

**HANDLING OF GRIEVANCES IN THE SOUTH AFRICAN POLICE SERVICE: A  
CASE OF PRETORIA POLICING AREA**

by

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## DECLARATION

I declare that the **HANDLING OF GRIEVANCES IN THE SOUTH AFRICAN POLICE SERVICE: A CASE OF PRETORIA POLICING AREA** hereby submitted to the University of Limpopo, for the degree of Doctor of Administration in Public Administration has not previously been submitted by me for a degree at this or any other university; that it is my work in design and in execution, and that all material contained herein has been duly acknowledged.



HLONGWANE, P (Mr.)

11/04/2023

DATE

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## **ABSTRACT**

Over the years, the South African Police Service (SAPS) has been recording the highest number of employee grievances in comparison to other government institutions in South Africa. Some of the grievances reported by employees remain unresolved. For these reasons, the primary aim of this study was to determine the causes of the high rate of grievances in the Pretoria policing area of the SAPS. To achieve the primary aim of the study, concurrent mixed methods were applied, in particular the survey questionnaire, interviews and document study. On the one hand, the SPSS version 26 software was used to analyse quantitative data collected through a survey questionnaire. On the other hand, qualitative content analysis was used to analyse data collected through interviews. The findings of this study illustrate that the common sources of grievances in the SAPS are promotions, unpaid leave, unfair treatment and rejection of application for transfers. The findings of this study confirmed that autocratic supervisory behaviour as a management factor is among the major factors that account for the high rate of grievances in the SAPS. The study has found that in the process of applying the grievance procedure to address grievances, the SAPS complied with timelines linked to each grievance phase only to a slight extent. In relation to the causes of unresolved grievances, the study found that the involvement of legal representatives in grievances, lack of impartiality of the part of grievance officers, the grievants' failure to provide testimony and failure to gather adequate evidence pertaining to grievances contributed to the high rate of unresolved grievances. This study has, however, concluded that despite the challenges experienced in grievance handling, the SAPS has the capacity and resources to turn the situation around thereby ameliorating the current situation pertaining to grievances.

**Key concepts:** grievance, grievance arbitration, grievance handling, grievance mediation, grievant.

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## CHAPTER 1

### INTRODUCTION AND BACKGROUND TO THE STUDY

#### 1.1 INTRODUCTION

The human resource management practices in public institutions would be questionable without proper or appropriate grievance procedures in place. Grievance handling is enshrined in section 5.12 of the White Paper on Human Resource Management in the Public Service of 1997, which requires that grievance handling be a fair, objective and transparent process (Republic of South Africa, 1997a:46). To improve grievance handling processes, the Public Service Commission (PSC) introduced the Rules for Dealing with Grievances (Grievance Rules) in the Public Service on the 25<sup>th</sup> of July 2003, which were subsequently gazetted (Republic of South Africa, 2003:3). These rules are essential to ensure that grievances in public institutions are dealt with impartially and equitably. The introduction of these rules is intended to give effect to section 196 (4) (f) (ii) of the Constitution of the Republic of South Africa, 1996 (as amended), which provides that the Public Service Commission (hereafter referred to as PSC) has the powers to conduct inquiries into the grievances lodged by the employees in the public service and to propose some corrective measures thereof (Republic of South Africa, 2005:105). According to Diphofa (2011:15), the Grievance Rules require that all grievances lodged by the employees within the public service be addressed through incontrovertible and transparent procedures.

Section 35 (1) (a) (b) of the Public Service Act 103 of 1994 (hereafter referred to as the PSA) read with Section 31 of the Public Service Amendment Act 30 of 2007, grant the PSC the powers to investigate grievances reported by public service employees, especially when employees are not satisfied with how their grievances were handled or addressed (Republic of South Africa, 2007:48). Furthermore, the position of the PSC with regard to the investigation of grievances in the public service is strengthened by the provisions of section 11 of the Public Service Commission Act 46 of 1997 (Republic of South Africa, 1997b:9). This is an indication that the PSC plays an important oversight role on grievance resolution processes in the public service. The function of the PSC in

this respect gives employees in the public service recourse in case of dissatisfaction with efforts taken to address grievances by their respective departments.

If grievances are addressed as close as possible to their point of origin, it would mean that similar grievances would be minimised within the public institutions. Dealing with grievances from the grassroots involves addressing all factors which led to the emergence of a grievance. Escalation of grievances could be regarded as a sign that the institution concerned might not be doing enough to address those factors giving rise to grievances. Violent incidents ensued when soldiers launched their protestation at the Union Buildings on the 26<sup>th</sup> of August 2009, due to the Department of Defence failing to heed the collective grievances of employees that could have been avoided (Bendix, 2015:206). The incident demonstrates that when grievances remain unresolved over a prolonged period, of time unprecedented consequences may ensue which could culminate in disruptions of service delivery. This experience should have left the State with some important lessons to learn, particularly the human resource practitioners in the public service. It is imperative for public institutions to investigate the underlying problems which lead to grievances within the institution.

Moreover, van der Westhuizen and Wessels (2011:491) lay the following important principles or precepts that underpin grievance resolution. Firstly, the public manager needs to take cognisance of the fact that an employee may be discontent about certain employment-related factors, and the management may have to take proper steps to resolve the grievance amicably. In addition, it is imperative for the manager to understand where the grievance has emanated from. This should also allow the public manager an opportunity to deal with elements that contributed to the emergence of a grievance. Secondly, employees who lodge their grievances within an institution should not be subjected to any form of victimisation. In other words, employees should be at liberty to exercise their rights to lodge grievances without any fear of retribution by the senior manager in the public institution. Again, the public institutions need to have a clear and objective procedure for grievance handling which is understood by the least junior employees and senior managers (van der Westhuizen & Wessels, 2011:491).

Furthermore, the channels for reporting grievances within public institutions should be simple to understand and open to all employees.

Although the South African government has taken further strides in laying the legislative framework in respect of grievance handling, the issue of concern is that most legislation and rules on grievance handling apply only to employees who are employed in terms of the PSA. Diphofa (2011:15) reveals that some of the institutions within the public service, such as the SAPS, Defence and Military Veterans, Education and Correctional Services, have to develop their respective grievance procedures. The challenge is that with this arrangement, the Grievance Rules of 2003 and the supporting legislation do not cover employees in an institution such as the SAPS who are employed in terms of the South African Police Service Act 68 of 1995. In addition, the PSC is not able to exercise its oversight role in the SAPS and hold them accountable for unresolved employee grievances. It is therefore incumbent upon the representative trade unions to try to persuade the SAPS to deal with grievances that seem to have been pending over a long period of time. Another challenge is the absence of uniform standards in terms of grievance handling processes or approaches. Although reasons for grievances may differ from one public institution to another, it is vital to have similar standard procedures for dealing with grievances raised by the public servants.

## **1.2 PROBLEM STATEMENT**

There are various factors associated with delays in the resolution of grievances. This is because time is an important element in grievance handling processes as it relates to both speeds of settlement and delay in settlement. Besides, expeditious settlement of grievances is a measure of an effective grievance handling procedure (Geetika, Ghosh, Rai, Joshi & Singh, 2014:141). Likewise, grievance resolution or settlement is pivotal for harmonious labour relations in both private and public institutions. Despite these requirements for effective grievance handling, the grievance procedures of the SAPS do not adequately address the grievances of the employees. In this regard, the South African Policing Union (2014:8) indicates that that the grievance procedure of the SAPS is ineffective. According to this union, this ineffectiveness translates into poor handling

of grievances reported by the employees, particularly if the grievances are not resolved timely. In addition, the Solidarity trade union reported that three cases of grievances that were lodged by affected employees of the SAPS between August 2011 and January 2012 could not be resolved. This matter culminated in disputes that were referred to the Labour Court for adjudication (Groenewald, 2014: online). Among other legal disputes was a case of *Solidarity and Barnard v SAPS* in 2013 (2013) ZASCA 177/13.

The SAPS recorded the highest number of employee grievances during the 2014 and 2015 financial year among the public service institution, thus 1165 employee grievances. Actually, this figure is much higher in comparison to other South African government institutions or departments (Public Service Commission, 2017:3-4). A factsheet on grievance resolution compiled by the Public Service Commission (2017:3-4) illustrates that the SAPS continued to record the highest rate of grievances within its operations despite the moderate decrease of grievances reported in 2015/16 financial year, which declined by 15.87%, that is from 1165 to 980 employee grievances. Further, during the 2016/17 financial year, the SAPS recorded 943 employee grievances which was a reduction of 3.77% from 980 employee grievances (Public Service Commission, 2018:4). It is worth noting, however, that during the 2016/17 financial year, the SAPS had the second-highest number of employee grievances behind the Department of Correctional Services, which recorded 984 employee grievances. In the 2017/18 financial year, the SAPS maintained its second position in terms of the number of grievances reported despite a slight decline in the number of grievances registered during that financial year. As a matter of fact, 919 employee grievances were registered in the SAPS during the 2017/18 financial year, which was just a 2.54% decrease from 943 reported in the 2016/17 financial year (Public Service Commission, 2018:4). Although the figures are evident in terms of the numbers of employee grievances reported per public service institution in South Africa, it is not yet known what the major causes are of employee grievances and unresolved grievances within the SAPS. Against the background of unresolved grievances and the high rate of grievances registered by the SAPS, the main research question is as follows: **What are the causes of the high rate of grievances and unresolved grievances in the SAPS?**

### 1.3 AIM AND OBJECTIVES

The primary aim of this study is to determine the causes of the high rate of grievances and unresolved grievances in the Pretoria policing area of the SAPS. In addition to the primary aim, this study will seek to achieve the following objectives:

- To determine the nature of grievance cases reported in the SAPS.
- To identify and explain factors that account for the high rate of grievances in the SAPS.
- To assess the procedures applied for handling grievances in the SAPS.
- To evaluate the effectiveness of the grievance handling mechanisms in the SAPS.
- To investigate the causes of unresolved grievances in the SAPS.

### 1.4 RESEARCH QUESTIONS

The focus of this study is on grievance handling in SAPS. However, a few additional research questions are necessary in order to answer the main research problem. In this regard, the following are research questions should be asked:

- What is the nature of grievance cases reported in the SAPS?
- Which factors account for the high rate of grievances in the SAPS?
- What procedures are applied for handling grievance in the SAPS?
- To what extent are the SAPS grievance handling mechanisms effective?
- What are the causes of unresolved grievances in the SAPS?

### 1.5 DEFINITION OF CONCEPTS

The main concepts of the study are defined and explained in this section in order to provide a working definition.

- **Employee** – an employee is defined as “any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive any remuneration; and any other person who in any manner assists in carrying on or conducting the business of an employer” (Grogan, 2007:14). Further, an employee can be regarded as a person who renders his



services to another person or organisation or State under the supervision of the latter, using the equipment of the employer, for a predetermined period of time in order to earn remuneration (Van Jaarsveld & van Eck, 2005:24-25). In this context, an employee is any person who renders services to the State, while relying on the State's resources to perform his duties and responsibilities for a salary under the supervision of a public sector manager or any other person of higher authority, for number of hours per month.

- **Grievance** - A grievance is a formal articulation or expression of individual or collective dissatisfaction in respect of issues related to work that requires action to resolve it (Nel, Kirsten, Swanepoel, Erasmus & Poisat, 2012:280). According to Hunter and Kleiner (2004:85), a grievance is "any dispute that arises between an employer and employee, which relates to the implied or explicit terms of the employment agreement". Opatha and Ismail (2001:14) state that grievance is an expressed discontent emanating from perceived injustice by one or more employees pertaining to work-related matters. Rollinson (2000:744) states that a grievance is any "matter submitted by a worker in respect of any measure or situation which directly affects, or may affect the conditions of employment in the undertaking, when that measure or situation appears contrary to the provisions of an applicable collective agreement or a contract of employment, to work rules, or laws or regulations, or to the custom or usage of the occupation." In Cooke and Saini's (2015:621) view, a grievance is a work-related conflict that has the potential of disrupting work relations and productivity. Similarly, Cappelli and Chauvin (1991:3) define a grievance as a formal written complaint by an employee alleging violation of employment conditions by management decisions and actions. For the purpose of this research, a grievance is regarded as formally articulated discontent in relation to work conditions or perceived injustice that needs to be addressed.
- **Grievance arbitration** - Grievance arbitration is an efficient and expeditious process of settle grievance through a third party (the arbitrator) is appointed to

gather information from disagreeing parties after which an award is delivered pertaining to the grievance dispute (Charney, 2010:2-3). Irvine (1993:29) argues that grievance arbitration is a “bargain by the parties and is part of the collective bargaining agreement reached by the union and the employer”. In order to demystify this concept further, the International Labour Organisation (1977:9) states that grievance arbitration is a method of resolving grievance disputes through the intervention of a third party, following an agreement between disputing parties. For the purpose of this research, grievance arbitration is regarded as an expeditious and efficient method of resolving a grievance dispute whereby a third party collects sufficient information in order to deliver a binding award in relation to the matter concerned.

- **Grievance mediation** - Grievance mediation is a voluntary, nonbinding process whereby a mediator facilitates a negotiated settlement between parties in an impartial manner (Birken, 2000:2). According to Irvine (1993:30), mediation is “a process through which two or more disputing parties negotiate a voluntary settlement of their differences with the help of a ‘third party (the mediator) who typically has no stake in the outcome. At the same time, Wall, Stark and Standifer (2001:370) point out that mediation is a cautious and thorough process whereby two parties choose to involve a third party to resolve a grievance dispute which translates into a win-win outcome. In other words, the mediator aims to persuade negotiators through plausible arguments and proposals in order to achieve a unanimous settlement of grievance dispute (Irvine, 1993:32). Therefore, in the context of this research, grievance arbitration is a voluntary, nonbinding process where the grievant and employer involve a third independent party to assist in resolving a grievance dispute.
- **Grievance procedure** – Grievance procedure can be defined as an institutional mechanism or system which prescribe an official regulatory framework for dealing with grievances in order to define and curtail the exercise of managerial discretion and authority (Salamon, 2000:552). According to Bendix (2001:331), grievance

procedure facilitates an exchange of information between the management and the employees in relation to issues from which grievances emanated. It would suffice to refer to a grievance procedure as institutional machinery which gives employees an opportunity to communicate their grievances to the management within a public service institution.

- **Grievant** - A grievant refers to any employee or cluster of employees who file a grievance (Safety and Security Sectoral Bargaining Council, 2005:2). According to Paterson and Murphy (1983:16), a grievant is “the person or persons, including the union or representatives thereof, making the claim”. Based on the two definitions, a grievant can simply be described as an employee who lodges a formal complaint with an employer in relation to the violation of rights covered in the employment agreement.

## **1.6 DELINEATIONS AND LIMITATIONS OF THE STUDY**

This study focuses broadly on the handling of any grievance reported by an employee in the SAPS with specific emphasis on the following: nature of grievances registered; factors responsible for the high rate of grievances, the procedures followed to address grievances, the efficacy of existing procedures and cause of the high rate of employee grievances. In other words, the study deals with employee grievances that have been formally registered with the employer (SAPS) and could be addressed through established grievance procedures. Equally important, the study puts more premium on individual and group grievances in the workplace since they are subject to similar processes and procedures, unlike union grievances which are subjected to processes in the collective bargaining forum with the employer. However, this study does not focus on informal complaints that have been reported to the employer by any employee. In essence, the study does not consider the invisible or oral submissions by the employees. At the same time, the study does not consider how the SAPS deals with matters or disputes that have been escalated to labour courts and how the court of law could respond to the disputes.

## **1.7 SIGNIFICANCE OF THE STUDY**

The present study extends the current body of knowledge about grievance handling by integrating attribution and expectancy theories. Previous studies have scarcely considered grievance initiation from an attribution theory perspective while grievance resolution seldom emphasises expectancy theory, therefore the inclusion of the two theories provides great insight into employee grievance initiation and deepen the expectations that accompany reporting of grievances in the workplace. This study is a significant effort to promote harmonious employee relations and a good work environment in the workplace. The study could add educational value to the employees of the SAPS since they may have a great opportunity to appreciate the importance of evoking the existing grievance procedures and take responsibility to engage the management of the SAPS through the necessary platforms and channels concerning issues that affect them directly or indirectly. At the same time, the study could be beneficial to the management of the SAPS particularly when it comes to effective resolution of employee grievances. After learning about the employee grievances, the grievance officers and senior managers, union representatives or leaders could be in a better position to initiate viable solutions to employee grievances. This research provides recommendations on how grievances could be minimised and addressed expeditiously. The study could be helpful to human resource practitioners whose specific focus is on employee relations and grievance management. Moreover, the study could serve as a point of reference to the researcher who may want to focus on employee grievance handling in the future.

## **1.8 SEQUENCE OF CHAPTERS**

### **CHAPTER ONE – INTRODUCTION AND BACKGROUND TO THE STUDY**

The first chapter is on the scientific orientation for the study. In that regard, the background is provided on grievances in the context of the South African public service. The problem statement, research questions and objectives are clearly identified and explained in this chapter. The various key concepts that underlie this study are defined

in broad terms and contextualised. Equally important, this chapter reflects on limitations, delimitations and the significance of the study.

## **CHAPTER TWO – THEORETICAL FRAMEWORK: ATTRIBUTION AND EXPECTANCY THEORIES**

The general introduction chapter is followed by further discussion and analysis of various debates around attribution and expectancy theory with due regard to their relevance on the handling of grievances within institutions. Moreover, the aforementioned theories that undergird employee grievance handling are to be explained thoroughly. The discussion will also extend to the rival theories in respect of grievance handling.

## **CHAPTER THREE - NATURE OF GRIEVANCES, GRIEVANCE HANDLING PROCEDURES AND FACTORS ACCOUNTING FOR HIGH RATE OF GRIEVANCES**

This chapter presents a critical and analytical review of existing or current literature as it relates to the nature of employee grievances that can be reported in various institutions and how such grievance could be handled procedurally in order to advance harmonious employee relations in the workplace. The key aspects that are involved in grievance handling are analysed with due diligence. Moreover, an extensive reflection on factors that contribute to grievance initiation and difficulties in arriving at acceptable solutions for the parties concerned is undertaken.

## **CHAPTER FOUR – DETERMINANTS OF EFFECTIVE GRIEVANCE HANDLING AND CAUSES OF UNRESOLVED EMPLOYEE GRIEVANCES**

Chapter four discusses the various aspects that are responsible for the effective handling of employee grievances in the workplace. Although key drivers for effective grievance resolution are varied and complex, this chapter accentuates the need to create an environment within which grievances could be resolved amicably. At the same time, this chapter goes further to reflect on the different issue that may contribute to unresolved grievances in the workplace. Causes of unresolved grievances are those factors against which institutions should fight in order to avoid stalling grievance resolution in the institutions.

## **CHAPTER FIVE - RESEARCH DESIGN AND METHODOLOGY**

Chapter five provides detailed information pertaining to the research design and methodology utilised in order to achieve the primary aim of the study. The methodology outlines the data collection instruments and procedures employed by the researcher in collecting relevant research data and highlight how such data was analysed and interpreted. All the tools that were used in the study are identified and the reasons for such choices have been justified or explained comprehensively. This chapter identifies the target population and how sampling was undertaken. Besides, the issues pertaining to compliance with the research ethics code is emphasized and explained in this chapter.

## **CHAPTER SIX – PRESENTATION OF RESULTS, FINDINGS AND DISCUSSION ON GRIEVANCE HANDLING IN THE SAPS**

The results of both quantitative (survey questionnaire) and qualitative (interviews) methods are presented and merged or integrated into this chapter. Data is organised according to the research questions and objectives although the differences in data sets are identified. Moreover, this chapter identifies, describes and explains the various causes of grievances and unresolved grievances within the Pretoria area of the SAPS. The discussions revolve around the extent to which the quantitative and qualitative data converge, diverge, and complement one another in respect of the causes of grievances and unresolved grievances in the SAPS.

## **CHAPTER SEVEN – CONCLUSION AND RECOMMENDATIONS**

The summary of major findings of the research, conclusion, and recommendations for implementation and implications for existing theories are presented in this chapter. Further, these are followed by a summary of contributions and suggestions for further research.

## **1.9 CONCLUSION**

This chapter has provided a scientific orientation to the study thereby presenting the research problem, objectives, and questions. The key concepts that form part of this study were defined and contextualised accordingly. This was necessary in order to prevent ambiguity in terms of meaning. Further, this chapter has unequivocally outlined what constituted the focus of the study and what did not form part of the study. Equally important, the significance of the study was highlighted to reflect the relevance of the study in response to the problem identified, pertaining to the grievance handling in the SAPS. This chapter concluded by outlining the sequence of chapters as well as the coverage of the subject matter. The next chapter presents the chosen theories considered to be pertinent to grievance handling.

## CHAPTER 2

### THEORETICAL FRAMEWORK: ATTRIBUTION AND EXPECTANCY THEORIES

#### 2.1 INTRODUCTION

Chapter one has presented the general introduction for this research, outlining the problem statement, research questions and objectives. This chapter discusses two theories (attribution and expectancy theory), which are found to be relevant in understanding grievances in the workplace. The two theories are considered to be useful in providing coherent explanations in respect of employee grievances in the workplace. Without drifting away from the primary focus of this chapter, it is worth mentioning that theories serve as important blueprints that guide a research process. Adversely, it can be argued that theories do not provide a perfect model for thinking about a specific phenomenon. At the same time, theories do not provide automatic solutions to research problems and questions. Instead, a researcher needs to interpret and apply a theory in the context of the research subject matter under consideration. However, it remains notably clear that theories reveal a researcher's ontological and epistemological disposition concerning a research problem.

