




## GRIEVANCE POLICY

Policy Owner:	Bottle Buhle Brands (Pty) Ltd		
Effective Date:	8 <sup>TH</sup> October 2023		
Version:	Version 1		
Authorised by:	CEO		08/10/2023
		Signature	Date
Note:	Bottle Buhle Brands (Pty) Ltd reserves the right to amend the contents of this policy as and when required. The policy currently in effect will apply to all employees regardless of the policy that applied at the time of employment.		

### 1. Scope/objective of the policy

- 1.1 The objective of the policy is to give guidance and to provide a framework for all Employees and Management of Bottle Buhle Brands (Pty) Ltd, hereafter referred to as Bothle Buhle Brands to effectively deal with grievances. This policy applies to all Employees of Bothle Buhle Brands.

### 2. Definitions

- 2.1 **‘Grievance’** is a complaint or concern that an Employee (the aggrieved Employee) may have in relation to the conduct of a manager, or another Employee, or a working condition or issue/incident that has taken place or persists in the workplace. In simple terms, a grievance is any feeling of unhappiness or complaint by an Employee or group of Employees about something at work.

### 3. Legal principles

The following legislation is applicable to this policy:

- 3.1 Basic Conditions of Employment Act, Act 75 of 1997;  
3.2 Labour Relations Act, Act 66 of 1995;  
3.3 Employment Equity Act, Act 55 of 1998; and  
3.4 Department of Labour Code of Good Practice, 2004.

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#### **4. Policy**

- 4.1 A grievance is a complaint or concern that an Employee (the aggrieved Employee) may have in relation to the conduct of a Manager or another Employee or a working condition, issue or incident that has taken place or persists in the workplace. In simple terms, a grievance is any feeling of unhappiness or complaint by an Employee or group of Employees about something at work.
- 4.2 A grievance is initiated by an unhappy Employee, or group of Employees.
- 4.3 An appeal against the outcome of a disciplinary enquiry (when an Employee is unhappy with the outcome/sanction he/she has been given after a disciplinary action has been held) is not regarded as a grievance. An appeal against the outcome of a disciplinary enquiry will be handled in accordance with Bottle Buhle Brands' Appeals Policy.
- 4.4 Reasons why Employees may lodge a grievance<sup>1</sup>, are listed below:
- 4.4.1 Incompatibility between Employees (e.g. two Employees sharing an office and the one Employee is extremely untidy and inconsiderate which affects the other Employee badly).
  - 4.4.2 Unsatisfactory working conditions.
  - 4.4.3 Unfair implementation or non-implementation of company policies or procedures by a Manager or Supervisor (i.e. unfair discrimination).
  - 4.4.4 Unfair treatment by a Manager or Supervisor.
  - 4.4.5 Harassment (e.g. racial, verbal, sexual or any other form of harassment).
  - 4.4.6 The attitudes, values or prejudices of Managers or other Employees.
  - 4.4.7 Rumours about things that affect Employees.
  - 4.4.8 Failure to acknowledge proposals that the Employee has made.
  - 4.4.9 Failure to deal with issues that the Employee has raised.
- 4.5 Grievances should be raised in writing (other than in exceptional circumstances where there are good reasons why this is not possible – refer to Grievance Form attached).

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<sup>1</sup> 2008. Labour Law for Managers. Practical Handbook

The Employee should state the issue/grievance as clearly as possible together with the required/requested outcome.

- 4.6 Bottle Buhle Brands acknowledges that any Employee who has a grievance or is dissatisfied with any matter concerning the Employee's work situation or conditions of employment, shall have the right to lodge a grievance with the organisation.
- 4.7 Bottle Buhle Brands undertakes to consider and attempt to resolve any grievances at the earliest possible time to the satisfaction of both parties.
- 4.8 The following principles apply to the handling of grievances within Bottle Buhle Brands:
  - 4.8.1 Any Employee or group of Employees may lodge grievance/grievances, which directly concern them.
  - 4.8.2 Any grievance lodged will be attended to as speedily as possible and will not be unreasonably delayed.
  - 4.8.3 Management will consider all grievances lodged in a fair and just manner.
  - 4.8.4 No victimisation of any Employee who has lodged a grievance will be tolerated.
  - 4.8.5 An interpreter will be allowed if requested by the complainant.
  - 4.8.6 Management will investigate the alleged situation by allowing both parties to call witnesses to testify if necessary.
  - 4.8.7 Witnesses will be questioned if necessary.
  - 4.8.8 Cross-examination should not be allowed.
  - 4.8.9 The investigation will not proceed if the aggrieved party is not present.
  - 4.8.10 Any Employee lodging a grievance may be accompanied and represented at any stage of the procedure by a colleague of his/her choice, or by a shop steward (if applicable), who is an Employee of Bottle Buhle Brands.
  - 4.8.11 Employees will be remunerated at their normal pay rates for the time spent with Management in discussing grievances on condition that the laid down grievance procedure is being complied with at the time.
  - 4.8.12 Grievance meetings may continue after hours if required to handle the matter.

