



Isalathiso: 20171003-5426
3/3/4/3
Imibuzo: S Faker

Isetyhula: 0045/2017
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli (kwaNdlunkulu nakwii-ofisi zezithili), kumaSekela-Balawuli, kuBaphathi beeSekethe, kwiiNtloko zoQuquzelelo neeNgcebiso ngeze-SLES, kuMagosa eZithili, kwiiNqununu, nakooSihlalo bamabhunga olawulo ezikolo zikarhulumente

Isishwankathelo esifutshane: *Ukufakelwa kwezilungiso kwinkqubo yezikhalazo esebenza kootitshala njengoko icacisiwe kwiSahluko (Chapter) G soxwebhu lwe-Personnel Administrative Measures (PAM), olwapapashwa kwiSaziso sikaRhulumente 39684 se-12 Februwari 2016*

ISIHLOKO: IZILUNGISO EZIFAKELWE KWINKQUBO YEZIKHALAZO ESEBENZA KOOTITSHALA

1. INTSHAYELELO

- 1.1 UMphathiswa weSebe leMfundo esiSiseko, uNks AM Motshekga, ubhengeze ukufakelwa kwezilungiso kuxwebhu lwe-PAM nge-12 Februwari 2016 ngokungqinelana nesiqendu 4 soMthetho weNgqesho yooTitshala, 1998 (uMthetho 76 ka-1998) owamisela waza wazinzisa imimiselo nemiqathango yengqesho yootitshala.
- 1.2 Niyacelwa niqwalasele umhlathi 4.1 no-4.2 weSetyhula 0037/2013, ecacisa inkqubo emayilandelwe xa utitshala osenkonzweni kwiSebe leMfundo leNtshona Koloni (ISebe iWCED) anqwenela ukufaka isikhalazo, njengoko kucacisiwe kwi-PAM.
- 1.3 Le setyhula icacisa inkqubo yezikhalazo yootitshala ehlaziyiweyo ngokungqinelana nezilungiso ezifakelwe kuxwebhu lwe-PAM

2. INJONGO

Injongo ephambili kukomeleza inkqubo yezikhalazo kwimfundo karhulumente ngokukhuthaza:

- (a) ukusingathwa kwezikhalazo ngokukhawuleza, kungakhethwanga cala nangokulinganayo;
- (b) ubudlelane obuhle emsebenzini;
- (c) ukusonjululwa kwesikhalazo somqeshwa ngamnye kwelona nqanaba lisezantsi linokubakho apha kwisebe; kwakunye
- (d) nokuthintela iingxabano.

3. UKUFAKELWA KWEZILUNGISO KWINKQUBO YEZIKHALAZO

3.1 Isilungiso sokuqala esingundoqo lutshintsho kwizahluko, (*chapters*) ukuqalela kwiSahluko H ukuya ku-G kuxwebhu lwePAM.

3.2 Okwesibini, nawuphi na utitshala onesikhalazo sokuphatheka kakubi, makalandele, kwixa elizayo, inkqubo engamiselwanga (*informal route*) (isikhalazo) ngokuthethana nesuphavayiza emphetheyo kunye/okanye nomphathi ochaphazelekayo ngokunganeliseki kwakhe, okanye makasebenzise ifom emiselweyo asibhale phantsi isikhalazo eso. Ifom yeSikhalazo (**IsiHlomelo A**) iqhotyoshelwe apha ukulungiselela wena.

4. UKUJONGANA NEZIKHALAZO

4.1 Inqanaba elingamiselwanga (isikhalazo)

4.1.1 Le yinkqubo engamiselwanga yaye ayinamkhethe kumaqela achaphazelekayo nokuba ngawaphi na.

4.1.2 **Bayakhuthazwa ootitshala ukuba balandele inkqubo engamiselwanga (*complaint*) ngokuthethana nentloko yeziko/nomphathi ochaphazelekayo phambi kokufakwa kwesikhalazo ngokumiselweyo.**

4.1.3 Makwenziwe imigudu ngokunyanisekileyo yintloko yeziko/ngumphathi ochaphazelekelayo ngodliwano-ndlebe olwenziwa ngomlomo (*oral interview*). Ngethuba lale nkqubo akukho zirekhodi ziya kugcinwa ngokuthe kwaxoxwa ngako.

