

OFFICE OF THE PUBLIC SERVICE COMMISSION**NOTICE 2374 OF 2023****PUBLIC SERVICE COMMISSION ACT, 1997 (ACT NO. 46 OF 1997)****PUBLIC SERVICE COMMISSION RULES ON REFERRAL AND INVESTIGATION OF
GRIEVANCES OF EMPLOYEES IN THE PUBLIC SERVICE AMENDMENT OF 2023**

The Public Service Commission has, in terms of section 11 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), made the Rules as set out in the Schedule.

.....
CHAIRPERSON

OF THE PUBLIC SERVICE COMMISSION

SCHEDULE

GENERAL EXPLANATORY NOTE

[] Words in bold type in square brackets indicate omissions from existing Rules.

_____ Words underlined with a solid line indicate insertions in existing Rules.

Amendment of Rule 1 of the Rules

1. The following rule is hereby substituted for Rule 1:

“Definitions

1. In these [r]Rules, any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context indicates otherwise—

“aggrieved employee” means an employee—

- (a) on whose behalf a grievance is referred to the Commission; or
- (b) who has lodged a grievance with the Commission;

“Cluster Commissioner” means a commissioner appointed in terms of section 196(7)(a) of the Constitution, and who has been assigned responsibility by the Commission to be the overseer of a particular department in order to assist the Commission in executing its mandate in terms of the Constitution;

“[Condonation Application Form] Application for Late Referral Form” means the form prescribed in Annexure B to these [r]Rules;

“day” refers to any day other than a Saturday, Sunday or public holiday and it is calculated to exclude the first day but includes the last day;

“department” has the meaning ascribed to it by the Public Service Act;

“date of becoming aware” means the date on which the act or omission resulting in the awareness of the prejudice to the aggrieved’s rights, occurred and this date initiates the beginning of the 90-day timeframe within which the aggrieved employee has to lodge the grievance;

“employee” has the meaning ascribed to it by the Public Service Act;

“executive authority” has the meaning ascribed to it in the Public Service Act;

"grievance" means a dissatisfaction or complaint formally lodged in writing by an aggrieved employee over an official act or omission contemplated in section 196(4)(f)(ii) of the Constitution, but excludes a grievance over an unfair dismissal;

"Grievance Referral Form" means the form prescribed in Annexure A to these [r]Rules;

"head of department" has the meaning ascribed to it by the Public Service Act;

"investigator" means a person authorised or delegated by the Commission in terms of section 13 of the Public Service Commission Act, 1997 (Act No. 46 of 1997), to investigate grievances as provided for in section 196(4)(f)(ii) of the Constitution of the Republic of South Africa, 1996 [(Act No. 106 of 1996)];

"Public Service Act" means the Public Service Act, 1994 (Proclamation No. 103 of 1994);

"representative" means a fellow employee, an official of a recognised trade union or a family member, and does not include legal representation;

"Provincially-based Commissioner" means a commissioner appointed in terms of section 196(7)(b) of the Constitution;

"the Act" means the Public Service Commission Act, 1997 (Act No. 46 of 1997).

Amendment of Rule 3 of the Rules

2. Rule 3 of the Rules is hereby amended—

(a) by the insertion after subrule (4)(b) of the following subrule:

“(4A) The employee referring the grievance in terms of subrules (4) must do so within 30 days of becoming aware of the executive authority’s failure as indicated in the above-mentioned subrules.”;

(b) by the substitution for sub-rule (5) of the following subrule:

“(5) If an official of a recognised trade union as the representative of an employee acts on behalf of the employee in terms of subrule (4), the relevant part in the Commission Grievance Referral Form must be completed by both the employee and representative.”;

(c) by the substitution for subrule (6) of the following subrule:

“(6) In case of the lodging of a collective grievance, all employees concerned must sign the Commission Grievance Referral Form.”;

(d) by the substitution for subrule (7) of the following subrule:

“(7) **[(a)]** If the employee who lodged a grievance with the executive authority became seriously ill to the extent that he or she could not personally pursue the grievance, or passes away, his or her representative may refer the grievance to the Commission.

[(b) Paragraph (a) applies with the changes required by the context in a case where the employee passed on before the matter could be resolved.]; and

(e) by the insertion after subrule (8) of the Rules of the following subrule:

“(9) The Commission may, in exceptional circumstances, and in accordance with the provisions of rule 9, consider grievances that are referred to it outside the timeframe provided for in these Rules.”