As alluded that the chapter focused on the discussion of attribution and expectancy theories, the first part of this chapter placed more emphasis on the attribution theory. Specifically, this theory is discussed in terms of how it has evolved in the past seven decades since it emerged. In this regard, the works of the pioneers of attribution theory (Heider, 1958; Kelley, 1967; Weiner, 1986) are considered separately in order to pinpoint their contributions regarding the theoretical advancements. Besides, attribution theory can be applied in grievance studies to understand how attributions influence grievance initiation in the workplace. Further, this chapter reflects on the attribution model, particularly as it relates to attribution antecedents, attributions, and the concomitant consequences of attributions. The section on attribution theory concludes by explaining the assumptions that undergird the theory, the weaknesses and the strengths associated with attribution theory. By so doing, the assessment of the limitations of the theory in the context of employee grievance in the workplace can be conceptualised. Basically,



attribution theory is considered to be relevant to this study as contributes towards clarifying two questions: firstly, its importance lies in providing a clear context with regard to the question concerning the factors that account for the high rate of grievances in the SAPS. This is because attributions are concerned with influences that individuals make regarding the associations or relationships between occurrences and behaviour.

The second part of this chapter pays close attention to expectancy theory. The expectancy theory is relevant in understanding employee expectations concerning an effective grievance procedure in the workplace. Moreover, expectancy theory is crucial when considering human expectation in relation to the stages that should form part of the employee grievance procedure. As a point of departure, the expectancy theory is discussed with specific reference to its protagonists such as Vroom (1964), Porter and Lawler (1968), and Campbell, Dunnette, Lawler and Weick (1970). Subsequently, the major assumptions of this theory are succinctly described and explained. As it is the case with any other theory, the expectancy theory has its own challenges because it does not represent a perfect model as indicated earlier. Therefore, the analysis of criticism levelled against the expectancy theory is presented. The chapter concludes with an analysis of the applicability of expectancy theory to employee grievances.

## **2.2 ATTRIBUTION THEORY**

In this section, an expanded discussion of attribution is presented. To this end, the prominent theorist whose work advanced attribution theory is examined accordingly.

### **2.2.1 Historical overview of Attribution Theory**

Attribution theory is utilised extensively in the discipline of education, personality, organisational and clinical psychology to understand human behaviour (Murray & Thomson. 2009:97). Martinko, Harvey and Dasborough (2011:144) indicate that there are three attribution theorists whose work cannot be ignored, namely: Heider (1958), Kelley (1967) and Weiner (1986).

### 2.2.1.1 Heider's attribution theory

Psychologist, Frits Heider (1958), introduced attribution theory in order to establish whether individuals attributed situations they experienced and the outcomes of these situations to external or internal factors (Demetriou, 2011:16). Heider's (1958) attribution theory suggests that individuals are not passive actors in their social and physical environment because they are actively involved in the process of assessing and interpreting the causes of behaviour as well as outcomes thereof (Murray and Thomson, 2009:97). However, Murray and Thomson (2009:97) note that individuals' interpretations could be immensely influenced by numerous factors in their physical and social environment. Similarly, individuals' perception of events could be vague. For example, an individual can make extrapolations about another person's grievances but fail to provide justifications for arriving at such conclusions.

According to Malle (2011:73), Heider (1958) highlighted two important aspects concerning human perceptions, thus, variance (a person's ongoing behaviour) and invariance (inferred perceptions, motives, intentions, sentiments and traits). Moreover, Heider's (1958) attribution theory holds a view that individuals can make causal ascriptions to human conduct applying either impersonal causality or personal causality model (Malle, 2007:5). Moreover, impersonal causality is invoked in respect of unintentional human conduct whereas personal causality is applied when human behaviour is interpreted as intentional. Malle (2007:5) argues that personal and impersonal causality in this context does not suggest personal and situational causes but rather intentional and unintentional conduct. In the context of employee grievances in the workplace, these arguments suggest that attributions or ascriptions can be made regarding the factors that appear to be contributing to high grievance rates in the institution. In the same way, employees can make personal or impersonal attributions about factors that they associate with a trend of unresolved grievances. Nevertheless, it is worth noting that employees may tend to base their inferences on observed information or situation. In other words, employees could make efforts to link the manager's conduct to the high number of grievances and unresolved grievances. In Heider's (1958) analysis, ability, action, motivation and environmental influences play a

crucial role in order for an observer to make some inferences regarding human behaviour (Malle, 2011:75). In support of this assertion, Griffin (2018:138) mentions that without observation no inferences can be made pertaining to the possible causes of an event.

According to Malle (2011:80), Heider's (1958) theory presented numerous problems: firstly, it appears that the conceptual framework was over-simplified, failing to take cognisance of crucial concepts such as reason, goal and intention. Consequently, this led to an insufficient explanation of intentional actions. Secondly, covariation analysis was ostensibly the only psychological process presumed to urge individuals to create explanations. Thirdly, it appears that the conversational issues relating to explanations are not fully integrated with conceptual and cognitive elements (Malle, 2007:6). However, given these challenges, Malle (2011:80) suggests that there is a need to identify behavioural explanations appropriately, making use of concepts that assist in making sense of individuals' behaviour. At the same time, it is important to be specific about the psychological processes that make it possible for individuals to create explanations. Lastly, it is important to address problems concerning the conversational aspects. Despite the criticism levelled against Heider's (1958) attribution theory, it has paved the way for understanding human perceptions in different contexts. Notably, Heider's (1958) differentiation between the personal and impersonal causality is unambiguous, laying a foundation in the context of this study, as to why employees or any other important stakeholder could make attributions about issues that trigger grievance initiation in the workplace.

#### 2.2.1.2 Kelley's attribution theory

The attribution theory was developed further by Harold Kelley based on the work of his predecessors, Heider (1958) and Jones and Davis (1965) Murray and Thomson (2009:98). According to Murray and Thomson (2009:98-99), Kelley's attribution theory seeks to advance a view that "individuals explain behaviour in terms of the person (something about the person caused the behaviour), the entity (a constant of the situation was the cause of the behaviour) or the time (something relating to a specific occasion caused the behaviour)." To elucidate this aspect, Pollard-Gott (1993:503) argues that

causes of action are attributed to the person, entity or situation based on the covariation model whereby “an effect is attributed to one of its possible causes with which it over time, covariates.” Based on these views, it is clear that individual employees may ascribe grievances to either internal or external factors. Further, if employees make internal or personal attributions such as lack of skills for having been overlooked for promotion, it is less likely that they would lodge grievances, but if the attributions are made in relation to external factors (victimisation by supervisor) an employee is bound to lodge a grievance (Eberly, Holley, Johnson, and Mitchell, 2011:731). This explanation suggests that supervisor behaviour in the workplace could be ascribed, in this context, as a contributing factor towards grievance initiation. Following this, a supervisor’s behaviour may subsequently be linked to an increased number of grievances reported within an institution.

Attributors are prone to interpreting behaviour because of its distinctiveness, consistency and consensus. In this context, distinctiveness concerns an individual’s disposition towards a specific entity, which is evident in one situation comparative to others (Pollard-Gott, 1993:503-504; Alony, 2014:59). If, for instance, an employee rates sexual harassment highly as the cause of grievances in the workplace, the distinctiveness of sexual harassment would be evidenced by how an employee rates other variables relative to sexual harassment. An employee’s consistency is measured in terms of whether the same thought would be articulated at different intervals (Pollard-Gott, 1993:504; Alony, 2014:59). If the employee rated sexual harassment as the highest factor responsible for employee grievances but rates it differently at a later stage, this would pose some major challenges since consistency is concerned. In other words, factors that are seen as contributing extensively to grievance initiation ought to comply with the notion of covariation, distinctiveness, and consistency. Another important aspect is consensus. Consensus is concerned with how one individual behaves relative to other people in similar circumstances (Pollard-Gott, 1993:504; Alony, 2014:59). Using the above example of sexual harassment in relation to the issue of consensus, the question would be whether other employees within an institution rated sexual harassment as the highest cause of employee grievances. This suggests that for factors to be attributed to

as contributing to a high rate of grievances, there should be a consensus among other employees. In this sense, most of the employees have to agree with such kind of observation.

Kelley (1967) introduced the idea of consistency in judgements of causality, thus the relationship between the person's conduct and the elements of the present environment (Murray & Thomson, 2009:99). Furthermore, Murray and Thomson (2009:99) assert that the notion of consistency in judgements of causality is concerned with how individuals ascribe causality to a person's actions (was an outcome caused by the person, the time, or the entity) which could be determined by "the perceived consistency of the action/situation, in addition to the distinctiveness of the behaviour across other situations and stimuli and the similarity of the action to usual response or social norm." Pollard-Gott (1993:504) and Eberly et al. (2011:733-734) highlight that there are some coordinating levels based on distinctiveness, consistency and consensus that predict various attributions: firstly, high levels of distinctiveness, consistency and consensus indicates an entity attribution. Secondly, in the case of low distinctiveness and consensus, while personal consistency is high, this would be a reflection of personal attribution. Thirdly, whenever personal consistency is low, irrespective of the levels of distinctiveness and consensus, it would be acceptable to attribute a cause to transient circumstances. In the context of this study, the above arguments suggest that it is possible for some factors to be singled out as contributors to a high rate of grievance due to a temporary situation that prevails in the workplace.

Consistency can be seen as constant or unchanging and inconstant over time and circumstantial to causes of action. At the same time, the concept could be understood based on whether the action concerned was intentional or unintentional (Murray & Thomson, 2009:99). For example, if an employee lodges a grievance against a supervisor who appears to be applying unfair performance appraisal standards, the employee may need to assess whether such behaviour is caused by external factors to the supervisor; consider the existence of other factors in the environment and examine other inhibiting aspects at a particular point in time. In relation to the issue raised above, Kelley (1973:113-114) states that an external cause could be an inhibitory cause of an

event such that the presence of an external cause creates an impression that the internal factor is responsible for the event or occurrence. This is known as the augmentation principle, which simply refers to “the familiar idea that when there is known to be constraints, costs, sacrifices, or risks involved in taking an action, the action once taken is attributed more to the actor than it would be otherwise” (Kelly, 1973:114). Apart from this augmentation principle, Kelley’s attribution theory embraces the notion of discounting principle, which implies that a factor ascribed to be a cause of action or event could be discounted if other alternative causes are evident (Kelley, 1973:113; Pollard-Gott, 1993:505). Equally important, Kelley (1973:108) explains attributions in terms of the covariation principle which seeks to ascribe an occurrence to its potential causes with which it covaries or co-occurs. In essence, causes are ascribed to various factors that are evident when an outcome is observed, and “not present when the event or effect is absent” (Munasov & Spitzberg, 2008:40). Basically, this principle would be applicable in an instance where the attributor has prior knowledge or information about the outcome at one point in time. Nevertheless, the covariation principle assumes that there are temporal relations between cause and effect. With regard to the issue of covariation, it is clear that grievances are likely to remain high in the workplace if there is a positive correlation between factors that give rise to grievance initiation and the number of grievances reported in the institution.

#### 2.2.1.3 Weiner’s attribution theory

Demetriou (2011:16) argues that Weiner’s attribution theory focuses on how people interpret incidents and the manner in which such interpretation affects their motivation to behave in a certain way. As a matter of fact, Weiner’s theory is predicated on four factors, namely: ability, effort, task difficulty and luck. Further, these factors are determined by the following causal elements: locus (internal or external), stability (stable or unstable) and controllability (controllable or uncontrollable) (Graham, 1991:7-8; Demetriou, 2011:16-17). The internal locus of control occurs when an outcome is dependent on a person’s behaviour whereas the external locus occurs when an outcome is not directly linked to a person’s behaviour (Thoron & Bunch, 2017:1). In this respect, Thoron and Bunch (2017:1) argue that people with an internal locus of control tend to ascribe their

failures and successes to endeavours and capability whilst individuals who have an external locus of control are inclined to ascribe their success and failure to complex activities. Indeed, this explains why individual employees with external locus would be quick to criticise a supervisor for performance score and subsequently lodge a grievance. In this sense, employees would most probably be quick to attribute performance appraisal as a major contributor to grievance initiation. Apart from the external and internal attributions alluded to above, Eberly et al. (2011:735-736) note the presence of relational attributions. In terms of relational attributions, employee-supervisor relations could be weakened due to poor interpersonal and communication breakdown in the institution. In other words, erroneous attributions to a supervisor's behaviour as a cause for grievance initiation could have unpleasant implications for workplace relations, in particular between a superior and subordinate.

Stability is concerned with "the consistency of the relationship between the causal factors and the outcome of the behaviour" (Thoron & Bunch, 2017:2). With regard to the stable and unstable causes of success or failure, Thoron and Bunch (2017:2) highlight that ability as a causal factor is stable and internally controlled whereas luck is unstable and externally controlled. Concerning the controllability of behaviour, Thoron and Bunch (2017:2) assert that if a person can control behaviour, it should be easier to use personal ability to influence the outcome of the action taken, while an individuals' uncontrollable conduct curtails their ability to influence the outcomes of a specific action. In this regard, Malle (2011:80) postulates that a person who fails to achieve something due to lack of effort is bound to be judged harshly in comparison to one who fails due to inability. This suggests that if a grievable issue arises due to circumstances beyond the control of management in the institution, employees are likely to sympathise with the institution.

Weiner (1985:554) asserts that additional dimensions that need to be considered when examining causes include intentionality and globality. With regard to intentionality, a cause of failure is assessed in terms of lack of effort irrespective of whether such lack thereof is purposive, reckless or negligent. Therefore, it follows that employees can lay grievances about an unsafe work environment if there is a complete lack of effort on the part of management in creating a safe working environment. There are five basic

requirements for an action to be viewed or interpreted as intentional: “the action must be based on a desire for an outcome, beliefs about the action’s relationship with this outcome, a resulting intention to perform the action, and skill and awareness when actually performing it” (Malle, 2011:82). This indicates that an intentional action on the part of management in the institution comes into being after weighing multiple options. In other words, an intentional act is not impulsive or unplanned. As a further extension of this view, Gordon and Bowlby (1989:313) note that inequitable outcomes that are considered to be intentional could lead to grievance than inequitable outcome perceived to be unintentional. In line with the focus of this study, the above arguments suggest that if employees consider a specific negative employment outcome to be a consequence of management decisions, such decisions could give rise to grievances. Further, if employees continue to link negative employment outcomes to management decisions, such decisions may also be view as contributing factors to the high rate of grievances in the workplace.

### **2.2.2 Meaning of attribution theory**

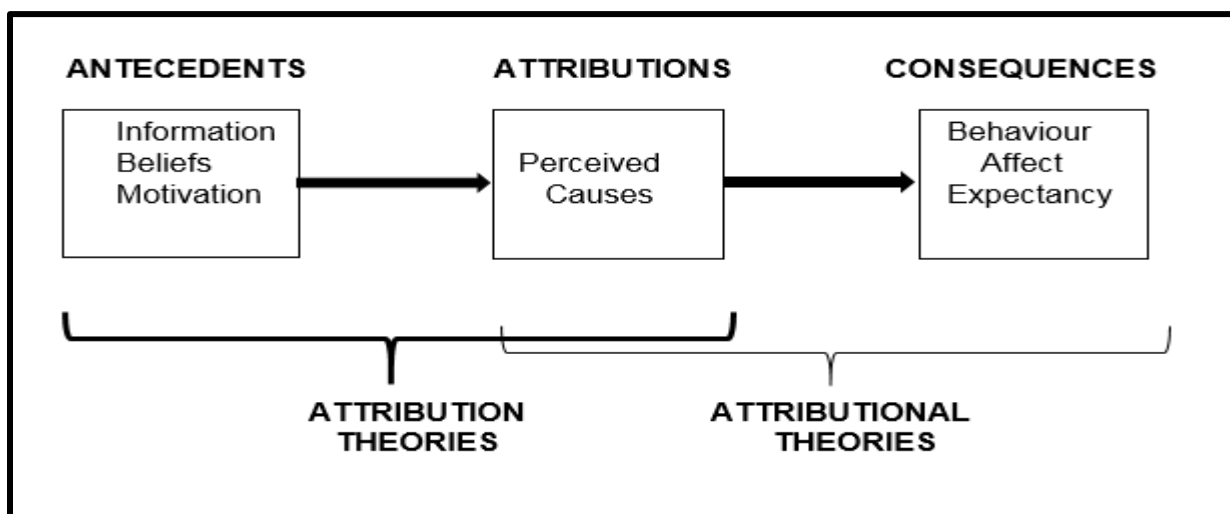
Attribution theory can be defined as “the way that individuals envision the success or failure of their behaviour or the behaviour of others” (Thoron & Bunch, 2017:1). According to Martinko et al. (2011:144-145), attributions are concerned with the explanation that people provide in relation to the causes of their failures or success. Demetriou (2011:16) mentions that attributions refer to perceived causes of results associated with a phenomenon. Further, Eberly et al. (2011:733) point out that attributions are “the causal explanations that individuals use to interpret the world around them and adapt to their environment, especially when reacting to events viewed as important, novel, unexpected, and negative.” Martinko et al. (2011:145) emphasise that attribution are essential for understanding why people choose to behave in a certain way. In Alony’s (2014:58) view, attribution theory focuses on how and why people make inferences about causes or reasons for an event. Additionally, Malle (2011:72) asserts that attribution is concerned with explaining human behaviour and making inferences about human behaviour. Clearly, attribution theory involves beliefs and judgements about the causes of events (Kelley, 1973:107).



According to Eberly et al. (2011:731), individual employees make sense of their surroundings by invoking attributions. For example, individual employees can question themselves why they were overlooked for performance bonuses. In this way, employees try to find answers to the why questions thereby establishing a cause for specific outcomes. In support of this perspective, Graham (1991:6) asserts that “causal attributions answer ‘why’ questions.” Most importantly, attributions can be utilised to explain an individual’s correspondent behaviour or personality (Manusov & Spitzberg, 2008:37). Further, Manusov and Spitzberg (2008:40) indicate that attribution theory is only concerned about the causes of behaviours or actions and for this reason, it is essential to focus on who or what is responsible for the observed event or outcome. In this sense, attribution theory assists observers to make a logical assessment of causes as well as responsibility for events or outcomes. In essence, attributions are reflections of people’s beliefs ascribed to success or failures, which have a great influence on individuals’ behaviour, expectations and emotions (Martinko et al., 2011:145). Based on Demetriou’s (2011:17) view, since emotions could function as motivation for future conduct, they remain crucial in understanding attributions.

### 2.2.3 Attribution theory model

**Figure 2.1 General model of the attribution field**



Source: Alony (2014:58)

The attribution theory models clarify three major components of attribution, namely: the attribution antecedents, attributions, and attribution's consequences. These components are clearly depicted in Figure 2.1 above

### 2.2.3.1 Attribution antecedents

According to Alony (2014:58), individuals make attributions concerning another person's conduct especially if it appears to be peculiar or strange. In other words, it is unlikely that individuals would make attributions about conduct that seems to be acceptable, normal and morally correct. The information which is at the disposal of an individual regarding the behaviour of the actor and action's impact influence attributions. As mentioned earlier, information utilised to make inferences depends on its distinctiveness, consistency and consensus (Alony, 2014:59). In this case, Kelley and Michela (1980:461) argue that since attributions are influenced by information at the disposal of the attributor, this suggests that the outcomes of action taken by individuals are subjected to comparison with the outcomes of other actions taken by the same individuals. Further, this implies that inferences to intentions are in accordance with the principle of noncommon effects.

The beliefs of individuals have a great influence in terms of processing perceived information (Kelley & Michela, 1980:461). In the same way, individuals tend to believe in equilibrium between cause and effect, thus, when the effect is great people are likely to make great attributions to the causes thereof (Alony, 2014:59). Moreover, Weiner (2010:560) argues that emotions are closely tied to causal beliefs seeing that resentment can emerge due to failure ascribed to controllable causes, whereas failure attributed to uncontrollable causes tends to draw out sympathy from the observer. In other words, when employees believe that a grievance situation is under the control of management in a given institution, they are bound to react with a certain degree of frustration. Kelley and Michela (1980:473) postulate that beliefs influence attributions in many ways: firstly, at the basic level, inferences about observed outcomes can be made based on the assumptions about the cause for different outcomes. Secondly, the inferences about

outcomes are made indirectly by drawing comparisons between the actual outcomes and expected outcomes. Thirdly, at a complex level, the enormity of probable causes of the outcome could be explained in terms of an individual's suppositions about how two or more causes combine to produce outcomes.

Individual employees may attribute specific grievances to situational causes within an institution. However, Weiner (2010:560) highlights that individuals may underrate the influence of situational causes while emphasising the personal characteristics of the individual. This unfortunate occurrence is referred to as a fundamental attribution error. Besides, Alony (2014:59) points out that individual motives play an important role in determining the level of motivation required to make ascriptions to specific actions. Concerning motivation, Kelley and Michela (1980:473) indicate that an individual's motivation or personal interests determine whether a person will become courageous to deal with causal questions. Implicit in this assertion is that individuals or employees who are less motivated to seek causal understanding are less prone to redress their work problem through a grievance system. In Gordon and Bowlby's (1989:312) view, attributions to personal traits and situational factors determine whether or not management action could be deemed justifiable. Pertaining to this issue, it must be noted that if a supervisor takes certain disciplinary steps against an employee who violated work rules such action could be considered justifiable and less likely to result in grievances, particularly if the institutional procedures have been followed appropriately.

#### 2.2.3.2 Attributions

Griffin (2018:138) state that attribution involves three stages in order to make sense of events. Stage one is concerned with the perception of action in which case the question of whether an action was observed needs to be answered. Stage two seeks to find answers to the question of whether or not the action was intentional. The third and last stage of attribution focuses on the attribution of disposition wherein efforts are taken to establish whether or not the action was coerced by circumstantial factors. Nonetheless, once individuals have made some observations pertaining to certain actions, they seek to understand the causes of such actions in a systematic fashion in order to make

attributions. Equally important, individuals rely on supplementary information in order to make attributions but if the information concerned appears to be at loggerheads with preliminary attributions, it is subsequently discarded (Alony, 2014:60). As pointed out earlier, individuals tend to ascribe success to internal factors whereas failures are linked to external variables. In other words, employees who encounter work-related challenges that eventually result in laying a grievance may attribute such to supervisory or institutional factors.