4.1.4 Akuvumelekanga ukuba kubekho ongummeli kweli nqanaba, kodwa nakuba kunjalo, utitshala unokucela umakhi-mkhanyo (*observer*).

4.1.5 Ziyakhuthazwa iintloko zamaziko/abaphathi abachaphazelekayo ukuba bayigqibe le nkqubo zingadlulanga iintsuku zomsebenzi eziyi-10 zakuba zisifumene isikhalazo.

4.1.6 **Injongo yoku kukomeleza nokujongana ngokuyimpumelelo nale nkqubo yezikhalazo ukuthintela ukufakwa kwesikhalazo okumiselweyo.**

4.2 Inqanaba elimiselweyo

4.2.1 Le yinkqubo emiselweyo yaye isikhalazo siyabhalwa phansti kukho nentloko yeziko/nomphathi ochaphazelekayo ngokusebenzisa i-Fom yeSikhalazo (*Grievance Form*) (IsiHlomelo A), zingadlulanga iintsuku eziyi-90 ukususela kulo mhla utitshala athe wanolwazi ngawo ngesenzo eso okanye ngalo mposiso ithe yamchaphazela ngokungalunganga.

4.2.2 Amaxesha amisiweyo amele ukubalwa ngokuthi lungabandakanywa usuku lokuqala kodwa lubandakanywe usuku lokugqibela.

4.2.3 Ukuba utitshala akonelisekanga ngesiphumo ekubhekiswa kuso kumhlathi G.4.2 we-PAM, lowo ufake isikhalazo unokuwuthumela lo mbandela ngencwadi ebhaliweyo, ngesandla okanye ngencwadi ebhalisiweyo, kunye nesigqibo sentloko yeziko/somphathi ochaphazelekayo, ngokwalo meko kuyiyo, kwiNtloko yeSiphaluka/ yeSithili (*Regional/District Head of Education*) kwimeko katitshala osesikolweni, okanye kwi-ofisi ekubhekiswa kuyo kumhlathi G.4.2.4 we-PAM kwimeko katitshala ongaphandle esikolweni, zingadlulanga iintsuku zomsebenzi ezintlanu zokungaphumeleli kwamaqela achaphazelekayo ukusisombulula isikhalazo.

4.2.4 **Injongo yoku kukomeleza nokujongana ngokuyimpumelelo nale nkqubo yezikhalazo ukuthintela ingxabano.**

5. **Isikhokelo esingokuzaliswa kweFom yeSikhalazo (*Grievance Form*) (*Annexure A*)**

5.1 Le fom mayisetyenziselwe ukufaka isikhalazo esisemthethweni (kungabandakanywanga isityholo sokugxothwa ngokungenabulungisa (*an alleged unfair dismissal*)) xa utitshala engonelisekanga sisenzo okanye yimposiso ethile athe akabinakho ukuyisombulula loo ngxaki kwithuba lenqanaba lesikhalazo.

5.2 Kufuneka utitshala asifake isikhalazo sakhe zingadlulanga iintsuku eziyi-90 ukususela kuloo mhla athe wanolwazi ngawo ngesenzo eso okanye ngalo mposiso ithe yamchaphazela ngokungalunganga.

5.3 Utitshala unokuncediswa okanye amelwe ngomnye utitshala ongugxa wakhe kunye/okanye ngummeli wakhe kunye/okanye ligosa lombutho wabasebenzi owaziwayo (*a recognised trade union*).

