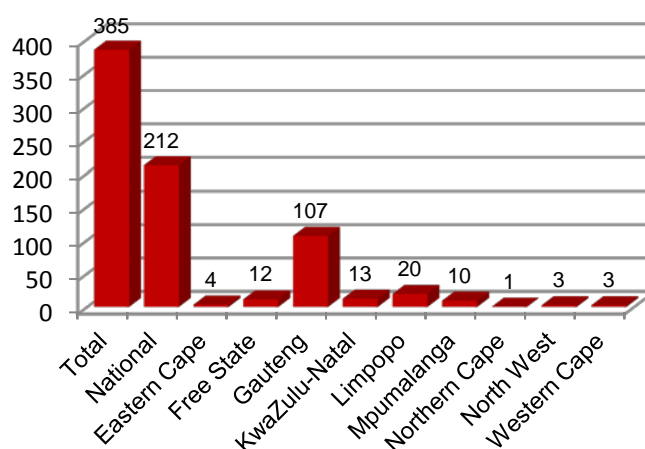


Collective grievances

The purpose of the Grievance Rules, 2003, amongst others, is the promotion of the resolution of individual grievances at the lowest possible level in a department. However, grievance procedures of service departments such as the South African Police Service (SAPS) provide for employees to lodge collective grievances. During the FY 2010/11, the PSC noted an increased prevalence of collective grievances being reported by national and provincial department. **Figure 3** provides a breakdown in respect of the number of collective grievances reported.

A total of **385** collective grievances were reported of which **212** (55%) were reported by national departments and **173** (45%) by provincial departments. For the purposes of the Fact Sheet, the number of collective grievances is incorporated in the total of **9829** grievances.

Figure 3: Number of collective grievances



¹ Head count as at 31 March 2011 provided by the Department of Public Service and Administration

Number of grievances lodged at national level

National departments reported a total of **4233** grievances, which is an increase of 14% compared to the total of **3715** grievances reported in the FY 2009/2010. **Table 1** provides a comparison of the number of grievances reported by national departments for the 2009/10 and 2010/11 FYs. The SAPS reported the highest number of grievances (**1235**) for this FY. However, it is encouraging that the number of grievances have decreased with 20% from the number of grievances (**1546**) reported by the SAPS during the previous reporting period. The Department of Correctional Services reported the second highest number of grievances (**1811**), which is an increase of 37% from the previous reporting period when **1326** grievances were reported.

The Department of Justice and Constitutional Development (DoJCD) reported the third highest number of grievances (**291**), which was a slight increase of 4%.

The Department of International Relations and Cooperation (DIRCO) reported an increase of more than 700%, from **19** grievances to **156** grievances. Considering the reporting by the Department for the previous FYs, it is disconcerting that from the decrease of 87% reported for the 2009/10 FY, the Department now reports such a high increase.

Although it is apparent that there is a general upward trend in the lodging of grievances, the few departments such as Arts and Culture and Public Works that reported a decrease, is encouraging, as this may be an indication of sound human resource practices put in place to deal with dissatisfactions. **Table 1** also provides a breakdown in respect of the split between the former Departments of Education, Mineral Resources and Energy and Environment and Tourism. It appears that there has been an increase in grievances only in respect of the departments of Basic Education and Higher

Table 1: Comparison of the number of grievances reported by national departments

Department	No of grievances	
	2009/10	2010/11
Agriculture, Forestry & Fisheries	75	86
Arts & Culture	15	2
Communications	11	20
Cooperative Governance	1	3
Correctional Services	1326	1811
Defence	10	30
GCIS	1	2
Health	23	24
Home Affairs	101	105
Human Settlements	12	23
ICD	5	14
DIRCO	19	156
DoJCD	280	291
Labour	13	66
National Treasury	7	3
OPSC	1	3
PALAMA	12	9
Public Enterprises	0	14
Public Service & Administration	6	7
Public Works	73	68
Rural Dev & Land Reform	17	50
SAPS	1546	1235
Science & Technology	4	4
Secretariat of Police	0	2
Social Development	3	6
Sport & Recreation SA	6	5
Statistics SA	20	29
The Presidency	1	6
Trade & Industry	19	41
Transport	8	6
Water Affairs	50	61
Total	3665	4182

The number of grievances reported in respect of the following departments, were previously reported under the former names of the departments

Previous	Current	No of grievances	
		2009/10	2010/11
Education	Basic Education		4
	Higher Education & Training	7	13
Mineral Resources & Energy	Energy		5
	Mineral Resources	28	22
Environment & Tourism	Environmental Affairs	15	4
	Tourism		3
Total		50	51

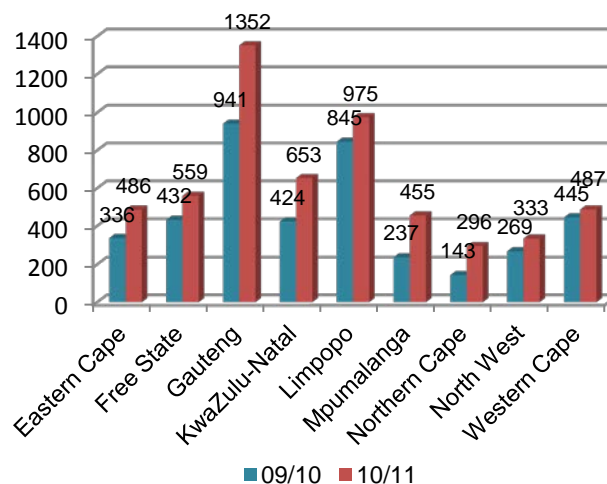
Education and Training. The departments of Economic Development and Women, Children and Persons with disabilities submitted a nil report for the reporting period:

Number of grievances lodged at provincial level

Similar to the national departments, there has also been an increase in the number of grievances lodged at provincial level, namely 37% (**4072** for the 2009/10 FY and **5596** for the 2010/11 FY). **Figure 4** provides an overview in respect of the number of grievances reported per province for the FYs 2009/10 and 2010/11.

As in the previous reporting periods, the Gauteng Province reported the highest number of grievances for both FYs (**2293**), followed by the Limpopo Province (**1820**). The KwaZulu-Natal Province reported the third highest number of cases for both FYs (**1070**), followed by the Free State Province with **991** cases. In comparison with the demographics of the Public Service in respect of provincial departments, the KwaZulu-Natal has the highest number of employees (193 252), followed by the Gauteng Province with 151 439 employees, the Eastern Cape with 141 715 employees and Limpopo with 120 178 employees². If one considers the total number of employees in these four provincial administrations for example, it is apparent that the number of discontent employees is relatively low. A breakdown per province for the 2009/10 and 2010/11 FYs follows below:

Figure 4: Number of grievances on provincial level for the FYs 2009/10 and 2010/11

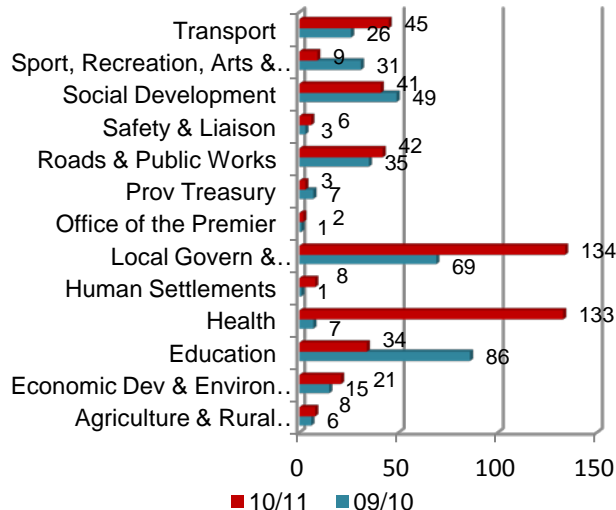


Eastern Cape Province

The departments in the Eastern Cape Province reported a total of **486** grievances for the 2010/11 FY. In comparison with the 2009/10 FY (**336**), the number of grievances has increased with 45%.