Amendment of Rule 4 of the Rules

3. Rule 4 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“4. (1) A grievance submitted to the Commission in terms of rule 3 must be addressed to [“The Chairperson of] the Public Service Commission[“ or Commissioner based in that particular Province, using either the postal or physical address of the Commission as listed in Annexure D].”;

(b) by the substitution for subrule (3) of the following subrule:

“(3)(a) Subject to rule 5, referrals must be signed and dated by the employee and must be accompanied by a copy of the duly completed Grievance Form, signed and dated by the aggrieved employee, the designated employee appointed by the relevant department to facilitate the resolution of grievances, and where applicable, also signed and dated by the relevant executive authority.

(b) In the absence of the signature of the designated employee, proof of submission to the designated employee must be provided.”; and

(c) by the substitution for subrule (4) of the following subrule:

“(4) (a) An aggrieved employee who cannot write may visit any office of the Commission and may request to be assisted with the completion the Commission Grievance Referral Form.

(b) The Commission must request that the employee to affix his or her left or right thumb print to the Commission Grievance Referral Form.

Amendment of Rule 5 of the Rules

4. Rule 5 of the Rules is hereby amended—

(a) by the substitution for rule 5(1)(a) of the following rule:

“5. (1) (a) Referral by an executive authority in terms of rule 3(1) must be done in writing by the executive authority, or an employee so delegated by the executive

authority, within the timeframe prescribed in rule 3(3), using the Commission_Grievance Referral Form.

- (b) by the substitution for rule 5(3) of the following rule:

“(3) Referral by the aggrieved employee or his or her representative in terms of rule 3(4), (5) or (6) must be done—

- (a) within the timeframe prescribed in the department’s grievance procedure for such referral after the lapse of the prescribed timeframe for the executive authority to deal with the grievance, or on the lapse of the agreed date of extension between the employee and the department or executive authority; **[and]**
- (b) after following the necessary steps provided for in the department’s grievance procedure; and
- (c) in line with the provisions of rule 3(4A) of these Rules.”; and

- (c) by the substitution for rule 5(4) of the following rule:

“(4) In referring the grievance in terms of rule 3(4), (5), or (6) the aggrieved employee must—

- (a) complete and sign the Grievance Referral Form in full in order to provide the Commission with the information required in the Grievance Referral Form;
- (b) provide the Commission with a copy of the Grievance Form used to lodge the grievance with the executive authority, which Grievance Form must have been signed by both the aggrieved employee and the representative of the executive authority as proof that the grievance procedure of the department was followed;
- (c) in the case of a member of the Senior Management Service and heads of departments, provide the Commission with proof that the aggrieved employee had directed an inquiry in writing to the department or executive authority regarding the status of his or her grievance and that he or she was not provided with a response within five days; and
- (d) provide the Commission with copies of all correspondence between the aggrieved employee and the department or executive authority on the grievance in question.”.

Substitution of Rule 6 of the Rules

5. The following rule is hereby substituted for rule 6 of the Rules:

“Office hours

6. **[Grievances]** Whereas grievances may be referred to or lodged with the Commission any day, [from Monday to Friday, excluding public holidays, between] they will be processed during the official operating hours of the Commission, which is from 08h00 (8am) to 16h30 (4.30 pm).”.

Amendment of Rule 7 of the Rules

6. Rule 7 of the Rules is hereby amended—

- (a) by the substitution for rule 7(1) of the following rule:

“(1)(a) A head of department may refer a grievance which he or she has lodged with the executive authority in terms of section 35(3)(a) of the Public Service Act to the Commission if the grievance is not resolved within 45 days of receipt thereof by the executive authority or within the timeframes agreed between them in writing.

(b) A head of department referring his or her grievance in terms of paragraph (a) must do so within 30 days of becoming aware of the executive authority’s failure to deal with the grievance.”; and

- (b) by the substitution for subrule (5) of the following subrule:

“(5) (a) A head of department may lodge his or her grievance directly with the Commission if—

- (i) the executive authority has refused to receive his or her Grievance Form;
- (ii) when trying to resolve the grievance informally with the executive authority before completing a Grievance Form, the executive authority—
 - (aa) fails to respond to his or her correspondence; or
 - (bb) refuses to advise him or her by when the grievance would be resolved.