5.4 Kubalulekile ukuqinisekisa ukuba izaliswe ngokuchanekileyo yonke ingcaciso. Yakuba izalisiwe ifom, mayinikwe intloko yeziko/umphathi ochaphazelekayo owalathelwe ukuququzelela inkqubo yezikhalazo kwiziko akulo utitshala lowo. ISebe iWCED liya kuyiqhoboshela le fom kumaxwebhu ezikhalazo yaye iya kusetyenziswa kuzo zonke izigaba zenkqubo yezikhalazo.

- 5.5 Njengokuba intloko yeziko/umphathi ochaphazelekayo ezama ukusombulula isikhalazo kwisigaba ngasinye, iqela ngalinye elichaphazelekayo, liya kuzalisa icandelo lefom elifanelekileyo. Utitshala uya kunikwa ithuba lokuphendula kwikhomenti nganye.
- 5.6 Kwakugqitywa isigaba ngasinye senkqubo yezikhalazo, intloko yeziko/umphathi ochaphazelekayo uya kunika utitshala ikopi yefom ezaliswe ngokupheleleyo.
- 5.7 Sakuba sisonjululwe isikhalazo, akukho mfuneko yokuba utitshala alizalise icandelo lefom eliseleyo.
- 5.8 Bayacelwa ootitshala bazalise i-Candelo A no-B (*Parts A and B*) kule fom baze bayingenise emva koko kwintloko yeziko/kumphathi ochaphazelekayo, ngokwaloo meko kuyiyo kwiziko/kwi-ofisi leyo. Intloko yeziko/umphathi ochaphazelekayo, ngokwaloo meko kuyiyo, uya kufaka isignitsha yakhe kwibloko engezantsi kweCandelo (*Part*) B kule fom ukubonisa ukuba samkelwe isikhalazo. Utitshala makaqinisekise ukuba uyayifumana ikopi yale fom apho kuvunywe khona ukuba sifunyenwe isikhalazo sakhe.
- 5.9 ICandelo (*Part*) C leFom yeSikhalazo liya kuzaliswa yintloko yeziko/ngumphathi ochaphazelekayo, ngokwaloo meko kuyiyo, yaye utitshala ofake isikhalazo uya kunikwa ikopi ngethuba lezigaba ezahlukeneyo ekuya kwenziwa ngazo iinzame zokusombulula isikhalazo.
6. Uyacelwa uqaphele ukuba iiFom zeZikhalazo ezingazaliswanga ngokupheleleyo **aziyi** kufakwa kwikhompyutha (*captured*), okanye zibhaliswe yaye akunakwenziwa nophando ngesikhalazo.
7. Ukuqinisekisa ukuthotyelwa kwemimiselo nemithetho esebenzayo, ziyakhuthazwa ngamandla iiNtloko zaMaziko/aBaphathi abachaphazelekayo ukuba babambebele mbo kumaxesha amisiweyo acaciswe kwi-PAM yaye mabasebenzise esi sikhokelo sicaciswe kwiziHlomelo B no-C, ukuququzelela nokusombulula inkqubo yezikhalazo.
8. ICandelo lezoBudlelwane eMisebenzini limele ukwaziswa ngesiphumo sesikhalazo, yaye masibe nawo onke amaxwebhu ayimfuneko, zingadlulanga iintsuku ezintlanu zokugqityezelwa kwesikhalazo kwinqanaba lesithili.
9. Apho utitshala aziva ephatheke kakubi ngokumalunga nesicelo sakho sekhefu lokungaphili okwethutyana (*application for temporary incapacity leave*) (ngokungqinelana noMgaqo-nkqubo i-*Policy on Incapacity Leave and Ill-Health Retirement (PILIR)*) kunye/okanye amalungelo avela kwinkonzo abandakanya, kodwa engaphelelanga kwimivuzo, iibhonasi nezibonelelo, imibuzo elolu hlobo **mayibhekiswe** kumphathi ochaphazelekayo kwaNdlunkulu.