4.9 Employees are expected inter alia to:

- 4.9.1 Comply with the various policies and procedures of Botle Buhle Brands as per the Human Resources Manual.
- 4.9.2 Perform their duties as per the contract of employment.
- 4.9.3 Carry out all reasonable and lawful instructions given to them.
- 4.9.4 Behave in an orderly and lawful manner.
- 4.9.5 Treat Botle Buhle Brands' property with care and respect and not to use such property for anyone's own benefit.
- 4.9.6 Treat all other persons and their property with respect.
- 4.9.7 Not to victimise or intimidate any other Employees.
- 4.9.8 Make themselves available for work in terms of the rules set by Botle Buhle Brands and to keep to the laid down working hours.
- 4.9.9 Perform their duties to the standards required by Botle Buhle Brands.

**5. Procedure**

The procedure in which grievances will be handled is described below.

**5.1 STEP ONE – LINE MANAGEMENT LEVEL OR IMMEDIATE SUPERIOR**

An Employee who has a grievance must first bring it to his/her line Manager/immediate Superior's attention who shall endeavour to resolve the issue within two (2) working days of the issue being raised.

If the Employee is not satisfied with the Superior's decision, the Employee shall have the right to raise a formal grievance with the next level of Management within two (2) working days of the Superior's decision.

**5.2 STEP TWO - HIGHER MANAGEMENT LEVEL**

If the Employee is not satisfied with the Superior's decision, or if the grievance concerns the Employee's Superior, then the Employee shall complete a Grievance Form and submit it to the next level of Management within two (2) working days.

The relevant Manager shall arrange a meeting within two (2) working days after having received the Grievance Form. The parties concerned may extend the time period upon agreement. The meeting shall be attended by the Employee, a representative, (if requested by the Employee) and the immediate Super (if applicable).

The meeting shall be chaired by an appropriately appointed person. The minutes of the meeting shall be kept on the Employee's file for future reference.

The following guidelines apply to the handling of grievance meetings:

- 5.2.1 The aggrieved Employee(s) will be notified of the grievance meeting in writing two (2) days in advance if practical.
- 5.2.2 The parties involved (i.e. when a grievance has been lodged against another party/person) in the grievance meeting will also be notified of the grievance meeting two (2) days in advance if practical.
- 5.2.3 The Chairperson must advise the parties present of the purpose of the grievance meeting.
- 5.2.4 The aggrieved Employee and/or his/her representative must be given an opportunity to motivate the grievance.
- 5.2.5 The person against whom the grievance was lodged must be given the opportunity to respond to the grievance.
- 5.2.6 Both parties may call witnesses to motivate their cases.
- 5.2.7 The grievance hearing might be adjourned if necessary.
- 5.2.8 The Chairperson will facilitate the grievance hearing in order to achieve the desired result(s).

### 5.3 STEP THREE - TOP MANAGEMENT LEVEL

- 5.3.1 If the Employee has received no satisfactory answer within two (2) working days of the formal grievance having been lodged, this shall be noted on the Grievance Form and the Employee should be advised to take the issue to Top Management, which must be done within two (2) working days of the

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Manager's decision. The Employee will complete the grievance form in such a case.

5.3.2 The Manager in Step Two will advise the Chairperson, who shall arrange a meeting, consisting of all the parties in Step Two, within two (2) working days after the decision of the Manager in Step Two has been passed to the Employee. This time period may be extended by consent of the parties concerned. Minutes, which shall be kept of such meeting, may be either in writing or on a tape recording, however, any decision made shall be recorded on the Formal Grievance Form, and such decision shall be conveyed to the Employee within two (2) working days of the date of the meeting.

5.3.3 Should the Employee still be dissatisfied with the result, he/she may make use of the statutory dispute resolving procedure or, where applicable, the dispute settling procedure as set out in any collective agreement which may be in force at the time.

## **6. Related Policies and Procedures**

6.1 Code of Conduct

6.2 Disciplinary Policy

## **7. Related Documents**

7.1 Grievance Form