Figure 5 provides a breakdown in respect of the number of grievances reported per Department. The Department of Local Government and Traditional Affairs reported the highest number of grievances for the 2010/11 FY (**134**) with an increase of 94% from the 2009/10 FY (**69**). The Department of Health reported the second highest number of grievances (**133**), which is an 18 fold

Figure 5: Number of grievances per department: Eastern Cape



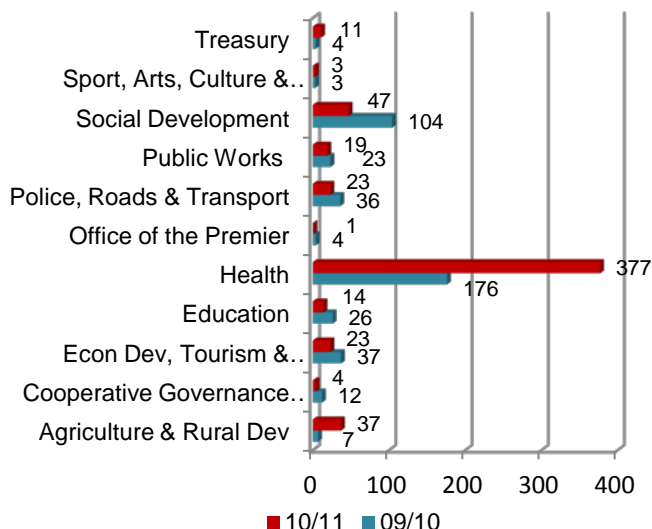
² Head count as at 31 March 2011 provided by the Department of Public Service and Administration

increase compared to the 2009/10 FY. The huge increase in the number of grievances from the Department of Health is cause for concern especially since the number of grievances reported by the Department for the 2009/10 FY indicated a decrease of 63% from the previous reporting period. This may also be ascribed to underreporting for the 2009/10 FY. The Department of Transport reported the third highest number of grievances for the 2010/11 FY (45), which is an increase of 73%. In comparison with the 2009/10 FY, the Department of Education which reported the highest number of grievances then (86), only reported 34 cases for this FY, which is a decrease of 60%.

Free State Province

Figure 6 provides a breakdown in respect of the number of grievances per department in the Free State Province. For the FY 2010/11, the Free State departments reported a total of **559** grievances, an increase of 29% from the previous reporting of **432**. As can be seen, the Department of Health reported the highest overall number of grievances for both FYs (**553**). The number of grievances for this Department had increased with 114% from **176** cases for the 2009/10 FY to **377**. The Department of Social Development reported the second highest number of grievances for both financial years with **151** cases. However, it is encouraging to note that the Department reported a decrease of 121% from **104** grievances for the 2009/10 FY to **47** for the 2010/11 FY. The Department of Agriculture & Rural Development reported the third highest number of grievances for the 2010/11 FY with **37** grievances, which is an increase of 429% from the previous reporting of **7** cases.

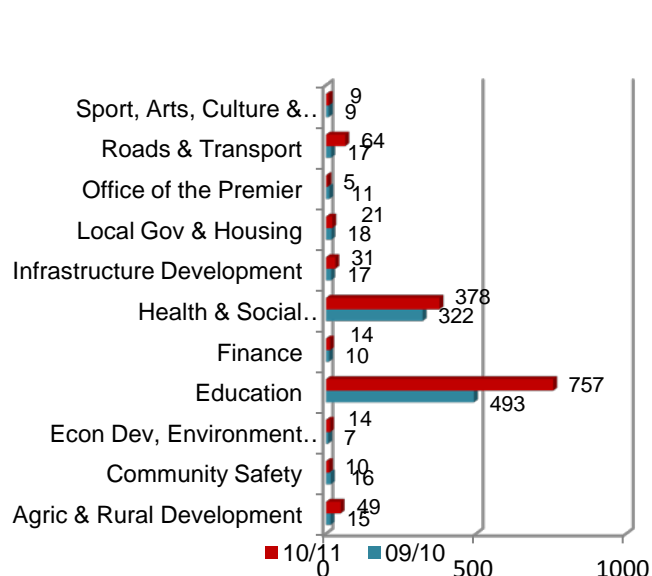
Figure 6: Number of grievances per department: Free State



Gauteng Province

The departments in the Gauteng Province reported a total of **1352** grievances for the 2010/11 FY, which is an increase of 45% from the number of grievances (**935**) reported for the 2009/10 FY. A statistical overview in respect of the number of grievances reported by the Gauteng Province is provided in **Figure 7**. As can be seen, the Department of Education reported the highest number of grievances (**757**) for the 2010/11 FY, with an increase of 54% from the previous reporting period (**493**). The Department of Health and Social Development reported the second highest number of cases for the 2010/11 FY (**378**), which is an increase of 17% from **322**

Figure 7: Number of grievances: Gauteng Province

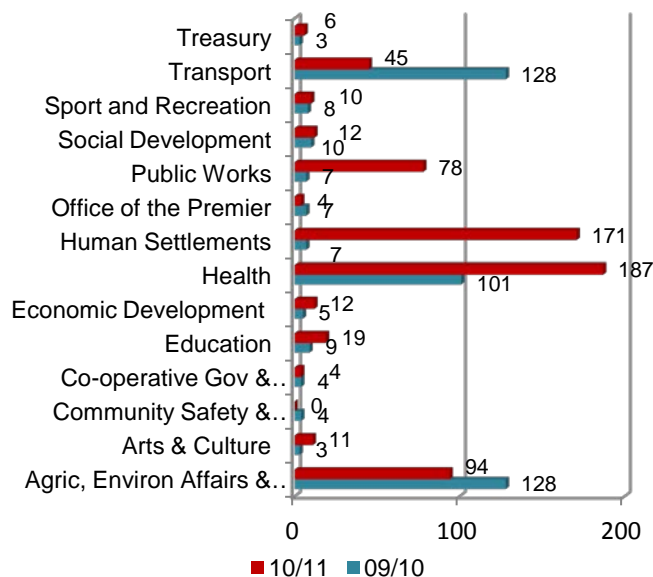


grievances. The Department of Roads and Transport reported the third highest number of grievances for the reporting period (**64**), an increase of 276% in the number of grievances from the previous reporting period (**17**).

KwaZulu-Natal Province

Figure 8 provides an exposition of the number of grievances reported by the departments in the KwaZulu-Natal Province. In total, the departments reported **653** grievances for the 2010/11 FY, an increase of 54% from the **424** grievances reported in the 2009/10 FY. Similar to the Free State Province, the Department of Health reported the highest number of grievances in respect of both FYs (**288**). Furthermore, the number of grievances increased with 85% (**101** grievances for the 2009/10 FY and **187** for the 2010/11 FY). The Department of Human Settlements reported the second highest number of grievances (**171**) for the 2010/11 FY, an alarming increase of 23 fold from the previous FY (**7**). This also sheds some doubt on the previously reported figures by the Department.