- (b) A head of department may lodge a grievance with the Commission directly within 90 days of becoming aware of the official act or omission by—
- [(a)](i) completing the Commission_Grievance Referral Form;
 - [(b)](ii) attaching copies of all documents relevant to the grievance;
 - [(c)](iii) indicating the steps taken to resolve the grievance before referring it to the Commission;
 - [(d)](iv) providing written reasons for direct referral;
 - [(e)](v) informing the executive authority of the direct lodging of the grievance with the Commission by—
 - [(i)] (aa) serving the executive authority with a copy of the Commission Grievance Referral Form and documents submitted to the Commission; and
 - [(ii)] (bb) requesting acknowledgement of proof of receipt; and
 - [(f)](vi) providing the Commission with proof that the executive authority was properly informed.”.

Substitution of Rule 8 of the Rules

7. The following rule is hereby substituted for rule 8 of the Rules:

“8. (1) Strict compliance with the timeframes prescribed in the department’s grievance procedure and these [r]Rules is mandatory in order to ensure a speedy resolution of grievances and promote sound labour relations.

- (2) **[Subject to subrule (3), the]** The Commission may deal with the grievance only if the grievance was lodged with the executive authority by the aggrieved employee within 90 days of the aggrieved employee becoming aware of the official act or omission, or in line with the timeframe as prescribed in the departmental grievance policy.

[(3) The Commission may deal with grievances that were lodged with the executive authority by the aggrieved employee after the expiry of the 90 days period referred to in subrule (2), if—

- (a) the department’s grievance procedure permits for the lodging of grievances outside that period; and**
 - (b) the department’s prescribed timeframe was complied with.]**
- (4) An executive authority referring a grievance that was lodged after the 90 days period or outside the department’s prescribed timeframe for the lodging of a grievance, must provide the Commission with—

- (a) written reasons why the grievance was considered despite the non-compliance with the prescribed timeframes; or
 - (b) proof that condonation was applied for by the aggrieved employee and granted by the executive authority.
- (5) An aggrieved employee referring a grievance that was lodged outside the prescribed timeframe must provide proof that condonation was granted by the executive authority, **[which]** who then afterwards failed to finalise the grievance within the prescribed timeframe.
- (6) The Commission must finalise the investigation of a properly referred grievance and provide the aggrieved employee concerned and relevant executive authority with the outcome within 30 days of receipt of all information.
- (7) The Commission must, in cases where it foresees that it will not be able to meet the timeframe prescribed in subrule (6) advise the aggrieved employee concerned and relevant executive authority of its inability to finalise the grievance within the timeframe, and must provide them with reasons for the delay."

Substitution of Rule 9 of the Rules

8. The following Rule is hereby substituted for rule 9 of the Rules:

"[Application for condonation] Consideration of grievances referred outside the Commission timeframes for referral

9. (1) The aggrieved employee **[or executive authority]** must, if **[one of them]** he or she wishes to refer a grievance which is outside the timeframe prescribed for referral to the Commission, first **[apply for condonation]** request approval for late referral to the Commission, by completing the Application for Late Referral Form.
- [(2) (a) The party applying for condonation must complete the Condonation Application Form.**
- (b) In the case of an executive authority, the Condonation Application Form may be completed by an employee so delegated by the executive authority.]**
- (3) (a) The Commission must within five days of receipt of the **[Condonation]** Application for Late Referral Form, request the executive authority **[or the aggrieved employee, as the case may be,]** to comment on the request for **[condonation]** late referral.