### 2.2.3.3 The consequences of attribution

Attributions have the potential of negatively affecting relationships, thus leading to stress, particularly if fundamental attribution errors are made (Berry & Frederickson, 2015:52). In the context of grievances, if an employee lays a grievance against a supervisor on the basis that the latter has been unfair or discriminatory, the accused party may experience anxiety. To stress this matter, Berry and Frederickson (2015:52) emphasise that the accused individuals may feel stressed due to attributions made about their dispositions. In fact, people about whom false judgements are made could experience mental and emotional distress. For example, in the case of *Weitz v Goodyear SA (Pty) Ltd & Others* (2014) 35 ILJ 441 (ECP), the High Court established that a manager who was falsely accused of racism experienced emotional and mental distress subsequently after two subordinates had lodged a formal complaint or grievance (Le Roux, 2014:72).

An empirical study undertaken by Andrews and Brewin (1990:764) found that helplessness and depression were among other consequences of attribution. In this sense, if an employee observes a grievable situation but chooses to make internal attributions (self-blame), helplessness and depression in the workplace may ensue. This could render an employee less functional or productive in the workplace. According to Burton, Taylor and Barber (2014:885), if a subordinate attribute rating for poor performance to immediate supervisor's antagonistic behaviour, whereas the latter ascribed poor performance to the absence of efforts from the subordinate, relations could be immensely strained. This could lead to the collapse of trust between the manager and subordinate. In support of this view, Kelley and Michela (1980:480) mention that a

negative action that is attributed to an individual can affect other people's trust in the person concerned. Burton et al. (2014:885) argue that high levels of hostile attribution bias resulted in adverse consequences such as anger and aggression. For this reason, employees with high levels of hostile attribution bias are more likely to lay grievances than employees with lower levels of hostile attribution bias.

Weiner (2010:561) and Alony (2014:60) draw some interesting conclusions regarding the consequences of attribution: firstly, when a voluntary action is not linked to some reward, individuals may be less motivated to repeat it. Secondly, if a behaviour has a moral outcome, the observer's interest shift to the intention of the actor than the outcome itself. Thirdly, individuals perceived to be responsible for the challenges they are facing are less likely to receive assistance from the observer or others.

#### **2.2.4 Assumptions of attribution theory**

The primary assumption of attribution theory is that "humans are constantly engaged in search for the causes of internal or environmental events and that an understanding of such causes will permit the person to function more adaptively" (Hayes & Hesketh, 1989:212). Indeed, individuals are continuously involved in a process of making sense of events that occur around them to identify prime causes thereof. Attribution theory is predicated on the notion that perception constitutes an integral part of human comprehension, sense-making and conduct. This theory acknowledges that human beings make efforts in an attempt to find plausible explanations for other individuals' behaviour. Additionally, attribution theory sustains a view that individuals' thoughts or attitudes emerge as a result of how people understand and interpret human behaviour and other factual issues about it (Alony, 2014:58). A fundamental assumption of this theory is that if employees regard the manager or the management of an institution as being blameworthy of specific adverse circumstances under which they find themselves, consequently a grievance will be initiated (Harlos, 2010:316-317).

### **2.2.5 Strengths and weaknesses of attribution theory**

Attribution theory can be systematically applied to provide in-depth explanations about observations on how people perceive real causes of their own and other people's actions (Munyon, Jenkins, Crook, Edwards & Harvey, 2019:587). Of note, individuals' perceptions regarding causes of conduct could be determined by whether they are involved in a specific situation or neutral observers. Interestingly, Pollard-Gott (1993:499) asserts that neutral observers tend to attribute causes to the personal character or disposition of the actors whereas actors are prone to attribute causes to situational factors. For example, employees may allege that they failed to secure promotions at the workplace due to unfair discrimination within their institution. This demonstrates that actors attempt to account for the outcomes by making attributions to some situational variables (Pollard-Gott, 1993:501). Weiner (1985:584) mentions that once a cause of failure has been identified by an attributor, it becomes much easier to decide on what needs to be done in response to the cause. Despite the arguments expressed above, attribution theory is criticised for lack of conclusive evidence regarding the relationship between the stability factor and the causal attributions (to establish controllability or predictability of conduct) (Effler, 1984:433).

Although actors are important role players for the observers, it should be noted that observers tend to miss some valuable aspects of the situation as they make attributions for behaviours (Pollard-Gott, 1993:501). Munyon et al. (2019:588) state that observers tend to ascribe or attribute negative outcomes to a person or the environment based on whether or not the person concerned had control over the circumstances. In this sense, it can be argued that people who are involved in a situation tend to have a better understanding of their circumstances far more than neutral observers. This suggests that employees involved in a grievance situation are likely to have lucid and unambiguous understanding in relation to their grievances. Pollard-Gott (1993:501) adds that observers tend to find themselves in a situation where they have minimal information about a phenomenon or event. In this way, attributions could be misplaced and invalid.

According to Pollard-Gott (1993:503), individuals may tend to ascribe causes to observed even when the situation provides for rival attributions. Moreover, this process of taking an individual's conduct at face value and extrapolate a corresponding disposition is called correspondent inference. Neutral observers need to make efforts to avoid unfounded inferences about another person's traits. By so doing the observers will prevent correspondence bias (readiness to infer dispositions) (Pollard-Gott, 1993:503). Munasov and Spitzberg (2008:40) argue that individuals engaged in a conflict situation may tend to invoke self-serving bias (an act of considering one's behaviour as appropriate in comparison to another person). In this case, employees who appeal to a self-serving bias may portray an immediate supervisor as being hostile for having taken disciplinary action against them. Another challenge relating to how attributions are made is the fundamental attribution error which is a proclivity to make ascriptions to internal factors than external factors to explain another person's behaviour (Hewett, Shantz, Mundy & Alfes, 2017:5).

Although employees attempt to make sense of management decisions and actions to determine whether such decisions and actions are justifiable, the challenge is that there are no clear standards to determine what constitutes unjustifiable or justifiable actions and decisions. A further argument is that if management actions are unjustifiable, it may not essentially imply that employees would file grievances. There could be other determining factors such as self-esteem. For example, if an employee has low self-esteem, it is probable that a grievance may not be reported or filed even if he or she is being unfairly prejudiced by the management (Harlos, 2010:311).

### **2.2.6 Applicability of attribution theory to employee grievances**

Martinko et al. (2011:145) reveal that attribution theory has been extremely underutilised especially in organisation studies. As pointed out earlier, this theory is applied more frequently in the field of psychology. Following this, it is necessary to apply attribution theory in organisational studies, particularly the grievance handling process. Indeed, attribution theory appears to be suitable for understanding grievances in the workplace because incidents that occur therein affect employees' welfare (Alony, 2014:58).

Moreover, attribution theory provides more insight and comprehension of different dimensions related to employee grievances (Assessing Women in Engineering, 2005:1). Essentially, attribution theory can be used as a lens for examining employee grievances within institutions, in particular, factors that could be ascribed to as causes of grievances. Martinko et al. (2011:147) argue that employees' attribution styles influence how they respond to work-related issues with an institution. Therefore, attribution theory is necessary for grievance managers to comprehend how employee attributions influence grievance filing at the workplace.

## **2.3 EXPECTANCY THEORY**

In this section, the expectancy theory is discussed broadly starting with its point of origin. Moreover, the discussion also revolves around the fundamental assumptions of this theory as well as its merit and demerits.

### **2.3.1 Etymology and overview of expectancy theory**

The expectancy theory is regarded as one of the process theories pioneered by Edward C. Tolman although this theory was developed further by Victor H. Vroom and subsequently advanced by Edward E. Lawler and Lyman W. Porter (Coban, 2013:109; Nemati, 2016). Expectancy theory "is a fairly complex process theory of motivation that casts the employee in the role of decision-maker. Basically, an employee decides whether or not to exert effort, depending on the outcomes he or she anticipates receiving for those efforts as based on calculations concerning expectancies, instrumentality, valences, and the links among these three components" (DeNisi & Griffin, 2016:2912). According to Isaac, Zerbe and Pitt (2001:214), expectancy theory is characterised as process theory since "it emphasises individual perceptions of the environment and subsequent interactions arising as a consequence of personal expectations." Complimentary to this view, Matrofski, Ritti and Snipes (1994:120) highlight that expectancy theory is a cognitive theory that is predicated on the employees' perception of the circumstances. This theory since its inception, has been applied in different fields, in particular, private organisations, military, nursing and educational institutions (Dejong,



Matrofski & Parks, 2001:36). In Coban's (2013:109) view, expectancy theory indicate that people have a varying degree of expectations, and their level of motivations could be elevated based on the following determinants:

- There is a positive relationship between efforts and performance
- Adequate performance leads to expected outcomes
- Outcomes satisfy important needs
- The urge to satisfy the needs is increased to the degree that it justifies putting more efforts.

In the next sections, a historical overview of the expectancy theory is presented based on the views of leading theorists.

### 2.3.1.1 Vroom's expectancy theory

Vroom's (1964) theory holds that people's conduct is an outcome of deliberate and conscious decisions that are linked to some psychological processes such as attitudes, beliefs and perceptions (Pinder, 1991:144). Likewise, Suciu, Mortan and Lazar (2013:183) and Bakeel (2018:366) highlight that in terms of Vroom's expectancy theory individuals tend to behave in a hedonistic manner, suggesting that these individuals constantly anticipate positive outcomes for their actions. Vroom's expectancy theory can be understood in the context of three important components, namely: expectancy, instrumentality and valence. These components are discussed further below to avoid a possible misunderstanding of expectancy theory.

Expectancy is concerned with the potency of an individual's belief of whether or not a specific outcome is feasible (Pinder, 1991:147-148; Suciu et al., 2013:184). For instance, if employees believe that they can achieve some positive outcomes subsequent to reporting a grievance, they are likely to be motivated to report grievances. The positive correlation between effort and performance in terms of people's perceptions is typified as effort-performance (E-P) expectancy (Sloof & Van Praag, 2005:7). According to Suciu et al. (2013:165), there are two forms of expectancy beliefs, thus, outcome expectancy (a belief that specific conduct will yield desired reward or benefit) and efficacy expectancy (a belief that one's expectations will yield anticipated benefit). DeNisi and Griffin

(2016:292) argue that expectancy ranges from 0 to 1.0, which suggests that if an employee is of a view that initiating grievance will not yield desired outcomes, the expectancy is zero.

According to Pinder (1991:148) and Suciu et al. (2013:186), numerous factors influence employee expectancies such as the ability to undertake a specific activity, the amount of assistance expected to be received from colleagues, availability of resources essential for achieving a specific goal, and access to relevant information. In support of this assertion, Matrofski et al. (1994:119) postulate that employees ought to perceive that indeed they possess the skills or ability to undertake an activity and have an opportunity to engage in that activity. In addition, Suciu et al. (2013:185) state that in the context of expectancy theory, a positive reward for performing a particular behaviour is determined by one's ability to perform. Hence people would prefer to engage in activities wherein they have a conviction that they are capable of performing optimally. In other words, people would not prefer engaging in activities that are less likely to yield desired outcomes. However, Pinder (1991:148) notes that some of the factors mentioned above could be beyond the control of an employee whereas others could be within the control of individual employees.

Instrumentality is an outcome resulting from an individual's effort in undertaking a particular activity (Pinder, 1991:146). Alternatively, Renko, Kroeck and Bullough (2012:669) postulate that instrumentality could be viewed as the belief that a positive outcome will follow after engaging in a specific activity. In fact, instrumentality seeks to establish a connexion between performing a specific activity and outcomes thereof (DeNisi & Griffin, 2016:292). For this reason, Sloof and Van Praag (2005:7) mention that instrumentality should be understood as performance-outcome (P-O) expectancy. Further, Pinder (1991:1246) points out that if an employee believes that putting extra efforts is instrumental in achieving desired results, thus, the employee is likely to show high valence ensuring that maximum effort is exerted towards a particular objective. In this sense, it is clear that something is instrumental when is assumed to assist in achieving desired outcomes. In the context of this study, it can be argued that reporting a grievance believed to be instrumental in resolving conflicts in the workplace.

Arithmetically, instrumentality values range from +1.0, through to 0.0, to -1.0 (DeNisi & Griffin, 2016:292).

Instrumentality shows that positive reward is linked to performing a specific behaviour (Sloof & Van Praag, 2005:7). In Pinder's (1991:147) view, if an employee has low levels of valence in relation to the exertion of more efforts towards a particular goal, it is more likely that such an employee would be less enthusiastic about working towards such objective. In other words, employees who tend to have some negative perceptions about grievance initiation processes are less likely to report a grievance (negative correlation or instrumentality). At the same time, employees who have positive perceptions about grievance initiation processes may tend to report grievances with enthusiasm. This would be an indication of a positive correlation between activity and anticipated outcomes (DeNisi & Griffin, 2016:292). Interestingly, Matrofski et al. (1994:120) argue that even though activity may not essentially translate into a positive outcome, if positive perceptions prevail concerning activity, this would still be considered as a positive correlation.

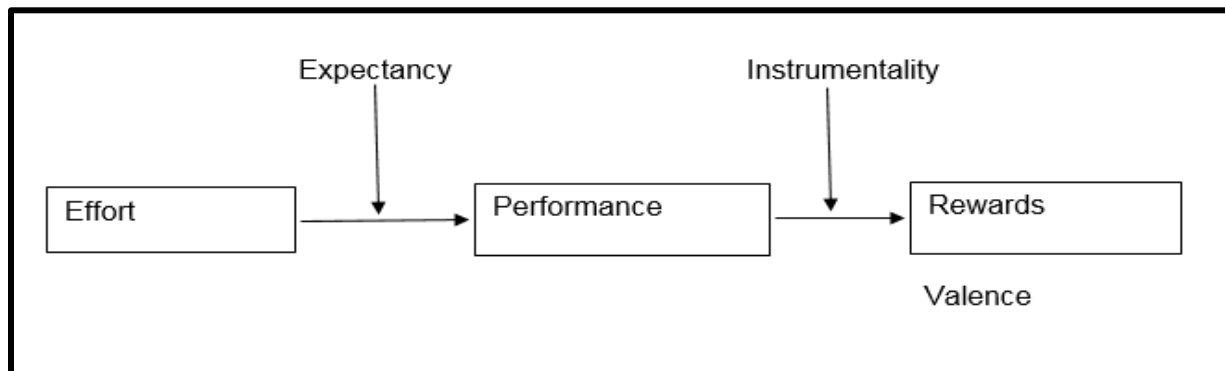
The concept of valence refers to the extent to which an outcome appears to be attractive or unattractive to an individual (DeNisi & Griffin, 2016:292). Furthermore, Hancock (1996:11) and Bakeel (2018:366) mention that valence is the positive or negative value that an individual attaches to a specific outcome. In this sense, the value that employees attach to grievance initiation and grievance resolution system within an institution should be positive. Employees ought to know whether or not performing certain activities will result in attractive outcomes (Matrofski et al., 1994:119; Dejong et al. 2001:36). Specifically, employees should know whether or not initiating a grievance would result in the expected result. This seems to suggest that there must not be perceived barriers to grievance resolution processes nor possible retribution as a consequence. As noted by Dejong et al. (2001:36), valence is an outcome-cost balancing expectancy, which simply implies that individuals should place maximum value on the outcomes to be motivated to pursue expected rewards. Nevertheless, De Simone (2015:20) asserts that if an employee has less interest (indifferent) to a specific outcome, the valence will be zero.

Lunenburg (2011:3) and De Simone (2015:20) indicate that Vroom’s expectancy theory shows that expectancy, instrumentality and valence are interconnected in terms of the following equation:

$$M = E * I * V \text{ (Motivation = Expectancy * Instrumentality * Valence).}$$

In the context of this expectancy theory, motivation (M) refers to the measure of willingness to attain a specific objective and the likelihood that such objectives could be attained effectively as per expectations (Barba-Sanchez & Atienza-Sahuquillo, 2017:1104). Additionally, Barba-Sanchez and Atienza-Sahuquillo (2017:1104) point out that motivation “captures an individuals’ willingness to exert efforts towards their objective, while committing themselves for a particular time to working towards a predetermined objective.” Noteworthy, the multiplier effect plays an important role in relation to the above equation because it explains that if one of the three constructs is low, employees’ enthusiasm will be negatively affected. This relationship is portrayed in figure 2.2 below, which is a basic expectancy model. In the first instance, the model indicates that there a relationship between effort and expected level of performing an activity. In the second instance, which is instrumentality, the model shows that when an activity is performed at an acceptable level, expected outcomes will follow. Finally, individuals will attach value to the outcomes related to the performed activity (Valence) (Isaac et al., 2001:215). However, it must be stated that the value attached to the final outcomes may be negative or positive based on different individual perceptions.

**Figure 2.2 Basic expectancy model**



Source: adapted from Lunenburg (2011:2)

### 2.3.1.2 Porter and Lawler's expectancy theory

In Pinder's (1991:150) analysis, "Vroom's (1964) statement of VIE theory left a number of questions unanswered. Perhaps the most important of these concerned the origins of valence, instrumentality, and expectancy beliefs, and the nature of relationships, if any, between employee attitudes towards work and job performance." Therefore, there was a need to bridge the lacuna that was left by Vroom's (1964) expectancy theory. In response to the shortcomings identified in Vroom's (1964) theory, Porter and Lawler (1968) introduced their model of expectancy theory (Pinder, 1991:150; De Simone, 2015:20). In terms of Porter and Lawler's (1968) model, employees' efforts towards a particular goal are determined by two important factors: the value attached to the outcome by a person, and the extent to which an individual believes that engaging in a particular activity will lead to achievement of desired outcomes (Lee, 2007:49). Importantly, Pretorius (2004:47) points out that Porter and Lawler's model seems to agree with Vroom's theory concerning the fact that employees need to attach positive value to the anticipated outcomes. It must be stressed that effort alone may not translate into achievement of positive outcomes unless an employee comprehends how to exert such effort and have the ability and traits to perform a specific activity (Pretorius, 2004:48; Lee, 2007:49; Oanh, 2016:17). In agreement with this assertion, Saif, Nawaz, Jan and Khan (2012:1389) mention that "before effort is translated into performance, the 'abilities and traits' and "role perceptions' of employee affect efforts used for performance." In addition, Pretorius (2004:48) accentuates the importance of individuals' perceived effort-reward probability, thus arguing further that when the perceived rewards appear to be minimal far more than initially expected, a person is less likely to engage in a similar activity in the future. Based on the arguments above, the following deductions can be made: first, employees may put more effort towards initiating a grievance in the workplace but if they do not understand how to direct their efforts and or lack the ability to initiate a grievance, it would be impossible to achieve desired outcomes. Second, if individuals' perceptions of reporting grievances are not reciprocated by commensurate levels of outcomes, it is less likely that employees would be interested in initiating grievances at the workplace.

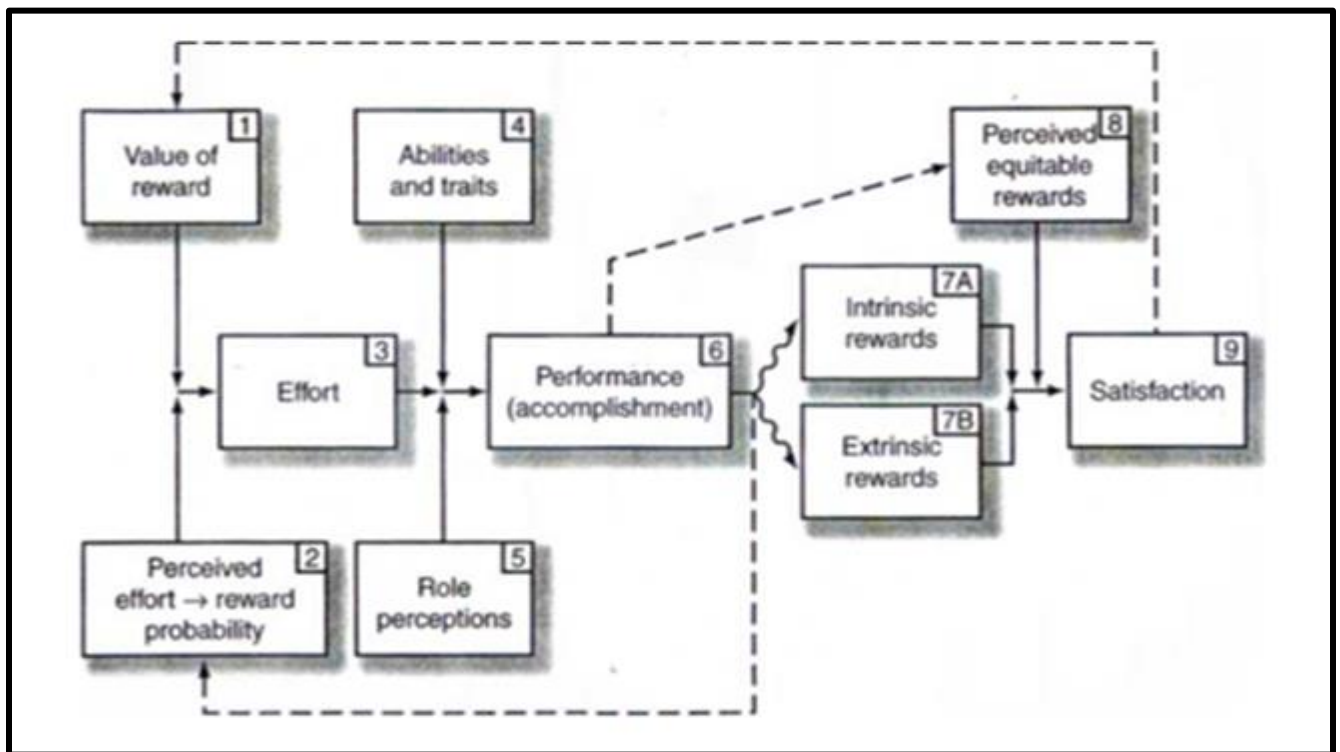
Porter and Lawler's (1968) model seeks to establish an association between performing an activity and satisfaction (Pinder, 1991:151). As shown in figure 2.3, putting more efforts in order to achieve a particular outcome may not automatically translate into satisfaction because not every effort is rewarded in the institution. Besides, the extrinsic and intrinsic rewards for exerting more effort towards a given objective are juxtaposed in Porter and Lawler's (1968) model. In this regard, intrinsic rewards are types of rewards that an individual award himself/herself (e.g., sense of achievement) whereas extrinsic rewards are types of rewards received from others, thus, manager or an institution (e.g., salary) (Lee, 2007:51). Basically, the degree of effort individuals believe have exerted is likely to influence their perception of equitable outcomes or fairness of results. Therefore, if aggrieved employees put extra efforts into gathering evidence to demonstrate that their grievances are valid and legitimate, they would by and large anticipate many fair results for their efforts. Satisfaction, as demonstrated in figure 2.3, suggests that employee will show a certain level of gratification depending on the perceived level of equity of benefits or outcome after putting efforts (Pinder, 1991:151-152; Lee, 2007:51).