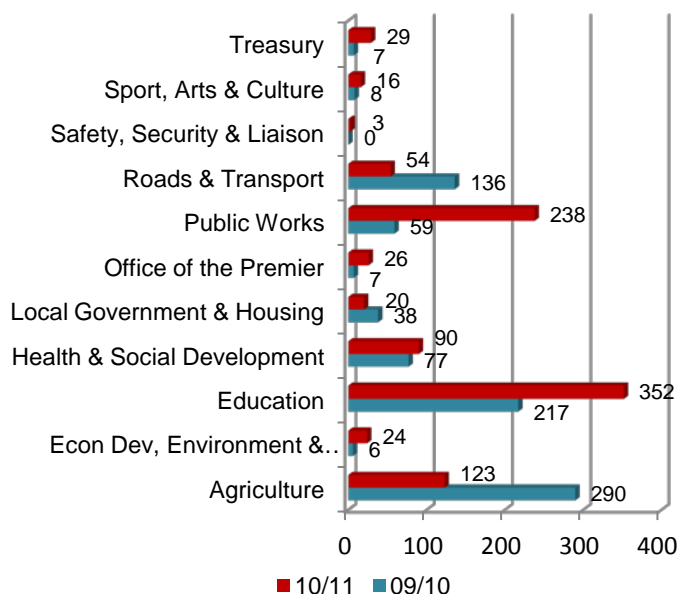
Figure 8: Number of grievances: KwaZulu-Natal Province



Limpopo Province

From the reporting by the Limpopo Province it is apparent that the upward trend in grievances reported by the other Provinces is prevalent. From the statistical overview given in **Figure 9**, it can be seen that the Limpopo Province departments reported **975** grievances for the current reported period, which is an increase of 15% from the **845** cases reported for the 2009/10 FY. The Department of Education reported the highest number of grievances for the 2010/11 FY (**352**), which is an increase of 62% from the previous reporting of **217** cases. The Department of Public Works reported the second highest number of grievances for the 2010/11 FY (**238**), increasing 4 fold from the **59** cases reported for the previous reporting period. In comparison with the previous reporting period where the Department of Agriculture reported

Figure 9: Number of grievances: Limpopo Province

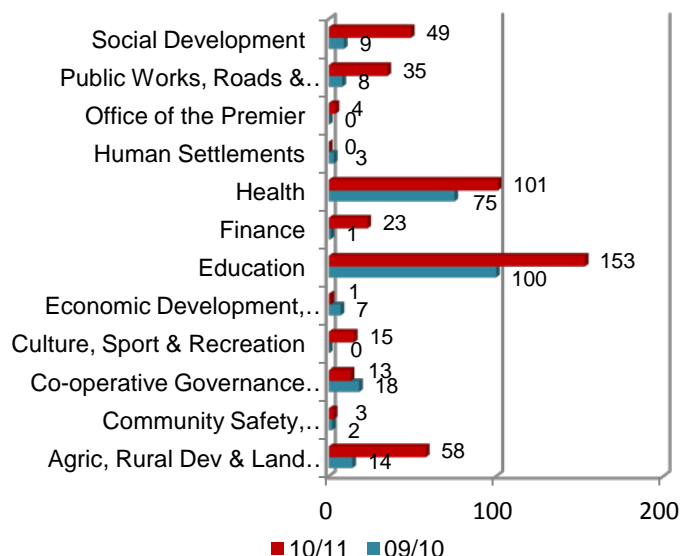


the highest number of cases (**290**), it now reported the third highest number of grievances for the current reporting period (**123**), which is a decrease of 136%.

Mpumalanga Province

Figure 10 provides an overview in respect of the grievances reported by the Mpumalanga Province. The general upward trend in the number of grievances reported, is also apparent from the grievances reported by departments in the Mpumalanga Province. For the 2010/11 FY, a total of **455** grievances were reported, an increase of 92% from the **237** cases reported for the 2009/10 FY. Similar to the Gauteng and Limpopo Provinces, the Department of Education reported the highest number of grievances for the 2010/11 FY (**153**), indicating an increase of 53% from the **100** cases reported for the 2009/10 FY. The Department of Health reported the second highest number of grievances with **101** grievances for the 2010/11 FY in comparison with **75** for the 2009/10 FY (35% increase). The Department of Agriculture, Rural Development and Land Administration, reported the third highest number of grievances for the 2010/11 FY (**58**), indicating a threefold increase. It is however, encouraging that the Departments of Cooperative Governance and Traditional Affairs, Economic Development and Tourism and Human Settlements reported a decrease in the number of grievances.

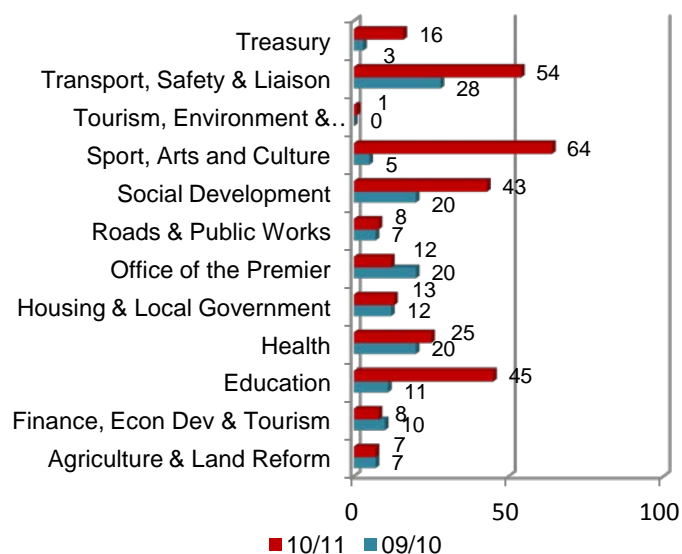
Figure 10: Number of grievances: Mpumalanga Province



Northern Cape Province

The Northern Cape Province reported a total of **296** grievances for the 2010/11 FY, double the number of grievances reported for the 2009/10 FY (**143**). According to **Figure 11**, the Department of Sport, Arts and Culture reported the highest number of grievances for the 2010/11 FY (**64**), which is a twelvefold increase compared to the previous reporting of **5** grievances. The Department of Transport, Safety and Liaison, has the second highest number of grievances for the 2010/11 FY (**54**) and in total reported the highest number of grievances for both FYs (**82**). It furthermore reported an increase of **26** grievances for the 2010/11 FY (93%). The Department of Social Development is third with **43** grievances for the

Figure 11: Number of grievances: Northern Cape Province

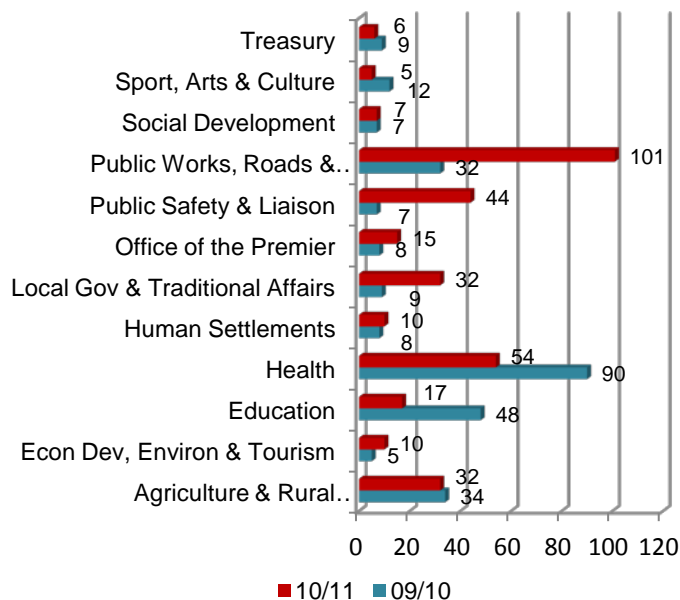


2010/11 FY, an increase of 115%. Similar to the Gauteng, Limpopo and Mpumalanga Provinces, a substantial increase in the number of grievances is reported (107%).