- (b) The **[party]** executive authority responding to the request must use the **[Condonation]** Application for Late Referral Form and must furnish the Commission with his or her comments within five days of receipt of the Commission's request for comments.
- (4) The Commission may finalise the application for **[condonation]** late referral without the **[responding party's]** executive authority's comments if the latter fails to respond within the stipulated timeframe.
- (5) The Commission must consider the application for **[condonation]** late referral and provide the **[party]** aggrieved employee applying for **[condonation]** late referral with its decision within 10 days of receipt of the application.
- (6) The **[party]** aggrieved employee applying for **[condonation]** late referral must address the following issues in its application for **[condonation]** late referral[-]:
- (a) The degree of lateness;
 - (b) The reasons for lateness;
 - (c) The extent of prejudice likely to be suffered if the Commission does not investigate the grievance sought to be referred;
 - (d) Any prejudice to the other party;
 - (e) Any practical remedy for, or possible solution, to the grievance;
 - (f) Any prospects that the outcome of the Commission's investigation will resolve the grievance;
 - (g) Any special circumstances why the grievance should be considered; and
 - (h) Any other relevant factors.
- (7) The Commission must consider the application for **[condonation]** late referral based on the issues referred to in subrule (6)] and must provide reasons for its decision.
- (8) Applications for **[condonation]** late referral must be considered by the Cluster Commissioner responsible for the department involved and in the Commission's provincial offices, the Provincially-based Commissioner must consider the application for **[condonation]** late referral.
- (9) The Cluster Commissioner or Provincially-based Commissioner contemplated in subrule [(8)] (7) must within the timeframe prescribed in subrule [(5)] (4) issue the aggrieved employee **[concerned or relevant executive authority]** with his or her decision by completing the relevant section in the **[Condonation]** Application for Late Referral Form.
- (10) In cases where **[condonation]** a request for late referral is granted, the **[party]** aggrieved employee applying for **[condonation]** late referral must refer his or

her grievance documents to the Commission within five days of receipt of the decision referred to in subrule (9).

[(11) This rule applies to any of the timeframes prescribed in these Rules, except for the timeframe to comment on the draft report provided for in rule 17(9).]

Amendment of Rule 10 of the Rules

9. Rule 10 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following subrule:

“(1) The Commission must upon receipt of a grievance[—

(a) **open a file for the grievance and register it in either of the following database:**

(i) **Database for properly referred grievances; or**

(ii) **Database for no jurisdiction / not properly referred cases;**

(b) **number the grievance with a consecutive number for the year during which it was received and in the category under which it falls; and**

(c) **acknowledge receipt [of the grievance] within [48 hours of receipt] five days thereof.”; and**

(b) by the substitution for subrule (2) of the following subrule:

“(2) The Commission must within **[three] seven** days of receipt of a grievance—

(a) conduct a pre-assessment of the grievance to determine whether or not the Commission has jurisdiction to investigate the grievance and must advise the referring party accordingly; and

(b) where the Commission has jurisdiction, assign the grievance to one or more Commissioners, or to an investigator for investigation.”.

Substitution of Rule 11 of the Rules

10. The following rule is hereby substituted for rule 11 of the Rules

“11. (1)(a) The investigator to whom a grievance has been assigned may, upon receipt of a grievance, request the aggrieved employee or executive authority to

provide additional information in order to enable the Commission to make a proper analysis and an informed decision on the finding of the grievance.

(b) Where there is failure to provide the information as requested, the Commission may use its discretion to, in the case of —

(i) the aggrieved employee—

(aa) close the grievance without further investigation and a finding; or

(bb) conclude the grievance by making findings based on the available information; and

(ii) the executive authority or department—

(aa) subpoena the executive authority, the head of the department or the relevant officials from which the information was requested, to give evidence and provide information, and also to explain why he or she failed to provide the information as was initially requested by the Commission; or

(bb) conclude the grievance by making findings based on the available information.

(2) Additional information from the department or executive authority may be requested—

(a) telephonically, followed by a written request, whether by e-mail or a **[faxed]** letter to the relevant employee of the department or to the executive authority;

(b) through a letter directed to the head of the relevant department;

(c) through consultation or interviews with the relevant employees from the relevant department or with the executive authority, provided that the request for a consultation or an interview is confirmed in writing, whether through e-mail or letter to the employees involved; or

(d) by visiting the relevant department or executive authority to obtain information or interview relevant employees.

(3) (a) In a case where employees from the department are not cooperating in providing the requested information, **[the Director-General of the Office of]** the Commission **[must]** may request the information in an official letter addressed to the head of department concerned, and a copy sent to the relevant executive authority.

(b) The letter must contain a warning clause that failure by the head of department to provide the Commission with the required information within a period of **[10]** five days, **[will]** may result in subpoena being issued against him or her and any of the employees from whom the information

was originally requested, and or conclude the grievance based on the information at its disposal.