Despite Porter and Lawler's (1968) efforts to expand on Vroom's (1964) theory, numerous criticisms were identified in Porter and Lawler's model. One of the criticisms levelled against Porter and Lawler's theory is that it does not draw a clear conceptual distinction between motivation and satisfaction. Consequently, this creates a misconception by equating motivation with satisfaction. Essentially, it is highly possible for an individual to experience increased levels of satisfaction yet report low levels of motivation and effort, particularly when the level of desirable outcomes is low (Elding, 2005:94). Pinder (1991:152) points out important shortcomings as follows: firstly, Porter and Lawler tested their hypotheses based on a cross-sectional study utilising managers only rather than undertaking a longitudinal study. Secondly, although the ability to perform a particular activity was found to be essential in improving a desire to achieve outcomes, its role was not sufficiently assessed by Porter and Lawler. Thirdly, Porter and Lawler utilised the concept value instead of valence, but after all, it appears that they had conceptualised in the like manner as Vroom (1964) because their studies sustained a view that the potency of employees' beliefs that effort will ensue in positives outcomes.

Contrary to this view, Eding (2005:93) argues that a suggestion that people who receive undesirable outcomes are bound to report low valence is disputable because it appears that a measure of the significance of outcomes is not considered as a key determinant.

Apart from the challenges associated with Porter and Lawler’s model, it has managed to clarify an observed correlation between the exertion of efforts and ultimate satisfaction. Equally important, Porter and Lawler’s (1968) model did not attempt to supplant Vroom’s (1964) theory but instead to corroborate and expand it (Pinder, 1991:153). Moreover, Oanh (2016:18) articulates the merits for the aforementioned model as follows: “the Porter and Lawler theory is considered one of the most practical theories in use. Although it is confirmed to be complex and difficult to measure, it is still a much more implementation-oriented model. Regardless of its complexities, the system of efforts – performance – rewards – satisfaction offers an actual useful tool for understanding behaviour in the work context.”

**Figure 2.3 The revised Porter/Lawler model**



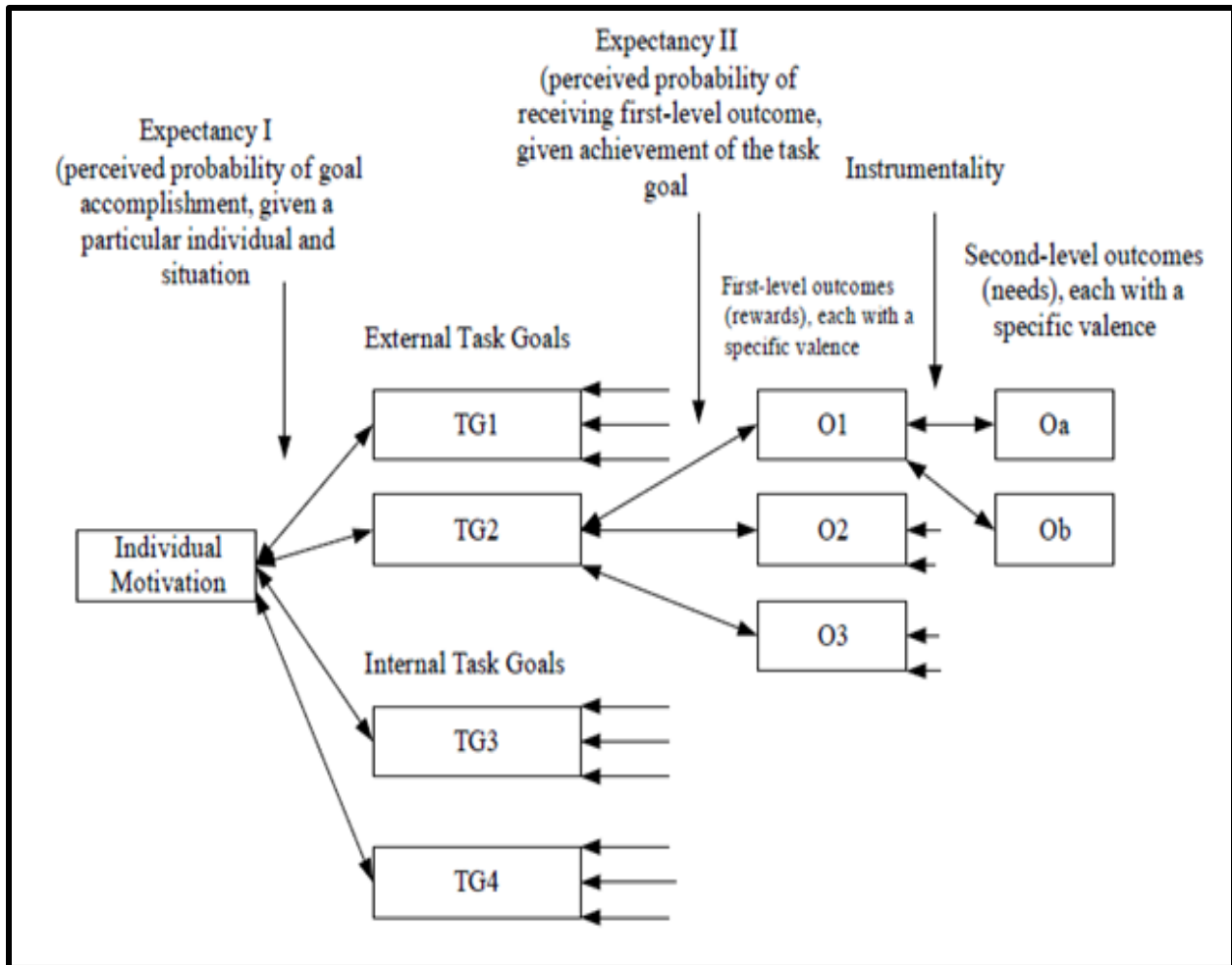
Source: adapted from Pinder (1991:151)

### 2.3.1.3 Campbell, Dunnette, Lawler and Weick's hybrid expectancy model

The Campbell, Dunnette, Lawler and Weick's hybrid expectancy theory is a further extension of Vroom's expectancy theory. As shown in figure 2.4 below, this theory introduces new ideas related to expectancy theory based on the views of leading theorists (e.g., Vroom, 1964; Porter & Lawler, 1968). Campbell, Dunnette, Lawler and Weick (1970) incorporated the aspects of task goals, which are primarily concerned with the focus on which work behaviour should rest (Lee, 2007:53). Interestingly, the model in question emphasises a need to comprehend the first-level outcomes as they relate to the second-level outcomes. These first-level outcomes are results of attainment of desired objectives whereas second-level outcomes are concerned with satisfaction of needs (Lee, 2007:53). In the context of this study, for instance, it could be the employees' primary objective to have a grievance resolved which would constitute an achievement of desirable goal, but if such a grievance resolution translates further into harmonious relations in the workplace between managers and subordinates, this could be seen as second-level outcomes. It is worth noting, though, that the association between the first-level outcomes and second-level outcomes may not be obvious. The hybrid expectancy model distinguishes between two important variables, thus, expectancy I and expectancy II. In this regard, expectancy I is "a perceived probability of goal accomplishment, given a particular individual and situations," whereas expectancy II is "a perceived probability of receiving first-level outcome (rewards), given the achievement of the task goal" (Turcan, 2010:46). This suggests that the attainment of grievance resolution could be dependent on circumstances and individuals' capabilities in dealing with grievances. In this sense, as argued earlier, having had a successful grievance resolution could be seen as the achievement of first-level outcomes.



**Figure 2.4 Campbell, Dunnette, Lawler & Weick's Hybrid Expectancy Model**



Source: adapted from Lee (2007:54)

Basically, the three models (Vroom's; Porter and Lawler's; Dunnette, Lawler and Weick's) discussed above, are summarised in in table T.1. The three models highlighted in the table below are not contradictory, instead they are complimentary to one another because the emphasis is on the notion that once effort is exerted towards achieving specific goals, the performance would be good leading to desired outcomes that are valuable to the institution and individual employees. Clearly, when employees file grievances, it would be prudent to ensure that those who are charged with the responsibility of addressing grievances make effort to address such grievances. By so doing, the results of good grievance handling process may result in employee satisfaction once the process is concluded, increasing industrial harmony.

**Table 2.1: Comparison of Expectancy theories**

<b>Vroom</b>	<b>Porter &amp; Lawler</b>	<b>Campbell, Dunnette, Lawler, &amp; Weick</b>
<p><b>Expectancy:</b> Perceived probability that effort will lead to good performance.</p>	<p><b>Effort-Reward Probability:</b> the probability that reward depends upon performance and the probability that performance depends upon effort</p>	<p><b>Expectancy I and II:</b> Expectancy I is a perceived probability of goal accomplishment, given a particular individual and situation and Expectancy II is a perceived probability of receiving first level outcome (rewards), given achievement of the task goal.</p>
<p><b>Valence:</b> Value of expected outcomes to the individual</p>	<p><b>Value of reward (Intrinsic rewards and/or Extrinsic rewards):</b> the attractiveness of possible outcomes to individual.</p>	<p><b>Valence of first-level outcomes and second-level outcomes:</b> first-level outcomes (incentive or reward) and second level outcomes (needs satisfaction) have specific valences.</p>
<p><b>Instrumentality:</b> Perceived probability that good performance will lead to desired outcomes.</p>	<p>There exists a positive relationship between performance and rewards (desirable outcomes or returns to an individual).</p>	<p>The valence of a first level outcome is a function of the <b>Instrumentality</b> of that outcome for obtaining second level outcomes and valences of the relevant second level outcomes.</p>
	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>Abilities and Traits</b></li> <li><input type="checkbox"/> <b>Role Perceptions</b></li> <li><input type="checkbox"/> <b>Perceived Equitable</b></li> <li><input type="checkbox"/> <b>Rewards</b></li> <li><input type="checkbox"/> <b>Satisfaction</b></li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> <b>First-level outcomes (Incentive or Reward)</b></li> <li><input type="checkbox"/> <b>Second-level outcomes (needs satisfaction)</b></li> <li><input type="checkbox"/> <b>External task goals</b></li> <li><input type="checkbox"/> <b>Internal task goals</b></li> </ul>

Source: Turcan (2010:46)

### **2.3.2 Assumptions of expectancy theory**

In Lunenburg's (2011:1) view, expectancy theory revolves around four assumptions. Firstly, individuals join institutions with various unmet expectations emanating from past experiences. Secondly, people's conduct is influenced by the deliberate choices they make. Thirdly, individuals anticipate receiving multiple benefits from the institutions (e.g., good treatment by the employer, favourable work environment). Lastly, individuals choose options that assist them to maximise outcomes for their own benefit. In fact, "VIE theory assumes that people base their acts on perceptions and beliefs, although we need not anticipate any one-to-one relationships between particular beliefs and specific behaviours (such as job behaviours) (Pinder, 1991:144). Whereas people are likely to choose a specific behaviour based on anticipated results, it must be emphasised that such choice of behaviour will be influenced by the desirability of the outcomes (Barba-Sanchez & Atienza-Sahuquillo, 2017:1099). Since expectancy theory is also predicated on self-estimation, it holds a view that individuals that have self-confidence tend to have increased expectations for their efforts than individuals who doubt their capabilities (Suciu et al., 2013:185).

The fundamental assumption that underlies expectancy theory is that people will tend to make efforts in order to increase their returns or expected value (EV) (Nebeker & Mitchell, 1974:356). In DeNisi and Griffin's (2016:292) point of view, expectancy theory assumes that individuals strive to increase positive outcomes. Additionally, the individuals' proclivity to maximise their benefits or rewards is likely to rise in circumstances where there is a heightened sense of anticipation of positive outcomes (Suciu et al., 2013:183). As noted by Moyday (1982:60), individuals definitely expect rewards for their efforts or actions.

### **2.3.3 Advantages and criticism of expectancy theory**

The expectancy theory has been found to be useful in predicting workers' conduct and as such helps to comprehend the various psychological processes that inspire individuals to behave in a particular manner (Parijat & Bagga, 2014:4). Moreover, this theory can establish proper linkages between efforts, performance and outcomes. In

Nemati's (2016) view, when expectancy theory is invoked, it is possible to evaluate individuals' expectations and beliefs regarding the outcomes. Most importantly, expectancy theory requires institutions to recognise the efforts of employees performing specific activities so as to ensure that individuals are not discouraged.

According to Suciu et al. (2013:185), the three components of expectancy theory (expectancy, instrumentality and valence) are seemingly difficult to validate, interpret and operationalise because of measurement and criterion challenges. Parijat and Bagga (2014:5) state that the practical applicability of expectancy theory is of great concern since it appears to be more complex to implement. Workers are not only motivated by extrinsic factors, which explains that the concept of instrumentality could be considered to be debatable and not easy to apply in practice (Nemati, 2016). Further, Nemati (2016) reveals that expectancy theory is not able to provide clarity concerning how an employee can vary their beliefs since valence can shift as individuals start to notice that there is a discrepancy between expectations and the actual outcomes. Therefore, Nemati (2016) suggests that when expectancy theory is applied, it is essential to take note of the fact that individuals' preferences will vary from time to time.

#### **2.3.4 Relevance of expectancy theory to employee grievances**

Expectancy theory shows that if grievance initiation is associated with positive outcomes, employees are more likely to report grievances in the institution. Equally important, this theory indicates the significance of ensuring that efforts taken by employees to lay grievances should be reciprocated with similar efforts in a quest to finding an amicable solution. In the same way, the theory suggests that institutional arrangements can influence performance (grievance handling) and outcomes (final solutions). As argued earlier, Mowday (1982:63) reveals that individuals are less likely to perform activities for which there is little or no reward. In other words, employees will be less courageous to file grievances if the prospects of engaging in such an activity herald little prospects for success. Basically, expectancy theory helps in understanding how individuals' inner motivation influence a desire to take a specific course of action (Hancock, 1996:11).

The expectancy theory can be utilised to increase workers' efforts in initiating grievances. This theory can be applied to establish a connexion between grievance initiation and successful grievance resolution (positive reward). Most importantly, public sector institutions can strive to ensure that employee attached value to grievance outcomes, particularly if the grievance resolution system is more functional (Sloof & Van Praag, 2005:8). Since employees' confidence play an important role in the strength of their ability to believe that putting efforts will lead to desirable outcomes (Nemati, 2016), it must be emphasised that such confidence is necessary for workers to believe that they can achieve expected results by initiating grievance filing. Since valence is concerned with "the anticipated satisfaction that comes from receiving an outcome" (Mowday, 1982:61), it is imperative for institutions to ensure that employees who lodge grievances receive a positive outcome, particularly if they have strong cases. At the same time, those employees who may appear to have weak grievance cases also need to be treated with a greater degree of fairness.

## **2.4 CONCLUSION**

In this chapter, the historical background of attribution theory was presented based on the views of the leading theorists such as Heider (1958), Kelley (1967) and Weiner (1986). Frits Heider (1958) pioneered the attribution theory intending to establish whether people attributed situations they experienced and the outcomes of these situations to external or internal factors. As part of the further development of attribution theory, Kelly (1967) highlighted three basic principles, thus distinctiveness, consistency and consensus that are important in the interpretation of human behaviour. Weiner's attribution theory is grounded on four factors, namely: ability, effort, task difficulty and luck. Moreover, these factors are determined by the following causal elements: locus (internal or external), stability (stable or unstable) and controllability (controllable or uncontrollable).

Attribution theory focuses on explaining people's behaviour and making inferences about human conduct. A fundamental assumption of this theory is that if employees regard the supervisors or the management of an institution as being blameworthy of particular

adverse circumstances under which they find themselves, consequently a grievance could be lodged. One of the strengths of attribution theory is that it can be systematically applied to provide in-depth explanations in relation to observations concerning how individuals perceive real causes of their own and other people's actions. Although people are important role players as observers, it should be noted that observers tend to miss some valuable aspects of the situation as they make attributions for behaviours. In this way, people who are involved in a situation tend to have a better comprehension of their circumstances far better than neutral observers. This suggests that employees involved in a grievance situation are likely to have a clear and unequivocal understanding concerning their grievances. Furthermore, attribution theory provides more insight and comprehension of different dimensions related to employee grievances. Essentially, attribution theory can be used as a lens for examining employee grievances within institutions, in particular, factors that could be ascribed to as causes of grievances.

The second theory discussed above is expectancy theory. Edward C. Tolman introduced this theory although it was developed further by Victor H. Vroom (1964) and subsequently improved by Edward E. Lawler and Lyman W. Porter (1968) as well as Marvin D. Dunnette, Edward E. Lawler and Karl E. Weick (1970). Expectancy theory is known as a process theory, which explains that individuals will direct their efforts towards a specific activity based on the outcomes they expect to receive for such efforts. A fundamental assumption of this theory is that people tend to behave or act in a hedonistic manner, which implies that people will tend to put extra efforts in order to maximise their returns or expected rewards. The expectancy theory assists in understanding the different psychological processes that inspire individuals to act in a specific manner. Unfortunately, the practical applicability of expectancy theory is of great concern because it appears to be more complex to implement. Nevertheless, expectancy theory shows the importance of ensuring that efforts taken by employees to initiate grievances should be reciprocated by management with similar efforts in a quest to finding lasting solutions to employee grievances. In sum, the expectancy theory can be utilised to increase workers' efforts in initiating grievances.

## **CHAPTER 3**

### **NATURE OF GRIEVANCES, GRIEVANCE HANDLING PROCEDURES AND FACTORS ACCOUNTING FOR HIGH RATE OF GRIEVANCES**

#### **3.1 INTRODUCTION**

The previous chapter has discussed the theoretical framework for this study. In that regard, the aforementioned chapter has shown that attribution theory is relevant in understanding grievance initiation in the workplace. Equally important, that chapter has argued that expectancy theory is indispensable for comprehension of workers' expectation concerning the effectiveness of grievance redressal in the workplace. Moreover, it was argued in the previous chapter that attribution theory could be applied in assessing employee grievances. Meanwhile, the issue of the practical applicability of expectancy theory seems to be complicated. In this chapter, the nature of grievances in the public sector institutions is presented. This is crucial because a meticulous assessment of the types of grievances facing employees could ultimately lead to an understanding of the universal factors that contribute to a high rate of grievances. Once the nature of grievances has been identified, it would be necessary to identify and critically analyse factors that account for the high rate of grievances so that senior managers and supervisors could develop practical and reasonable procedures for handling grievances or revisit the existing procedures.

This chapter begins by assessing the purpose of the grievance handling procedure. This is performed to magnify an appreciation for having a lucid and rational employee grievance procedure in the workplace. The stakeholders in employee grievance resolution are identified and their contribution in terms of addressing is well defined. This is followed by an extensive discussion of the nature of grievances in the public sector. Numerous factors that account for the high rate of employee grievances are identified and critically analysed. This is achieved through close examination of broad factors such as management factors, employee factors, union factors, environmental factors, and union-management factors. Further, the discussion in this chapter reflects processes that should form part of the employee grievance procedure in the workplace, thus

ensuring less cumbersome grievance resolution. An elaborate discussion on grievance mechanisms such as mediation and arbitration processes conclude this chapter.

### **3.2 PURPOSE OF GRIEVANCE HANDLING PROCEDURE IN THE WORKPLACE**

The existence of grievance handling procedure within institutions creates a platform for employees to lay their grievances formally with designated individuals or office. Setsetse (2008:8) asserts that grievance procedure is essential to ensure that employees are not subjected to controversial and unfair employment practices thereby fostering employee morale and work performance. Moreover, Setsetse (2008:8) notes that this could help to minimise employee turnover and prevent litigation initiated by employees against an institution. More specifically, the grievance handling procedure “is intended to prevent workplace injustice by providing a set of clear rules and regular channels of appeal” (Pavlak, Clark & Gallagher, 1992:175). Further, the procedure serves as an important avenue for maintaining consistency in grievance resolution processes (Pavlack et al., 1992:175). In Polster’s (2011:644) view, the existence of a functional grievance procedure indicates that employees will be treated fairly when they report grievances. The arguments put forward above, indicate that a grievance handling procedure provides an opportunity for managers, employees and union representatives to resolve grievances peacefully within institutions.

Pavlak et al. (1992:178) argue that grievance handling procedures seek to foster instrumental and value-expressive purposes. When procedures are applied fairly with a view to influencing grievance outcomes, the instrumental value is realised. Besides, Pavlak et al. (1992:178) mention those grievance procedures could have little positive influence on the grievance outcomes, particularly if they appear to be unfair. Equally important, it is essential to state that a fair grievance handling procedure is capable of minimising dysfunctional conduct and create an environment conducive for redressing employee grievances (Gordon & Miller, 1984:119-120). In support of this view, Nurse and Devonish (2007:90) highlight that if grievance systems are applied appropriately, institutions will be able to prevent unnecessary disruptions of work processes at the workplace. Clearly, it is the primary object of the grievance procedure to promote mutual



communication between employees and management and ensure that management addresses grievances successfully (Bendix, 2015:246).