North West Province

The upward trend in the number of grievances reported for the 2010/11, is apparent from the reporting by the North West Province. For the 2010/11 FY, the Province reported a total of **333** grievances, which is an increase of 24% from the **269** grievances reported in the 2009/10 FY. As can be seen from **Figure 12**, the Department of Public Works, Roads and Transport, reported the highest number of grievances for the 2010/11 FY, with **101** grievances which is more than triple the number reported for the 2009/10 FY (216% increase). The Department of Health follows with **54** grievances for the 2010/11 FY. It is encouraging that the number of grievances has decreased with 40% from the previous reported period. The Department of Public Safety and Liaison follows with **44** grievances reported for the 2010/11 FY, six times as much compared to the **7** cases reported for the previous FY.

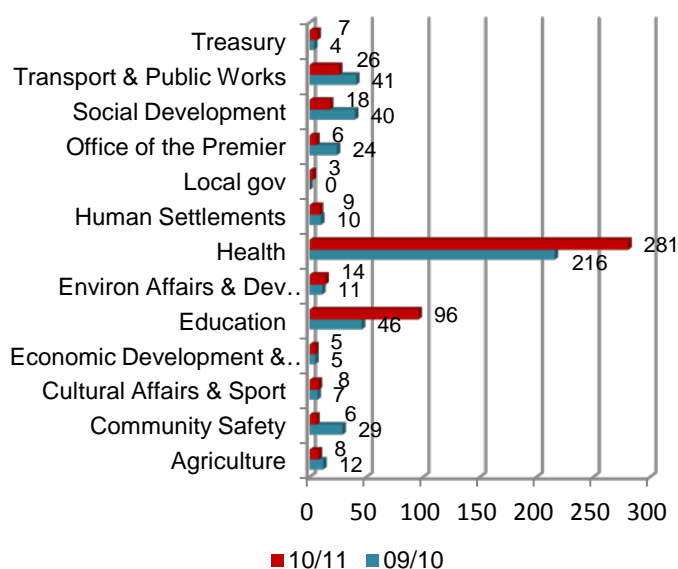
Figure 12: Number of grievances: North West Province



Western Cape Province

The Western Cape Province reported the smallest increase in the number of reported grievances. In total, the Western Cape Province departments reported **487** grievances for the 2010/11 FY, which is an increase of 9% from the **445** grievances reported for the 2009/10 FY. **Figure 13** provides a statistical overview in respect of the grievances reported by the Western Cape Province. The Department of Health reported the highest number of grievances for the past two FYs. For the 2010/11 FY, the Department reported **281** grievances, an increase of 30% from the **216** grievances reported for the 2009/10 FY. Similar to the Department of Health, the Department of Education reported the second highest number of grievances for both FYs. As can be seen from **Figure 13**, the Department reported **96** grievances for the 2010/11 FY, which is more than double the **46** grievances reported for the 2009/10

Figure 13: Number of grievances: Western Cape Province

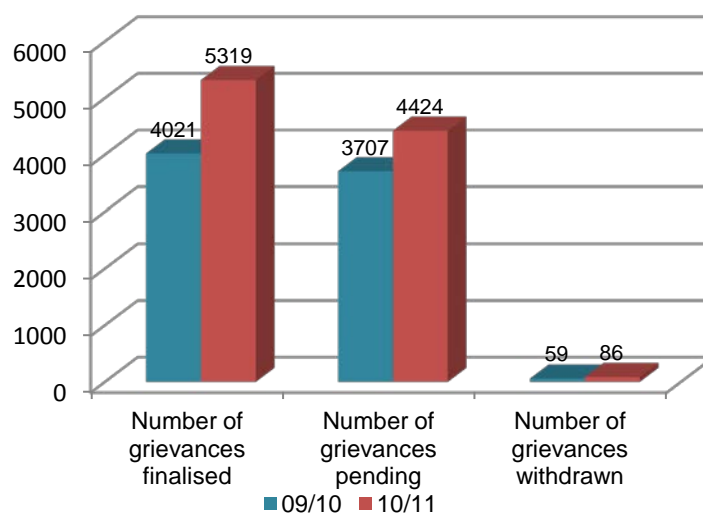


FY. The third highest number of grievances for the 2010/11 FY is reported by the Department of Transport and Public Works (**26**). In this instance, it is encouraging to note that the Department reported a decrease of 37% from the previous reporting of **41** cases for the 2009/10 FY.

Status of the resolution of grievances

The objective of any grievance procedure is the speedy resolution of dissatisfactions lodged by an employee with the employer. For this reason, grievance procedures generally provide a time frame during which a grievance should be investigated. In terms of the Grievance Rules, 2003³, departments should investigate a grievance within a period of 30 working days. The Rules for dealing with grievances of Senior Management Service (SMS) members⁴ provide a time frame of 45 working days in terms of which a Department should deal with a grievance. **Figure 14** provides an overview in respect of the number of grievances finalized by departments. As can be seen, **5319** (54%) of the grievances are reported by departments as finalised and 45% as pending. In respect of 1%, the grievances were withdrawn by the aggrieved employees. A closer look at the number of grievances indicated by departments as finalised, indicate that **2475** (47%) of the **5319** grievances were finalised within the prescribed time frame. Looking at the bigger picture, this means that only 25% of the total number of grievances of **9829** was finalised within the prescribed time frame. The failure by departments to comply with the prescribed timeframes in terms of which grievances must be investigated, is regarded by the PSC in a serious light. It means that aggrieved employees have no other alternative than to refer their grievances to either the PSC for consideration or lodge a dispute with the Public Service Co-ordinating Bargaining Council (PSCBC) or relevant sectoral bargaining council. The impression created by the non-compliance of departments to adhere to the prescribed timeframes is that dissatisfactions of employees are not taken seriously. In order to encourage improvement on level of compliance with timeframes, the PSC has embarked on a process to summons those HoDs where grievances have been outstanding for an excessively long period.

Figure 14: Status of grievances



³ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of employees in the Public Service. Published in Government Gazette No 25209 dated 25 July 2003.

⁴ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of members of the SMS in the Public Service. Published in Government Gazette No 33540 dated 17 September 2010.

Nature of grievances

Reasons for dissatisfactions by employees may vary from one person to another. However, through its research on grievances trends, the PSC established that employees are mostly dissatisfied about factors that impact on their value at work. **Figure 15** shows that of the **9829** grievances reported by national and provincial departments for the 2010/11 FY, **3175** (32%) related to salary issues. This includes dissatisfactions about the implementation of the Occupational Specific Dispensation (OSD). Examples of such dissatisfactions are evident from reasons provided by aggrieved employees that their experience should have been considered for them to be placed on a higher salary level. Dissatisfactions relating to salary issues also rated the highest in the previous FY (28%).

Dissatisfactions that rate the second highest (21%), relate to performance assessment (**2026**). Although a slight decrease in the number of grievances relating to performance assessment is noted from the previous FY (5%), it remains a cause for concern as it appears that the management of the performance management development system is still problematic. Dissatisfactions relating to unfair treatment (**1765**), rate the third highest (18%) and have increased by 9% from the 2009/10 FY. This category of grievances includes victimization, harassment, discrimination and personal relationships within the work environment. The PSC noted its concern regarding the increasing number of grievances relating to unfair treatment in its previous reporting on grievances resolution. It is emphasised that sound labour relations lie at the heart of a healthy organisation. HoDs are encouraged to take note of the increase in the number of grievances relating to unfair treatment in their departments and ensure that measures are taken to establish sound work relationships.

