



# GRIEVANCE MANAGEMENT COMMUNIQUE

Volume 13

## MINIMISING GRIEVANCES RELATING TO INTERPERSONAL RELATIONS BETWEEN SUPERVISOR-SUPERVISEE OR MANAGER- SUBORDINATE IN THE WORKPLACE

### 1. INTRODUCTION

The focus of Volume 13 of the Grievance Management Communique is to provide guidance on the manner in which departments and employees can minimize frivolous grievances that may be resolved at departmental level without having to be referred to the Public Service Commission (PSC) for consideration. Most of these grievances relate to interpersonal relations between supervisor and supervisee or manager and subordinate.

### 2. BACKGROUND

The PSC derives its mandate to deal with grievances of employees in the Public Service from section 196(4)(f)(ii) of the Constitution of the Republic of South Africa, 1996.

A grievance is defined in Resolution 14 of 2002 as “a dissatisfaction regarding an official act or omission by the employer

*which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal.*<sup>1</sup>

It should be noted that employees have a right to lodge grievances and the employer bears the responsibility of investigating and addressing those grievances in order to maintain sound labour relations. Regulation 14 (g) of Chapter 2, Part 1 of the Public Service Regulations, 2016, states that “*An employee shall use the appropriate mechanisms to deal with his or her grievances or to direct representations.*”

The PSC has, on numerous occasions, received grievances that could have been resolved internally by the employee/supervisor /manager, Head of the Branch or Head of Department. The PSC is concerned with the time it takes to resolve such matters and in some instances there were indications that no efforts were made

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<sup>1</sup> Public Service Coordinating Bargaining Council (PSCBC) Resolution 14 of 2002.

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to resolve such grievances, hence the grievances were simply referred to the PSC for intervention. Some of the grievances were not of a serious nature to warrant the resources and time spent by the PSC on a full scale investigation. However due to the fact that the matters are before the PSC, they had to be investigated.

There were also instances where aggrieved employees raised their dissatisfaction informally with the employer who, would encourage the employees to lodge a formal grievance. Sadly, the grievances were not investigated in spite of the encouragement to lodge.

Handling grievances of employees effectively is an essential activity in the area of labour relations as it offers the employee the opportunity to address their concerns. If grievances of employees are not addressed, they impact negatively on staff morale and ultimately, productivity and service delivery are affected. Therefore, effective grievance management is essential.

### **3. GRIEVANCE PREVENTION MECHANISM**

The employer should ensure that there are clearly defined boundaries and those boundaries should be aligned with the organisation's vision and values. They should also be detailed in internal policies and be adequately used within the workplace. Introducing a culture where there is open communication would have the effect of bringing issues to light before they can become grievances.

When issues are raised, they should be dealt with effectively, timeously and

feedback must be provided to the employee in order for the matter to be laid to rest.

The employer must ensure that during team meetings the employer's expectations, ethics framework of the organisation and team communication are encouraged<sup>2</sup>.

According to suggestions made in the article entitled "*How to avoid grievances in the workplace*", the following practices should be adopted to minimise and to resolve grievances:

- *"Give any employee who is upset, frustrated or aggrieved a full opportunity to talk and be actively listened to;*
- *Educate your managers about employment law processes and procedures so that mistakes which may undermine the end result may be avoided;*
- *Remember that seniority does not necessarily make someone either wiser or more informed. Senior leaders need to be as educated, informed and supported as all other managers;*
- *Be consistent with your corporate values. If your values include 'Integrity', then behave with integrity. If your values include 'Innovation', then be innovative and encourage and reward innovative behaviour;*
- *Expect all staff to behave like adults and talk it out;*
- *Stop protecting those who think they are above the law or indispensable to the organisation;*

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<sup>2</sup> How to avoid grievances in the workplace, <https://www.hr180.co.uk/avoid-grievances-workplace/>

- Carefully select who will deal with a disgruntled member of staff; and
- Take time to understand why this employee feels aggrieved, and then use your intelligence to identify ways to reduce that<sup>3</sup>.”