### **3.3 STAKEHOLDERS IN EMPLOYEE GRIEVANCE HANDLING**

The employee grievance resolution process involves several role players, most notably, immediate supervisors, human resource managers, union representatives and grievance officers or designated employee. Supervisors are expected to have the necessary capabilities to deal with employee grievances in a professional manner. In this regard, Cooke and Saini (2015:633) postulate that it is imperative to empower and train supervisors in order to develop their competencies in grievance handling. Further, Geetika, Gosh, Rai, Joshi and Singh (2014:144) argue that supervisors ought to be able to “recognise, diagnose and correct causes of potential employee dissatisfaction before they become formal grievances.” Similarly, Cooke and Saini (2015:633) state that human resource managers need to coordinate grievance handling whilst at the same time ensuring that employees are guided and properly informed about grievance resolution processes. Equally important, it is essential for human resource managers to conduct inquiries into grievances, keep records and update grievance resolution procedures (Cooke Saini, 2015:633).

The grievance officers or designated employees have an important role to play in facilitating grievance resolution. Accordingly, the various role of grievance officers are as follows (Public Service Commission, 2011:22): receive and accelerate the resolution of grievances; record and report all grievances received to the labour relations component or head of the department; eliminate any possible hindrance to grievance resolution; conduct an investigation into grievances received and may request supervisors to assist when necessary; ensure that grievants are informed in writing concerning the progress of grievances reported; inform grievants of their rights and ensure that grievances are resolved within specified periods.

Union representatives have multiple roles to play in the grievance resolution process. For example, union representative may have to receive complaints directly from

employees who are union members and make a decision whether such complaints warrant lodging a formal grievance. Further, the shop stewards do monitor contract violation of contracts by management in the institutions and make efforts to redress grievances with supervisors and aggrieved employees. More importantly, union representatives gather information regarding grievances reported and ensure that union members are represented at the higher levels of grievance resolution processes (Bemmels, 1995:579). In the same vein, Cooke and Saini (2015:634) assert that union representatives or shop stewards can evoke formal procedure of grievance redressal if the informal process fails. Moreover, union representatives can exert pressure on the management of an institution to expedite grievance redressal, particularly where unions have formidable power. In support of this assertion, Geetika et al. (2014:145) suggest that effective and strong union presence in the workplace helps to facilitate grievance resolution.

### **3.4 NATURE OF EMPLOYEE GRIEVANCES CASES IN THE PUBLIC SECTOR**

This section identifies and discusses the nature of employee grievances in the South African public sector institutions. It must, however, be emphasised that this discussion is not an exhaustive coverage of grievance cases that may prevail in the public sector institutions.

#### **3.4.1 Performance assessment**

A study conducted by the Public Service Commission (PCS) in 2008 indicates that dissatisfaction about performance assessments was the leading cause of grievances in the South African public sector institutions (Public Service Commission, 2008:16). However, this trend has shifted slightly in the past decade because, in the 2017/18 financial year, the national and provincial departments reported about 1948 (22.2%) of grievance cases pertaining to performance assessments (Public Service Commission, 2018a:18). The fact that discontent about performance assessments is amongst the reasons for filing grievances by employees is confirmed by Daley (2007:284) and Setsetse (2008:24). The Public Service Commission (2008:73) argues that a high number of grievances in relation to the performance assessments is a clear

manifestation that the Performance Management Development System (PMDS) is not understood and applied correctly. This is attributed to the absence of commitment and skills on the part of senior managers in government institutions as well as mismanagement of the system.

### **3.4.2 Salary problem**

The Public Service Commission (2018a:17) reports that the national and provincial departments reported that approximately 2178 grievance cases were related to salary problems. Grievances of this nature emanate due to inequitable and unfair application of job evaluation results (Public Service Commission, 2008:73-74). Specifically, salary problem cases include grievance where workers are affected by, for instance, “deductions made from their salaries, non-payment of acting allowance and other types of allowances, salary adjustments, and housing subsidy” (Public Service Commission, 2018b:7). With regard to a grievance concerning salary, Labig and Greer (1988:3) argue that complicated and controversial remuneration systems contribute to disgruntlement among employees and create room for grievance initiation in the workplace. In fact, Rynes, Gerhart and Minette (2004:384) assert, “the systematic underestimation of pay’s importance, both by managers and employees, is a puzzle that merits further examination.” In essence, salary plays a pivotal role in the socio-economic space of individual employees in the institution. In this regard, unjustifiable salary discrepancies for similar jobs can affect employees negatively. Moreover, Rynes et al. (2004:388) mention that when employers influence salary changes, employees become more anxious because they view that as an indication of how they are valued by the employer relative to their peers.

### **3.4.3 Unfair treatment**

Keashly and Neuman (2010:55) state that perceptions of unfair treatment in the workplace result in anger and aggression among affected employees. In the 2017/18 financial year, the national and provincial departments reported approximately 2049 (23.4%) grievance cases that are related to unfair treatment (Public Service

Commission, 2018a:18). The most common types of grievances classified are unfair treatment discrimination, discipline and dismissal, which could be attributed to a lack of fairness or consistency in terms of treating employees (Hunter and Kleiner, 2004:88). According to the Public Service Commission (2018b:6), unfair treatment grievance cases can be understood as the type of grievances that are influenced by perceptions of unprofessional behaviour by supervisors or managers. This could include complaints about the inconsistent treatment of subordinates and favouritism. In Francois's (2004:21) view, disciplinary actions may include demotion, disciplinary probation and suspension. In fact, disciplinary action presents numerous challenges to management especially if it is meted out against an employee without thorough collection of information, which could result in an ill-informed disciplinary decision causing an employee to file a grievance (Francois, 2004:21). Based on the escalation of cases related to unfair treatment in the South African public service, the Public Service Commission (2018a:18) states that government institutions need to adhere to statutes such as the Labour Relations Act (Act 66 of 1995) as well as the international labour conventions, thereby ensuring that employees are treated with fairness and justice in the workplace.

#### **3.4.4 Sexual harassment**

Sexual harassment is “unwelcome conduct of sexual nature that violates the rights of an employee and constitutes a barrier to equity in the workplace, taking into account the following factors (Cliffe Dekker Hofmeyer (CDF), 2019):

- whether the harassment is on the prohibited grounds of sex and/ or gender and/ or sexual orientation,
- whether the sexual conduct was unwelcome,
- the nature and the extent of sexual conduct,
- the impact of the sexual conduct on the employee.”

The Department of Labour (2005:4) indicates that the unwelcome behaviour of the perpetrator of sexual harassment should be of a sexual nature, which may include physical, verbal and non-verbal behaviour. At the same time, it is worth noting that sexual harassment includes sexual favouritism and *quid pro quo* harassment. Sexual harassment is a grievable incident, which can have negative effects on the victims.

According to Jourbert and van Wyk (2010:42), sexual harassment as one of the causes of grievances constitutes the most traumatic and offensive experience for the victims thereof. Grievances of this nature have the potential to affect employees psychologically to such an extent that employees may tend to be less productive. In support of this statement, the University and College Union (UCU) (2016:2) argues that sexual harassment has a negative impact on victims because they may experience anxiety, loss of confidence and self-esteem, aggression and depression. The Department of Labour (2005:5) recommends that employers should adopt sexual harassment policies that will create a working environment in which the dignity of employees can be protected and to create a workplace where grievants of sexual harassment may not feel that their grievances are trivialised or ignored.

### **3.4.5 Employer communications and defamation**

Magalla (2018:3-4) state that defamation is the unprivileged publication of a false written or spoken statement with the intention of causing harm to the reputation of another person. In this regard, Barry (1989:282) postulates that a defamation grievance or complaint can be sustained if the following elements are evident: “a false and defamatory statement concerning the plaintiff; an unprivileged publication to a third party; fault amounting at least to negligence on the part of the publisher; and either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication.” An employee about whom false and derogatory information is published may file a grievance against the supervisor or employer (Hunter & Kleiner, 2004:89). In fact, grievances relating to defamation may arise in the workplace if an employee is demoted due to negative performance evaluation by a supervisor (Nicely & Bown, 2011:1). Hunter and Kleiner (2004:89) note that employers in possession of vast amounts of information that could be used or conveyed incorrectly to other institutions, especially during job references. Apart from the fact that the employee may file a grievance against an employer for sharing malicious information with other organisations, the revelation of evaluative information about an employee may lead to litigation against an employer. However, Nicely and Brown (2011:4) argue that employers or supervisors can invoke the principle of “common interest privilege when

making a statement in good faith to a third party who has a “legitimate reason to receive information.” In other words, the recipient of information conveyed by the employer or supervisor should be worthy of receiving such information. Further, Nicely and Brown (2011:4) state that the “common interest” privilege implies that supervisors are free to communicate important information concerning their subordinates to senior managers in the institution without fear of defamation grievances. Likewise, the immunity doctrine of “common interest” suggests that employers or supervisors may communicate negative reference to prospective employers. At the same time, employers and supervisors need to exercise caution when communicating negative information to a third party about an employee because if the third party is not in a position of privilege to receive such information a grievance of defamation can be easily sustained.

#### **3.4.6 Recruitment and selection/promotion**

There have been perennial employee grievances concerning the recruitment and selection process in different South African public service institutions despite efforts taken by the Public Service Commission to introduce a toolkit on recruitment and selection (Public Service Commission, 2008:74). With regards to the selection process, Trotta (1976:18) indicates that if the selection process is not planned and conducted properly, employees who are overqualified or underqualified could be selected, increasing the chances for a grievance to surface. As a further extension of this view, the Public Service Commission (2018c:32) notes that recruitment and selection practices in the public sector are fraught with subjectivity, unfairness and inconsistencies. As a result, the Public Service Commission (2018c:36) recommends that recruitment and selection standards should be fair and consistent, ensuring that job applicants are judged based on the inherent requirements for the position advertised.

Paterson and Murphy (1983:87) mention that prior to a promotion decision, management should be able to provide unequivocal answers to the following questions:

- What factor qualified the junior employee and disqualified the senior employee?

- If the junior employee's previous on-the-job experience is the basis of the award, what dates was the junior employee on the job? How did the junior employee obtain the experience?
- Could the senior employee have received this training if he or she had been interested in it?
- In determining the junior employee's qualifications for promotion, did management consider anything other than the previous experience, such as attitude, attendance records, or ability to work well with other employees?
- What records actually apply to the job being bid for?
- How long did it take the junior employee to learn the job to the extent of being able to perform it as well as an average qualified employee?
- What help and training were given to the junior employee?
- How long would it have taken the potential grievant employee denied the promotion to become qualified for the job?

#### **3.4.7 Refusal to approve application**

The statistical data gathered by the Public Service Commission (2018c:18) indicates that over 1000 grievance cases in the national and provincial departments focused on the refusal to approve applications. This figure indicates that refusal to grant leave ranked fifth nationally in terms of the nature of grievance reported in the South Africa public service during the 2017/18 financial year. Refusal of applications for incapacity leave, transfer, and study leave appears to be a major challenge in the public service. For example, in the case of *Police and Prisons Civil Rights Union and Another v The Department of Correctional Services and Another 2016*, the Labour Court of South Africa notes that failure by the aforementioned department to make a decision of whether to grant temporary incapacity leave to an employee within 30 days of application was unjustifiable and unreasonable. Concerning transfer applications, the Northwest Provincial Department of Community Safety and Transport management (2017:6) mentions that employees' application for transfer within or outside a department requires approval of executive authority or head of a department. In this sense, if the head of a

department declines an application for transfer based on reasons, which are considered absurd by the applicants, it is more likely that grievances would ensue.

### **3.4.8 Unmanageable workload**

Excessive workload leads to high levels of stress, turnover as well as employee grievances (Pinto, 2016:21). Issues pertaining to unmanageable workload are common challenges, which have the potential to create work-related stress. In support of this view, Portoghese, Galletta, Coppola, Finco and Campagna (2014:153) argue that work overload is a clear sign that employees do not have sufficient time to perform the work. This could also mean that employees who experience work overload do not have full control over their daily tasks due to immense pressure to perform. According to Portoghese et al. (2014:153), job control correlates with workload and burnout in the workplace. Unfortunately, an unmanageable workload is associated with fatigue and burnout in the workplace. As a result, employees may start filing grievances. It is therefore essential to ensure reasonable allocation of workload among employees in order to minimise stress and prevent grievances of this nature (Pinto, 2016:21). This statement is consistent with Portoghese et al. 's (2014:156) recommendations that managers should strive to find ways to decrease employees' workload and maximise their sense of control by giving them autonomy. However, reducing employees' workload could be extremely challenging due to limited resources

### **3.4.9 Workplace Bullying**

The South African Board for People Practices (SABPP) (2018:6) reports the prevalence of workplace bullying in South Africa across various sectors is at approximately 31.1%. Rollinson and Dundon (2007:181) mention that workplace bullying is one of the issues about which employees grieve in the workplace. Workplace bullying can be defined as "unwanted conduct in the workplace which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment or is calculated to induce submission by actual or threatened adverse consequences" (Rycroft, 2009). According to the South African Board for People Practices (SABPP) (2018:4), workplace bullying



entails “repeated actions and practices that are directed to one or more workers, which are all unwanted by the victim, which may be done deliberately or unconsciously, but which clearly cause humiliation, offence and distress, and that may interfere with job performance, and/or cause an unpleasant working environment.” In Keashly and Neuman’s (2010:53) view, bullying in the workplace can take different forms. Firstly, it can involve threatening an employee’s professional status, isolation and obstruction conduct, thus, making it difficult for the target to achieve important objectives. Secondly, bullying may include behaviour intended to undermine the professional standing, authority and competence of a victim. Thirdly, preventing targeted employees from accessing resources for their work (e.g., money, time). The aforementioned definition of workplace bullying indicates that this type of behaviour could have a far-reaching psychological effect on its victim. Rycroft (2009) emphasises that proper reporting channels should be established and formalised in order to allow victims of workplace bullying to report such heinous incidents.

#### **3.4.10 Forced overtime work**

Kolb (2008:332) reports that employees around the globe complain that they are forced to work overtime by their supervisors who threaten subordinates with dismissals. For this reason, employees are forced to comply with the unjustifiable actions of their supervisors. Furthermore, Kolb (2008:332) notes that supervisors force their subordinates to work overtime in order to meet production quotas even if it means employees are likely to sustain possible injuries on duty. Paterson and Murphy (1983:82) point out that overtime constitutes one of the major grievances reported in the public sector institutions. Further, Paterson and Murphy (1983:83) postulate that employees tend to feel that they are being deliberately isolated from working while other employees are forced by the management of institutions to perform overtime work. The South African Police Union (SAPU) (2014:10) reports that there are instances when the South African Police Service (SAPS) would require its employees to work overtime while also indicating that there were no funds to pay for overtime. Ultimately, employees would be offered time off instead of monetary payment. SAPU (2014:10) notes that employees

should be given at least 72 hours' notice in advance regarding the issue of overtime work and employees may indicate whether they would prefer to be paid or be given time off. If the employer does not have money to pay for overtime work, employees are at liberty to withdraw from working overtime. Given the challenges faced by employees in the workplace concerning the issue of forced overtime, Kolb (2008:333) recommends that employees should be given the necessary respect in the workplace. Specifically, Kolb (2008:333) points out that as a gesture of showing respect to employees, employers or supervisor should grant subordinates an opportunity to decide whether or not to work overtime. Secondly, when employees have sustained occupational injuries, they should be given sufficient time to recuperate, which also means that when they return to work, they should not be given tasks that are likely to exacerbate their injuries.

### **3.5 FACTORS THAT ACCOUNT FOR HIGH RATE OF EMPLOYEE GRIEVANCES WITHIN INSTITUTIONS**

The high rate of employee grievances could be attributed to numerous factors such as management, environmental, union, employee, and union-management relations factors. Further analysis of these factors is undertaken hereunder.

#### **3.5.1 Management factors**

According to Setsetse (2008:17), management factors that may account for the high rate of grievances in the institution include supervisory behaviour and management policy. Concerning supervisory behaviour, Labig and Greer (1988:10-11) reveal that formal grievance tends to be lodged against autocratic managers or supervisors because they are dismissive of challenges and ignore union consultation. Bemmels and Foley (1996:366) highlight that the application of strict measures by supervisors pertaining to performance and disciplinary standards may lead to increased levels of grievances. In support of this view, Setsetse (2008:17-18) reveal that supervisors who pressurise employees to be more productive in order to attain institutional goals are bound to receive high grievance rates. Clearly, this suggests that grievance initiation within institutions may escalate or decrease depending on whether performance and disciplinary standards are applied more strictly or moderately. Likewise, Rollinson and

Dundon (2007:187) argue that managers or supervisors who are inclined to implement changes in the workplace without communicating with subordinates are bound to create an opportunity for high rates of grievances. Concerning the issue of unannounced changes in the workplace, Labig and Greer (1988:10) suggest that supervisors should avoid introducing changes without informing their subordinates or without any valid reasons. Equally important, management policy needs to stipulate the importance of consulting workers' representatives or unions concerning changes that may affect employees directly and indirectly. Labig and Greer (1988:11) note that if management policy is silent on such crucial matters that affect employees, an opportunity for increased levels of grievance initiation in the institution could increase.

### **3.5.2 Environmental factors**

As far as environmental factors are concerned, a major determining aspect for filing a grievance is labour market conditions. In the context of labour market conditions, Bemmels and Foley (1996:365) argue that an unfairly treated employee's inclination to file or report a grievance is dependent on the availability of employment opportunities elsewhere. In this sense, once the unfairly treated employees identify a comparable employment opportunity in other institutions, it is more likely that they would not resign from the immediate employer without filing a grievance. On the other hand, this suggests that if the unemployment rate is high, the employee who is unfairly treated may choose to remain in the institution but then would rather choose to initiate a grievance. According to Setsetse (2008:18), if employees are highly remunerated, it is unlikely that they would opt to leave an institution due to an unreported complaint, although, filing a grievance could be seen as an appropriate option. In Labig and Greer's (1988:3) view, unpleasant working conditions and alteration in operational methods leads to increased levels of grievances. Besides, Labig and Greer (1988:4) state that the legal influences have an impact on grievance initiation because unions are compelled to satisfy their fair representation obligations thereby pursuing grievances lodged by their members. Considering the aforementioned arguments, these might negatively contribute to the high rate of grievances reported in the institution.

### **3.5.3 Union factors**

The quality of grievances reported in the institutions is determined by the attitudes, experience and motivation of a shop steward in relation to the employee grievances. Additionally, union policies that encourage grievance filing, particularly in writing lead to increased levels of grievance rate (Bemmels & Foley, 1996:368; Setsetse, 2008:18). According to Labig and Greer (1988:13), union policies that encourage frequent grievance filing create a platform for unions to use a grievance system to fight the management of an institution. However, Bemmels and Foley (1996:369) note that when shop stewards make efforts to address grievances through informal means or channels, grievance rates could become lower, but the challenge could also emerge if shop stewards are expected by their constituents to be more radical when engaging with the management. In that sense, the grievance rate is bound to rise due to an adversarial form of engagement between shop stewards and management regarding employee grievances. In support of this view, Rollinson and Dundon (2007:187) accede that an adversarial employment relations climate creates an opportunity for increased levels of grievances in the workplace.

### **3.5.4 Employee factors**

The previous studies (Bemmels & Foley, 1996; Rollinson & Dundon, 2007) indicate that there are employee factors that influence grievance initiation. Firstly, Rollinson and Dundon (2007:187), employee perception influences grievance initiation, especially in situations where the perceived degree of inequity in terms of performance effort and rewards appears to be prevalent among employees. Secondly, Bemmels and Foley (1996:368) indicate that shop stewards can influence employees to report or initiate grievance, especially if such grievances are initially reported to shop stewards. Noteworthy, in some instances, employees tend to make internal attributional judgements to supervisors' attitude or personality where unfavourable tasks are viewed as a form of punishment by supervisors in which case employees take vengeance by

lodging a grievance (Rollinson & Dundon, 2007:187). These trends were found to be contributing to a high rate of grievances being reported in the workplace.

There are inconsistencies regarding the question of whether biographical characteristics contribute to grievance initiation. For instance, Bemmels and Foley (1996:368) argue that gender issues or demographic elements are not major determinants of grievance initiation. In other words, the question of whether a person reporting a grievance is a male or female is not a factor that would determine an individual's disposition towards grievance initiation. On the other hand, Labig and Greer (1988:15) mention that biographical characteristics such as education and skill influence grievance filing in the workplace. Specifically, employees who report grievances in the workplace tend to have formal education than those who lacked formal education. In the same way, highly skilled employees were found to have a proclivity to file grievances than the lower-skilled employees (Labig & Greer, 1988:16).

### **3.5.5 Union-management relations factors**

The level of cooperation in the union-management relationships determines a degree of institutional harmony, thus, a lower rate of grievances (Setsetse, 2008:19). Moreover, Setsetse (2008:19) reports, "grievance filing rates were lowest at the midpoint of collective bargaining cycles and highest during the period just prior to the expiration of collective bargaining agreements. Workplace conflict as reflected in grievance filing rates is systematically related to collective bargaining cycles and that the grievance procedure is itself a form of bargaining." In other words, unions tend to use grievance initiation by employees as a way of forcing the management of the institution to accede to their wishes and demands. Bemmels and Foley (1996:369) also note that unions may cite the rate of grievances reported to argue a point that the management of an institution failed to interpret and apply collective agreement.

According to Labig and Helburn (1986:271), unions' policies relating to the filing of grievance in the workplace is influenced by three management policies, namely: "their level of performance and discipline standards for employees, their persistence in

maintaining initial grievance positions, and their frequency in consulting with union leaders.” In this regard, Labig and Helburn (1986:271-272) note important findings. Firstly, attempts by management to enforce strict performance standards and discipline can be counter-attacked easily by unions through grievance filing. Secondly, when management concedes to the union’s position after submission of written employee grievances, the level of grievances increases. However, in situations where management makes concessions before submissions of written grievances, unions refrain from submitting formal written grievances. Thirdly, when the management consults more frequently with the union representatives, fewer grievances tend to be reported in the workplace. Nevertheless, if the management decides to be hostile towards union representatives, unions would respond by encouraging grievance initiation in the workplace.