Figure 16 provides a further breakdown in respect of grievances relating to salary problems and performance assessment, per national and provincial departments. Of the **3175** grievances relating to salary problems reported, 39% (**1248**) is reported by national departments and 61% (**1927**) by provincial departments. In respect of the reporting by provincial departments,

Figure 15: Nature of grievances

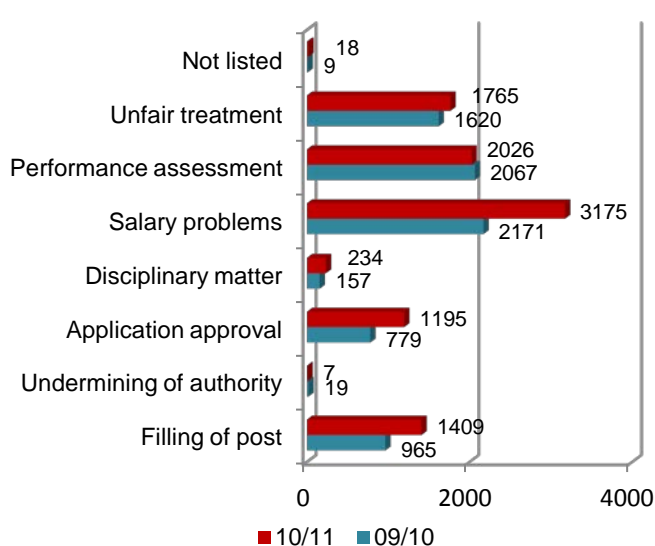
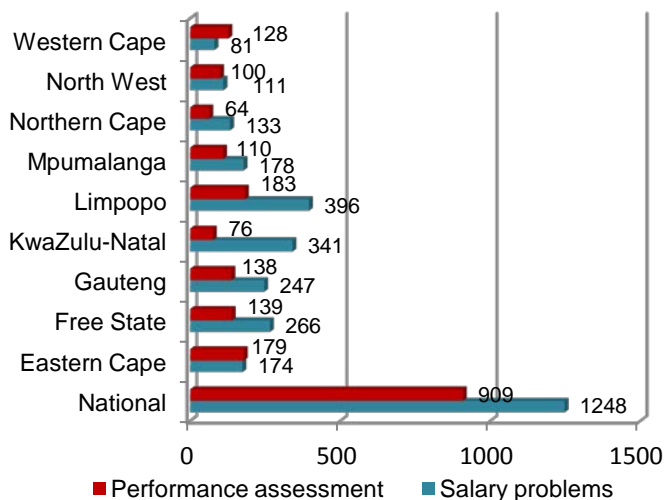


Figure 16: Number of grievances lodged in respect of salary problems and performance assessment

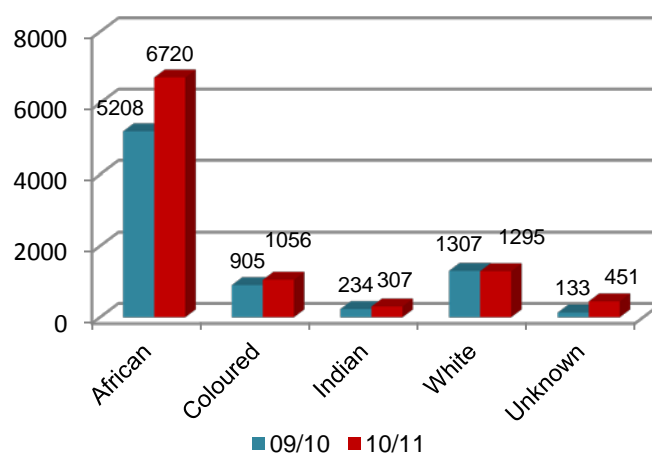


Limpopo reported the highest number of grievances relating to salary problems (**396**), followed by KwaZulu-Natal with **341** grievances and Free State with **266** cases. In respect of the reporting on grievances relating to performance assessment, 45% (**909**) cases were reported by national departments and 55% (**1117**). The Limpopo Province again reported the highest number of cases relating to dissatisfactions around performance assessment (**183**), followed by the Eastern Cape Province with **179** grievances, and the Free State with **139** cases.

Race distribution of aggrieved employees

The information required by the PSC, includes detail in respect of the race distribution of aggrieved employees. **Figure 17** provides a statistical overview of this distribution. The percentage of grievances lodged by African employees, comprise of 68%. In comparison with the 2009/10 FY, the number of grievances lodged by African employees has increased with 29% from **5208** to **6720**. Grievances lodged by White employees amount to 13% and in comparison with the 2009/10 FY, has decreased with 1% from **1307** to **1295**. The number of grievances lodged by Coloured employees has increased by 17% from **905** reported for the previous FY to **1056** reported for the 2010/11 FY. An upward trend is also apparent from the number of grievances reported by Indian employees. As can be seen from **Figure 17**, **307** grievances were reported for the 2010/11 FY against **234** reported for the 2009/10 FY (31% increase). The total of **451** (31%) grievances indicated as “unknown” includes the **385** collective grievances reported by the national and provincial departments. In these instances, departments did not provide a specific breakdown in respect of race. In respect of **66** grievances, no indication of the origin of the aggrieved employees was provided.

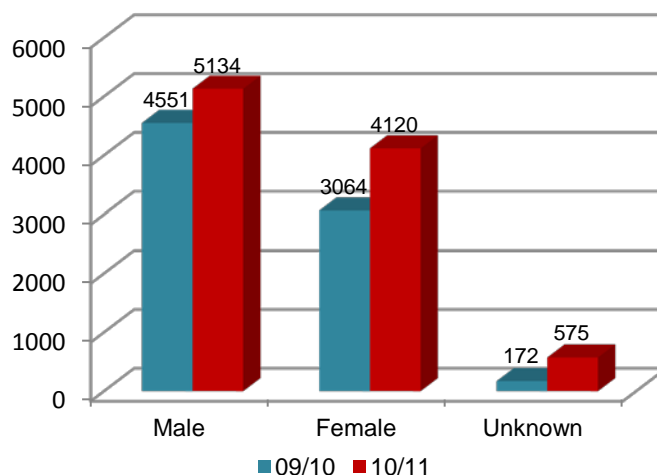
Figure 17: Race distribution of employees



Gender distribution of aggrieved employees

Figure 18 provides an overview of the gender distribution of aggrieved employees. As can be seen, 52% (**5134**) grievances were lodged by male employees against 42% (**4120**) lodged by female employees. This compares to a distribution of male (59%) and female (39%) in the previous FY. The total indicated as **575** “unknown”, includes the **385** collective grievances reported by departments. Similar to the reporting on race, departments did not indicate specific

Figure 18: Gender distribution of employees



details in respect of the gender of employees. In **190** cases, departments did not provide information in respect of the gender of employees.

Distribution of employees across salary levels

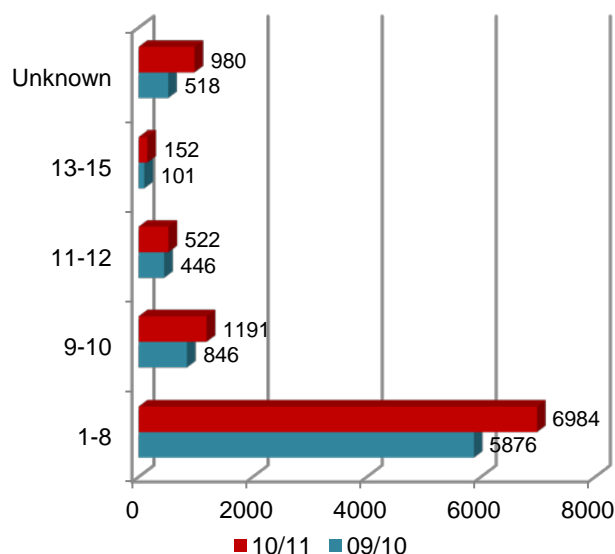
In terms of the reporting format provided to departments, it is required to provide information in respect of the salary levels of employees. For ease of reference, the salary levels have been grouped together as follows:

- Levels 1-8
- Levels 9-10
- Levels 11-12
- Levels 13-15

As can be seen from **Figure 19**, a comparison is made between the number of grievances reported per salary level for the 2009/10 FY and the 10/11 FY. 71% of the aggrieved employees fall within salary levels 1 – 8. In terms of the demographics of the Public Service, 82% of the total of the headcount comprises of employees on the production level. The total of aggrieved employees on salary levels 1-8 is thus in keeping with the total number of employees falling within these salary levels. In respect of aggrieved employees on the lower management level of 9-10, an increase of 41% from **846** to **1191** is reported. 5% of the aggrieved employees fall within the middle management level (salary levels 11 -12), and also indicate an upward trend as the total of aggrieved employees increased from 446 to 522 (17%). The total of aggrieved employees on senior management level (salary levels 13 -15) has increased from **101** to **152** (50%). The increase in the number of grievances by senior managers is cause of concern as they are responsible for the effective management of their employees. If senior managers increasingly lodge grievances, their effectiveness in managing grievances of employees on

lower ranks, may be tainted. In respect to **980** grievances, departments failed to report the salary level of employees. The fact that **385** grievances were lodged as collective grievances, which could include employees on several levels, is an additional factor included in the **980** grievances. Since the non-reporting of an issue such as salary levels of aggrieved employees, may provide a skewed picture, departments are requested to ensure that the PSC is provided with all relevant information.

Figure 19: Salary levels of aggrieved employees



Grievances referred to the PSC

In terms of its Constitutional mandate as provided for in section 194(4)(f)(ii), the PSC investigates grievances of employees in the Public Service regarding an official act or omission, and makes appropriate recommendations to Executive Authorities (EA). In terms of the provisions of the Grievance Rules, 2003⁵, as well as the Rules for dealing with grievances of SMS members, 2010⁶, a grievance can be referred to the PSC in two instances, i.e. after the internal process has been exhausted and where departments fail to deal with the grievance within the prescribed time frame. **Figure 22** provides an overview in respect of the grievances captured on the database of the PSC from the 2005/06 FY to the 2010/11 FY. As can be seen, the number of grievances on the database of the PSC has decreased from 2008/09 when **654** grievances were referred to the PSC, to **614** for the 2009/10 FY and **572** for the 2010/11 FY. The **572** grievances are marginally below the average of **598** for the past five years.

Figure 22: Total number of grievances referred to the PSC from 2005/06 to 2010/2011

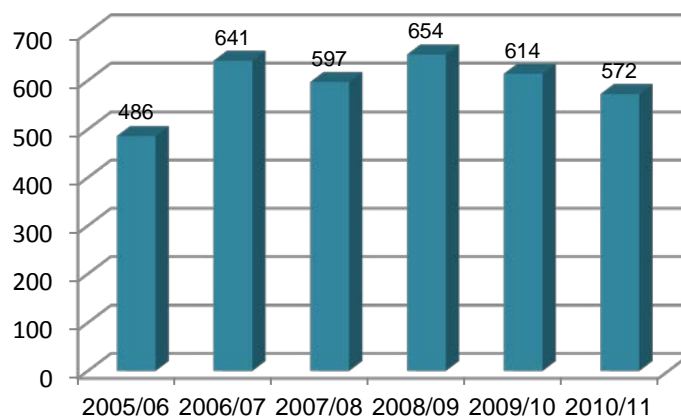
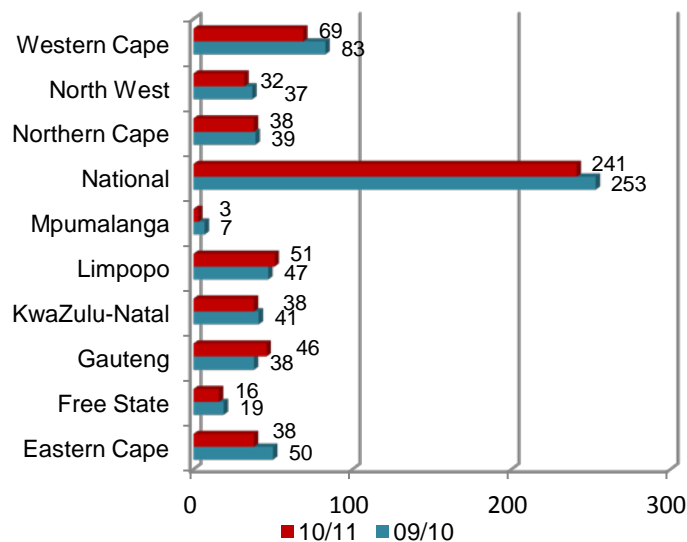


Figure 23 provides a breakdown in respect of the number of grievances per national departments and provincial administrations referred to the PSC for the past two FYs. The number of grievances referred to the PSC, has decreased with 5% in respect of the national departments. In respect of the Gauteng and Limpopo provincial administrations, **figure 23** shows a slight increase of 17% and 9% respectively. In the other provinces, there was a decrease ranging from between 3% (Northern Cape) and 57% (Mpumalanga) Grievances received from the Department of Home Affairs rated the highest (**52**), followed by the Department of Health: Western Cape with **47** cases and the Department of Justice

Figure 23: Grievances referred to the PSC for the 2009/10 and 2010/11 FYs



⁵ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of employees in the Public Service. Published in Government Gazette No 25209 dated 25 July 2003.

⁶ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of members of the SMS in the Public Service. Published in Government Gazette No 33540 dated 17 September 2010.

and Constitutional Development in the third place with **43** cases.

Status of grievances referred to the PSC

An aggrieved employee may, in terms of Rule F.11 of the Grievance Rules, 2003⁷, lodge his/her grievance(s) with the PSC directly, if the Department fails to resolve it within the prescribed **30** day time frame in terms of which a grievance must be investigated by the Department. Rule 6(j) of the Rules for dealing with the grievances of members of the SMS in the Public Service⁸, determines that, if there is failure on the part of the department to respond to the grievance within a period of **45** days, the SMS member, after having directed an inquiry to the Designated Employee, and not having been provided with a response after 5 days, lodge his/her grievance with the PSC directly.

Figure 24 provides a breakdown in respect of the status of grievances referred to the PSC for the 2010/11 FY. During the 2010/11 FY, the PSC received a total of **141** cases referred by employees as a result of departments' failure to resolve the grievances within the prescribed time frame. The PSC has taken a policy decision to investigate grievances referred to the PSC by aggrieved employees in terms of Rule F.11 of the Grievance Rules, 2003/Rule 6(j) of the Rules for dealing with the grievances of members of the SMS in the Public Service. It is expected that this decision will impact on the total number of grievances finalized by the PSC in the coming FYs. As can be seen from **figure 24**, the PSC finalized **125** cases for the 2010/11 FY. Eighty-seven (**87**) cases were closed as a result of employees withdrawing their grievances or failing to lodge their grievances within the prescribed time frame of 90 days in terms of which a grievance must be lodged with the employer. In respect of **219** cases indicated as pending, **45** cases were referred to the PSC after conclusion of the internal departmental procedure.

