

Facilitation: Individual grievance procedure for civilians - 20 May 2021

Members were informed in previous editions of the *Informus* regarding the prejudicial nature of *Defence Act Personnel* (DAP) and the individual grievance procedure of the Department of Defence as against *Public Service Act Personnel* (PSAP)/Civilians' PSCBC Resolution 14/2002 (hereinafter referred as the Resolution) processes.

Briefly, the PSA during the previous Chamber meeting contested that PSCBC Resolution 14/2002 is applicable on PSAP personnel. A dispute was declared by invoking Clause 17 of the Governance Rules. The deadlock revolves around failure by the employer to re-instate/application of PSCBC Resolution 14/2002, instead of the DAP gazetted individual grievance procedure. It provides for a timeframe of 80 days for finalising a grievance.

It is a four-tier process providing for the grievance to be handled within 20 days at Unit Level. If the grievance remains unresolved at Unit Level, it must be referred to be addressed within ten days by the Service/Division or the Formation level, if so designed. Failure by the Service/Division or Formation to resolve the grievance, the Chief of the Service/Division or Formation has to address the grievance within ten days. If the Chief of Service/Division or Formation fails, the Grievance Board must resolve it within 30 days.

In case of failure by the Grievance Board to resolve it, a recommendation to the Secretary for Defence (SECDEF) must be submitted, to whom ten days is afforded for a final decision. This process is suitable for DAP staff because of uniqueness of their terms and conditions of service, with a final decision lying with Chief of the SANDF. If a uniformed employee has a grievance whilst being deployed elsewhere outside the borders of South Africa for operational reasons, sufficient time is needed to collate information.

Comparatively with the Resolution for PSAP/Civilians personnel, the grievance is finalised within 30 days. Failure by the employer to have the grievance resolved within 30 days, the aggrieved employee can refer it for a Conciliation Board meeting. If the grievance remains unresolved, the employee can pursue the

grievance through arbitration and be ultimately filed to the Labour Court for intervention. Owing to a lack of knowledge, expertise and capacity at unit levels, the PSA observed serious deficiency in service delivery. The intimidation of PSAP/Civilans by Officers Commanding (OC) when they are reporting the grievance to capturing is overwhelming. The statistics on the number of grievances is misleading.

The facilitator proposed that labour should submit inputs on the employer's Individual Grievance Procedure Gazette for consideration. Members are requested to submit inputs on the Individual Grievances Regulations as published in *Government Gazette No 1263* on 14 October 2016, which is accessible on the Intranet or available from shop stewards, on or before 7 June 2021 to Anadele.Coetzee@psadirector.co.za; 0829493764@vodamail.co.za; natalie.adams.sec@gmail.com; natalie.adams@psaftss.co.za or arnold.dlamini@psa.co.za.

The PSA sympathises with all members who are impacted by the COVID-19 pandemic and reminds members to take utmost care in view of the looming third wave of this deadly pandemic.

Members will be informed of developments.

GENERAL MANAGER