### **3.6 PROCEDURES APPLIED IN HANDLING EMPLOYEE GRIEVANCES**

The various type of employee grievances dealt with above ought to be addressed systematically. To this end, it is essential to establish a clear, fair and transparent employee grievance handling procedure in the institution. Nel, Swanepoel, Kirsten, Erasmus and Tsabadi (2005:240) outline the five critical steps of grievance procedure although such steps may differ from one organisation to another given the heterogeneity of personnel as well as institutional structure, size and complexity. In the first step of the grievance procedure, an employee is expected to report a grievance to the immediate supervisor. Additionally, a grievance needs to be formalised and recorded appropriately. Practically, it may not be consequential to involve third parties during this stage (Erasmus, Swanepoel, Schenk, Van der Westhuizen & Wessels, 2005:502; Bendix 2015:246). Furthermore, the immediate supervisor should encourage the employee to state all material issues pertaining to the grievance (Nel et al. 2005:240). According to Erasmus et al. (2005:503), the supervisor should take reasonable efforts to ensure that the grievance is resolved within 24 hours of receipt. If a grievance is not settled, it should be escalated to the second step.

In the second step of the grievance procedure, the grievance has to be written and be brought to the attention of the next level of management in the institution by the aggrieved, shop stewards or employee representative and the immediate supervisor (Erasmus et al. 2005:503; Nel et al. 2005:240; Bendix, 2015:246). In this regard, Erasmus et al. (2005:503) suggest that the grievance should be filed in triplicate in which case the industrial relations officer or human resource officer gives one copy to the aggrieved employee while the other copies are retained. At this stage, efforts should be taken to resolve the grievance within 48 hours of receipt (Nel et al. 2005:241). However, if the aggrieved employee remains discontented, thus, the matter is not yet resolved, the grievance ought to be taken to the next level. The third step involves making written submissions of a grievance to the next tier of the institution. This should include the initial grievance form, report pertaining to measures taken in an effort to resolve the grievance concerned. Ideally, the grievance should be resolved within 96 hours or four working days (Nel et al. 2005:240-242).

In the fourth step of the grievance procedure, “a formal, independent and impartial grievance committee is convened to investigate the grievance and give its decision” (Nel et al. 2005:242). As a matter of fact, the grievance committee members should include a labour relations officer or human resource specialist, shop stewards, senior managers in the institution as well as an expert on the issue concerned. Equally important, all parties to the grievance committee must be fully independent and impartial (Erasmus et al. 2005:503). Higher levels of perceived impartiality and independence of the grievance committee members could positively reflect on the credibility of the findings by the committee. Nevertheless, the grievance committee ought to conclude its investigation within 168 hours or seven working days. Essentially, a ruling and comprehensive report should be given to all affected parties (Nel et al. 2005:242). If it is found that the worker is still discontent, the matter should be escalated to the next level. The fifth and final stage of the grievance procedure involves informing the top management of the institution about the grievance. In the same way, grievance forms and full reports emanating from previous stages should be sent to the top management for further consideration. However, should the top management fail to settle the grievance, such a

grievance be referred for mediation and subsequently arbitration (Nel et al. 2005:242; Bendix, 2015:247).

### **3.7 EMPLOYEE GRIEVANCE RESOLUTION MECHANISMS**

The Labour Relations Act 66 of 1995 makes provision for the resolution of grievance disputes through a formal mechanism such as mediation and arbitration. These mechanisms are discussed further in detail below.

#### **3.7.1 Grievance mediation**

According to Erasmus et al. (2005:485), grievance mediation is viewed as an important process for numerous reasons:

- When disputants are no longer in a position to resolve a dispute on their own.
- When neither party to a dispute is prepared to accede to an offer.
- When the disputants are polarised in terms of their preferences and demands.
- When it becomes increasingly essential to offer multiple options to the parties or disputants so that they can start to gravitate towards one another.

##### **3.7.1.1 Mediator's role in grievance mediation**

In the performance of mediation duties, a mediator needs to communicate effectively with the disputants. According to Feuille (1992:139) and Godlberg (1982:281), a mediator can arrange one-on-one deliberations with disputants in order to highlight the strengths and weaknesses of the positions and arguments. Alternatively, a mediator may provide an advisory opinion regarding the issue at hand. Mediators should strive to persuade disputants to reconsider their views or perspectives when dealing with a variety of issues (Feuille & Kolb, 1994:259). In keeping with this view, Bendix (2001:557) states that in an attempt to resolve grievance issues, a mediator may persuade parties to gravitate towards one another so that a mutually agreed outcome could be reached. Nevertheless, the mediator will have to guard against advancing the interests of one party at the expense of the other. In other words, although the mediator may be persuasive in approach, care should be exercised in order to enhance credibility and trust. Bendix (2001:557) accentuates that mediators should only “act in an advisory and



conciliatory capacity.” Therefore, under no circumstances should mediators attempt to impose their views upon disputants. Although some authors (Bendix, 2001; Feuille & Kolb, 1994) argue that a mediator does not have powers to impose an outcome in relation to a grievance dispute, Wall, Stark and Standifer (2001:375) contend mediators may exercise the powers to impose an outcome upon disputants.

Furthermore, mediators have a duty to educate disputants during the negotiation process and ensure the concessions or compromises are understood by all parties concerned (Wall, Stark & Standifer, 2001:375). In doing so, the mediator may engage each party to the grievance dispute privately (Goldberg, 2005:3). Agapiou (2016:273) accedes that the mediation process is meant to empower the disputants by allowing free flow of information between parties in order to find a unanimous settlement. In Fitzpatrick’s (2006:12) analysis, this should allow the mediator to encourage any party to a grievance dispute to make a compromise without pressurising the parties to reach an agreement. Equally important, Wall et al. (2001:378) argue that the mediator’s one-on-one discussion with disputants is necessary to alleviate a hostile environment. Besides, this will present an opportunity for each party to divulge information that was not revealed during joint sessions due to the presence of the other party (Irvine, 1993:31). However, the mediator should also remember that his or her role is an advisory one, particularly if parties fail to agree on certain issues. This means that such advice shall not have any binding effect upon the disputants concerned (Goldberg, 2005:3). Interestingly, Goldberg (2005:3) and Irvine (1993:34) argue that information shared during mediation cannot be used against any party in the grievance mediation process if the matter remains unresolved. This assertion requires further scrutiny because it is not yet clear whether a self-implicating statement made by either party may not be put forward during the arbitration process. Nevertheless, this should be a concerning issue, especially if a grievance dispute cannot be resolved through mediation.

Once the mediation process is started or initiated, it is important to actively engage with the parties concerned by requesting to submit written submissions to the mediator (Erasmus et al., 2005:486). By so doing, the mediator will have a clear idea about the extent and nature of the grievance dispute under consideration. The role of the mediator

is not to enforce ideas upon the parties concerned (Bennet, 2017:119), hence submissions from disputants are important at the inception of the mediation process. In addition, mediators must not be tempted to make impulsive and premature propositions but should rather remain neutral as much as possible whilst encouraging parties to appraise their initial positions (Erasmus et al., 2005:486). Goldberg (2005:4) argues that such a role constitutes evaluative feedback, therefore, it should not be construed as the practice of law or passing a judgement. The mediator has to spur the disputants to examine alternative solutions and state the importance of introducing proposals that will result in mutual satisfaction for parties involved (Irvine, 1993:31). In this regard, it is imperative to emphasize that the mediator is expected to offer legal information instead of “giving legal advise” (Goldberg, 2005:4). At the same time, Goldberg (2005:4) concedes that the mediator’s role of predicting the possible outcomes of the arbitration could be interpreted as an infringement of the principle of neutrality. Basically, Irvine (1993, 33) states that the mediator should only consider providing a non-binding advisory opinion after a failure to settle a grievance dispute

A mediator may use three distinct strategies in settling disputes, namely: directive, nondirective and reflexive. Directive strategy means that “the mediator actively promotes a specific solution to pressure or manipulate the parties directly into ending the dispute.” Nondirective strategy suggests that the mediator endeavours to create an opportunity for disputants to identify mutually acceptable solutions without or with little involvement of the third party. Reflexive strategy holds that the mediator makes efforts to acquaint himself or herself with a grievance dispute in order to identify settlement alternatives (Carnevale & Peggnetter, 1985:67). According to Bennet (2017:119), a directive strategy should be given preference because it allows the mediator to make proposals that may be accepted or rejected by the disputants. Contrary to this notion, Agapiou (2016:269) argues that directive meditation presents an ethical dilemma to the mediator because the third party must avoid imposing its terms and preferences. However, a mediator’s choice of strategy is influence by the urgency and sensitivity of the matter at hand. In this sense, the mediator may decide to apply a heuristic or compensatory strategy. “Heuristic strategies involve the use of minimal information and time, as well as the consideration

of few alternatives and problem attributes. By contrast, compensatory strategies requires extensive amount of information and time; herein, many alternatives and attributes are also considered” (Wall et al., 2001:379). Additionally, Wall et al. (2001:380) maintain that the mediator’s goal to remain neutral and seem to be neutral does not influence a choice of technique or mediation method. Therefore, it is imperative to ensure that the mediation technique is applied consistently to all disputing parties.

The mediator must have good interpersonal, communication and conflict handling skills in order to be effective. Additionally, a mediator must be able to handle and deal with confidential information (Erasmus et al., 2005:486). Similarly, a mediator’s level of training and knowledge of rules governing the mediation process may influence the methods and tactics employed in redressing a dispute (Wall et al., 2001:37). Additionally, a mediator should have sufficient knowledge and understanding of labour legislation as well as a collective agreement. Besides, a mediator needs to be more tactful and diplomatic in handling the grievance mediation process (Bendix, 2001:558). In essence, any effort by a mediator towards redressing a grievance dispute must never be construed as an endeavour to discredit any party to the dispute. Pragmatically, disputants are of a view that a mediator will demonstrate or have relevant knowledge and skills to assist in redressing a grievance dispute (Wall et al., 2001:372).

The mediator must be an independent, experienced and skilful individual appointed unanimously by disputants (Bendix, 2001:558). This suggests that a mediator must not be biased against any party to the grievance dispute. Apart from the issue of neutrality of the mediator, other factors pertaining to the mediator’s trustworthiness, credibility and the ability to handle confidential matters must be considered rigorously (Bendix, 2001:558). Irvine (1993:32) asserts that the mediator must be “fair, impartial, and non-judgemental; the process must be voluntary and free of bias, and parties must be equal in the dispute.” Concerning the mediator, Erasmus et al. (2005:485) state that the mediator should be an impartial, trustworthy and highly esteemed individual who act as a peacemaker in an endeavour to broker an agreement. Equally important, Erasmus et al. (2005:486) suggest that if the mediator is of a view that he or she is conflicted, it is imperative to withdraw from the mediation process. At the same time, the mediator

should be wary of employers who may attempt to use the mediation process to achieve unethical goals, for instance, inducing an employee to resign (Agapiou, 2016:272).

The scarcity of resources could have an adverse impact on the realisation of grievance settlement (Wall and Lynn, 1993:175). In fact, lack of financial resources can affect mediation institutions (Bower, Seeber & Stallworth, 1982:461). In this regard, mediators are also careful about employing techniques that could be costly in the process of resolving grievances. Therefore, mediators do analyse costs and benefit before applying any strategy (Wall et al., 2001:379). This is done to avoid any possible waste of scarce resources.

Wall et al. (2001:383) and Wall and Lynn (1993:74) emphasise that disputants' commitment to the mediation process is an important precondition for this process to be successful. In keeping with this view, Rocker (2012) states that mediation will not yield a positive outcome if the disputants do not cooperate with the mediator. In Bendix's (2001:560) observation and interpretation, grievance mediation is bound to fail dismally if commitment from disputants towards resolving an impasse is lacking. This is based on the fact that commitment determines to a larger degree, the achievement of grievance dispute settlement (Wall & Lynn, 1993:175). In other words, if the disputants are not receptive to the mediation process, the mediator is bound to fail in his or her role.

### 3.7.1.2 Benefits of grievance mediation process

The grievance mediation process is linked to various benefits which are discussed below.

#### 3.7.1.2.1 *Cost savings*

Grievance mediation reduces costs that would otherwise be incurred if grievance issues were to be arbitrated (Skratek, 1990:276). Feuille (1992:134) also reported the issue of cost savings in relation to grievance mediation, especially financial savings. In this regard, Skratek (1990:225) accentuates that the time required by legal representatives during mediation is minimised to resolve grievance disputes. Mediated grievance disputes could be resolved within a day. This suggests that more savings would be

made, particularly in respect of time and money. Generally, this is achieved by excluding attorneys from the mediation process (Bower et al.,1982:463; Birken, 2000:3). Furthermore, Feuille and Kolb (1994:260-261) opine that mediation “enables disputes to be resolved faster, cheaper, in a less adversarial manner, and with a drastically reduced reliance on lawyers, briefs and other legalistic trappings”. Goldberg (2005:2) postulates that grievances are resolved speedily during the mediation process because it is informal and allows multiple grievances to be resolved within a limited space of time. Clearly, the grievance mediation process is more expeditious in resolving grievances (Feuille, 1992:134). Birken (2000:3) mentions that mediating a grievance can take less than fifteen days to conclude whereas arbitration can take almost nine months before an award could be delivered. Nevertheless, Roehl and Cook (1985:164) argue that once off mediation process may not be able to address a grievance dispute. Consequently, a grievance may have to be dealt with over an extended period depending on the complexity of the matter.

#### *3.7.1.2.2 Increased level of satisfaction*

Roehl and Cook (1985:163) found that approximately 80-89% of grievance disputes resolved through mediation results in great satisfaction for parties involved. Consistent with this finding, Birken (2000:3) states that 76% of disputants are reportedly found to be satisfied with the grievance mediation process. However, Roehl and Cook (1985:164) indicate that delaying tactics in terms of complying with mediation agreement tends to be more problematic because parties seem to be reluctant to ensure compliance within a reasonable period. Skratek (1990:276) highlights that grievance mediation results in great satisfaction for disputants in three different ways, namely: procedural, substantive and psychological satisfaction. Procedural satisfaction implies that disputants are content about the procedures adopted towards mediating a dispute. Moreover, substantive satisfaction refers to disputants’ satisfaction with the final outcome of the grievance mediation process, particularly when a grievance issue is resolved amicably. Psychological satisfaction refers to the extent to which the disputants are content about their involvement and contributions as active partakers during the mediation process (Skratek, 1990: 276-278).

#### *3.7.1.2.3 Achieves lasting settlement owned by the disputants*

Grievance mediation allows the employees and employers to engage in a meaningful way by sharing information that contributes towards finding a lasting solution to grievance disputes (Feuille, 1992:134). Moreover, this can be enhanced by allowing employees and employers or their representatives, sufficient opportunity to articulate their standpoints or arguments (Goldberg, 2005:2). Besides, Goldberg (2005:5) and Hodges (2004:398) state that grievance mediation leads to improved relations between employees and employers.

#### *3.7.1.2.4 Positive influence on negative conflict culture*

Birken (2000:3) asserts that mediation promotes mutual understanding and cohesion between disputants, particularly during joint discussions. Grievance mediation can improve the disputants' reliance on collective bargaining in addressing their grievance disputes (Bower et al., 1982:462). In fact, frank deliberations during the mediation process lead to the generation of new or innovative ideas for resolving grievance issues (Skratek, 1990:274). Goldberg (2005:2) points out that a non-adjudicative form of grievance mediation creates an environment where disputants can easily resolve conflict without involving legal representatives. In other words, the disputants must be given sufficient time to determine solutions to their own problems through facilitation by a third party.

#### *3.7.1.3 Criticisms against grievance mediation*

The benefits of grievance mediation tend to be eclipsed by disadvantages. The ensuing discussion below focuses on the disadvantages of the grievance mediation process.

##### *3.7.1.3.1 Solution is not guaranteed*

Wall et al., (2001:378) state that an integrative technique does not yield the desired outcome if disputants do not have common ground due to a desire by either party to emerge victoriously. When disputants chose to employ mediation in resolving their

disputes, they ought to have a desire to settle such disputes. In fact, grievances should be referred to mediation after a thorough examination of circumstances that may impede the resolution of grievances (Skratek, 1990:279). Due to the shortcomings associated with grievance mediation, it is essential to screen disputes that can be mediated appropriately and successfully (Feuille & Kolb, 1994:252).

#### *3.7.1.3.2 Mediation is weak*

Mediation cannot be considered as an enduring grievance redressal method because it fails to resolve difficult disputes (Feuille & Kolb, 1994:251). Furthermore, grievance mediation will not achieve desired outcomes if either party to the grievance objects to proposed solutions. This indicates that an impasse cannot be reached easily if parties fail to attain mutual agreement and understating on issues (Feuille & Kolb, 1994:252). In relation to this concern, Goldberg (1982:285) states that the mediator's failure to communicate persuasively and effectively can contribute to the collapse of negotiations during mediation processes. According to Feuille and Kolb (1994:252), the mediator's goal of attempting to attain a mutually agreed outcome is problematic considering that initial steps had failed to produce desirable outcomes. In other words, this process could be seen as a futile exercise because of its continued reliance on mutual cooperation and understanding. This implies that decisions that appear to favour either of the parties concerned may not be accepted. Therefore, this can be seen as complete ignorance of the fact that the grievance mediation process is initiated in a quest for a just and fair solution rather than mutual compromise (Feuille & Kolb, 1994:252). This shortcoming of grievance mediation creates an impression that mediation is a "second class justice" (Roehl & Cook, 1985:171).

#### *3.7.1.3.3 Managerial reluctance*

Managers tend to be reluctant to employ grievance mediation because they consider it a technique intended to influence decisions in favour of the grievant (Feuille & Kolb, 1994:253). This suggests that managers perceive the grievance mediation process as a less favourable grievance redressal method. Similarly, Goldberg (1982:293) indicates that employers reject mediation because it is less costly, which could make it easy for

employees and unions to continuously challenge management decisions. Nevertheless, Feuille and Kolb (1994:254) state that most parties that have utilised grievance mediation in the past have reported great satisfaction about the mediation despite managerial reluctance to engage in this process.

#### *3.7.1.3.4 Lack of trust*

Trust is “described as a positive expectation is based on the behaviour of another, under conditions of vulnerability and dependence” (Dickie, 2015:2066). One of the determinants of a successful grievance mediation process is trust. If disputants do not trust one another, it will be difficult to reach a mutually agreed resolution. In this regard, It is essential for each party to recognise and accommodate the perspectives of the other party to the grievance dispute (Feuille & Kolb, 1994:254). In this regard, Notter (1995) state that reciprocal and conciliatory behaviour is essential for disputants to start regaining trust. However, a challenge is that the disputants may have an insatiable desire to emerge triumphant in the dispute rather than achieving a win-win outcome. Such desire creates an adversarial aura where employees as grievants may place economic pressure on the employer so as to force an outcome favourable to them (Feuille & Kolb, 1994:255). This may happen for various reasons and under different circumstances. On the one hand, employee representatives may reject a compromise due to fear of criticism that they failed to protect employee interests. On the other hand, employers’ representatives may do the same because they do not want to be labelled as weak or being ill-equipped to defend the employer (Feuille & Kolb, 1994:255).

The employee representatives may find themselves in an anomalous position, especially if they want to accede to a compromise whereas employees insist on a win-lose outcome. In the same way, supervisors who provoke employees by continuously making decisions that are not consistent with established procedures and policies (Feuille & Kolb, 1994:255) can exacerbate the situation. In relation to this concern, Notter (1995) state that grievance mediation requires trust which is predicated on shared commitment and mutual respect. Therefore, when the grievance mediation process is adopted, the disputants must be willing to cooperate and commit to the final outcome (Feuille & Kolb,



1994:255). Additionally, positive attitudes of the disputants and problem-solving skills of the mediators could be seen as major determinants of success in the grievance mediation process (Feuille & Kolb, 1994:256).

#### *3.7.1.3.5 Lack of support for mediation process*

Feuille and Kolb (1994:256) argue that arbitrators who tend to benefit from the arbitration process do not favour grievance mediation. Based on this argument, grievance arbitration creates an additional income for arbitrators, especially when considering the high costs associated with arbitration and the time it takes to arbitrate. To the extent that grievance mediation remains doubtful about redressing employee grievances, disputants will seldom support it. The effectiveness of grievance mediation will be largely determined by how disputants conduct themselves during the mediation process (Skratek, 1990:274). In fact, grievance mediation fails due to disputants' obsession with their original positions and interests (Skratek, 1990:274).

#### *3.7.1.3.6 Power relations*

According to Roehl and Cook (1985:171), "power differentials between disputing parties may result in the more powerful party refusing to participate in mediation or dominating a hearing to the point of intimidating the less-powerful party into a potentially inequitable agreement." Power disparities are problematic in grievance mediation, hence a less powerful party may later claim implied coercion to agree to mediation terms, which breeds dissatisfaction about the process (Roehl and Cook, 1985:173). Therefore, mediation poses a serious challenge to a situation where power imbalance negatively influences the attainment of just and fair mediation outcome. For instance, the imbalance of power between the harasser and the victim implies that the victim cannot enter into a mediation agreement freely, knowingly, and without fear or coercion." (Irvine, 1993:37-38). Hodges (2004:434-435) argues that an informal dispute resolution mechanism such as mediation disadvantages the less powerful individuals, particularly employees who are less skilled. The inclusion of attorneys during mediation could contribute to the creation of a power balance although the costs may be exorbitant.