- (4) In line with subrule (1), [If] if after receipt of the letter referred in subrule (3) the head of department fails to provide the information requested, the Commission may issue a subpoena, calling on the head of department and or the employees from whom the information was originally requested to appear before the Commission to be questioned at a time and place specified in the subpoena, or conclude the grievance based on the information at its disposal.
- (5) Should the Commission decide on issuing a subpoena. [The] the Cluster Commissioner or the Provincially-based Commissioner, as the case may be, or any Commissioner so delegated by the Commission must conduct or lead the enquiry emanating from the issue of the subpoena.
- (6) The Commission may report any executive authority that fails to provide the Commission with information required in its investigations to the National Assembly or relevant Provincial Legislature, as the case may be.

Amendment of Rule 12 of the Rules

11. Rule 12 of the Rules is hereby amended—

(a) by the substitution for subrule (1) of the following rule:

- “12. (1) The Commission may after pre-assessment decide to—
- (a) close the grievance without any further investigation;
 - (b) resolve the grievance through mediation;
 - (c) investigate the grievance and subject it to deliberations before a Panel of Commissioners, who must make a finding—
 - (i) that the allegation is true, supported by evidence and therefore substantiated;
 - (ii) that the allegation is not true, not supported by evidence and therefore unsubstantiated;
 - (iii) of no jurisdiction; or
 - (iv) that the grievance must be deferred for further investigation;
 - (d) conduct a formal inquiry into the grievance in terms of section 10 of the Act read with rule 17; or

- (e) refer the grievance to an appropriate public body or authority, including the Public Protector appointed as such in terms of section 1A of the Public Protector Act, 1994 (Act No. 23 of 1994).”; and
- (b) by the substitution for subrule (3) of the following rule:
 - “(3) (a) The Commission must communicate the outcome of its investigation in writing to the executive authority and where the grievance was referred by an aggrieved employee, also to the aggrieved employee.
 - (b) Where the grievance was referred by the executive authority, the Commission shall provide the aggrieved employee with a copy of the outcome submitted to the executive authority.”

Substitution of Rule 13 of the Rules

12. The following rule is hereby substituted for rule 13 of the Rules

“Grievances closed without further investigation

13. (1) The Commission must close grievances without further investigation if—
- (a) there is *prima facie* no compliance with the grievance procedure of the relevant department and the aggrieved employee has, after having been afforded an opportunity to provide proof of compliance, failed to do so within the period prescribed by the Commission;
 - (b) the aggrieved employee has failed to complete the Commission Grievance Referral Form;
 - (c) after referral, the aggrieved **[person]** employee informs the Commission in writing that he or she is withdrawing the grievance;
 - (d) after referral, the executive authority **[or the aggrieved employee]** informs the Commission in writing that the grievance was subsequently resolved internally and provides the Commission with proof of such resolution;
 - (dA) after referral, the aggrieved employee informs the Commission, in writing, that the grievance was subsequently resolved internally;
 - (dB) after consideration by the Commission, and without any of the parties so advising the Commission, it is clear from the information before the Commission that the grievance is resolved, or is before pending before a

bargaining council, court, other alternative dispute resolution forum or any other institution that has jurisdiction to entertain the matter;

- (e) the Commission is informed by the aggrieved employee **[or the executive authority]** that the same **[matter]** grievance is pending before a bargaining council, court, other alternative dispute resolution forum or any other institution that has jurisdiction to entertain the matter.

(eA) the Commission is informed by the executive authority that the same matter is pending before a bargaining council, court, other alternative dispute resolution forum or any other institution that has jurisdiction to entertain the matter, and provide the Commission with proof of same;

- (f) the grievance was referred by a former employee on a matter which he or she raised with the executive authority after his or her termination of service, in which case the grievances must be referred to the executive authority for further handling in terms of section 3(8) of the Public Service Act;

- (g) the grievance relates to allegations of unfair dismissal; **[or]**

- (h) the grievance relates to a matter which is the subject of a disciplinary action being taken against the aggrieved employee~~[.]~~;

- (i) matter referred does not fall within a definition of a grievance;

- (j) the alleged act or omission does not adversely affect the aggrieved employee in his or her employment relationship;

- (k) it is established that the referred grievance is a duplicate of another grievance already referred to the PSC by or on behalf of the aggrieved employee; or

- (l) it is frivolous, vexatious or malicious in nature.

(1A) In deciding whether or not the grievance is frivolous, vexatious or malicious the Commission shall consider, among others, the following:

- (a) The effect on the employment relationship between the aggrieved and the person against whom the grievance is lodged;
- (b) the value-add in the promotion or maintenance of sound labour relations between the aggrieved employee and the employer and labour peace and harmony in the workplace;
- (c) the genuineness or legitimacy of the grievance;
- (d) the supporting evidence (is the grievance supported by facts or is it speculative or hypothetical); and
- (e) any other relevant factors.