Figure 24: Status of grievances for the 2010/11 FY

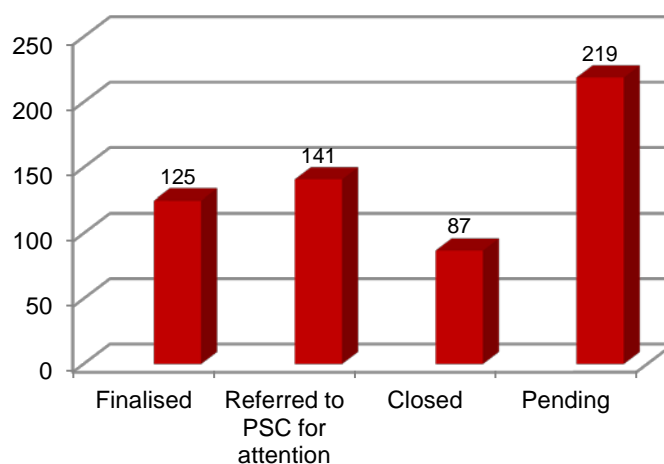
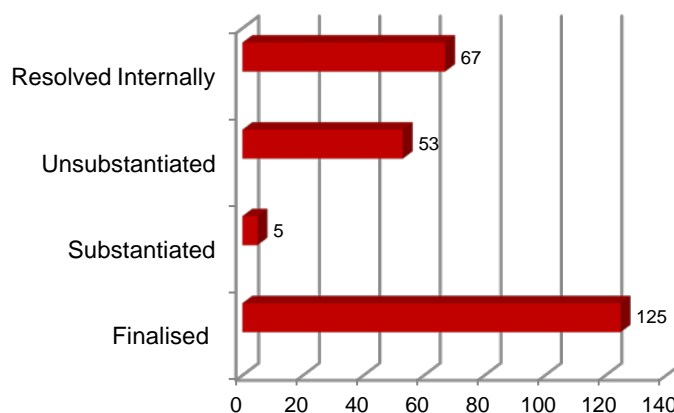


Figure 25: Breakdown in respect of finalised cases for the 2010/11 FY



⁷ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of employees in the Public Service. Published in Government Gazette No 25209 dated 25 July 2003.

⁸ Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of members of the SMS in the Public Service. Published in Government Gazette No 33540 dated 17 September 2010.

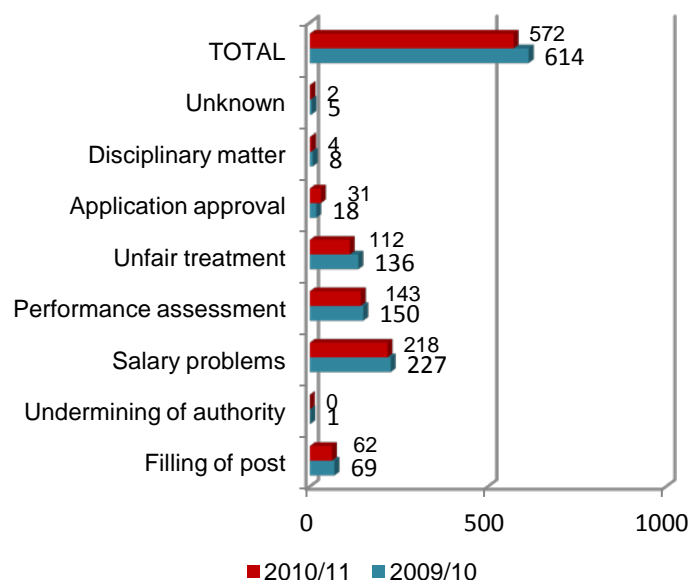
Figure 25 shows that of the total of **125** cases finalised by the PSC, **53** were found to be unsubstantiated and **five** substantiated. It might be of interest to note that four of the five cases that were found to be substantiated, related to performance assessment. The fifth case, related to recruitment and selection. As a result of the PSC's follow-up in respect of pending grievances, **67** cases were resolved internally.

Nature of the grievances referred to the PSC

Figure 26 provides an overview in respect of the nature of grievances referred to the PSC for the 2009/10 and 2010/11 FY. Similar to the reporting by national and provincial departments, grievances relating to salary related issues rate the highest in respect of both FYs. For the 2009/10 FY, **227** grievances relating to salary problems were referred to the PSC and for the 2010/11 FY, **218** grievances.

Grievances relating to performance assessment rate the second highest, with a total of **143** for the 2010/11 FY in comparison with **150** for the 2009/10 FY. Grievances relating to unfair treatment are the third highest number of grievance lodged by employees. As can be seen from **figure 26**, **112** grievances in this category, were referred to the PSC during the 2010/11 FY. The fourth highest number of grievances referred to the PSC, relate to recruitment and selection.

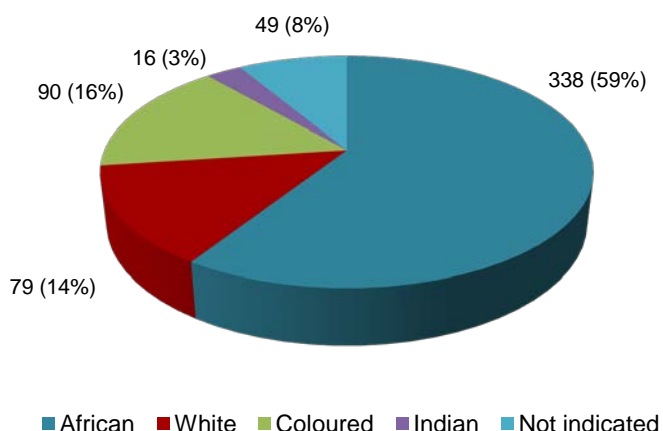
Figure 26: Nature of grievances



Race distribution of grievances referred to the PSC

Figure 27 provides a breakdown in respect of the racial distribution of aggrieved employees. From the total of **572** grievances received, **338** (59%) were lodged by African employees, **90** (16%) by Coloured employees, **79** (14%) by White employees and **16** (3%) by Indian employees. In terms of the demographics of the Public Service⁹ in terms of which Coloured employees comprises of 8% of the total of employees, the percentage of grievances lodged by Coloured employees, indicates an upward trend. In comparison with the 2009/10 FY, the percentage in respect of grievances lodged by

Figure 27: Racial distribution of aggrieved employees



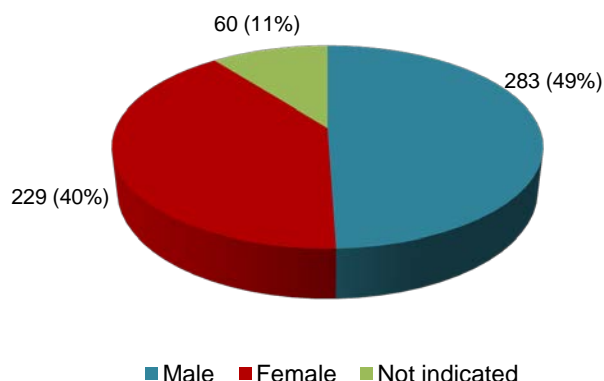
⁹ Headcount as at 31 March 2011 provided by the Department of Public Service and Administration

White employees has decreased from 19% to 14%. In 8% of the cases, the PSC was not provided with information relating to the race of aggrieved employees.

Gender distribution of grievances referred to the PSC

Figure 28 provides an exposition of the gender distribution of aggrieved employees. As can be seen, 49 % of the grievances referred to the PSC, comprised of male employees. This is more or less in keeping with the percentage of grievances referred by male employees for the 2009/10 FY (45%). Considering the demographics of the Public Service as at 31 March 2011, in respect of which the Public Service comprises of 43% male employees, it appears that male employees are more prone to lodging grievances than their female counterparts. In 40%, the grievances were lodged by female employees, which is a little less than the 43% of the previous reporting period. In 11% of the cases, information relating to the gender of the employees was not provided.