#### 3.7.1.4 Employee grievances not suitable for mediation

Mediation is “not suitable for all types of grievances” (Irvine, 1993:28). In this regard, it is important to start by identifying the two types of disputes, which may be referred to the mediator for mediation. Firstly, disputes of right, which is defined as a dispute regarding the interpretation of existing rights or collective agreement, for instance, unfair dismissal and discrimination. Such disputes are legal in nature and can be difficult to mediate; therefore, disputes of rights can be resolved through the arbitration process (Erasmus et al. 2005:480). Secondly, disputes of interest, which is a dispute concerning matters of mutual interest between the employer and the employee where the disputants do not have an established right to the demands, for example, salary (Erasmus et al., 2005:481). Worth noting, “the relative unsuitability of some grievances for mediation does not mean that they cannot be resolved in mediation. No matter how complex the factual issues, how firmly held the parties’ positions, or how important the issues, final resolution through mediation is possible, perhaps even more frequently than the parties might anticipate” (Goldberg, 1982:301).

According to Bowers et al. (1982:461) issues related to employment discrimination, management policies and pensions are not suitable for resolution through grievance mediation. In fact, policy and discipline issues have been found to be difficult to resolve through negotiations (Tjosvold and Morishima, 1999:540). In this regard, Tjosvold and Morishima (1999:540) point out that grievances in respect of work allocations are not easily resolved in comparison to those concerning working conditions. Further, Irvine (1993:28) and Hodges (2004:424) contend that sexual harassment grievances are not suitable for mediation since they constitute a serious offence by the harasser and due to the power differentials between the harasser and victim. Moreover, the manner in which sexual harassment incidents are treated is a clear manifestation of how women are treated in the workplace. Therefore, attempts at mediating a sexual harassment case may be seen or interpreted as “trivialising the seriousness of sexual harassment and maintaining an inhospitable environment for female workforce.” Hodges (2004:423-424) points out that sexual harassment incidents should be handled with a greater degree of caution and sensitivity. Contrary to the aforementioned views, Skratek (1990:273)

argues that discipline and discrimination issues can be effectively resolved through the mediation process. However, Tjosvold and Morishima (1999:540) note that grievance disputes that are difficult to resolve test the mediator's conflict-handling skills as well as the ability to communicate their perspectives more effectively. Although mediation is fraught with a degree of difficulty, it presents employees and employers with an opportunity to negotiate their preferences in a meaningful fashion.

### **3.7.2 Grievance arbitration**

If a dispute remains unresolved after mediation and conciliation, a certificate of non-resolution has to be issued after which an arbitration process can be embarked upon (Commission for Conciliation, Mediation and Arbitration, 2014:1202). Grievance arbitration process is concerned with the appointment of a third party to make a final binding decision regarding a grievance (Bendix, 2015:500). In essence, grievance arbitration is an important yet quick and efficient means of addressing employee grievances in the workplace (Charney, 2010:1; Bendix, 2015:502). An arbitration process is invoked under the following circumstances (Commission for Conciliation, Mediation and Arbitration, 2014:1202):

- After a period of 30 days has elapsed since the grievance dispute has been referred but no certificate was issued while a dispute remains unresolved;
- When the other disputing party has been cordially informed about the impending arbitration process and such a notice is filed with the CCMA or an accredited bargaining institution;
- After condonation of late application for arbitration proceedings.

The Commission for Conciliation, Mediation and Arbitration (2014:1205) mentions that an arbitrator may use discretion to determine a suitable approach for conducting the arbitration process. Firstly, an inquisitorial approach can be used to establish facts and determine the probabilities through cross-examining witnesses and requesting disputing parties to submit documentary evidence. This approach is more useful when disputing parties are less experienced in arbitration and when dealing with complicated factual and legal matters (Commission for Conciliation, Mediation and Arbitration, 2014:1206).

Secondly, an adversarial approach involves inviting witnesses to give evidence and cross-examining them based on their testimony in order to clarify issues that may appear to be vague. This approach is suitable for arbitration proceedings if the arbitrator seeks to interrogate witnesses to determine the substantial merits of the grievance dispute (Commission for Conciliation, Mediation and Arbitration, 2014:1205-1206). However, the form of arbitration adopted by the arbitrator should be informed by the intricacies of the factual and legal issues concerned, the attitude of the disputing parties towards the grievance arbitration process, and whether the disputing parties are going to use union representatives. Moreover, the issue of legal representation and the experience of the disputing parties or representatives in arbitration proceedings are some of the issues that can influence a choice of arbitration approach (Commission for Conciliation, Mediation and Arbitration, 2014:1205).

Bendix (2015:500) asserts that during the arbitration process the “arbitrator listens to and investigates demands and counter-demands on both sides and make final settlement.” Further, the arbitrator must allow disputing parties to exercise their rights, thus, to call witnesses, submit evidence, cross-examine witnesses, and present final arguments (Commission for Conciliation, Mediation and Arbitration, 2014:1206). In other words, an arbitrator undertakes a duty not similar to one that is performed by a court of law. Specifically, the arbitrator has a duty to enforce an agreement between disputants, thus the employer and employee (Feller, 1982:130). The Commission for Conciliation, Mediation and Arbitration (2014:1205) points out that the arbitrator should strive to remain impartial and make efforts to dispel any unwarranted impression of biasness. According to Feller (1982:130), an “arbitrator’s sole remedial function is to interpret and apply what the agreement says about remedy.” Additionally, the grievance arbitration system permits for seamless continuation of work in the institution without unnecessary disruptions (Zepek, 1989:198). Unfortunately, if a dispute between the employer and employee cannot be resolved through a grievance arbitration process, such a matter will have to be escalated to the Labour Court. Noteworthy, an effective grievance procedure ought to prevent a situation where courts have to intervene in order to achieve amicable solutions to issues that could have been resolved internally.

### 3.7.2.1 Stages in an arbitration hearing

Employee grievance arbitration requires adherence to certain procedures and processes in order to legitimise this mechanism. The stages described below present important matters that need to be considered by the grievance arbitrators in their efforts to resolve employee grievances.

#### *3.7.2.1.1 stage 1: Preparation and introduction of dispute*

During the introduction and preparation stage, an arbitrator is expected to advise disputing parties about how the arbitration hearing will proceed and recorded. Further, an arbitrator should advise parties concerning rights in terms of section 38 (2) of the Labour Relation Act (Act 66 of 1995). Disputing parties should be informed about the powers of the arbitrator during the arbitration proceedings and the parties should understand the language used during arbitration hearings; alternatively, services of an interpreter could be secured to assist (Commission for Conciliation Mediation and Arbitration, 2011: 6-7). The involvement of language translators could be useful during the proceedings as a means to ensure that all parties involved in a grievance dispute understand one another. The Commission for Conciliation Mediation and Arbitration (2015:8) indicates that when it is undoubtedly clear to the arbitrator that one of the disputing parties or representatives does not seem to understand the nature of hearings, which may translate into prejudicing the presentation of a case under consideration, the arbitrator, should make efforts to alert the other party to that effect.

#### *3.7.2.1.2 Stage 2: Preliminary issues*

The preliminary issues that may arise during the arbitration hearings include issues pertaining to condonation, legal representations, recusal of the arbitrator and objections to jurisdiction (Commission for Conciliation Mediation and Arbitration, 2015:8-9). In this sense, the arbitrator needs to ensure that there is a clear line of communication in order to allow parties to raise issues of concern before the arbitration hearings. Once parties have raised their concerns or objections, the arbitrator has to make a ruling, which should be followed by justifiable reasons attached to the final award (Commission for

Conciliation Mediation and Arbitration, 2011:9). Further, the arbitrator is in the right position to hear and make decisions concerning matters of legal representation during arbitration hearings. Commission for Conciliation Mediation and Arbitration (2015:10) posits that the arbitrator can allow legal representation for specific purposes only. In fact, legal representation is permissible unless the dispute involves dismissal for misconduct, incapacity or incompetence in which case the legal representation is forbidden (Van Jaarsveld & Van Eck, 2005:358; Bendix, 2015:519). In that regard, Van Jaarsveld and Van Eck (2005:357) argue that legal representation in administrative action is not a constitutional right.

#### *3.7.2.1.3 Stage 3: Narrowing the issues*

Narrowing issues arises when it is crucial to reach a consensus pertaining to legal and factual matters relating to the grievance case in order to accelerate hearings. To this end, the arbitrator must first endeavour to find out the type of relief sought by an aggrieved employee and subsequently determine the extent to which the employer agrees or denies the case presented by the employee (Commission for Conciliation Mediation and Arbitration, 2011:12). In other words, during this phase, the parties are free to present opening arguments concerning the grievance dispute while the arbitrator strives to establish compelling background information. Besides, the disputing parties need to specify the documentary evidence that will be adduced in support of their cases and should be able to state whether witnesses will be called to provide oral evidence during arbitration hearings (Commission for Conciliation Mediation and Arbitration, 2015:11). Section 182 (2) of the Labour Relations Act (Act No. 66 of 1995 as amended) allows disputing parties to present evidence, call witnesses to submit closing arguments subject to the discretion of the arbitration officer (Republic of South Africa, 2015:161). Ultimately, the arbitrator narrows down the issues in dispute by identifying what is in dispute and what is not. This could give the arbitrator an opportunity to make critical decisions towards resolving a grievance dispute.

#### *3.7.2.1.4 Stage 4: Hearing the evidence*

During this stage of the arbitration hearing, the arbitrator calls on disputing parties to present their evidence. Moreover, witnesses are given a platform to present oral evidence after which they are subjected to cross-examination thereby challenging their testimony (Commission for Conciliation Mediation and Arbitration, 2011:12). The Commission for Conciliation Mediation and Arbitration (2015:12) recommends that the arbitrator may use an inquisitorial approach, particularly if one or both disputing parties are less experienced or not represented during the hearings or if the representative of any of the two parties is not experienced. It is generally accepted in practice that witnesses who have not yet presented their evidence should remain outside the hearing room (Commission for Conciliation Mediation and Arbitration, 2011:13). This (witness sequestering) could ensure that witnesses are not able to tailor their testimony based on what other witnesses have presented in the arbitration room. Further, witness separation may assist in identifying some inconsistencies emanating from testimony presented by witnesses. There is a possibility of re-examination on anything new raised in cross-examination. Seeing there is a possibility of a high volume of information that may come out during this stage, the arbitrator must ensure that the evidence presented is recorded electronically and digitally (Commission for Conciliation Mediation and Arbitration, 2015:13) accurate recording and safekeeping of evidence are important because such evidence may be required in case further disputes based on the arbitrator's decision.

#### *3.7.2.1.5 Stage 5: Closing arguments*

During the fifth stage of the arbitration hearing, the disputing parties are given a chance to present their final arguments in support of their positions. However, the parties should be able to justify their argument in terms of legal principles and specify the relief sought after (Commission for Conciliation Mediation and Arbitration, 2011:15). In this way, the parties ought to give reasons why the arbitrator should accept one version over another. Because grievance arbitration hearing is not similar to court proceedings, the arbitrator can invite disputing parties to make written presentations and may ask the parties for further comment before pronouncing the arbitration award, specifically if such an award

relies on issues not raised during the arbitration hearing (Commission for Conciliation Mediation and Arbitration, 2015:14).

#### *3.7.2.1.6 Stage 6: Arbitration award*

The arbitrator has to issue an arbitration award within a period of 14 days after the conclusion of the arbitration proceedings. According to the Commission for Conciliation Mediation and Arbitration (2015:14-15), the arbitrator should ensure that the award reflects on the following issues: “the facts concerning the referral of the dispute; any preliminary ruling; nature of the dispute; background facts; a summary of the evidence; an analysis of the evidence; a conclusion on the fairness of the dismissal based on the above analysis; an analysis and determination of the remedy, if necessary; and the order.” In this way, the degree to which the arbitrator was fair and consistent could be evidenced by assessing the contents of the award and the manner in which the final award is presented or structured. According to Van Jaarsveld and Van Eck (2005:357), the arbitration award should be “rational in relation to the reasons given.” This suggests that the arbitration award that appears to be irrational could be subjected to a review process.

The arbitrator needs to ensure that the copies of the arbitration award are given to all parties involved in the dispute and ensure that the original copy of the award is submitted to the Labour Court. As stated earlier, the arbitration award is final and binding; it becomes an Order of the Labour Court after authentication by the Director of the CCMA or accredited bargaining institution (Van Jaarsveld & Van Eck, 2005:359-361). However, an arbitration award can be subjected to review if it is alleged that, firstly, the arbitrator committed misconduct in the performance of his duties and responsibilities during arbitration hearings. Secondly, if the arbitrator is guilty of gross irregularities. Thirdly, if the arbitrator has reportedly surpassed his authority. Lastly, if the award is erroneously awarded.



### 3.7.2.2 Strengths and weaknesses of grievance arbitration

The strengths of grievance arbitration as a mechanism in resolving disputes in the workplace are not obvious because there are some counterbalances. The discussion below reflects on the strengths and weakness of this mechanism in addressing grievance disputes.

#### *3.7.2.2.1 Access to arbitration*

Grievance arbitration is generally accessible due to the absence of formalities regarding the appointment of an arbitrator. Essentially, accessibility is improved by the fact that grievance arbitration does not take place in a court of law, which implies that court procedures and processes are not applied (Zelek, 1989:204; Trudeau, 2002:34). Although the accessibility of the grievance arbitration process is necessary, costs associated with this process increase proportionally to the duration of the case under consideration, which creates a specific degree of complexity as it relates to affordability (Trudeau, 2002:35). Indeed, the cost could rise proportionally depending on the number of appearances the legal representatives have to make before the conclusion of the arbitration hearing. Concerning the issues of easy access to arbitration, Bendix (2015:502) postulates that arbitration can be subjected to abuse, specifically when disputing parties start agitating for arbitration process when a dispute arises without exhausting other disputes resolution mechanisms thoroughly.

#### *3.7.2.2.2 Expeditious resolution through arbitration*

According to Trudeau (2002:36), grievance arbitration tends to be cumbersome and slow. Moreover, unprecedented delays may ensue when an arbitration award is subjected to a review by courts of law (Trudeau, 2002:36). Having said this, it is worth noting that grievance arbitration awards are seldom taken for review by courts. Furthermore, Trudeau (2002:37) reveals that at least between 2% and 7% of grievance arbitration awards are subjected to review in courts. Contrary to this view, Zelek (1989:198) asserts that grievance arbitration is faster and affordable in comparison to court litigation. However, a challenge concerning grievance arbitration is that evidence

or testimony presented by witnesses could be extremely lengthy due to cross-examination processes causing unprecedented delays in grievance arbitration (Charney, 2010:2). For instance, if one of the disputing parties invites five or more witnesses, the processes might be prolonged if each witness were to be cross-examined or if follow-up questions are asked based on some inconsistencies emerging from testimony.

#### *3.7.2.2.3 Overlooking evidence*

Zelek (1989:205) points out that an arbitrator's decision to ignore specific evidence presented during the grievance arbitration process could provide a platform for the court to nullify an arbitration award. In fact, grievance arbitrators may find it difficult to make a unilateral decision regarding evidence that could be considered negligible. At the same time, grievance arbitrators ought to be patient and tolerant in the process of dealing with disputing parties (Trudeau, 2002:38). Practically, an arbitrator would be expected to make an arbitration award after scrutinising all the evidence that is being put forward (Zelek, 1989:206). Bendix (2015:502) notes that an arbitration award may be issued by an arbitrator to end a dispute but does not mean that conflict is automatically addressed. This could prove to be the case if one of the parties to a dispute is disgruntled with an arbitration award.

### **3.8 CONCLUSION**

This chapter has assessed the purpose of employee grievance handling in the workplace. In this regard, evidence from a review of the literature indicates that grievance handling procedure is essential in order to provide an unambiguous avenue for aggrieved employees who wish to file grievances. At the same time, a grievance procedure provides some guidelines concerning the processes that need to be pursued in order to achieve procedural fairness in the handling of employee grievances. Besides, the stakeholders in employee grievance handling such as supervisors, grievance officers, human resource managers and union managers have significant roles to play in resolving employee grievances. Notably, the human resource managers ought to ensure that there is appropriate coordination within an institution in order to create an environment conducive to successful grievance resolution.

In this chapter, the nature of employee grievance cases in the public sector was discussed extensively, namely: performance assessment, salary problems, unfair treatment, sexual harassment, employer communication and defamation, recruitment and selection, workplace bullying, unmanageable workload, refusal to approve application, and forced overtime. Nevertheless, it must be stressed that these types of grievances mentioned above are not exhaustive. Evidence from the literature review shows that salary problems, unfair treatment, recruitment and selection or promotion, and performance assessments are the most common types of grievance reported in the South African public sector institutions. The nature of grievances that appear to have a negative impact on the psycho-socio wellbeing of aggrieved employees is sexual harassment and workplace bullying cases. In this regard, reviewed literature provides substantial evidence which indicates that victims of workplace bullying and sexual harassment experience anxiety, depression, low self-esteem and aggression. This suggests that employees who report these types of cases have to be protected from further abuse and be assisted through programmes such as the Employee Assistance Programme (EAP). Moreover, cases related to sexual harassment and bullying in the workplace should be addressed expeditiously in a quest for fairness and justice in the workplace.

The factors that account for the high rate of grievances in the workplace were examined comprehensively. These broad factors are management factors, employee factors, union factors, environment factors, and union-management factors. However, there are still some inconsistencies in the literature concerning the extent to which some of these factors could influence grievance initiation in the workplace. Therefore, such inconsistencies warrant further research in order to test some of the findings reported in the literature. Moreover, this chapter discussed the step-by-step procedure for addressing employee grievances in the workplace, starting with informal moving to formal procedures. The issue that came out clear from the review of literature is that the formal and informal employee grievance procedures should be tied to specific time frames in order to maximise the speedy resolution of grievances. When the informal and formal steps fail to yield positive outcomes in terms of grievance resolution, mediation

needs to be invoked. In the same way, if a grievance cannot be resolved amicably through the mediation process, arbitration should be applied. However, it is important for facilitators of mediation and arbitration procedures to observe procedures and principles applicable to each mechanism.

## **CHAPTER 4**

### **DETERMINANTS OF EFFECTIVE GRIEVANCE HANDLING AND CAUSES OF UNRESOLVED EMPLOYEE GRIEVANCES**

#### **4.1 INTRODUCTION**

The previous chapter has presented the nature of the grievance and grievance handling procedure in the workplace, reflecting specifically on the purpose of grievance handling procedure, stakeholders in grievance handling and factors that account for the high rate of grievances. This chapter presents the various characteristics of effective grievance handling mechanism in the workplace. Secondly, the chapter reflects on the causes of unresolved employee grievances in the workplace based on the assessment or review of scholarly and non-scholarly literature. With regard to the issue of effective grievance handling procedure, this chapter focuses on the right of an aggrieved employee to be represented during a grievance hearing. The importance of setting clear timelines within which a grievance has to be resolved is also assessed in this chapter. Emphasis is also on the protection of employees who lodge grievances against victimisation. Since effective grievance handling depends on numerous factors, the issue of improving access to a grievance procedure deserves special attention. In addition, the discussion extends to aspects relating to maintaining consistency in grievance handling with a specific focus on historical and contemporaneous consistency. Worth noting, the discussion of consistency would be incomplete without an analysis of the presence of fairness and justice in grievance handling, in particular, procedural, distributive and interactional justice.

A discussion in connection with the causes of unresolved employee grievances is of paramount importance. Therefore, this chapter reflects on some of the factors that influence grievance resolution processes. In this respect, the discussion revolves around the grievance handling style used by the managers in the workplace, thus, integrating, dominating, accommodating, compromising and avoiding styles. Further, the chapter reflects on the involvement of legal representatives in the premature stages of grievance handling, absence of neutrality and impartiality. Neutrality and impartiality are important

in grievance handling because they are found to be lacking, any effort towards grievance resolution would be futile. Interestingly, the discussion expands beyond the issue raised above and considers other matters that relate to lack of transparency and confidentiality, refusal to listen to a grievance and failure of a grievant to provide testimony. This chapter concludes by reflecting on the extent to which inadequate evidence can negatively affect the outcome of a grievance resolution process.

## **4.2 CHARACTERISTICS OF EFFECTIVE EMPLOYEE GRIEVANCE HANDLING MECHANISMS**

The Public Service Commission (2018b:7) indicate that effective grievance management helps to ameliorate work relations between employers and employees while also boosting employee morale and performance. Effective grievance mechanisms manifest various characteristics that are discussed below.

### **4.2.1 Representation during grievance hearing**

Saundry, Antcliff and Jones (2008:21) report that institutions tend to ignore employees' statutory rights to be represented during grievance hearings although reasons for these omissions are not provided. According to section 138 (4) of the Labour Relation Act 66 of 1995, any party to a grievance dispute can choose to appear in person or to be represented by a legal practitioner or to be represented by a shop steward who belongs to a registered trade union or employer's organisation (Republic of South Africa, 1995:82). In other words, employers and employees have a right to be represented during the grievance dispute resolutions process in the workplace. Saundry et al. (2008:20) point out that employee representation during grievance dispute resolution provides employees with an appropriate opportunity to be heard in order to avoid unwanted resignations. Moreover, Saundry et al. (2008:22) note that institutions that comply with the statutory provisions regarding employee representation during grievance hearings can prevent litigations. Importantly, Acas (2015:47) argues that employees are at liberty to choose fellow employees who are willing, suitable and available for accompaniment. This explains that a fellow employee to an aggrieved employee who is

not interested in participating in grievance proceedings cannot be coerced to accompany a colleague. Further, Acas (2015:47) suggests that an accompanying employee should be afforded an opportunity to present an aggrieved employee's case and reflect on the issues raised during a hearing, but an accompanying colleague does not have a right to answer questions. Besides, Arie (2015:34) notes that a representative should communicate and consult an aggrieved employee throughout the different stages of the grievance process until a grievance is resolved satisfactorily. In other words, a representative should constantly act in the interest of the aggrieved employee. In addition, Arie (2015:34) mentions that a person representing an employee needs to ensure that an affected employee is protected during grievance resolution processes and ensure that management does not subject an employee to undue pressure.