10. Kufuneka iintloko zamaziko/abaphathi abachaphazelekayo bazise bonke abasebenzi ngokuqulethwe yile setyhula okumalunga nezilungiso ezifakelwe kwinkqubo yezikhalazo esebenza kootitshala.
11. Bonke ootitshala abatsha bamele ukuba bayaziswa ngokukhawuleza ngale setyhula ngokukhawuleza bakuba beqeshiwe nakweliphi na iziko kumaziko emfundo eSebe iWCED.

ISAYINWE: NGU-BK SCHREUDER

INTLOKO: YESEBE LEMFUNDO

UMHLA: 2017-11-18

GRIEVANCE FORM**G.1****PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THE FORM**

1. This form must be used to lodge a formal grievance (excluding an alleged unfair dismissal) when you are dissatisfied with an act or omission and you have been unable to resolve the problem by using informal discussion.
2. You have to lodge your grievance within 90 days from the date on which you became aware of the act or omission which adversely affects you.
3. You may be assisted or represented by a fellow educator or a representative or official from a recognised trade union.
4. It is important to complete all information accurately. When the form is completed, it must be given to the person designated to facilitate grievances at your institution. The department will attach this form to the grievance documentation and it will be used through all stages of the grievance procedures.
5. At each stage where a person within the relevant structure of authority attempts to resolve the grievance, each party will complete the appropriate part of the form. You will be given an opportunity to respond to each and every comment.
6. At the conclusion of each stage of the grievance procedure, the head or supervisor will provide you with a copy of the completed form.
7. Once the grievance has been resolved, you do not need to complete the rest of the form.
8. You are required to complete Parts A and B of this form and to then hand it to the head or the supervisor, as the case may be, at your institution/office. The head or the supervisor, as the case may be, will affix his/her signature in the block below Part B of the form to indicate that the grievance has been received. Ensure that you receive a copy of the form where receipt of your grievance has been acknowledged.
9. Part C of the grievance form will be completed by the head or the supervisor, as the case may be, and the grievant will be provided with copy during the various stages where attempts will be made to resolve the grievance.

PART A: PERSONAL PARTICULARS

To be completed by the aggrieved educator

INITIALS AND SURNAME		
PERSAL NUMBER		
REGION/DISTRICT		
SCHOOL/OFFICE		
RANK/POST LEVEL		
DATE ON WHICH YOU BECAME AWARE OF THE ACT OR OMISSION		
PERSONAL CONTACT DETAILS	TEL:	CELL:
	FAX:	
CONTACT DETAILS OF REPRESENTATIVE	TEL:	CELL:
NAME OF TRADE UNION		
CONTACT DETAILS OF TRADE UNION	TEL:	CELL:

PART B: DETAILS OF THE GRIEVANCE

To be completed by the aggrieved educator

What are you aggrieved about?

(If space below is not enough, please attach additional page(s))

What solutions do you propose?

SIGNATURE: _____

DATE: _____

Receipt of grievance form acknowledged and a copy given to aggrieved educator

SIGNATURE: _____

DATE: _____

NAME: _____

RANK: _____

PART C: GRIEVANCE RESOLUTION: LEVELS

NOTES:

This part of the form makes provision for levels of authority to attempt to resolve the grievance. Depending on the circumstances, one or more pages below need to be completed.

The grievance must be dealt with by the applicable levels within the periods referred to in the procedure, unless extended by agreement with the aggrieved educator.

Should the grievance not be attended to within the periods referred to in the procedure or extended period agreed to with the aggrieved educator, in the case of an alleged unfair labour practice, the aggrieved educator has the right to refer a dispute to the Education Labour Relations Council to be dealt with in terms of the dispute resolution procedures.