- (2) The Commission must close a grievance if, after receipt thereof, the aggrieved employee or the employee against whom the grievance is lodged passes on, retires or resigns, and continuation of the investigation would not have an outcome which has any bearing on the aggrieved employee's financial benefits **[and]** or integrity.”.

Amendment of Rule 17

13. Rule 17 of the Rules is hereby amended—

- (a) by the substitution for subrule (6)(d) of the following rule:

“(d) Provincially-based Commissioner, who must before the commencement of the hearing—

- [(a)](i)** welcome the parties and explain the purpose of the hearing;
- [(b)](ii)** formally record the details of the participants and their designations;
- [(c)](iii)** explain the inquisitorial nature of the hearing and the procedure to be followed;
- [(d)](iv)** summarise the grievance and state the issue to be determined;
- [(e)](v)** indicate the order in which evidence will be taken from the witnesses and the role of other participants during the process;
- [(f)](iv)** make a determination on how documentary evidence will be taken; and
- [(g)](vii)** make any other determination necessary on any other aspect of the hearing.”

- (b) by the insertion in subrule (9) of the following rule:

“(9)(a) At the conclusion of the inquiry the Panel of Commissioners must evaluate the evidence and produce a provisional report with findings and recommendations, which, where necessary, must be made available to the parties to comment or respond thereon within the timeframe provided by the Commission.

(b) The Commission may, in exceptional circumstances, and in accordance with the provisions of rule 9 consider comments submitted to it outside the timeframe it

has set for the parties to submit their comments in terms of rule 17(9) of these Rules.”.

Substitution of Rule 20 of the Rules

14. The following rule is hereby substituted for rule 20 of the Rules:

“Customer service

20. [(1)] Enquiries about services rendered in respect of any grievance lodged or referred to the Commission may be made with the investigator concerned.
- [(2)] **Any person may raise his or her dissatisfaction with the handling of the grievance by the Commission by completing the Grievance Service Complaint Form prescribed in Annexure C to these rules and by submitting the form to the Commission.]”.**

Amendment of Annexures to the Rules

15. The Annexures to the Rules are amended by the substitution of the following:

“A. Grievance Referral Form

B. **[Condonation Application Form]** Application for Late Referral Form

[C. Grievance Service Complaint Form]

[D. Physical and postal addresses of Commission]”

Short title and Commencement

These Rules shall be called the Public Service Commission Rules on the Referral and Investigation of Grievances of Employees in the Public Service Amendment of 2023, and shall come into operation on the date of publication in the *Gazette*.

ANNEXURE A

READ THIS FIRST 	GRIEVANCE REFERRAL FORM	
WHAT IS THE PURPOSE OF THIS FORM? <i>This form is to be completed when referring the grievance to the Public Service Commission.</i> WHO FILLS IN THIS FORM? <i>The aggrieved employee or his/her representative, if the department has failed to deal with the grievance within the timeframe prescribed in the grievance procedure;</i> <i>The representative of the Department if the aggrieved is not satisfied with the decision of the executive authority and has requested referral to the PSC; or</i> <i>The HOD requesting an investigation into his / her grievance.</i> <i>The representative must attach proof of delegation / authorisation.</i>	1. DETAILS OF THE AGGRIEVED EMPLOYEE / HOD REQUESTING INVESTIGATION Initials and Surname : _____ PERSAL Number : _____ Designation / Rank : _____ Salary Level : _____ Tel : _____ Cell : _____ Email address : _____ Name of Department : _____ Where stationed : _____ Signature : _____ Date : _____ 2. DETAILS OF THE REPRESENTATIVE ACTING ON BEHALF OF THE AGGRIEVED EMPLOYEE/EXECUTIVE AUTHORITY (DEPARTMENT) Initials and Surname : _____ Tel : _____ Cell : _____ Capacity/Relationship with the aggrieved: _____ Reason for representing the aggrieved: _____ Proof of authority to represent the aggrieved attached: <u>Yes/No</u> Reason why proof of authority is not attached: _____ _____ _____ Email address : _____ Name of Department : _____ Where stationed : _____ Signature : _____ Date : _____	

