



**IN THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
HELD AT BLOEMFONTEIN**

CASE NO: PSCB 63-16/17

PSA obo Matlebe

APPLICANT

and

Department of Social Development

RESPONDENT

AWARD

DATE OF ARBITRATION : 6 September 2016
DATE OF AWARD : 7 September 2016
ARBITRATOR : I de Vlieger-Seynhaeve

1. DETAILS OF HEARING AND REPRESENTATION

1.1 Ms Els from the PSA, represented the Applicant. The Respondent was represented by Ms Ngwatle.

1.2 The proceedings were recorded digitally.

2. ISSUE TO BE DECIDED

2.1 The issue to be determined is whether the respondent was in breach with Resolution 14 of 2002 when it did not deal with the applicant's grievance.

3. SURVEY OF ARGUMENT

3.1 The applicant's rep made the following submissions:

3.1.1. **Ms Els** stated that the applicant had lodged a grievance concerning payment of nightshift and Sunday allowances. There were also other outstanding payments. The grievance was submitted on 15/02/2016. Up to this date, no reply has been received from the respondent.

3.2 The respondent's rep made the following submissions:

3.2.1 **Ms Ngwatle** stated that they only became aware of the grievance at the time that the matter was set down for conciliation. After that, they established that the matter had prescribed as the allowances he claimed were for days in 2013, 2014 and 2015.

4. ANALYSIS OF EVIDENCE AND ARGUMENT

4.1 Resolution 14 of 2002 contains the grievance rules for the public service. The purpose of this Resolution was the need for brief and user-friendly grievance rules, a need for employment justice, efficient operation of the Public Service and the need to protect employees from arbitrary actions. The Resolution refers to the grievance rules which are part of schedule 1. In terms of F: Departmental Stages to Address a Grievance, it states under 8. that the

Department has 30 days to deal with the grievance. The period may be extended by mutual agreement in writing.

4.2 It was common cause that the applicant had submitted a grievance on 15/02/2016 and that no feedback was received as yet nor was there any agreement to extend the period. Even if the respondent felt that the matter had prescribed, they should have sent him an outcome informing him of such. Therefore, the respondent is in breach with Resolution 14 of 2002 as it did not give feedback within the required 30-day period.

4.3 It is crucial, in terms of effective dispute resolution that the respondent abides by the Resolution. If the employee is dissatisfied with the outcome of the grievance, that employee is entitled to take the matter further to the Council for dispute resolution. But because of the delay in dealing with grievances, the disputes that come before the Council date back several months and sometimes years. This is contrary to the purpose of the Resolution as mentioned in 4.1

5. AWARD

5.1 The respondent breached PSCB Resolution 14 of 2002;

5.2 The respondent must deal with the applicant's grievance and give feedback before 16 September 2016;

5.3 Failure to do so will result in the applicant being allowed to refer the matter to the Council for arbitration in terms of the relevant Resolution;

5.4 There is no order as to costs.

Signed at Bloemfontein on this 7th day of September 2016

I De Vlieger-Seynhaeve
PSCB panelist