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No. 17573

GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

DEPARTMENT OF EDUCATION DEPARTEMENT VAN ONDERWYS

No. R. 1845

8 November 1996

EDUCATION LABOUR RELATIONS ACT, 1993

INTENTION TO EXTEND THE AGREEMENT TO INCLUDE ALL EMPLOYERS AND EMPLOYEES AS DEFINED IN THE ACT

I, Sibusiso Mandlenkosi Emmanuel Bengu, Minister of Education, give notice in terms of section 12 (6) (a) of the Education Labour Relations Act, 1993, of my intention to publish in the *Government Gazette* a notice extending the agreement in the Schedule hereto to all employers and employees as defined in the Act.

Any interested persons who have any objections to the publication of the proposed notice, or to the provisions thereof, are required to lodge such objections with the Secretary of the Education Labour Relations Council, Mr A. Brandt, at Private Bag X895, Pretoria, 0001, Fax (012) 325-1405, within 30 days from the date of this notice.

S. M. E. BENGU
Minister of Education

No. R. 1845

8 November 1996

WET OP ARBEIDSVERHOUDINGE IN DIE ONDERWYS, 1993

VOORNEME VAN UITBREIDING VAN DIE OOREENKOMS TER INSLUITING VAN ALLE WERKGEWERS EN WERKNEMERS SOOS OMSKRYF IN DIE WET

Ek, Sibusiso Mandlenkosi Emmanuel Bengu, Minister van Onderwys, gee hierby ingevolge artikel 12 (6) (a) van die Wet op Arbeidsverhoudinge in die Onderwys, 1993, kennis van my voorneme om 'n kennisgewing in die *Staatskoerant* te laat publiseer waarby die ooreenkoms in die Bylae hiervan uitgebrei word na alle werkgewers en werknemers soos omskryf in die Wet.

Belanghebbendes wat enige beswaar het teen die voorgestelde kennisgewing of die voorgestelde bepalings daarvan, word versoek om sodanige besware in te lewer by die Sekretaris van die Raad op Arbeidsverhoudinge in die Onderwys, mnr. A. Brandt, Privaatsak X895, Pretoria, 0001, Faks (012) 325-1405, binne 30 dae vanaf die datum van hierdie kennisgewing.

S. M. E. BENGU

Minister van Onderwys

ANNEXURE • BYLAE

EDUCATION LABOUR RELATIONS COUNCIL

RESOLUTION No. 13 of 1996

GRIEVANCE PROCEDURE

The parties to the Council agree as follows:

1. To adopt the grievance procedure at ANNEXURE A and that the said grievance procedure be included as a separate Chapter in the PAM.
2. That the Minister be requested to extend this agreement to make it binding on all employees and employers.

SIGNED AT PRETORIA ON THIS 4TH DAY OF NOVEMBER 1996

ANNEXURE A

GRIEVANCE PROCEDURE

OBJECTIVE

- (1) The objective of this grievance procedure is to seek to resolve a complaint at the personal level as quickly and as close to the source of the complaint as possible. It is aimed at avoiding a grievance becoming a dispute. In the case where a grievance cannot be resolved through this process and is consequently registered as a dispute in terms of the provisions of the constitution of the Education Labour Relations Council, such registered dispute shall be dealt with in terms of the dispute resolution procedure as set out in the said constitution.

DEFINITION

- (2) A grievance is a complaint by an employee or employees affecting the employment relationship of the person or persons concerned, or where there is an alleged misinterpretation, or violation of his or her, or their rights.
- (3) Grievances shall be dealt with in the following manner.
 - (a) Oral interview
 - (i) A sincere attempt should be made to resolve any grievance by oral interview between a grievant or grievants and the head of a school or college (hereinafter referred to as "the head"), and in the case of an educational institution outside a school or college or the head of a school or college, the supervisor (hereinafter referred to as "the supervisor"), before differences become formalised grievances.
 - (ii) During this process no records will be kept of proceedings which will be without prejudice to either of the parties.
 - (b) Formal written grievance: Institutional level (school/college) and departmental level
 - (i) A grievant or grievants may lodge a grievance or grievances with the head of the supervisor in writing within a reasonable period of time, but in any event not later than 90 calendar days following on the time and date on which the alleged grievance or grievances occurred. Full details of the nature of the grievance or grievances must be relayed to the head or the supervisor, as the case may be. The grievance or grievances must bear the signature or signatures of the grievant or the grievants and a copy thereof shall be filed with the relevant office of the provincial department of education by the head or supervisor, as the case may be, which office shall be identified by the relevant head of a provincial department in each province.

- (ii) the head or the supervisor, as the case may be, shall confer with the grievant or grievants, and others involved, within three working days of receipt of the formal written grievance in order to resolve the grievance. At this meeting the facts shall be presented and considered and an effort shall be made to resolve the matter to the satisfaction of all parties.
 - (iii) The head or the supervisor, as the case may be, shall communicate the outcome to the relevant office of the provincial department of education within five working days of the resolution or non resolution of a grievance.
 - (iv) If an action or lack of an action, or a decision or lack of a decision, concerns the head or the supervisor, the grievant or grievants may refer the matter directly to the regional/district level in respect of a school/college and departmental level in respect of an institution outside a school/college, provided that a sincere attempt has been made to resolve the grievance or grievances in terms of the provisions of paragraph 3 (a) above.
 - (c) Regional/district level in respect of a school/college and departmental level in respect of an institution outside a school/college
 - (i) If the grievant or grievants is/are not satisfied with the outcome referred to in subclause (b) above, the grievant or grievants may refer the matter in writing, by hand or registered mail, together with the decision of the head or the supervisor, as the case may be, to the regional/district head of education in the case of an educator at a school/college and in the case of an educator outside a school/college to the office referred to in subclause (b) (i), within five working days of the parties failing to resolve the grievance or grievances. A copy of the referral must be presented to the head or supervisor, as the case may be, and where applicable, to the grievant or grievant's *trade union*.
 - (ii) The head or the supervisor shall forward his or her comments together with all relevant information on the grievance or grievances to the regional/district head or the office referred to in subclause (b) (i), as the case may be, within five working days after receiving the referral mentioned in subclause (c) (i) above.
 - (iii) The head of the region/district or the head of the relevant provincial education department, or his or her delegate in respect of an educator outside an educational institution, shall within five working days from the date of receipt of all the parties' referrals, attempt to resolve the grievance or grievances and communicate his or her decision in writing to all parties.
 - (iv) Should the grievant or grievants not be satisfied with the outcome, he or she may register a formal dispute with the Executive Officer of the Education Labour Relations Council (hereinafter referred to as the "Council") in terms of the provisions of the Council's constitution.
 - (4) A trade union registered with the Council may register a grievance with the head or supervisor or the head of a relevant department of education, as the case may be, on behalf of its members individually or collectively and represent such member or members during any stage of this grievance procedure. A non-member or non-members may be represented by another employee.
 - (5) The parties to a grievance or grievances may by agreement extend the periods referred to in subclauses (b) (ii) and (c) (ii) and (iii) above.
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