### 3.5 Other tips for minimizing grievances

- “Don’t let problems fester”.
- Protect your integrity and be mindful of appearances. Know when to consult and when to dictate. Some managers interpret this statement to mean good leadership is about making the right decision, even if that decision is unpopular. Another interpretation is that this statement advocates for management being decisive but not consultative. These are simplistic interpretations that ignore the nuances of context and circumstances. There are situations where both of these interpretations would be false. More autocratically minded managers occasionally declare that their business environment is not a democracy. You will even find a few who like to quote General Colin Powell; “being responsible sometimes means *pissing people off*” and using that to justify pushing an arbitrary decision down the throats of an unhappy workforce.

There are also instances where subordinates make it difficult for managers to manage. For example, if a manager is of the opinion that

<sup>3</sup><https://www.jaluch.co.uk/hr-blast/10-ways-to-avoid-grievance-or-tribunal-claim/>

the subordinate is failing to carry out a lawful order or routine instruction without just or reasonable cause and this prejudices the administration, discipline or efficiency of the Department, they should address the subordinate’s behavior through the Disciplinary Code and Procedures for the Public Service. Chapter 6 of the Senior Management Services (SMS) members Handbook states that “*it is the responsibility of senior managers to ensure that the conduct of staff does not undermine the service delivery of a department. Misconduct must therefore be dealt with and not be overlooked or swept under the carpet.*”

- Maintain a paper trail<sup>4</sup>. In every work environment, it is vital to reduce all important communication to writing to ensure that an adequate paper trail is maintained. This should be made common practice and should not be viewed as unhealthy practices by colleagues who want to trap each other. For example, if a subordinate is of the opinion that the instruction given by the manager is unlawful, then he or she can request that instruction to be in writing. The same applies to a manager when they feel that the instruction is not being carried out.

### 3.6 An example of good practice from a department that effectively prevents grievances

<sup>4</sup> Top Five Tips for Avoiding Grievances. <https://www.hnis.co.uk/top-five-tips-for-avoiding-grievances/>

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During the 2018/2019 financial year, the Office of the Public Service Commission engaged with selected departments to share lessons on the management of grievances with Labour Relations Officials. During these engagements, the PSC came across a number of departments with few formal grievances. One department stood out because of the good practices that it had in place. While the name of the department is not mentioned in this article, it is important that the department's good practices are discussed.

The Department had only four (4) formal grievances lodged between 2015/16 and 2018/19 financial years. One grievance was dealt with at arbitration, two (2) grievances were sent to the Labour Court on review and the other was resolved amicably. The department's labour relations strategy is to address problems are not allowed to fester. The Acting Director-General also played an active role in dealing with labour relations matters.

The reasons the Department advanced for the low amount of grievances lodged were:

- The Department is fairly small;
- The Department has an informal complaint procedure where the root cause for a potential grievance are identified and addressed before the complaint can result in a grievance. The effective handling and management of informal complaints results in many potential grievances being resolved;
- Employees are encouraged to approach the Labour Relations unit for assistance and advice;
- The Labour Relation Unit tries to maintain a good relationship with trade unions;

- Monthly reports are sent to the Chief Director in order to be kept abreast of all issues;
- Trade Unions raise complaints or grievances at the Departmental Bargaining Council (DBC) on behalf of their members. When the Trade Unions raise grievances or complaints at the DBC, the grievances and complaints are dealt with holistically and union representatives are afforded the opportunity to report back to their members. This approach reduces the number of grievances lodged on an individual basis.
- In terms of interpersonal relations between the supervisor and supervisee; when the department establishes that the supervisor is exposed for overstepping, the supervisor is approached and advised to correct their actions. If it is the supervisee who is exposed, corrective action is taken. If this does not work, disciplinary action is taken.

These practices can be adopted by other departments and amended in accordance with departmental needs. Departments, especially those with high volumes of grievances, can consider these practices adopting and/or formulating unique mechanisms that can assist to reduce grievances such as these from being formally lodged.

#### **4. THE RELATIONSHIP BETWEEN THE SUPERVISOR-SUPERVISEE OR MANAGER-SUBORDINATE**

The PSC has, on numerous occasions, received grievances that are interpersonal or relationship focused. Most of the

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grievances are mainly about conflicts between supervisor-supervisee or manager-subordinate.

