

# FACT SHEET

## on Grievance Resolution

### 2011/12



#### Introduction

This is the fourth Fact Sheet on grievance resolution produced by the Public Service Commission (PSC) which provides a statistical overview in respect of grievance resolution by National and Provincial Departments and the second Fact Sheet which includes a statistical overview of grievance resolution in sampled municipalities.

In terms of Section 196(4)(b) of the Constitution of the Republic of South Africa, 1996, the PSC is empowered to investigate, monitor and evaluate the organisation and administration, and personnel practices of the public service. Section 196(4)(f)(ii) of the Constitution further mandates the PSC to investigate grievances of employees in the Public Service concerning official acts or omissions. Therefore, the PSC has a quasi-adjudicative function in the Public Service. 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 and the provincial legislatures of the nine provinces.

Heads of Department (HoDs) are required in terms of the provisions of 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, to report to the PSC on a six monthly basis on the resolution of grievances. The reporting by HoDs enables the PSC to provide the National Assembly and provincial legislature, an annual report on the trends in grievance resolution.

In previous reports the PSC reported the challenges faced by departments to comply with the prescribed timelines in finalising grievances. In order to assist departments, the PSC produced and published a Report on the management of grievances to identify good practices, which included Guidelines on good practices in the management of grievances in the Public Service. Workshops were held during the 2011/12 financial year (FY) with all national and provincial departments, during which delegates were encouraged to draft departmental processes in line with the Guidelines, to assist in resolving grievances within the prescribed timeframe. It is trusted that the effect of the amended processes will have a positive impact on grievance resolution in the next reporting periods.

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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 for the 2011/2012 FY -

- as reported by national and provincial departments;
- grievances referred to the PSC for investigation; and
- grievances reported at municipal level for the sample of 18 municipalities.

## Compliance with the Grievance Rules, 2003

In the previous Fact Sheet on Grievance Resolution<sup>1</sup>, failure by departments to submit their reports to the PSC on the number of grievances processed, was highlighted as a concern. This is a challenge faced by the PSC every six months. Even though the PSC sends a circular to all HoDs every six months, some departments continue to fail to submit their reports by the prescribed due date. Such failure results in the PSC summoning 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 April 2011 to 30 September 2011, the PSC summonsed the HoDs of Arts and Culture and Military Veterans to appear before an Inquiry of the PSC. The PSC did not issue any summons for the period 01 October 2011 to 31 March 2012.

## Number of grievances lodged within the Public Service

A slight increase in the number of grievances lodged, is apparent for the 2008/09 to 2010/11 FYs. However, this picture changed as the number of grievances reported by departments for the 2011/12 FY, declined by **15%**. National and provincial departments reported a total of **8323** grievances for the 2011/12 FY, whereas **9829** grievances were reported for the 2010/11 FY. **Figure 1** provides an overview of the number of grievances lodged for the 2007/08 to 2011/12 FYs. As to the reasons for the decrease in the 2011/12 FY, it can only be assumed that it is as a result of improved implementation of the human resource practices, which lead to fewer dissatisfied employees.

In **Figure 2**, a breakdown is provided in respect of the total of grievances reported by national departments and the provinces. In total, **3635** grievances were reported by national departments, indicating a decrease of **14%** from the total of **4233** cases reported for the 2010/11 FY. In respect of provincial departments, a total of **4688** grievances are

Figure 1: Number of grievances lodged for the FYs 2007/08 to 2011/12

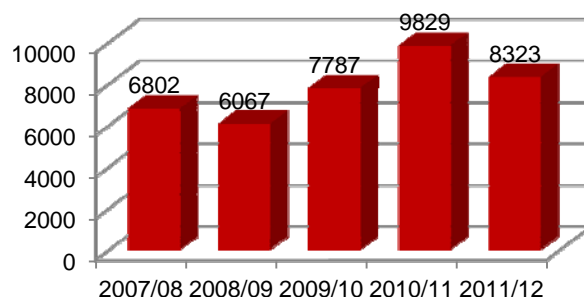
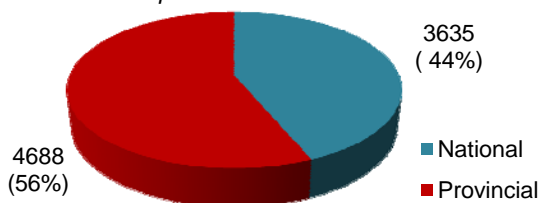


Figure 2: Number of grievances at national and provincial level



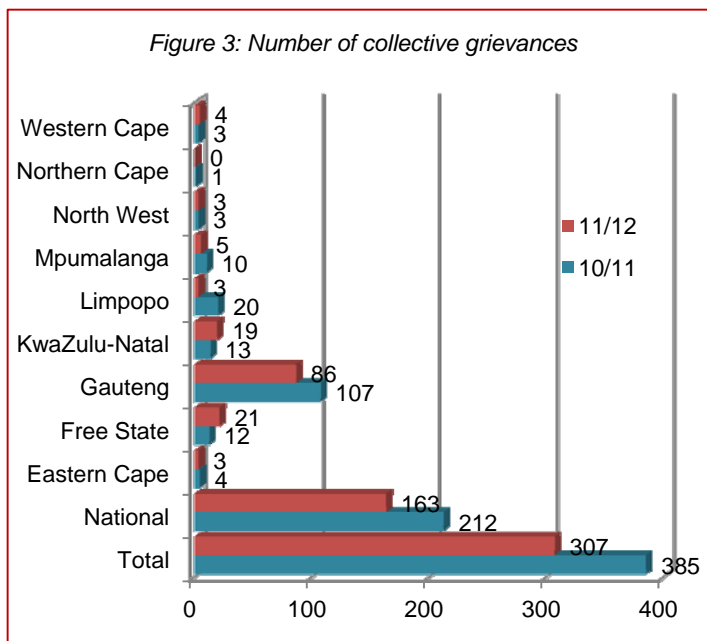
<sup>1</sup> Republic of South Africa. Public Service Commission. Fact Sheet on Grievance Resolution 2010/11

reported, which is a decrease of **35%** from the total of **5596** reported for the 2010/11 FY.

## Collective grievances

The purpose of the Grievance Rules, 2003<sup>2</sup>, as well as the Rules for dealing with grievances of the SMS in the Public Service, 2010<sup>3</sup>, amongst others, is the promotion of the resolution of individual grievances in a department. On the other hand, grievance procedures of service departments such as the South African Police Service (SAPS), provide for employees to lodge collective grievances. Despite the fact that the Grievance Rules, 2003 do not provide for the lodging of collective grievances, departments report each year that grievances are dealt with collectively.

As can be seen from the breakdown of the number of collective grievances depicted in **Figure 3**, a total of **307** collective grievances were reported for the 2011/12 FY. This is a decrease of **20%** from the total of **385** collective grievances reported for the 2010/11 FY. In comparison with the previous reporting period, the number of collective grievances reported for the 2011/12 FY by the national departments, decreased from **212** to **163** cases. The highest number of collective grievances in the provincial administrations for both the 2010/11 and 2011/12 FYs, were reported by the Gauteng Province, with a decrease of **24%** from **107** to **86** cases. For the purposes of the Fact Sheet, the number of collective grievances is incorporated in the total of **8323** grievances.



## Number of grievances lodged at national level

National departments reported a total of **3635** grievances, which is a decrease of **14%** compared to the total of **4233** grievances reported in the 2010/11 FY. **Table 1** below, provides a comparison of the number of grievances reported by national departments for the 2009/10 to 2011/12 FYs.

The SAPS consistently reported the highest number of grievances over the past FYs. It is however, noted that there was a decrease in the number of grievances reported by the SAPS from the 2009/10 FY. For the 2011/12 FY, the SAPS reported a total of 1227

Table 1: Number of grievances on national level for the 09/10 to 11/12 FYs

Department	No of grievances		
	2009/10	2010/11	2011/12
Agric, Forestry & Fisheries	75	86	127
Arts & Culture	15	2	9
Basic Education	7*	4	2
Communications	11	20	12

<sup>2</sup> 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

<sup>3</sup> Republic of South Africa. Public Service Commission: Rules for dealing with the grievances of members of the SMS I the Public Service. Published in Government Gazette No 33540 dated 17 September 2010

grievances, which represents a 0.6% decrease.

As in the previous reporting periods, the Department of Correctional Services reported the second highest number of grievances. However, in comparison with the 2011/12 FY, the number of cases reported is less than the previous FY, showing a decrease of **41%**.

The Department of Justice and Constitutional Development (DoJCD) reported the third highest number of grievances (**294**), which is an increase of **1%** from the previous reporting period when they reported a total of **291** cases.

Contrary to the previous reporting periods, the Department of Defence reported an increase of 20 fold from the **10** grievances reported for the 2009/10 FY and **30** cases for the 2010/11 FY to **203** for the 2011/12 FY. Since the nature of grievances is across the spectrum of HR practices, the reason for the increase is not clear. On the other hand, it might be as a result of under-reporting in previous FYs.

The statistics provided for the 2009/10 FY in respect of the departments of Education, Mineral Resources and Energy, and Environment and Tourism, reflects the number of grievances before the split of the departments.

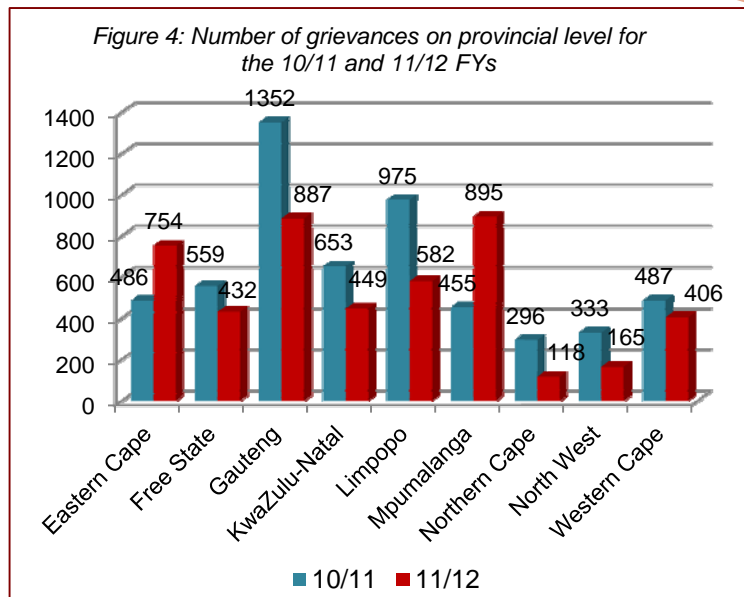
Cooperative Governance	1	3	14
Correctional Services	1326	1811	1070
Defence	10	30	203
Energy	28 <sup>@</sup>	5	10
Environmental Affairs	15 <sup>#</sup>	4	23
GCIS	1	2	1
Health	23	24	33
Higher Education & Training	*	13	13
Home Affairs	101	105	61
Human Settlements	12	23	7
ICD	5	14	7
DIRCO	19	156	33
DoJCD	280	291	294
Labour	13	66	138
Military Veterans	Nil	Nil	1
Mineral Resources	@	22	19
National Treasury	7	3	11
OPSC	1	3	5
PALAMA	12	9	7
Public Enterprises	0	14	2
DPSA	6	7	9
Public Works	73	68	60
DPME	Nil	Nil	1
Rural Dev & Land Reform	17	50	29
SAPS	1546	1235	1227
Science & Technology	4	4	4
Department of Police	0	2	0
Social Development	3	6	6
Sport & Recreation SA	6	5	5
Stats SA	20	29	17
The Presidency	1	6	12
Tourism	#	3	7
Trade & Industry	19	41	19
Transport	8	6	9
Traditional Affairs	Nil	Nil	2
Water Affairs	50	61	124
Women, Children & PwD	Nil	Nil	2
<b>Total</b>	<b>3715</b>	<b>4233</b>	<b>3635</b>

The Department of Economic Development is the only national department that reported nil cases.

## Number of grievances lodged at provincial level

The total number of grievances reported by provinces has decreased by **16%** from **5596** for the 2010/11 FY to **4688** for the 2011/12 FY. **Figure 4** on the next page, provides an overview in respect of the number of grievances reported per province for the FYs 2010/11 and 2011/12.

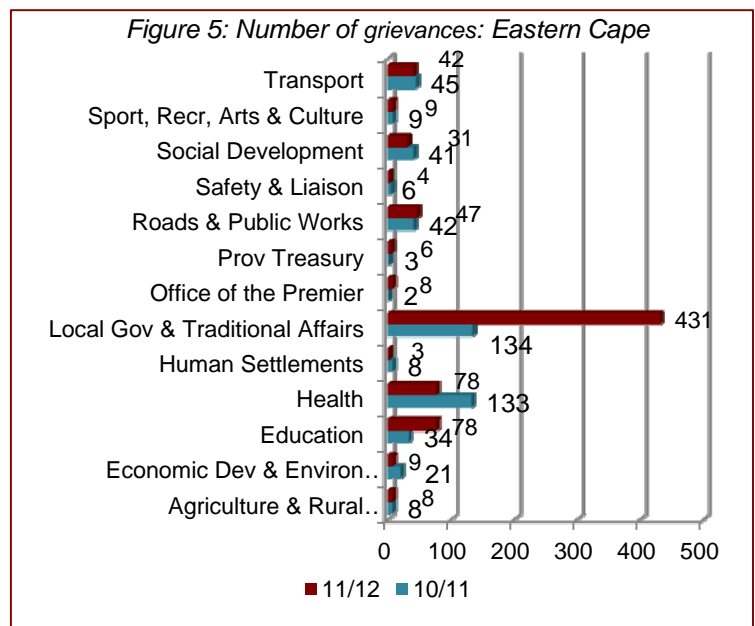
For the first time since the PSC started reporting on grievance trends in the Public Service, the Mpumalanga Province reported the highest number of grievances for the 2011/12 FY (**895**), almost double compared to the 2010/11 FY. The Gauteng Province follows with the second highest number of grievances for the 2011/12 FY (**887**). It is however, encouraging that the Gauteng Province reported a decrease of **34%** for the 2011/12 FY. The Eastern Cape Province reported the third highest number of grievances for the 2011/12 FY (**754**) and as can be seen from **Figure 4**, is one of the two provinces that reported an increase in the number of grievances from the 2010/11 FY (**55%**). A breakdown per province for the 2010/11 and 2011/12 FYs follows below:



## Eastern Cape Province

The departments in the Eastern Cape Province have consistently reported an increase in the number of grievances since the 2009/10 FY. For the 2010/11 FY, an increase of **45%** was reported and for the 2011/12 FY, the total number of grievances has increased with **55%**, from **486** to **754** grievances for the 2011/12 FY.

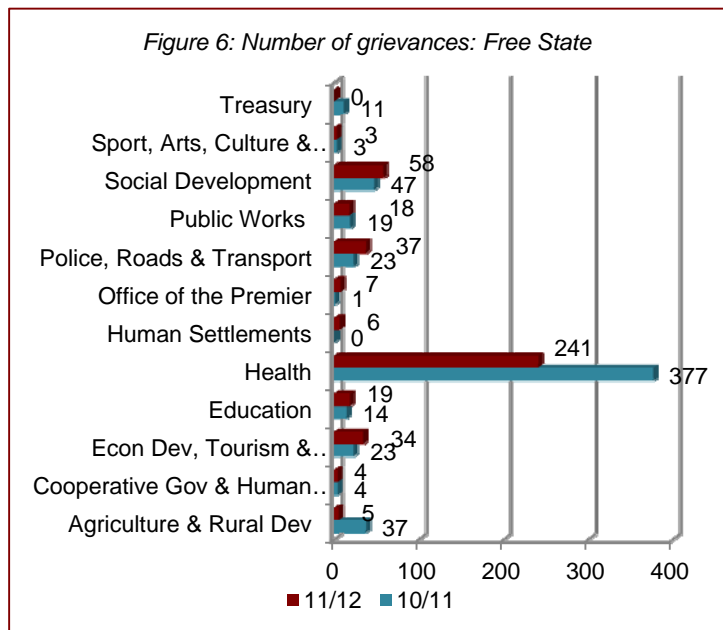
**Figure 5** provides a breakdown in respect of the number of grievances reported per Department. As in the 2010/11 FY, the Department of Local Government and Traditional Affairs reported the highest number of grievances, namely **431** cases for the 2011/12 FY, which means the total number of grievances increased by **147%** from the 2010/11 FY. The Departments of Health and Education both reported the second highest number of grievances for the 2011/12 FY (**78**). It is encouraging that the number of grievances reported by the Department of Health, has decreased from **133** to **78** grievances (**41%**). On the other hand, whereas the Department of Education reported a decrease of **60%** during the 2010/11 FY (**34** cases), it is noted that there has now been an increase from **34** to **78** cases for the 2011/12 FY, which means that the number of cases increased by **129%**.





## Free State Province

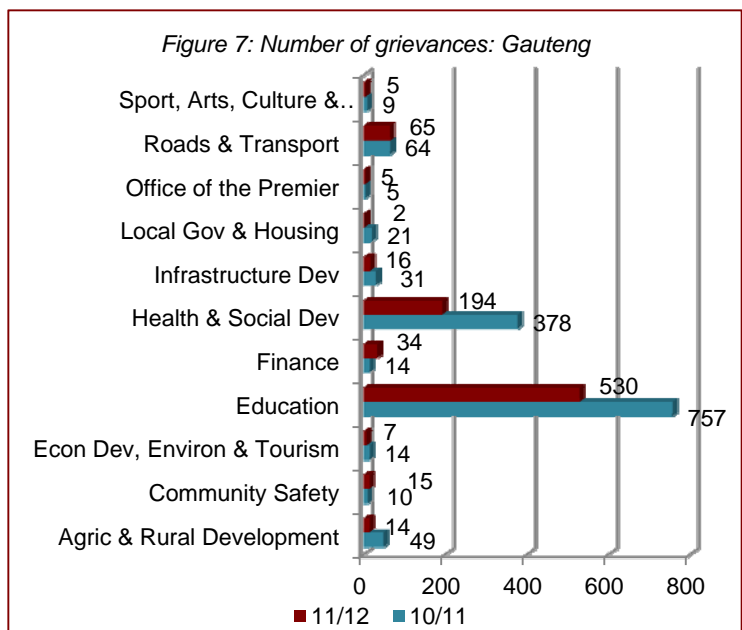
Free State departments in the period under review reported a decrease of **23%** in the number of grievances, for the 2011/12 FY. In total, the departments reported **432** grievances, whereas they reported **559** grievances for the 2010/11 FY. As shown in **Figure 6**, the Department of Health again reported the highest number of grievances (**241**). This is however, a decrease of **36%** from the previous reporting period, where a total of **377** grievances were reported. Similar to previous reporting periods, the Department of Social Development reported the second highest number of grievances for the 2011/12 FY (**58**). This is an increase of **23%** from the total of **47** cases reported for the 2010/11 FY. The Department of Police, Roads and Transport, reported the third highest number of cases (**37**), which is an increase of **61%** from the **23** cases reported for the 2010/11 FY.



## Gauteng Province

**Figure 7** provides an overview of the number of grievances reported by departments in the Gauteng Province. In total, **887** grievances were reported for the 2011/12 FY, which is a decrease of **34%** from **1352** grievances reported for the 2010/11 FY.

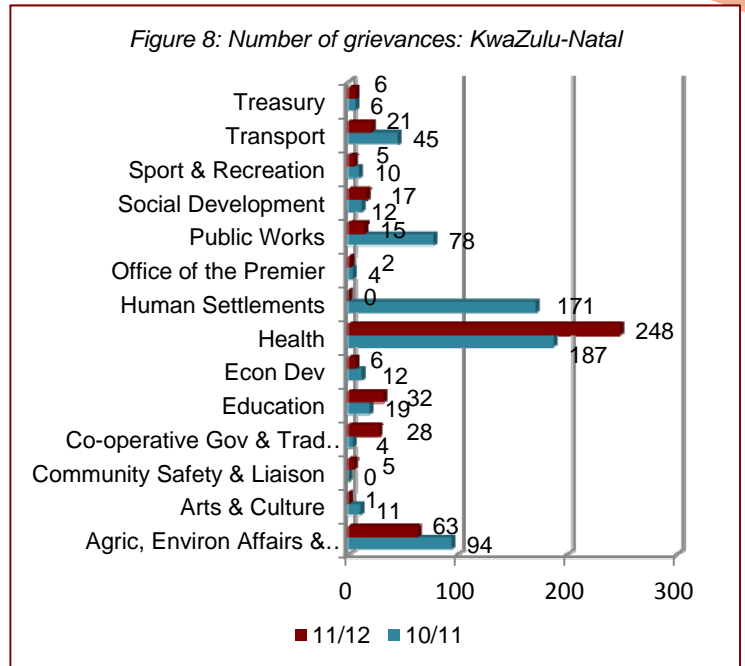
The Department of Education again reported the highest number of grievances (**530**) for the 2011/12 FY. It is however, encouraging that the number of grievances reported by this Department, decreased with **30%** (**757**). Similar to the previous reporting period, the Department of Health and Social Development reported the second highest number of cases for the 2011/12 FY (**194**). On the positive side, the number of grievances reported for this Department, decreased with **49%** from **378** grievances. The Department of Roads and Transport reported the third highest number of grievances for the reporting period (**65**), which is one more grievance than the **64** reported for the 2010/11 FY.



## KwaZulu-Natal Province

As depicted by **Figure 8**, the KwaZulu-Natal Province reported a total of **449** grievances for the 2011/12 FY, which is a decrease of **31%** from the total of **653** reported for the 2010/11 FY.

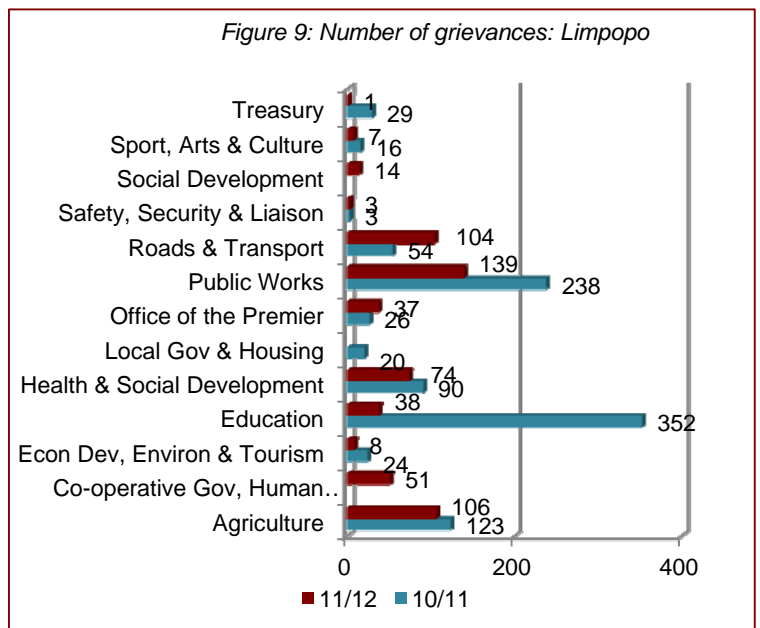
The Department of Health reported the highest number of grievances (**248**) for the 2011/12 FY, an increase of **33%** from the total of **187** reported for the 2010/11 FY. The Department of Agriculture, Environmental Affairs and Rural Development reported the second highest number of grievances (**63**) for the 2010/11 FY, which is a decrease of **33%** from the total of **94** reported for the 2010/11 FY. The Department of Human Settlements, which reported **171** cases of the 2010/11 FY, reported nil cases for the 2011/12 FY.



## Limpopo Province

**Figure 9** provides an overview in respect of the reporting by Limpopo Provincial departments. Similar to the provinces mentioned above, there is a significant decrease in the number of grievances reported, from **975** to **582 (40%)**.

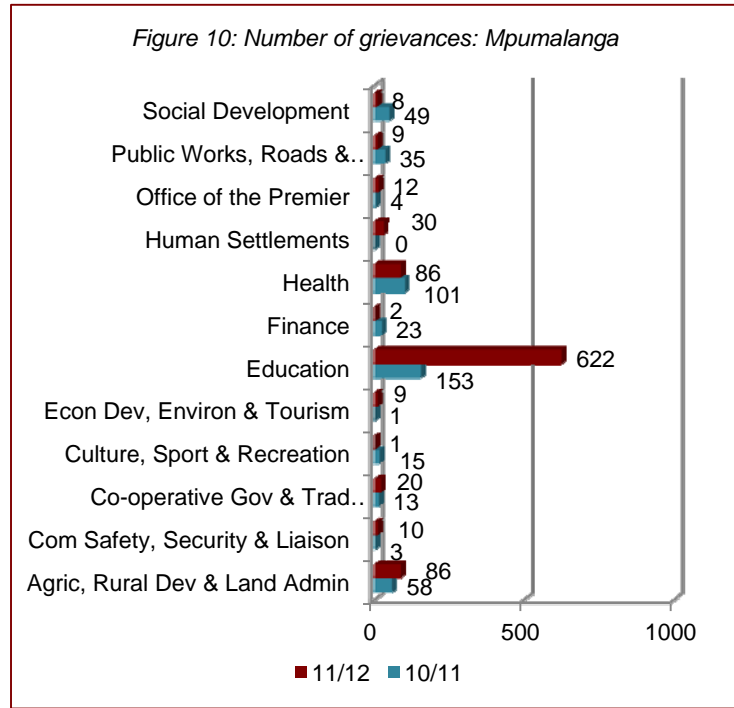
The Department of Education which had reported the highest number of cases for the 2010/11 FY (**352**), reported a decrease of **89% (38)**. The Department of Public Works reported the highest number of cases for the 2011/12 FY (**139**), but in comparison with the seven fold increase reported for the 2010/11 FY, it now reported decrease of **42%**. Similar to the 2010/11 FY, the Department of Agriculture again reported the third highest number of cases (**106**), which is a decrease of **14%** from the previous FY. In contrast to most of the departments reporting a decrease in the number of cases, the Department of Roads and Transport reported an increase of **93%**, from **54** for the 2010/11 FY to **104** for the 2011/12 FY.



## Mpumalanga Province

In contrast to the previous FY, the Mpumalanga departments reported an increase of **97%** from **455** to **895** for the 2011/12 FY. As can be seen from **Figure 10**, the Department of Education reported an increase of more than **300%**, from **153** to **622** grievances. According to the report of the Department, **474 (76%)** of the **622** grievances, relate to performance assessments.

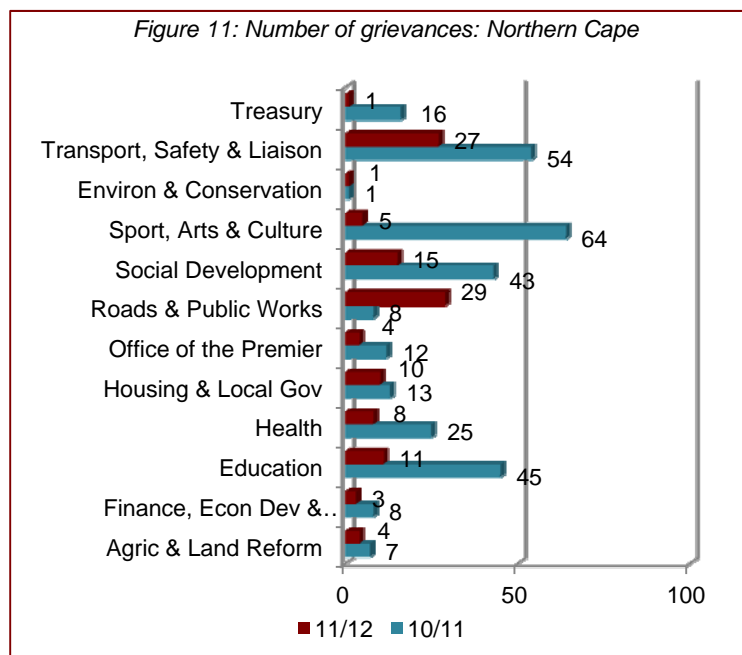
The departments of Health and Agriculture, Rural Development and Land Administration both reported the second highest number of cases for the 2011/12 FY at **86**. In respect of the Department of Health, a decrease of **15%** from **101** to **86** cases, were reported. The Department of Agriculture, Rural Development and Land Administration, on the other hand, reported an increase of **48%** from **58** to **86** cases.



## Northern Cape Province

The Northern Cape Province reported a decrease of **60%**, from **296** for the 2010/11 FY to **118** for the 2011/12 FY. Departments such as Sport, Arts and Culture and Education, that reported high numbers of cases for the 2010/11 FY, reported a substantial decrease for the 2011/12 FY.

As can be seen from **Figure 11**, the Department of Roads and Public Works now reported the highest number of cases for the 2011/12 FY (**29**), with an increase of **262%** from the **8** cases reported for the 2010/11 FY. The Department of Transport, Safety and Liaison, reported the second highest number of grievances for the 2011/12 FY (**27**). However, in contrast to the previous reporting period where it showed an increase of **93%**, the



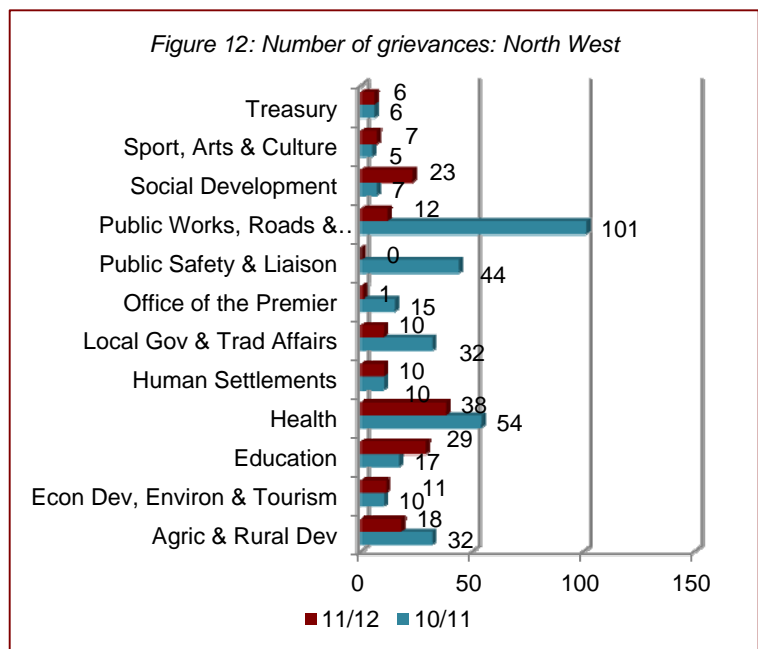


Department now reported a decrease of **50%**. Similar to the previous reporting period, the Department of Social Development reported the third highest number of grievances for the 2011/12 FY (**15**), a decrease of **65%** from **43** for the previous reporting period.

## North West Province

Similar to the Northern Cape Province, the North West Province reported a substantial decrease in the number of grievances for the 2011/12 FY. For the 2011/12 FY, the Province reported a total of **165** grievances, which is a decrease of **50%** from the **333** grievances reported in the 2010/11 FY.

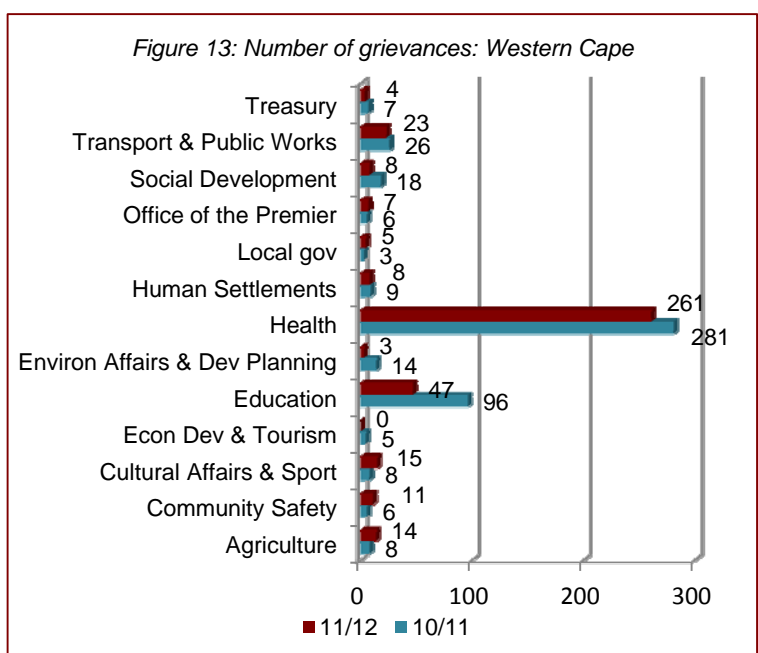
**Figure 12** shows that the Department of Public Works, Roads and Transport, which reported the highest number of grievances for the 2010/11 FY (**101**), reported a decrease of **88%**, with **12** cases for the 2011/12 FY. The Department of Health reported the highest number of grievances for the 2011/12 FY (**38**). Similar to the previous reporting period, the Department reported a decrease in the number of cases (**30%**). The Department of Education follows with the second highest number of cases (**29**), which is an increase of **71%** from the 2010/11 FY. The Department of Social Development reported the third highest number of cases for the 2011/12 FY (**23**), which is triple as much as the previous reporting period.



## Western Cape Province

**Figure 13** provides a statistical overview in respect of the grievances reported by the Western Cape Province. Similar to the trend in seven of the provinces, the Western Cape Province reported a decrease in the number of grievances (**17%**), from **487** for the 2010/11 FY to **406** for the 2011/12 FY.

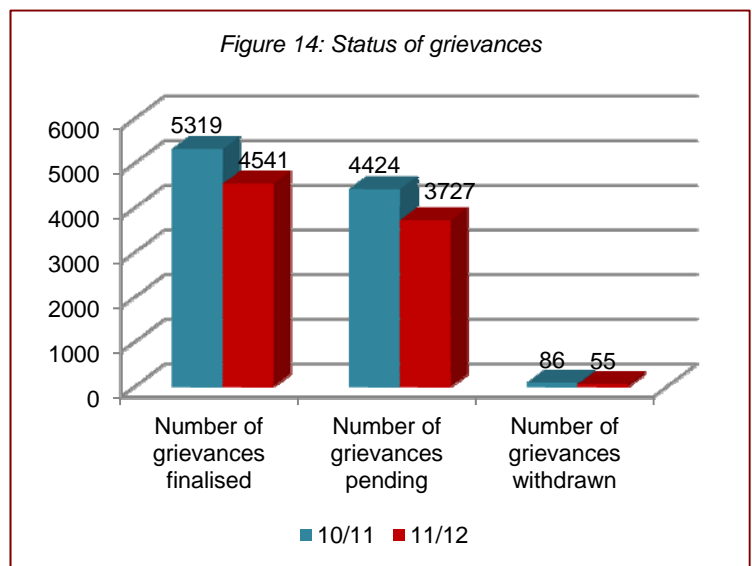
Similar to the previous reporting period, the Department of Health reported the highest number of grievances for the past two FYs. For the 2011/12 FY, the Department reported 261 cases, a decrease of 7% from the **281** grievances reported for the 2010/11 FY. The



Department of Education reported the second highest number of grievances (47), which is a decrease of 51% from the previous reporting of 96 cases. The Department of Transport and Public Works again reported the third highest number of grievances (23), which is three less than the 26 cases reported for the 2010/11 FY.

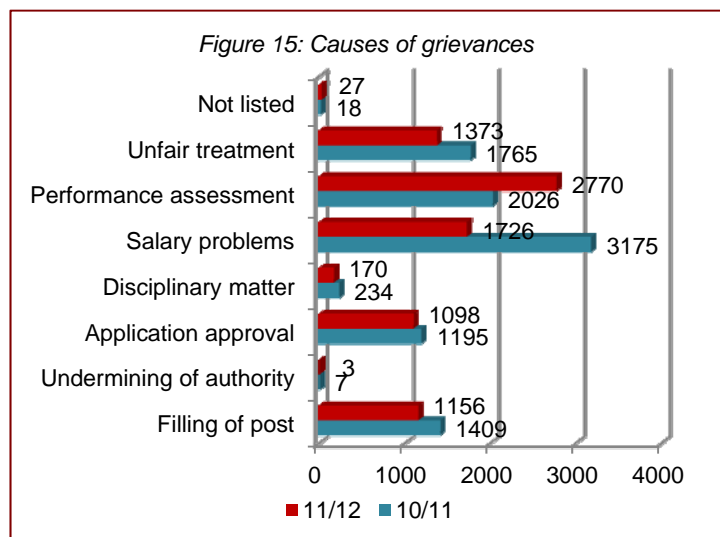
## Status of the resolution of grievances

As reported in the previous Fact Sheets, departments struggle to comply with the time frames provided for in the Grievance Rules, 2003 and the Rules for dealing with grievances of Senior Management Service (SMS) members<sup>4</sup>. In order to assist departments, the PSC drafted Guidelines on good practices in the management of grievances<sup>5</sup>. The Guidelines provide a step-by-step process to assist departments in establishing processes that will ensure that grievances are finalised within the prescribed time frames. As can be seen from **Figure 14**, departments reported that 4541 grievances were finalised during the 2011/12 FY against 3727 cases that remained pending. It is interesting to note that the percentage in respect of the status of grievances for the 2011/12 FY, corresponds with the percentage of grievances finalised/pending/withdrawn for the previous reporting period, namely 54% finalised, 45% pending and 1% withdrawn.



## Causes of grievances

In its research on the management of grievances to identify good practices<sup>6</sup>, the PSC confirmed its findings that poor implementation of basic human resource practices such as the implementation of job evaluation, payment of acting allowances, the recruitment and selection process and performance management, leads to dissatisfactions by employees. **Figure 15** above provides an exposition of the causes of grievances as reported by departments. For the previous FYs, departments consistently reported that the highest number



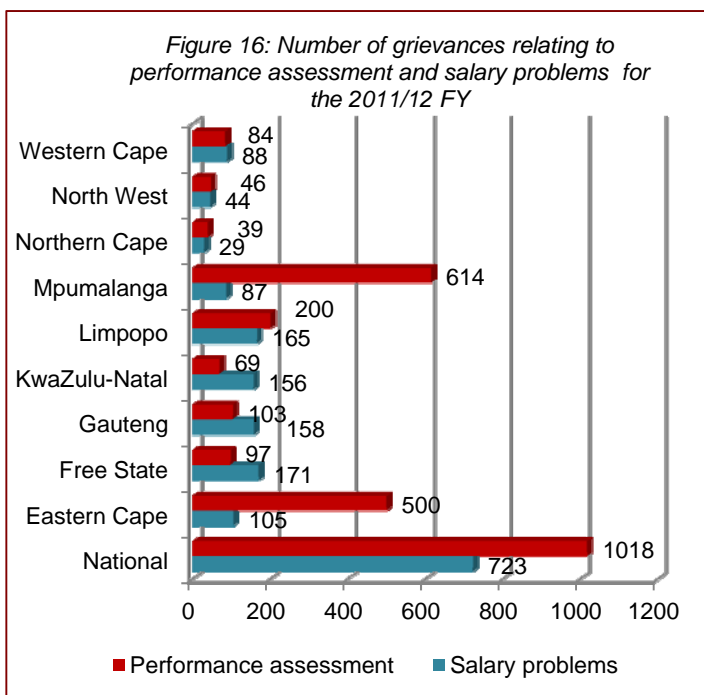
<sup>4</sup> Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of members of the SMS in the Public Service. Published in Government Gazette No 33540 dated 17 September 2010.

<sup>5</sup> Republic of South Africa. Public Service Commission: Report on the Evaluation of grievances to identify good practices. July 2011

<sup>6</sup> Ibid

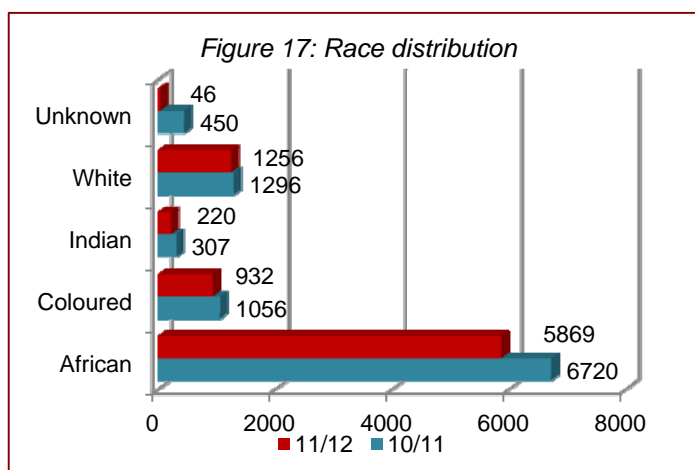
of dissatisfactions related to salary issues. However, for this reporting period, dissatisfactions relating to performance assessment are the most prevalent, with **2770** grievances reported. In comparison with the previous FY, the number of grievances in this regard increased with **37%**. This increase is mostly the result of grievances reported by the Department of Education: Mpumalanga which relate to performance assessment. Grievances relating to salary issues rated the second highest with **1726** cases reported, which is a decrease of **46%**. Dissatisfactions relating to unfair treatment (**1373**), rate the third highest, but have decreased with **22%** from the 2010/11 FY.

**Figure 16** provides a further breakdown in respect of grievances relating to salary problems and performance assessment, per national and provincial departments. Of the **2770** grievances relating to performance assessment, **37%** (**1018**) is reported by national departments and **63%** (**1752**) by provincial departments. As can be seen, the Mpumalanga Province reported the highest number of grievances relating to performance assessment (**614**) followed by the Eastern Cape Province with **500** cases. In respect of the reporting on grievances relating to salary issues, **42%** (**723**) cases were reported by national departments and **58%** (**1003**) by the provinces. The Free State Province reported the highest number of grievances relating to salary issues (**171**), followed by the Limpopo Province with **165** and Gauteng with **158** cases.

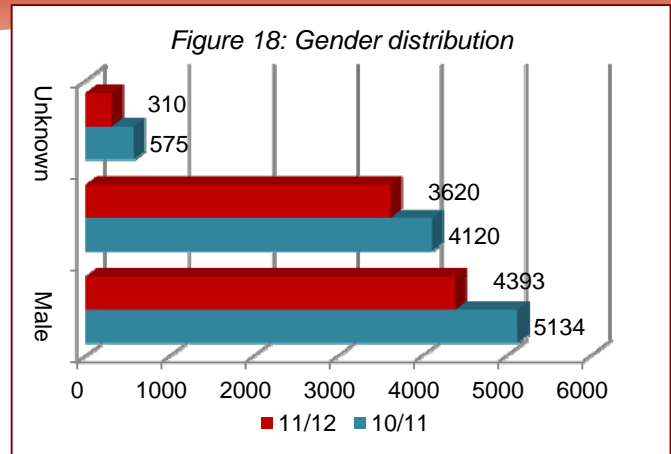


## Race and gender distribution of aggrieved employees

**Figure 17** provides a statistical overview of the distribution in respect of the race of aggrieved employees reported by departments. In comparison with the 2010/11 FY, the number of grievances lodged by African employees has decreased with 13%, from **6720** to **5869**. Grievances lodged by White employees decreased with 3% from **1296** to **1256**. In keeping with the general downward trend in the number of grievances lodged, the number of grievances lodged by Coloured employees has decreased by **12%** from **1056** reported for the 2010/11 FY to **932** reported for the 2011/12 FY. Similarly, the number of grievances reported by Indian employees decreased from **307** to **220** (28%).



It is encouraging that departments reported the race specifics in respect of **99%** of all grievances. Only **46** cases were reported as “unknown” in respect of race. **Figure 18** provides an exposition in respect of the gender distribution of aggrieved employees. Similar to previous reporting periods, the number of grievances lodged by male employees exceeds that of female employees by **10%**. In **4%** of the cases, departments did not report the gender of the aggrieved employees.

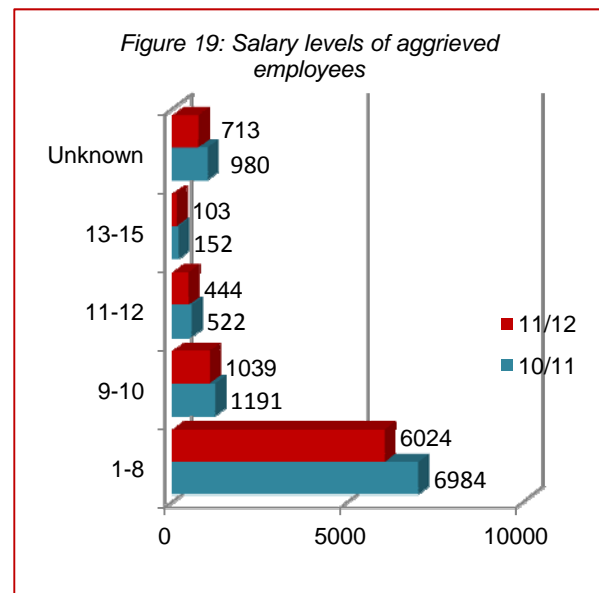


## Distribution of aggrieved employees according to salary levels

In order to obtain an overview of the number of aggrieved employees in terms of their rank or designation, departments are requested to report the salary levels of aggrieved employees in their reporting to the PSC. **Figure 19** provides an overview of the number of aggrieved employees per salary level for the 2010/11 and 2011/12 FYs. For ease of reference, the salary levels have been grouped together as follows:

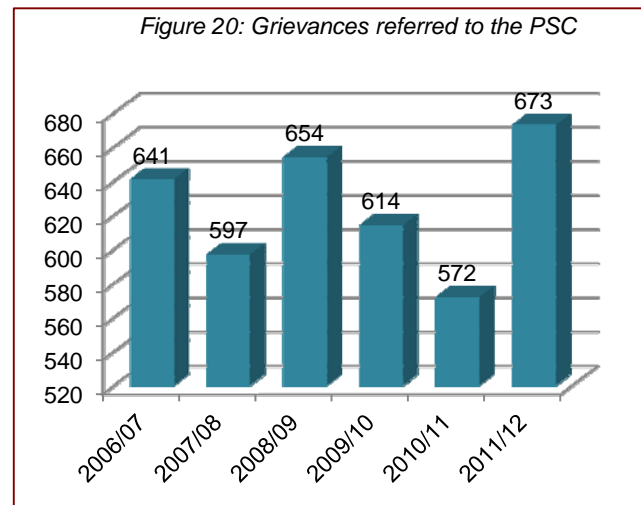
- Levels 1-8
- Levels 9-10
- Levels 11-12
- Levels 13-15

Similar to the previous reporting period, more than two thirds of aggrieved employees fall within salary levels 1 – 8. In keeping with the decrease in the total number of grievances reported, it is noted that the number of grievances in respect of aggrieved employees on salary levels 1-8 decreased by **14%** from **6984** for the 2010/11 FY, to **6024** for the 2011/12 FY. In respect of aggrieved employees on the lower management level of 9-10, a decrease of **13%** from **1191** to **1039** is reported. **5%** of the aggrieved employees fall within the middle management level (salary levels 11 -12), and this also indicates a decrease of **15%** from the previous FY. On SMS level, (salary levels 13 -15) the number of aggrieved employees has decreased from **152 to 103 (32%)**. However, this picture may be skewed since former SMS members that were translated in terms of the Occupation Specific Dispensation (OSD) now fall in salary levels below SMS level. The trend in respect of the different levels of employees, however, remains more or less similar than previous FYs.

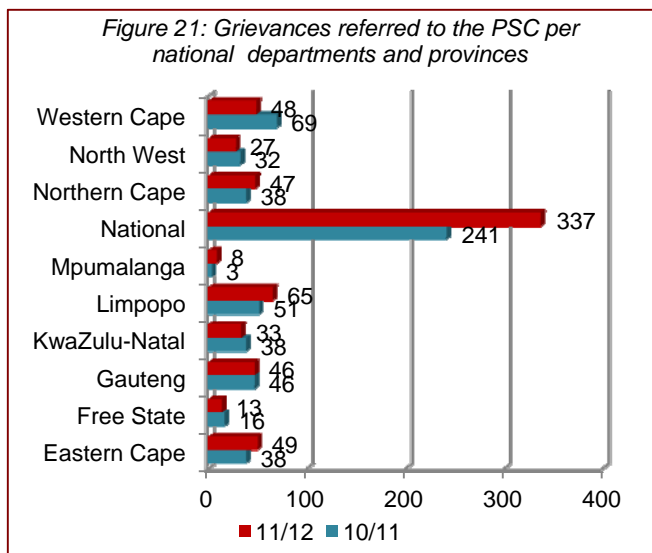


## Grievances referred to the PSC

The PSC is the only constitutional body mandated in terms of section 194(4)(f)(ii) of the Constitution, 1996, to investigate grievances of employees in the Public Service, and make appropriate recommendations to Executive Authorities (EA). In terms of the provisions of the Grievance Rules, 2003<sup>7</sup>, as well as the Rules for dealing with grievances of SMS members, 2010<sup>8</sup>, a grievance can be referred to the PSC in two instances, i.e after the internal process has been exhausted in which case, the EA refers the matter to the PSC and second where an aggrieved employee refers the grievance to the PSC because the Department failed to deal with the grievance within the prescribed time frame. Furthermore, in terms of section 35(3) of the Public Service Act, 1994 (as amended), a HoD may lodge his/her grievance with the PSC directly. **Figure 20** provides an overview in respect of the grievances captured on the database of the PSC from the 2006/07 FY to the 2011/12 FY. As can be seen, the number of grievances on the database of the PSC has increased with **18%** from **572** grievances for the 2010/11 FY to **673** grievances for the 2011/12 FY. The increase in the number of grievances can be ascribed to the fact that the PSC now investigates grievances referred to it by aggrieved employees in cases where departments failed to comply with the prescribed timeframes in which grievances should be resolved.



**Figure 21** 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 increased with **40%** in respect of the national departments. In respect of the provinces, the Limpopo Province referred the highest number of grievances for the 2011/12 FY (**65**) which was an increase of **27%** compared to the 2010/11 FY. The Eastern Cape Province follows with **49** grievances for the 2011/12 FY, which is an increase of **29%**. The Northern Cape Province also had an increase of **24%** in the number of grievances referred to the PSC for the 2011/12 FY. In contrast to the previous reporting periods, the number of grievances referred by Mpumalanga Provincial departments almost tripled from **3** to **8**. The number of grievances



<sup>7</sup> 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.

<sup>8</sup> 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.

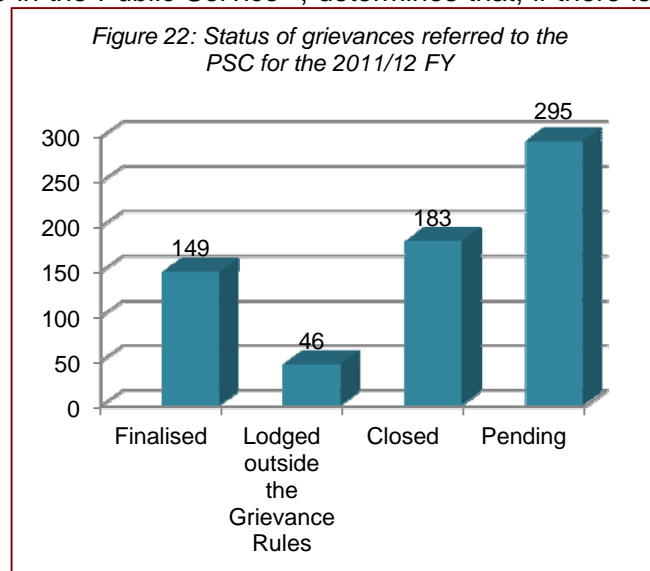


referred by aggrieved employees in the Gauteng Province remained the same with **46** cases for both FYs. The number of grievances from the Free State, KwaZulu-Natal and Western Cape Province all decreased from the previous FY. The Western Cape Province which had referred the highest number of grievances for the previous FY (**69**) now reported **48**, a decrease of **30%** in respect of the grievances referred for the 2011/12 FY. The decrease in respect of the Free State Province stands at **19%** and KwaZulu-Natal at **13%**.

## Status of grievances referred to the PSC

An aggrieved employee may, in terms of Rule F.11 of the Grievance Rules, 2003<sup>9</sup>, 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 Service<sup>10</sup>, 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 22** provides an overview in respect of the status of grievances referred to the PSC for the 2011/12 FY. As can be seen, the PSC finalised **149** cases, of which **63** cases were found to unsubstantiated and **nine** substantiated. As a result of the PSC's follow-up in respect of pending grievances, **77** cases were resolved internally. In **46** cases, the aggrieved employees did not comply with the prescribed grievance procedure in that they did not lodge their grievances with their departments prior to referring the matters to the PSC. A total of **183** cases were closed and **295** cases remained pending, due to amongst others, insufficient documentation to investigate the matters.

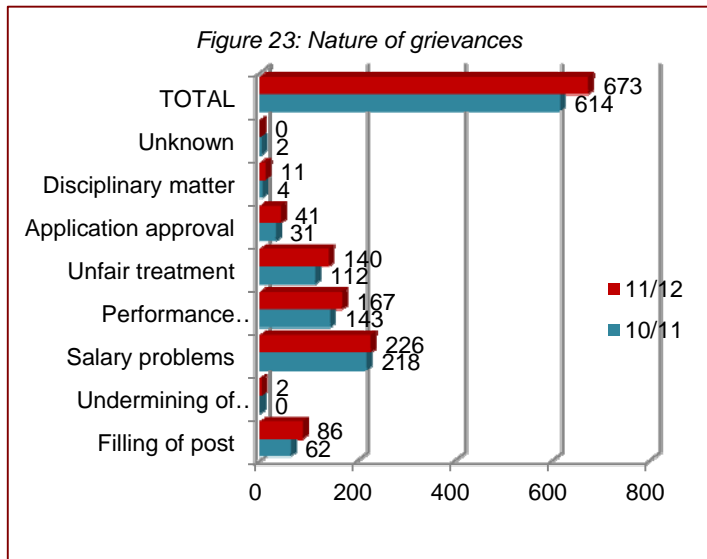


<sup>9</sup> Republic of South Africa. Public Service Commission. Rules for dealing with the grievances of employees in the Public Service. Published in Government Gazette No 25209 dated 25 July 2003.

<sup>10</sup> 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.

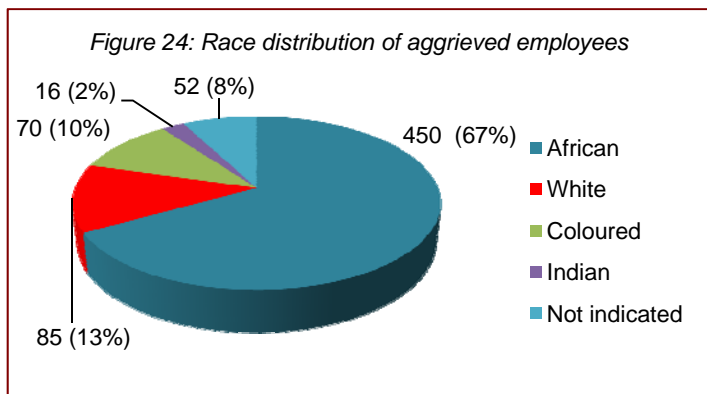
## Nature of the grievances referred to the PSC

Contrary to the reporting by national and provincial departments indicated above, where the highest number of grievances related to performance assessment, **Figure 23** indicates that salary related issues rated the highest (**226**), which is an increase of **4%** from the 2010/11 FY (**218**). This is followed by grievances relating to performance assessment (**167**), an increase of **17%** from **143** grievances. Grievances relating to unfair treatment have increased substantially from **112** cases to **140** cases. Most of the grievances falling in this category, emanate from the employment relationship, which may be an indication that departments should give more attention to issues falling within diversity management.

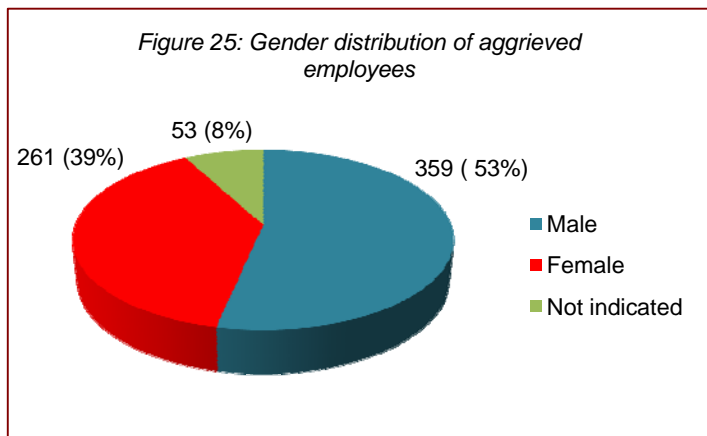


## Race and gender distribution of grievances referred to the PSC

Similar to the previous reporting by the PSC, the majority of grievances are lodged by African employees (**67%**), followed by White employees (**13%**), coloured employees (**10%**) and Indian employees (**2%**). In respect of **8%** of the grievances lodged, information relating to the race of employees, are not provided.



**Figure 25** provides a further breakdown in respect of the gender distribution of aggrieved employees. As can be seen, **53 %** of the grievances referred to the PSC, comprised of male employees. This is **4%** more than the 2010/11 FY. For the 2011/12 FY, grievances referred by female employees are **1%** less than the previous reporting period (**40%**). In **8%** of the cases, information relating to the gender of the employees was not provided.



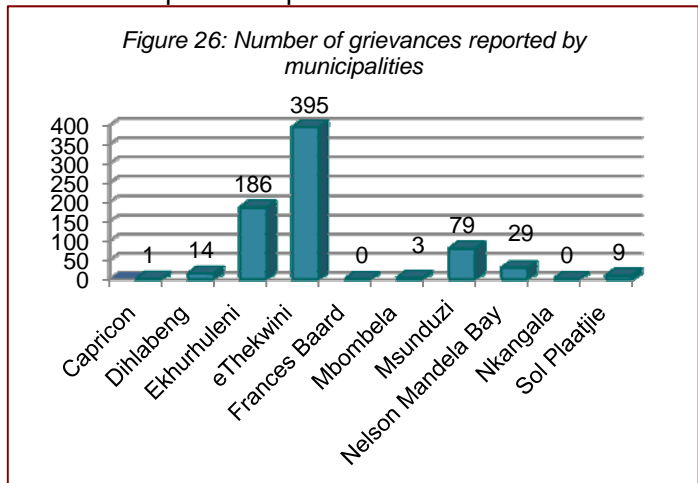
## Overview in respect of grievance resolution on local government level

In the Fact Sheet on Grievance Resolution for the 2010/11 FY, the PSC reported for the first time on grievance resolution within 18 municipalities, listed in **Table 2**. In order to establish a trend in respect of grievance resolution within the sample of municipalities, they were again requested to provide a statistical overview in respect of grievance resolution, for the period 01 June 2011 to 31 July 2012. Unfortunately, the call for the sample of municipalities to submit their grievances statistics, was not heeded by 8 municipalities. Several attempts to obtain the information proved unsuccessful. It is trusted that municipalities would in future assist the PSC in providing information relating to grievance resolution.

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
Mbombela	Local	Mpumalanga
Francis Baard	District	Northern Cape
Sol Plaatjie	Local	Northern Cape
City of Cape Town	Metropolitan	Western Cape
George	Local	Western Cape

**Figure 26** provides an overview in respect of the number of grievances reported by 10 of the 18 sampled municipalities. As can be seen, the eThekweni Metropolitan in the KwaZulu-Natal Province reported the highest number of grievances with **395** cases. This corresponds with the previous three years' reporting, where the eThekweni Metropolitan reported a total of **1078** cases for the 2008/09 to 2010/11 FYs. The second highest number of grievances was reported by the Ekurhuleni Metropolitan (**186**). This is an increase of more than 25 fold from the **7** cases reported in total for the previous FYs. The Msunduzi Local Municipality which is also found in the Kwa-Zulu Natal Province, reported the third highest number of cases (**79**). In comparison with the reporting for the 2008/09 to 2010/11 FYs, where the Msunduzi Local Municipality reported a total of **275** cases, which is on average **92** cases, the reporting for the 2011/12 FY indicates a decrease of about **18%**.



## Status of the resolution of grievances in local government

The purpose of the Local Government Grievance Procedure is to establish a common and uniform procedure for the management of grievances. An aggrieved employee must lodge his or her grievance within ten days from the date on which the employee first became aware of the matter that gave rise to such grievance. The immediate superior, Head of department and Municipal Manager each have five

days to attempt to resolve the grievance. If the grievance is not resolved to the satisfaction of the aggrieved employee, he or she may refer the grievance to the South African Local Government Bargaining Council for adjudication. Of the **716** total number of grievances reported by the municipalities which provided grievance statistics for the period 2011/12, only **222 (31%)** were finalised. Although the eThekweni Metropolitan Municipality reported the highest number of grievances in this sample, it did not indicate the status of its reported cases. The eKhurhuleni Metropolitan Municipality which reported the second highest number of grievances with **186**, finalised an impressive **168 (90%)** grievances.

## Nature of grievances in local government

Grievances were classified into seven categories in order to identify the most common. **Table 3** provides an overview of the types of grievance found in each of the 10 municipalities. Of the **716** grievances reported in the sampled municipalities in 2011/12, most (**38%**) related to unfair treatment.

Salary problems were the second most common grievance (**26%**) while issues with approval of application were the third most common (**11%**). The prevalence of the perception of “unfairness”

by the aggrieved is a consistent feature that will need to be explored in the future.

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

Nature of grievance	Capricorn	Dihlabeng	Ekhurhuleni	eThekweni	Frances Beard	Mbombela	Msunduzi	Nelson Mandela Bay	Nkangala	Sol Plaatje
Filling of posts	0	0	15	42	0	0	7	3	0	5
Undermining of authority	0	0	0	4	0	0	0	0	0	0
Refusal to approve application	0	0	5	65	1	1	2	2	0	0
Disciplinary matter	0	0	5	3	0	0	3	0	0	0
Salary problems	0	4	37	92	1	1	38	10	0	1
Performance assessment	0	0	15	28	1	0	1	4	0	0
Unfair treatment	1	10	100	122	2	1	24	10	0	3
Not listed/Unknown	0	0	9	39	1	0	4	0	0	0
<b>Total</b>	<b>1</b>	<b>14</b>	<b>186</b>	<b>395</b>	<b>7</b>	<b>3</b>	<b>79</b>	<b>29</b>	<b>0</b>	<b>9</b>

## Conclusion

The resolution of grievances within the prescribed timeframe remains a challenge faced by national and provincial departments, and even local government. It is trusted that the statistical information provided in the Fact Sheet will assist Executive Authorities and Heads of Department in identifying problem areas within their departments and implement measures to address the different challenges relating to the timely resolution of grievances.