To be completed on behalf of the Head of Department

NAME OF OFFICIAL			
DESIGNATION			
RELATIONSHIP WITH AGGRIEVED EDUCATOR	SUPERVISOR/ HEAD	COMPONENT HEAD	DISTRICT HEAD/DIRECTOR
TEL:	CELL:		FAX:
WAS THE GRIEVANCE RESOLVED?	YES		NO

Comments by the aggrieved educator if necessary

SIGNATURE: _____
On behalf of Employer

DATE: _____

NAME: _____

RANK: _____

Was the grievance resolved?	YES		NO	
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Comments by the aggrieved educator if necessary

EDUCATOR SIGNATURE: _____ DATE: _____

PART D: REGION/DISTRICT OR DEPARTMENTAL LEVEL

<i>To be completed on behalf of the Head of Department</i>			
NAME OF OFFICIAL			
DESIGNATION			
RELATIONSHIP WITH AGGRIEVED EDUCATOR	DISTRICT/REGIONAL HEAD	COMPONENT HEAD	DIRECTORATE
TEL:	CELL:	FAX:	

Decision in respect of the grievance and reasons for the decision:

(If space below is not enough, please attach additional page(s))

SIGNATURE: _____ DATE: _____

On behalf of Employer

NAME: _____ RANK: _____

Was the grievance resolved?	YES		NO	
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If no, the aggrieved educator must explain why he/she is still dissatisfied:

EDUCATOR SIGNATURE: _____

DATE: _____



GENERAL GRIEVANCES REPORT FORM

GRIEVANCE PROCESS AT SCHOOL LEVEL

NO.	QUESTIONS	YES	NO
1	Is the educator aware of the grievance procedure?		
2	Is the educator aware of the informal and formal stages of the grievance procedure?		
3	Is the educator aware of the applicable time frames?		
4	Is the educator aware of his/her rights in following the grievance procedure?		
5	Was the Grievance Form (G.1) used and was the time frame of 90 days adhered to?		
6	Was it explained to the grievant that he/she has the right to representation from a fellow employee or union representative?		
7	Was the <i>audi alteram partem</i> principle applied?		
8	Is the decision-making/outcome of the grievance defensible?		
9	If the grievance remains unresolved, is the grievant aware that the matter can be escalated to district level?		
10	Did you convene a meeting with the grievant within three days in an attempt to resolve the matter?		
11	Did you reduce the outcome of the grievance to writing and communicate the outcome to the grievant within five days after the meeting?		

Date grievance was lodged	Date meeting was facilitated	Date that report was communicated

Reasons for not complying with time frames

Outcome of the grievance meeting: Grievance was: resolved / not resolved

Supervisor/principal signature	Grievant signature	Representative signature



GRIEVANCE PROCESS AT DISTRICT LEVEL

What is the nature of the grievance?

What is the desired outcome that the grievant is seeking?

GRIEVANCE CHECKLIST: LINE MANAGER/LABOUR RELATIONS OFFICER/SUPERVISOR

NO.	QUESTIONS	YES	NO
1	Did you act impartially/experience no conflict of interest in handling the matter?		
2	Were you a party involved in the matter?		
3	Are you familiar with the procedure and time frames?		
4	Are you in possession of all relevant and/or supporting documentation to handle the grievance?		
5	If documentary evidence is needed in order for the grievant to apply the <i>audi alteram partem</i> principle, did you assist?		
IDENTIFYING ISSUES — CONDUCTING A PROPER ASSESSMENT			
6	Were the identified issues properly assessed and dealt with adequately?		
7	Was the grievance issue clarified with the person that feels aggrieved and are the parties clear on the issue that needs to be addressed?		
8	Did you distinguish between issues in dispute and issues that are common cause?		

PROCESSES, ACTIONS, DECISIONS — IMPARTIAL AND TRANSPARENT			
9	Did you apply principles such as reasonableness, fairness, lawfulness in handling the grievance?		
10	Did you convene a meeting within five days with the grievant in an attempt to resolve the matter?		
11	Did you reduce the outcome of the grievance to writing and communicate the outcome to the grievant within five days after the meeting?		
12	Would the grievant and/or any other party be in a position to understand how you arrived at a particular decision?		
ADDITIONAL CONSIDERATIONS			
13	Was confidentiality maintained during the process?		
14	Can you concur that the <i>audi alteram partem</i> principle was applied?		