Figure 28: Gender distribution of aggrieved employees



Overview in respect of grievance resolution on local government level

Grievance resolution within municipalities is regulated in the Main Collective Agreement concluded in the South African Local Government Bargaining Council (SALGBC). The grievance procedure consists of a three step procedure:

- In Step One, the employee lodges his/her grievance with the immediate supervisor who has a period of five (5) days to resolve the grievance.
- In Step Two, a grievance that remains unresolved is submitted to the Head of Department by the immediate supervisor, within a period of five (5) days. The Head of Department arranges a meeting with the aggrieved in order to resolve the grievance. The Head of Department has five (5) days in which to attempt to resolve the grievance.
- In Step Three, an unresolved grievance is

Table 2: Municipalities requested to provide statistical information in respect of grievance resolution

Municipality	Category of Municipality	Province
Ekurhuleni	Metropolitan	Gauteng
Mogale City	Local	Gauteng
Nelson Mandela	Metropolitan	Eastern Cape
Ndlambe	Local	Eastern Cape
eThekweni	Metropolitan	KwaZulu-Natal
Msunduzi	District	KwaZulu-Natal
Mangaung	Metropolitan	Free State
Dihlabeng	Local	Free State
Dr Kenneth Kaunda	District	North West
Moses Kotane	Local	North West
Capricorn	District	Limpopo
Bela-bela	Local	Limpopo
Nkangala	District	Mpumalanga
Bbombela	Local	Mpumalanga
Francis Baard	District	Northern Cape
Sol Plaatjie	Local	Northern Cape
City of Cape Town	Metropolitan	Western Cape
George	Local	Western Cape

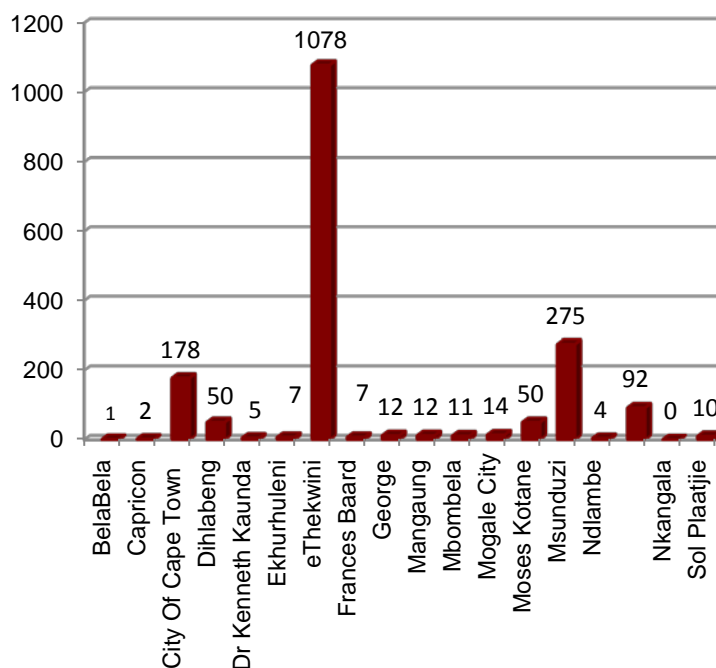
referred to the Municipal Manager within a period of five (5) days. An inquiry is conducted into the grievance and the Municipal Manager should attempt to resolve the issue within a period of five (5) days. The decision of the Municipal Manager is final.

A sample of 18 municipalities (listed in **Table 2**), were selected to ensure a spread of municipalities between metro, district and local municipalities, between urban and rural settings, within and across provinces. The municipalities were requested to submit statistical information on grievance resolution to the PSC in respect of the 2008/09, 2009/10 and 2010/11 FY. It needs to be noted that the FY in respect of municipalities is from June to July, which is different from the FY in the Public Service.

Number of grievances lodged in local government

The sampled municipalities reported a total of **1808** grievances for the 2008/09, 2009/10 and 2010/11 financial years. Of the **1808** grievances, the eThekweni Metropolitan in the KwaZulu-Natal Province reported the highest number of grievances with **1078** cases. The second highest number of grievances was reported by the Msunduzi Local Municipality which is also found in the Kwa-Zulu Natal Province with **275** cases and the City of Cape Town Metropolitan in the Western Cape Province reported the third highest number of grievances with **178** cases. The Bela-Bela Local Municipality in the Limpopo Province reported only **1** grievance for all three financial years under review and the Nkangala District Municipality in the Mpumalanga Province submitted a **nil** report for the financial years under review. Figure 20 illustrates the consolidated number of grievances reported during 2008/09, 2009/10 and 2010/11 financial years per sampled municipality.

Figure 20: Total number of reported grievances by sampled municipalities.



Status of the resolution of grievances in local government

The objective of the Local Government Grievance Procedure is to ensure fair play, to resolve problems as quickly as possible and to deal with conflict through procedural means. In terms of the said Grievance Procedure, each level of authority has five days to attempt to resolve a grievance which has been lodged by an aggrieved local government employee.

Of the **1808** total number of grievances reported by the sampled municipalities for the periods 2008/09,

2009/10 and 2010/11, only a disconcerting **15% (267)** of cases were finalised. What is even more alarming is that grievances reported by the eThekweni Metropolitan, which reported the highest number of grievances for the periods under review, reported that all its cases remain pending. The efficient handling of grievances plays a critical role in maintaining a harmonious working environment which in turn results increased productivity. In view of the fact that local government employees are at the coal face of service delivery, the inability of the sampled municipalities to promptly conclude grievances of employees is worrisome.

Nature of grievances in local government

The Local Government Grievance Procedure provides for an employee to lodge a grievance within ten (10) days from the time the employee became aware of the matter that gave rise to such a grievance (except in exceptional circumstances). In order to assess the most prevalent dissatisfaction amongst the sample municipalities, the natures of grievances were classified into seven categories. **Table 3** below provides an overview of the overall number of reported grievances by the sampled municipalities as per the classification of the nature of grievance. Of the **1808** total number of grievances reported in the 2008/09/, 2009/10 and 2010/11 by the sampled municipalities, grievances relating to unfair treatment were the highest commonly reported nature of grievance with **501 (28%)**. Grievances relating to salary problems were the second most commonly reported nature of grievance with **452 (25%)** and the third highest commonly reported nature of grievance was in relation to the filling of posts with **380 (21%)**.

Table 3: Commonly reported nature of grievances in the sampled municipalities

Nature of grievance	Bela-Bela	Capricorn	City of Cape Town	Ditlabeng	Dr Kenneth Kaunda	Ekhurhuleni	eThekweni	Frances Beard	George	Mangaung	Mbombela	Mogale City	Moses Kotane	Msunduzi	Ndlambe	Nelson Mandela Bay	Nkangala	Sol Plaatjie
Filling of posts	1	0	0	0	0	1	317	1	2	1	1	0	5	33	0	18	0	0
Undermining of authority	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Refusal to approve application	0	0	0	0	0	0	133	1	1	0	0	0	0	11	0	6	0	0
Disciplinary matter	0	0	0	0	0	0	0	0	0	2	0	0	0	1	0		0	0
Salary problems	0	1	0	8	5	0	197	1	1	2	5	0	45	151	0	33	0	3
Performance assessment	0	0	112	11	0	0	65	1	3	1	2	0	0	14		13	0	0
Unfair treatment	0	1	50	3	0	6	341	2	2	5	3	14	0	49	4	15	0	6
Not listed/Unknown	0	0	16	28	0	0	25	1	3	1		0	0	16	0	7	0	1
Total	1	2	178	50	5	7	1078	7	12	12	11	14	50	275	4	92	0	10

Conclusion

The Fact Sheet provided a statistical overview in respect of grievance resolution in the Public Service and a sample of municipalities. What is apparent from the management of grievances in the Public Service is that departments are generally unable to finalise grievances within the prescribed time frame. The PSC has published a Report on the management of grievances to identify good practices¹⁰, which includes Guidelines to assist departments in drafting internal processes to finalise grievances within the prescribed time frame. The PSC has in all its reports, emphasised the importance of ensuring that grievances are dealt with speedily and fairly. Departments should take cognisance of the fact that the process in terms of which grievances should be finalised, includes all levels of authority, including that of the Executive Authority.

¹⁰ Republic of South Africa. Public Service Commission. Report on the Management of grievances to identify good practices. 2011