WHERE DOES THE FORM GO? <i>Once completed the form may be e-mailed to grievances@opsc.gov.za or be sent to either the PSC office in Pretoria (for grievances emanating from national departments) or to the relevant provincial office.</i> WHAT WILL HAPPEN WHEN THIS FORM IS SUBMITTED? <i>The grievance will be registered and case be allocated to an investigator. The aggrieved /department will be provided with the grievance case number and the details of the investigator.</i> COMPLIANCE WITH TIMEFRAMES <i>Referral to the PSC must be done within 30 days of becoming aware of failure by the department to deal with the matter within the prescribed time frames or failure by the executive to refer the matter to the PSC within the prescribed time frames.</i>	3. REASON FOR REFERRAL Answer: Yes / No Referral in terms of rule 3(3): _____ The executive authority failed to refer the grievance in terms of rule 3(4)(a): _____ The executive authority failed to refer the grievance in terms of rule 3(4)(b): _____ Referral in terms of rule 7(1): _____ Referral in terms of rule 7(3): _____ Direct lodging with the PSC in terms of rule 7(5): _____ 4. DETAILS OF THE GRIEVANCE Date of becoming aware of the official act or omission (HoD): _____ Date of becoming aware on non-compliance with time frames: _____
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ANNEXURE B**APPLICATION FOR LATE REFERRAL
OF GRIEVANCE FORM****1. DETAILS OF THE APPLICANT (AGGRIEVED EMPLOYEE / REPRESENTATIVE)**

Initials and Surname : _____
 Designation / Rank : _____
 Salary Level : _____
 Department : _____
 Capacity (if representative) : _____ (Proof provided)
 Tel : _____ Cell : _____
 Email: _____
 Postal Address: _____

**2. DETAILS OF THE RESPONDENT (EXECUTIVE AUTHORITY / REPRESENTATIVE OF THE
EXECUTIVE AUTHORITY / DEPARTMENT)**

Initials and Surname : _____
 PERSAL Number : _____
 Designation / Rank : _____
 Salary Level : _____
 Department : _____
 Capacity (e.g. delegated by Executive Authority) : _____ (Proof provided)
 Tel : _____ Cell : _____
 Email: _____
 Postal Address: _____

AFFIDAVIT**3. BACKGROUND**

- 3.1 This is an application for the Public Service Commission (PSC) to allow the late referral of grievance lodged by the Applicant relating to _____
- 3.2 The Applicant lodged a grievance with the Respondent on _____
20 _____
- 3.3 The Respondent informed the Applicant about the outcome of the grievance on _____ 20 _____. On _____ 20 _____, and in terms of Rule 3(2) of Rules for Referral and Investigation of Grievances of Employees in the PSC informed the Respondent that he/she was not satisfied with the outcome of the grievance, and requested the Respondent to refer the matter to the PSC for consideration.
- 3.4 The Respondent failed to refer the grievance to the PSC as required in terms of Rule 3(3) of the Rules for Referral and Investigation of Grievances of Employees in the Public Service.

OR

- 3.5 A period of 30/45 days (and the extension period agreed up) has elapsed since the date on which the grievance was lodged with the Respondent, and the Respondent has not provided the Applicant with the out of the grievance investigation.
- 3.6 The Applicant followed the correct internal procedures, and avers that-

- ☐ the delay in referring the grievance to the PSC was solely caused by the Respondent; or

OR

- ☐ it was not practicable for him/her to refer the grievance personally to the PSC due to the following reasons:

(Evidence provided)

4. DEGREE OF LATENESS

4.1 The Applicant received the outcome of his/her grievance from the Respondent on _____ 20____.

4.2 On _____ 20 ____ the Applicant requested the Respondent to refer the grievance to the PSC for consideration.

4.3 It only came to the attention of the Applicant on _____ 20 ____ that the Respondent did not refer the grievance to the PSC as requested.

OR

4.4 The Applicant was only able to refer the refer the grievance to the PSC on _____ 20____ because

4.5 Accordingly, the referral is _____ days late.

5. STEPS TAKEN TO MITIGATE THE DEGREE OF LATENESS

5.1 The Applicant did the following after becoming aware of the circumstances that caused or contributed to the delay in referring the grievance to the PSC:

5.2 The Department did the following after receiving the request from the aggrieved employee or his/her representative:
