



**PUBLIC SERVICE COMMISSION  
REPUBLIC OF SOUTH AFRICA**

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**PSC Circular 1 of 2023**

**TO: ALL EXECUTIVE AUTHORITIES AND HEADS OF NATIONAL AND PROVINCIAL DEPARTMENTS AND GOVERNMENT COMPONENTS**

**RE: CIRCULAR TO ADVISE EXECUTIVE AUTHORITIES AND HEADS OF DEPARTMENTS REGARDING NON-COMPLIANCE WITH THE RULES FOR DEALING WITH THE GRIEVANCES OF EMPLOYEES IN THE PUBLIC SERVICE**

1. The Public Service Commission (PSC) has observed that the majority of grievances referred to it are referred by aggrieved employees or their representatives as a result of the general failure by departments to deal with grievances of employees within the prescribed timeframes.
2. The PSC has also observed that failure by departments to refer grievance cases to the PSC within the prescribed timeframe upon request by aggrieved employees contribute to non-compliance with the prescribed timeframes.
3. This non-compliance with the prescribed timeframes suggests that Designated Employees (DE) do not perform their roles optimally by ensuring that grievances are dealt with in line with the relevant Rules for Dealing with the Grievances of Employees in the Public Service, 2003 (Resolution 14 of 2002) and the Grievance Rules for Members of the Senior Management Service, 2010 (Chapter 10 of the SMS Handbook).
4. The PSC is mandated to receive and consider grievances that are -
  - (a) referred by the Executive Authority ("EA") in terms of section 35(1)(a) of the *Public Service Act, 1994*, or
  - (b) referred by the employee in terms of the grievance procedure applicable within

the employing department, if the EA or delegated authority, fails to –

- (i) provide the aggrieved with the outcome on the investigation of his/her grievance within the prescribed timeframe as determined in Rule F.8 of Resolution 14 of 2002 and Rule 6(j) of Chapter 10 of the SMS Handbook.

5. The purpose of this Circular is therefore to –

- 5.1 advise EAs and Heads of Departments (HoDs) to address the issue of failure and non-compliance with the resolution of grievances within the prescribed time frames (i.e 30/45 days) as well as timeframes for the referral of grievances to the PSC;
- 5.2 advise Designated Employees (DE) on their role in ensuring the speedy resolution of grievances; and
- 5.3 advise departments to consider formulation of an internal informal grievance procedure to address the grievances at the closest point of origin.

6. The grievance procedure applicable to employees at salary level 2 -12 and SMS members provide for the procedure for employees to lodge their grievances with the DE of the Department. The DE is required to facilitate the resolution of grievances and to provide the aggrieved with the status of his/her grievance including the outcome.

7. A department has 30/45 days or a period prescribed in the departments' grievance process to deal with a grievance of an employee. Where there is not enough time to deal with the grievance, the DE must request an extension from the employee, however, the employee is not obliged to accept such a request. This leads to employees opting to refer their grievances to the PSC for consideration.

8. The PSC observed that aggrieved employees and departments fail to find a common understanding in dealing with grievances closest from the point of origin. This result in employees lodging grievances without first attempting to involve their supervisors or relevant sections that could resolve the matters. The departments are encouraged to explore formulation of the traditional informal grievance procedures by developing informal grievance procedure to deal with matters before employees could lodged grievances. Such policy and procedure must allow for employees to lodge grievances at the end of the process if they are unhappy with the outcome/intervention. Employees must be encouraged to comply with it as a means to address grievances at the closest point of origin.

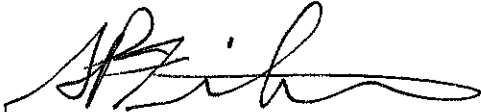
9. It should be noted that in 2021 the PSC issued volume 11 of the Grievance Management Communique aimed at addressing the management of grievances as a result of the influx of grievances that were referred by aggrieved employees ([https://www.psc.gov.za/newsletters/docs/2021/Grievance Communique Volume 11.pdf](https://www.psc.gov.za/newsletters/docs/2021/Grievance%20Communique%20Volume%2011.pdf)). The Communique, amongst others, highlighted the following:

*“The PSC had also observed throughout the years when dealing with grievances that departments delay investigating grievances with the knowledge that after the prescribed period lapses, aggrieved employees will refer their matters to the PSC for consideration. Some of these delays are deliberate and others are by omission on the part of the employer. Departments (including EA’s) have 30/45 days to deal with grievances. The period at Rule F.8 of the Grievance Rules, 2003/ Rule 6(h) of SMS Rules, 2010 may be extended by mutual agreement in writing. Failure to inform aggrieved employees of the status of their grievances. The Grievance Rules determine that Designated Employees must liaise with the relevant structures of authority within departments in an attempt to resolve grievances and inform the aggrieved of the status and progress in the resolution of their grievances. Should the aggrieved remain dissatisfied then the grievance must be escalated to the E/A for a decision. In some instances, after aggrieved employees have lodged grievances, they are not provided with any updates, and the prescribed 30 / 45 days lapse without any feedback. The aggrieved employees then, especially where they are not even approached to request for extension, assume that their cases are not being attended to, and end up referring their grievances to the PSC. This is against the spirit of the Grievance Rules because they advocate for a speedy resolution of grievances in departments.”*

10. Despite this PSC Communique, departments continue to fail to deal with grievances of employees within the prescribed timeframe.
11. In order to promote sound labour relations, it is the objective of this Circular to promote compliance with the prescribed timeframe set out by Rules F8 and 6(h) of the applicable grievance rules and to also encourage the departments to formulate informal grievance procedures policies. EAs and HoDs must realize that DEs are at the centre of compliance with Grievance Rules and should therefore be supported in fulfilling their role.
12. Equally, EAs and HoDs must ensure that all managers and supervisors cooperate with Des in dealing with grievances and approving authorities must priorities grievance reports submitted by DEs to promote the speedy resolution of grievances and to prevent delayed approval of investigation reports.

13. Compliance with the grievance rules will ensure that grievances are effectively and efficiently resolved closest to the point of origin. In turn, this will result in a reduction in the number of grievances referred to the PSC by employees.
14. It will be appreciated if the contents of this circular could be brought to the attention of all employees in your respective departments.

Kind regards



**PROF. SOMADODA FIKENI**

**CHAIRPERSON**

DATE: 24-1-2024