Outcome of the grievance meeting:	
Grievance was: resolved / not resolved	

District official signature	Grievant signature	Representative signature

**PLEASE NOTE: THIS CHECKLIST MUST BE SENT WITH THE DISPUTE TO THE DIRECTORATE :
EMPLOYEE RELATIONS – HEAD OFFICE**



FILLING OF ADVERTISED VACANCY GRIEVANCE REPORT FORM

NO.		YES	NO
ADVERTISEMENT			
1	Was it discriminatory in nature?		
2	Did it cover key performance areas of the post as per job specifications?		
3	Was it beneficial only in respect of a particular individual with the aim to exclude others?		
4	Were the criteria fair and reasonable?		
SHORTLISTING PROCESS			
5	Was the grievance referred within the relevant time frame (30 days)?		
6	Was the grievant shortlisted for the purpose of an interview?		
7	Was the grievant given ample time to prepare for the interview?		
8	Was the process conducted by an interview committee as required by law?		
9	Was the interview committee elected by a fully constituted governing body?		
10	Were criteria applied in line with the advertisement?		
11	If members were co-opted to the interview committee, was the process followed correctly?		
12	Did the governing body/interview committee use a scoring grid during the shortlisting process? If not, which method was used?		
13	Was consideration given to Employment Equity processes?		
14	Does the grievant meet the minimum requirements for the advertised vacancy?		
15	Were there any deviations from the agreed upon process as determined by the governing body/interview committee?		
16	Were there any other procedural irregularities as required by law		

INTERVIEW PROCESS			
17	Was the grievant interviewed for the post?		
18	Was the grievant one of the nominated candidates for the advertised vacancy?		
19	Can you confirm that the criteria used by the interview committee whether using scoring/consensus or voting during the interview process was fairly applied.		
20	If scoring was used, was a benchmark applied?		
21	If scoring was used, are scoresheets available?		
22	Were questions related to the set criteria for the advertised vacancy?		
23	Did the governing body/interview committee compile a preference list?		
24	Did a motivation accompany each nominated candidate's ranking?		
25	Were there any deviations from the agreed upon process as determined by the governing body/interview committee?		
26	Were there any other procedural irregularities in the process		
GENERAL			
27	Does the grievant claim he/she is the best candidate for the post?		
28	Does the grievant contend that had it not been for the irregularities/procedural deviations that he/she would have been appointed?		
29	In your view, does the grievant possess a similar or higher skill set, qualifications and experience than the nominated candidate(s)?		
30	Were subjective considerations by the governing body/interview committee taken into account in arriving at their nomination? If so, what were these considerations?		
31	Was the process used to identify suitable candidates for nomination fair?		
32	Was there a WCED representative/resource person as required by law (for principal posts) present during all the processes for the filling of the vacancy?		
33	Is the basis that the grievant claim unfair conduct in relation to the advertised post justifiable if no, provide reasons?		
34	Is there any procedural irregularities that could amount to prejudice the grievant or WCED?		
35	Can the grievant demonstrate the existence of any conduct which resulted in him/her being denied a fair opportunity to compete for		

	the advertised post?		
36	If an interview committee conducted the process, were the recommendations ratified by a full governing body?		
37	Were educator unions invited to attend all the processes for the filling of the advertised vacancy?		
38	Was a competency-based assessment done through the WCED?		
39	Were fair criteria set for the competency-based assessment?		
40	Does the grievant seek any relief if yes, please elaborate?		

Findings and recommendation(s):

Investigating Officer/WCED representative signature

Date

Findings and recommendation(s): **supported** **not supported** **amended**

District Director signature

Date