

PART II – GRIEVANCE CODE

(Section 15(1)(a)(ii))

DIVISION 1 – GENERAL

Preamble

1. Inherent in the employment relationship is conflict of interests. It is for this reason that the Government of Lesotho is committed to establish a clearly defined grievance code in order to manage conflict within the public service.

Definition

2. In this Code-

“**grievance**” means a feeling of dissatisfaction or injustice which a public officer encounters in the workplace and is formally brought to the attention of the employer.

Objectives

3. The objectives of this Code are to –

- (a) settle the grievance as early and at the lowest level of supervision or management as possible;
- (b) create an opportunity and atmosphere for public officers to raise their complaints or dissatisfaction without fear;
- (c) create an opportunity for the employer to handle public officers grievances fairly and effectively.

Principles

4. The following are the guiding principles which shall be adhered to in handling a grievance under this Code -

- (a) a public officer shall have a fair hearing;

- (b) the rules of natural justice shall apply.

DIVISION 2 – GRIEVANCE PROCEDURE

Stage in procedure

5. The main stages through which a grievance shall be raised are set out in this Division.

Stage 1: Informal grievance

6. (1) An aggrieved public officer shall raise his or her grievance with his or her immediate supervisor.

(2) The immediate supervisor shall informally resolve the grievance within a reasonable time and not exceeding 48 hours or 2 working days.

(3) If the grievance is not resolved, the aggrieved public officer shall request a formal hearing to be instituted by making an application on the appropriate grievance form.

(4) The grievance form shall be submitted to the head of section or department within 5 working days after the informal grievance hearing.

Stage2: formal grievance hearing

7. (1) On receipt of the grievance form, the head of section shall arrange for a hearing within 5 working days of receipt.

(2) The following persons shall attend a formal grievance, hearing at-

- (a) the public officers' sectional head as the chairperson;
- (b) the public officers' immediate supervisor;

- (c) the public officer as the complainant;
- (d) the respondent;
- (e) the public officers' representative (a colleague at his or her department or ministry);
- (f) witnesses, if any;
- (g) a representative from the Human Resources Department who shall be the secretary and advisor on policy issues at the hearing.

(3) The aggrieved public officer and the respondent shall have a right of representation during a grievance hearing but the right to representation shall not include legal representation.

(4) The aggrieved public officer, supervisor and respondent have the right to cross examine.

(5) If still dissatisfied with the decision reached at the hearing, the aggrieved public officer has the right to appeal to the Head of the Department and shall file the appeal within five (5) working days from the date the decision was made.

Stage 3: Appeal hearing

8. (1) On receipt of the appeal from the aggrieved officer, the Head of the Department shall arrange for the appeal to be heard within five (5) working days from the date he or she received the appeal.

(2) The following persons shall attend an appeal hearing –

- (a) the Head of Department who shall be the chairman;
- (b) the public officer's immediate supervisor;

- (c) the appellant;
- (d) the respondent;
- (e) the public officers' representative (a colleague at his or her department or ministry);
- (f) witnesses, if any; and
- (g) a representative from the Human Resources Department who shall be the secretary and advisor on policy issues at the hearing.

(3) The appellant and the respondent shall have a right of representation during the appeal hearing, but the representation shall not include the legal representation.

(4) The officer and the supervisor shall have the right to cross examine.

(5) If the officer is not satisfied with the decision of the appeal hearing and wishes to pursue the matter he or she may declare a dispute and shall within five (5) working days from the date the decision was made, refer the matter to the Conciliation Board or arbitration depending on the nature of the dispute.