Most of the grievances are about workplace unfair treatment i.e. bullying, harassment, abuse of power etc, or workplace conflict, which is inevitable as people have different personalities and management styles. *In 2018, the PSC did a “Report on roundtable session on understanding the causes of and ending unfair treatment in the workplace”<sup>5</sup>*. The Roundtable was informed by the realisation that unfair treatment is one of the highest causes of grievances in the Public Service. It was concluded from the Roundtable that unfair treatment is defined in the Labour Relations Act of 1995, under section 186 (2)(a)(b)(c) and (d) as well as other forms of unfair treatment which manifest in the form of, *inter alia*, victimisation, bullying discrimination, intimidation, harassment, as well as sexual harassment in the workplace and cyberbullying. The report highlighted the following:

- **Possible causes of unfairness on the part of the supervisor-** Attitudes and beliefs, organization’s policies and processes, perceived fairness of own situation and lack of training.
- **Possible causes of unfairness on the part of the employee-** Perceived lack of legitimacy of appointment of the supervisor, and team culture, for instance mobbing against the supervisor.

If not addressed, these possible causes of unfairness can lead to conflict, which must be dealt with promptly.

According to indeed.com<sup>6</sup>, conflict management is defined as a proactive practice of conflict resolution so that it does not escalate into disagreements. Indeed.com also provides ways in which one can avoid conflict:

- **Take immediate action**  
Resolving conflicts as soon as possible minimizes tension and keeps other employees out of disagreement. Many miscommunications are resolved with simple, transparent discussion.
- **Frame the discussion positively.**
- **Referring to meetings as “conflict resolution”** “can create unnecessary tension. Instead, frame the meeting with employees as a “brainstorming” discussion or “chart session” or simply say you would like to get opinions on the matter.
- **Focus on the issue, not the person.** Encourage parties to avoid personal attacks so they can focus on problem-solving.
- **Practice active listening:** Active listening is about listening to each speaker and trying to understand their message without interruption. The best way to accomplish this is to ask open-ended questions that encourage parties to speak instead of asking questions that yield “yes” or “no”. If the discussion become heated answers, ask each party to clarify how work processes were impacted by the situation or what they need to do their jobs. Restate what you heard in your own words, then ask

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<http://www.psc.gov.za/documents/reports/2018/Report%20of%20the%20Roundtable.pdf>

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<sup>6</sup> [Indeed.com/hire/c/info/conflict-management-three-examples-for-the-workplace.](https://www.indeed.com/hire/c/info/conflict-management-three-examples-for-the-workplace)

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for opinions and encourage consensus on a solution.

## 5. BENEFITS OF CONDUCTIVE WORK RELATIONS

Maintaining strong relations between managers and employees is key to the success of any business or organization<sup>7</sup>. Strong employee relations can create higher satisfaction, more productive employees and a motivated workplace. Learning how to improve and maintain positive employee relations can help to create a healthy working environment. The article, "Indeed", defined employee relations as an organization's effort to build healthy relationships among team members and their employer or managers. Human Resource professional typically assist in employee relations by identifying and resolving issues at work, measuring and improving employee morale and providing support to the company's management. In government departments, it is expected that Human Resources and Labour Relations Officers would assist in resolving grievances between supervisor-supervisee or manager-subordinate.

## 6. CONCLUSION

It is common cause that dissatisfactions between employees and employers cannot be entirely avoided in the workplace. In order to maintain good relations between employers and employees, grievances of employees must be treated the same, whether they have merit or not. Employers must develop and adopt strategies that have the potential to build or repair relations between supervisees and supervisors

instead of placing reliance on formal labour relations processes and procedures. Only when these mechanisms fail, formal processes such as the grievance procedure can be followed, *albeit* in a swift manner in line with the applicable prescripts.

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<sup>7</sup> [Indeed.com/career-advice/career-development/improve-employee-relations.](https://www.indeed.com/career-advice/career-development/improve-employee-relations)