



Grievance Policy

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Grievance Policy

1 Policy Objectives

- 1.1 The purpose of this policy is to provide management and employees with a framework within which grievances will be handled and to facilitate the resolution of employee grievances that may arise over employment-related issues as informally and effectively as possible and without the unnecessary escalation of disputes.
- 1.2 The aim of this policy is to enable employees to have their grievances resolved fairly, quickly, and at the earliest possible stage.

2 Definition

A “grievance” is any feeling of dissatisfaction or perceived unfair treatment, which an employee experiences in relation to his/her work, working environment, colleagues, or any aspect relating to his/her employment situation.

3 General Principles

- 3.1 Any employee who has a grievance to lodge is entitled and encouraged to make use of the grievance procedure.
- 3.2 It is the responsibility of management to investigate and resolve employee grievances timeously.
- 3.3 The principle of *one-up referral* will apply in the grievance-resolution process i.e. any grievance that cannot be settled at one level is referred to the next level of management.
- 3.4 Management must always attempt to ensure that grievances are handled promptly and fairly, and without prejudice, unfair discrimination, and victimisation, and resolve that grievance as soon as possible within the prescribed time limits.
- 3.5 The lodging of grievances must, except in exceptional cases, take place within a reasonable time from the time that the employee/s becomes aware of the matter giving rise to such grievance.
- 3.6 If the procedure requires the referral of a grievance to a particular manager and if the grievance relates to that manager, then such grievance must be referred to a more senior manager in that line of authority.
- 3.7 The investigation of grievances may take any form e.g. interviews, checking of records, consultations, etc. or more formal forms of dispute resolution considered appropriate by management to resolve the matter.
- 3.8 Except in instances where the grievance is of a serious nature, or where the employee so requests, a formal grievance hearing need not be convened in every instance. Often an informal meeting between the employee and his/her manager is the most effective way of resolving minor complaints, and doing so encourages direct communication between management and staff.

4 Formal Grievances

- 4.1 When a formal grievance is lodged with management, management shall convene a formal hearing into the facts of the case, carried out in accordance with the following general principles:
 - 4.1.1 Management shall appoint a chairperson.

- 4.1.2 The time, date, and venue of the grievance hearing shall be set by the company.
- 4.1.3 The grievant/s shall have the right to request an interpreter. It is the duty of the company to provide an interpreter should the employee request one.
- 4.1.4 The employee/s and his/her/their shop steward shall have the right to present his/her/their case and lead evidence, call witnesses, question witnesses, and/or have copies of any documents produced as evidence at the hearing. In presenting his/her/their case, the grievant/s will be required to state the grounds and reasons of the grievance, and, where appropriate, lead evidence and argue in this regard. The chairperson of the grievance hearing may request additional evidence and/or witnesses to be led in the hearing to determine the merits of the grievance. The chairperson will then decide on the merits of the grievance and identify any appropriate remedial action, should the parties to the grievance fail to reach consensus as to a solution. This is to be provided in writing.
- 4.1.5 Should the grievance not be resolved to the satisfaction of the employee/s, he/she/they shall be entitled to proceed to the next stage of the grievance procedure.
- 4.1.6 A record of the proceedings will be kept by a person appointed or nominated by the chairperson of the grievance hearing.
- 4.1.7 An employee shall be entitled to be represented by a fellow employee from the workplace at which he/she is employed. However, it is his/her duty to arrange for such representation. No external representation shall be allowed.
- 4.1.8 In cases where collective grievances are addressed, a maximum of two observers (inclusive of the grievant/s) will be allowed to attend the grievance hearing in addition to the representatives. Any further grievant/s may be called individually into the grievance hearing to present their case.

5 Stages of the Grievance Procedure

5.1 Stage One:

- 5.1.1 An employee who believes that he/she has a grievance must first report such grievance to the manager (or his/her designate).
- 5.1.2 The manager (or his/her designate) must endeavour to resolve the grievance and communicate the outcome to the employee as soon as possible. Once a decision has been given by the manager (or his/her designate) and the employee feels that the matter must be pursued further, then Stage Two becomes effective.
- 5.1.3 In the event of an employee having a complaint about his/her immediate supervisor, he/she must approach the next reporting level of his/her immediate supervisor directly for the purpose of resolving the grievance.

5.2 Stage Two:

- 5.2.1 If the employee elects to proceed with the grievance, he/she shall, with the assistance of his/her representative, if he/she so wishes, lodge the grievance with the manager (or his/her designate).

5.2.2 A chairperson of the same or higher status as the chairperson of the original grievance hearing will then be appointed and a further grievance hearing convened.

5.2.3 If a grievance remains unresolved after being taken to the highest possible internal level, the complainant may refer a dispute to the Commission for Conciliation, Mediation and Arbitration or a relevant bargaining council in accordance with the provisions of the Labour Relations Act.

6 Misconduct and Grievances (delete if not applicable)

Grievances that occur as a result of disciplinary action taken by the employer will be dealt with in terms of the appeal procedure in the employer's disciplinary procedure.

7 Collective Grievances

7.1 Grievances of a collective nature that may lead to collective bargaining and/or joint consultation should be dealt with in terms of appropriate procedures established for those purposes.

7.2 No industrial action (by strike, lock-out or other means) should be taken by either the employees or the employer until all stages of the procedure have been completed and "failure to agree" finally recorded.

8 Time Limits

The following schedule constitutes a guide as to the time periods within which the various stages of the grievance procedure are to be initiated. The time limits are in no way prescriptive and may be varied based on the circumstances of each case, subject to the requirements of fairness and reasonableness.

	Procedural Step	Time Period
Stage One	Lodgement of a grievance	Within 3 days of incident giving rise to grievance
	Notice of a grievance hearing	Within 5 days of lodgement of grievance
	Grievance hearing	Within 4 days of notification to attend grievance hearing
	Finding of grievance hearing	Within 7 days of grievance hearing
Stage Two	Lodgement of grievance	Within 3 days of finding of grievance hearing
	Notice of grievance hearing	Within 5 days of lodgement of grievance (Stage 2)
	Convening of grievance hearing	Within 4 days of notification of grievance hearing (Stage 2)
	Finding of grievance hearing	Within 7 days of convening grievance hearing (Stage 2)

9 Forms

9.1 The grievance form, together with all relevant documentation, shall be submitted by the employee concerned to the relevant manager. The grievance form shall be completed by the employee prior to the initiation of each level of the grievance procedure.

9.2 To assist in the application of the procedure, the following standard forms are available:

9.2.1 Grievance form.

9.2.2 Notice to attend grievance hearing (grievant).

9.2.3 Notice to attend grievance hearing (respondent).

- 9.3 Grievances should be raised in writing (other than in exceptional circumstances where there are good reasons why the employee does not feel comfortable or able to do so). The employee should state as clearly and concisely as possible what the issue is as well as the desired outcome/solution.

10 Victimisation

- 10.1 Employees may lodge grievances without fear of victimisation.
- 10.2 No shop steward shall be victimised as a result of having advised or represented any employee lodging a grievance.
- 10.3 Where victimisation is suspected, an employee may submit details in terms of the grievance policy.

11 Agreement and Compliance

It is the employee's responsibility to contact management should he/she have any queries.

I, _____ (name), hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions herein.

Employee signature as receipt hereof	
Date	