#### **4.2.2 Compliance with grievance resolution time frames**

The issue of timeliness in addressing grievances is a major problem, particularly as it relates to grievance mediation and arbitration, thus due to slow and lengthy processes or procedures (Brown, 2008:4). According to Arie (2015:72), failure to adhere to a timeframe during the grievance resolution process can negatively affect employee's confidence in the institution's grievance resolution mechanism. Geetika, Ghosh, Rai, Joshi and Singh (2014:141) note that there is growing discontent among trade unionists, academics and bureaucrats about the prolonged timeframe taken to address employee grievances through a traditional grievance procedure. As a result, Arie (2015:72) suggests that an aggrieved employee should be given feedback timeously on a regular basis regarding the measures taken by an institution to address a grievance. Geetika et al. (2014:141-142) point out that an effective and responsive grievance handling mechanism ought to be characterised by the speedy settlement of grievances. In addition, Geetika et al. (2014:142) emphasise that "time limit must be set at each step of the grievance procedure and such a time limit must be rigidly adhered to, for the speedy settlement of any grievance." In support of this view, Joubert and van Wyk (2010:45) state that clear timelines and steps must be set to ensure that grievances are resolved expeditiously and close to the point of origination. To this end, it is essential for

institutions to have an appropriate tracking system in order to follow up on the progress of reported incidents, thus ensuring that there is strict adherence to prescribed timelines for dealing with grievances (Arie, 2015:74).

#### **4.2.3 Employee protection against victimisation, intimidation, and prejudice**

Employees who file grievances tend to face unfavourable challenges, which include victimisation, intimidation and prejudice. In this regard, Arie (2015:33) mentions that employees are afraid of laying grievances in the workplace in an attempt to avoid management reprisal and avoid being viewed as troublemakers. Consistent with this assertion, Polster (2011:658) reports that employees who report grievances and appeal decisions related to grievance outcomes face unprecedented retaliation from management. According to Polster (2011:658), victimisation and prejudice may take the form of poor ratings for promotion and performance, which can ultimately force employees to resign. In line with this view, Arie (2015:33) points out that employees tend to have a perception that filing a grievance could prevent them from gaining promotions in the workplace and subsequent loss of other workplace benefits. Daley (2007:288) argues that although employees have the rights to report grievances in the workplace, the issue of victimisation remains a real concern. Further, Daley (2007:288) contends that “formal rights are rather meaningless if their use is subject to punishment.” In other words, it is not helpful to grant employees the rights to file grievances in the workplace if they are not going to be protected against victimisation, intimidation and prejudice. Therefore, it is essential for the management within institutions to ensure that no employee is subjected to prejudice and victimisation by any individual in the workplace because of invoking the grievance procedure (Arie, 2015:33). Clearly, an effective grievance procedure should protect employees from victimisation, intimidation and prejudice in the workplace.

#### **4.2.4 Accessibility of grievance procedure**

Brown (2008:4) states that a barrier to accessing grievance resolution mechanism can be attributed to a “lack of knowledge about labour rights under the law, the inherent



problems involved with complaints against an employer, and lack of finality of mediation or arbitration.” A grievance resolution mechanism that is not accessible to employees creates an environment where supervisors may not be familiar with processes that need to be followed in order to address a grievance successfully (Arie, 2015:73). For this reason, Joubert and van Wyk (2010:45) argue that a grievance procedure has to be written, visible and accessible to employees in the workplace. In this sense, a grievance procedure should be displayed in areas where employees will be able to see and read it, for example, bulletin boards. In Arie’s (2015:73) view, information regarding the existence of a grievance procedure can be disseminated through union newsletters, intranet, information books and wall post charts. Equally important, publicising information regarding a grievance procedure has to be an ongoing exercise and institutions need to avoid creating a single point of access to grievance procedure because this has the potential of making it difficult for aggrieved employees to lay grievances (Harvard University, 2008:21-23). According to Nurse and Devonish (2007:92), a grievance handling mechanism should be accessible, known and understood by the employees in the institution. Essentially, the grievance resolution mechanism should not only be known to the employees, but assistance should be given to those who encounter challenges concerning gaining access to a grievance procedure. In fact, a grievance procedure has to be written in a language that can be understood by employees in the workplace (Joubert & van Wyk, 2010:45). Geetika et al. (2014:143) assert that in order for the grievance procedure to be understood by ordinary employees in the workplace, it should be less technical and simple. Besides, forms that are used for filing grievances must be written in a lucid, simple and understandable language (Harvard University, 2008:22).

#### **4.2.5 Managers’ competencies in grievance handling**

Employee grievances could be complex and pose a unique challenge to managers in the institution. Following this, it is pivotal for managers to undergo rigorous training in order to acquire the necessary competencies, knowledge and ability to handle

grievances effectively (Daud, Isa, Nor & Zainol, 2013:125). In line with this view, Geetika et al. (2014:144) reveal that a manager's capabilities in dealing with employee grievances can influence grievance resolution. As a matter of fact, managers should be able to address employee grievances in consultation with shop stewards and the aggrieved individuals in the workplace. According to Daud et al. (2013:125), grievance mechanisms can become more effective if managers are trained in dealing with a conflict situation and applying correct grievance handling techniques. To resolve grievances successfully, managers need to acquire various skills. For example, communication skills, listening skills and negotiation skills are indispensable for managers and supervisors in grievance resolution. Further, managers and supervisors need to be conversant with labour legislation (Daud et al., 2013:125).

#### **4.2.6 Shop stewards' competencies in grievance handling**

While it is generally accepted in the literature that an aggrieved employee has the rights to be represented by a shop steward during grievance hearings, it is important to recognise the fact that such a representative has to be competent, skilled and experienced. According to Unison (2016:23), if a shop steward is less experienced in representing employees during hearings, an experienced representative should be called upon to assist or work together with an inexperienced shop steward. In respect of the challenges facing shop stewards concerning grievance handling, Bendix (2015:249) recommends that they ought to be trained and instructed appropriately about the application of grievance redressal systems. Experienced shop stewards should be encouraged to provide mentorship to less experienced shop stewards or representatives in order to improve the level of confidence and experience in grievance resolution. Moreover, stewards need to undergo training to ameliorate their competencies in representing employees, acquire relevant experience and understand their limitations on representing aggrieved employees (Unison, 2016:23). Saundry et al. (2008:42) found that when shop stewards are familiar with a grievance procedure, knowledgeable and competent, they can be instrumental in reducing pressure and managing employee expectations during grievance hearings. This suggests that in an environment where

there are high levels of cooperation between management and labour, shop stewards can play a meaningful and constructive role in grievance resolution.

#### **4.2.7 Consistent application of grievance policy**

Walasan (2010:1) points out that inconsistent application of work rules and procedures is prevalent in larger institutions, particularly those with subsidiary offices elsewhere. Inconsiderate and inconsistent application of work policies can create a situation where employees file grievances against such aberrations (Lunt, 2015). Inconsistent application of work rules, regulations and procedures should not be accepted as a normal practice in the workplace. In other words, grievance policies have to be applied consistently. In fact, “the general principle is that an employer must act in a consistent manner (i.e. comply with the parity principle)” (le Roux, 2014:31). In this regard, Jordaan (2018) notes that under the ‘parity principle’ there are two forms of consistency, namely: historical consistency and contemporaneous consistency. Historical consistency shows that newly reported grievances are dealt with in line with the previous incidents of grievances. In other words, the previous grievance incidents serve as precedents. Contemporaneous consistency indicates that the same standards should be applied in addressing similar grievance incidents (Walasan, 2010:1-2; Jordaan, 2018). Jordaan (2018) postulates that inconsistent handling of grievances could be considered to be an unfair treatment, but it may not necessarily be the case in all circumstances. For this reason, King (2017) asserts that each case presented to an employer has to be dealt with on its own merits and be subjected to further investigations. In this sense, an employer needs to provide valid and legitimate reasons for handling similar cases of grievances differently.

#### **4.2.8 Fairness and justice**

Justice and fairness are complex issues regarding grievance handling in the workplace because there is no guarantee that employees who initiate grievances will receive favourable or fair outcomes. In fact, Facois (2004:23) states that “if employees believe that decisions will be slanted in management’s favour because management pays the hearing officer, then the entire exercise is futile.” In the same way, Arie (2015:33)

mentions that if managers develop perceptions that grievance outcomes are unfairly decided in favour of employees, they are also likely to have less confidence in the grievance handling mechanism of an institution. For this reason, Van Gramberg and Teicher (2006:199) argue that a third person who is charged with the responsibility of handling grievances must be fair and independent of disputing parties. This suggests that employee will use the grievance handling procedure in which they have trust and confidence that it will result in a fair resolution of a grievance issue.

Justice in grievance handling constitutes a true reflection of fair labour practices within an institution (Daud, Isa & Nor, 2012:30). Setsetse (2008:10) argues that employees tend to use a grievance procedure so as to gauge its fairness. Further, Setsetse (2008:9) contends that a grievance procedure is viewed as an avenue for achieving institutional justice by giving employees an opportunity to express their concerns in the workplace. Therefore, Nel, Kirsten, Swanepoel, Erasmus and Poisat (2012:282) point out that employees and supervisors must be able to perceive the grievance handling mechanism of the institution to be fair and just. According to Daley (2007:284), fairness in grievance procedure could be problematic, particularly when individuals who preside over the grievance hearing are simultaneously the cause for grievance initiation. Worth noting, if a grievance procedure is not effective enough to bring about justice and fairness, trust in the existing grievance mechanism within an institution will collapse (Daley, 2007:284). Francois (2004:22-23) concludes that aggrieved employees would not use a grievance procedure which is considered to be unfair because perceptions of fairness is an important measure of an effective grievance mechanism.

Joubert and van Wyk (2010:46) state that a grievance procedure should be substantively fair and procedurally fair. Regarding the issue of fairness and justice of a grievance mechanism, Geetika et al. (2014:143) assert that “a grievance system that is perceived by employees to be procedurally just or fair is likely to be used and to be regarded as effective.” This is a clear indication that employees’ perceptions about fairness and justice in grievance mechanisms influence perceptions about the fairness of grievance outcomes. In support of this view, Melkonian, Monin and Noorderhaven (2011:812) state

that when employees perceive fair treatment with regard to management decisions and outcomes in the institution, it is more likely that employees will become cooperative and support their managers. With reference to institutional justice, it is important to consider the following perspectives: procedural justice, distributive justice and interactional justice. These different perspectives of institutional justice are discussed in detail below.

#### 4.2.8.1 Procedural justice

Setsetse (2008:11) postulates that procedural justice can ensure that employees are guaranteed fair grievance outcomes as opposed to maximisation of outcomes. Specifically, procedural justice focuses on the “fairness of the processes by which the outcomes are distributed” (Francois, 2004:23). In order to ensure procedural fairness in the handling of employee grievances, it is important to inform employees of their rights to be heard, provide sufficient reasons for the outcomes or decisions and ensure that a grievance resolution is facilitated by a third party who is neutral and impartial (Van Gramberg & Teicher, 2006:200). Regarding the issue of providing justification for decisions taken in relation to a grievance, Van Gramberg and Teicher (2006:200) highlight that the absence of justification for decisions can be considered to be unfair, leading to great negativity towards managers and towards the final outcomes of a grievance. Besides, when an explanation for decisions are explained to the affected employees it is likely they would even accept unwanted outcomes primarily because it is explained in a socially sensitive way (Baldwin, 2006:2).

Setsetse (2008:11) points out that a procedurally fair grievance procedure permits employees to articulate their views, express a view regarding the grievance outcomes and allows employees to appeal an outcome. Another perspective is that if employees hold a view that managers and supervisors are neutral when dealing with grievance issues, this could be an indication of the existence of procedural justice (Francois, 2004:23). Moreover, Francois (2004:24) asserts that institutional procedures have to be interpreted and applied fairly to all employees with an institution although there could be a variation in terms of how managers apply and interpret such procedures. At the same

time, it should be noted that variation should not be construed as unfair execution and interpretation of grievance procedures. Following this, Melkonian et al. (2011:813-814) argue that individuals consistently use justice perceptions in order to decide whether or not to accept management decisions and directives or instructions.

Cloutier, Vilhuber, Harrison and Beland-Ouellette (2017:1) found that when employees within an institution perceive procedural justice, they develop a sense that they are valued and appreciated. Therefore, this explains that employees who do not perceive justice in the grievance mechanism and processes could develop a negative view about a grievance procedure. Cloutier et al. (2017:10) reveal that employees' perceptions of procedural unfairness may contribute to psychological distress among employees. In other words, an employee may begin to experience anxiety and depression including sadness, hopelessness, irritability as well as self-depreciation. This explains that if a grievance is addressed unprocedurally, any party to a grievance could start experiencing some psychological distress. In Tulubas and Celep's (2012:1222) view, perception of injustice in the institution can influence employees' decision to articulate a dissenting perspective or remain silent.

Bates (2014:2) reveals that there are four dimensions of procedural justice: voice, neutrality, respect, and trustworthiness. The voice dimension suggests that employees should be allowed to articulate their views in their engagement with institutional managers. In support of this idea, Tulubas and Celep (2012:1222) mention that employees have to be given a platform to express their criticism of management decisions to influence a redesign of institutional procedures. In this sense, aggrieved employees and the accused individual should be given an opportunity to communicate their version of events. This would be an express application of the '*audi alteram partem rule*' in the grievance handling procedure. Nevertheless, Bates (2006:2) accentuates the fact that individuals have to be given an opportunity to speak before critical decisions could be taken. This makes logical sense because soliciting inputs from individuals after decisions had been taken would not assist in addressing any grievance issue.

The second dimension, which is neutrality, requires that decisions should be informed by facts rather than innuendos (Bates, 2014:2). Clearly, if decisions are not based on facts, it is more likely that individuals involved in a grievance matter may feel prejudiced by the final decisions taken by authorities in the institution. Respect as the third dimension suggests that managers or supervisors who represent senior management within an institution have to treat aggrieved employees in a polite manner (Bates, 2014:2). The final dimension, trustworthiness, indicates that the representatives of senior management in the institution should be genuinely concerned about the well-being of the subordinates (Bates, 2014:2). In other words, managers or supervisors who are charged with the responsibility of addressing employee grievances need to strive to resolve grievances amicably, thus, without fear or favour.

In contrast to Bates' (2014) four dimensions of procedural justice, Cloutier et al. (2017:9) mention that in order to make procedurally fair and just decisions it is important to consider the following seven aspects: "the opportunities given to them to provide information upon which decisions will be made (process control) and opportunities to participate actively in decision-making (decision control); uniform application of procedures and rules (consistency); an absence of bias and personal self-interest (bias suppression); reliability of the information used (accuracy); an opportunity to review decisions and correct errors (correctability); representation of workers' interests and points of view (representativeness); and ethics (ethicality)." While the first aspect highlighted above is in line with Bates' (2014) first dimension 'voice', it is also worth noting that the other aspects in decision making as proposed by Cloutier et al. (2017:9) are not at loggerheads with what Bates (2014) has put forward but rather complimentary. Tulubas and Celep (2012:1224) conclude that "in order to build a stronger justice perception, it is crucial that these procedures are consistent, true, redesignable, representative of employees' needs and without prejudice."

According to Conradie (2012:134-135), procedural justice suggests that the following important elements have to be considered when addressing a grievance:

- The offending employee must be cordially informed about the nature of grievance allegations.
- A grievance hearing has to be conducted within a reasonable time frame once the grievance has been reported.
- All parties involved should be informed or noticed in advance in order to have adequate time to prepare for a grievance hearing.
- The aggrieved employee has a right to be represented by a co-employee or union representatives.
- An employee has to be informed about a right to call witnesses to provide oral testimony concerning a grievance incident.
- Once a grievance hearing has been concluded, an aggrieved employee must be informed about the findings of such hearing and reasons thereof.

Interestingly, Conradie (2012:135) suggests that the offending party must be informed about the type of sanction that is likely to be imposed by the institution. However, when imposing such a penalty, mitigating factors must be taken into consideration. Besides, any party to a grievance can appeal against a finding or imposed penalty. In other words, an aggrieved employee may appeal against a finding that is not satisfactory or biased. In the same way an offending party may appeal a harsh sanction. Following this, it is clear that not only the aggrieved employee who should perceive justice, but it has to be seen by the offending party as well.

#### 4.2.8.2 Distributive justice

Distributive justice concentrates primarily on a fair distribution of outcomes (Francois, 2004:23). Van Vuuren, Dhurup and Joubert (2016:179) state that distributive justice is concerned with the fairness of outcomes received by employees in the work environment. In the context of this study, distributive justice focuses on fairness in terms of the outcomes of a grievance issue. Van Gramberg and Teicher (2006:200) argue that individuals responsible for making decisions regarding the outcomes of a grievance should be guided by three basic tenets: equity, equality and need. Further, Van



Gramberg and Teicher (2006:200) postulate that when decisions are informed by equity principle, the outcomes are likely to be commensurate to the inputs of contributors. In this way, it is clear that grievance outcomes ought to be informed by the degree of injustice done to the aggrieved party to ensure that the outcomes are equitable. This explains that the distribution of grievance outcome may not be equal per se but equitable. However, in most cases, the distribution of outcomes based on the principle of equality or need is viewed as being fair, but they are subject to situations that led to such decisions (Van Gramberg & Teicher, 2006:200). Baldwin (2006:2) argues that the 'equity' principle may be eclipsed by the notion of equality (everyone receives similar gains or punishment) or need (individuals receive benefits or punishment based on extenuating circumstances), particularly if there are no clear-cut rules regarding the distribution of benefits or punishment. However, Baldwin (2006:2) notes that these principles that undergird distributive justice tend to be influenced by some cultural dimensions.

As far as human resource policies and decisions are concerned, Baldwin (2006:1) opines that efforts should be made to avoid favouritism when handling employee matters. If decisions concerning benefits or punishment are made in an arbitrary manner a feeling of resentment and discouragement among employees could start to manifest in the institution (Murtaza, Shad, Shahzad, Shah & Khan, 2011:75). Interestingly, Tulubas and Celep (2012:1223) note that whatever decisions managers make, it is imperative that they provide honest feedback. In other words, honesty should manifest in management decisions and should be communicated in a transparent manner. Murtaza et al. (2011:75) conclude that distributive justice is simply concerned with the end results of decision-making whereas procedural justice focuses on the means towards the final decisions.

#### 4.2.8.3 Interactional justice

The concept of interactional justice was introduced by Bies and Moag (1986) in the article entitled "Interactional justice: communication criteria of fairness" (Dai & Xie, 2016:56). Interactional justice refers to "concerns about fairness of interpersonal communication"

(Karriker & Williams, 2009:115). According to Barkhordar, Ahmadi, Yavari and Nadiri (2016:1887), interactional justice is “the manner through which organisational justice is transferred from supervisor to subordinate employees and it includes components of the process of communication such as manners, honesty and courtesy between the source and the recipient.” Van Vuuren et al. (2016:179) postulate that interactional justice “explains the unfair and fair treatment in the relationship and can be defined as the elements of how decision-makers treat their people with regard to the adequacy with which organisational formal decision making is explained to employees. Essentially, the interactional justice theory is predicated on four basic principles, which are as follows: justification (providing clarity for certain decisions), truthfulness (avoiding underhandedness), respect (courteous), and propriety (avoiding inappropriate remarks and unfair judgemental opinions) (Colquitt, 2001:390; Yadav & Yadav, 2016:23).

Moreover, interactional justice serves as an indication of the quality of treatment an employee receives in the workplace (Nidhi & Kumari, 2016:25; Kalay, 2016:7). Dai and Xie (2016:56) argue that interactional justice places more emphasis on the “attitudes and behaviours of the exchangers.” This suggests that the attitudes and behaviours of disputants and mediators are important determinants of the fruitful mediation process. In contrast, power differentials can be associated with inequity or lack of fairness (Ngahu, Kibera and Kobonyo, 2016:55). Therefore, it is the primary aim of interactional justice to seek to create a balance, particularly during the interaction of grievance disputants in the mediation process. In Ngahu et al.’s (2016:115) view, interactional justice theory pursues creation of psychological balance when it is perceived to be lacking.

The perceptions of interactional justice in the workplace determines the attitudes and behaviours of an employee (Nidhi & Kumari, 2016:25). Hence, Bakhordar et al. (2016:1887) mention that interactional justice could be associated with “cognitive, affective and behavioural reactions...” In other words, if employees perceive fair treatment during the mediation process, the outcomes of such process could also be perceived as being fair. Perceived fair treatment of employees enhances employees’

sense of belonging and morale in the workplace (Kalay, 2016:7; Yadav & Yadav, 2016:22; Dai & Xie, 2016:56). According to Karriker and Williams (2009:115), one of the shortcomings of the interactional theory is that it lacks clarity in terms of its link to procedural justice. This theory is divided into two distinct sub-dimensions: informational justice and interpersonal (Kalay, 2016:7). With regards to informational and interpersonal justice, the principle of respect and propriety are applicable (Colquitt, 2001:390).

#### *4.2.8.3.1 Information Justice*

Informational justice focuses on “fairness of information provided during the procedures and outcome distribution related to issues such as the accuracy of the information and timeliness with which the information was provided” (Karriker and Williams, 2009:115). Moreover, informational justice holds that any information shared between different stakeholders within the institution should be reasonable, timely and specific (Colquitt, 2001:390). In this sense, information shared among the disputants during the mediation process ought to be authentic, reliable and useful. Essentially, information shared during the mediation process should be adequate and appropriate for the purpose (Ngahu et al. 2016:56).

#### *4.2.8.3.2 Interpersonal Justice*

Interpersonal justice is “understood as whether a person in authority treats people with respect and dignity while implementing organisational processes and procedures (Yadav & Yadav, 2016:22). Greenberg (1991:411) found that previous literature on interactional justice theory mentioned unequivocally that an individual’s perception of fairness is influenced by treatment received from other people. Colquitt (2001:390) asserts that fairness should be manifested through humane, dignified and respectful treatment of other people. In this regard, Ngahu et al. (2016:56) emphasise that courtesy is an indispensable aspect of human interaction and should be encouraged. Therefore, interpersonal justice theory demand that disputants, particularly employees should be treated fairly and courteously during the grievance mediation process. The management

should not ostracise employees due to filing grievances in the workplace. Dai and Xie (2016:56) postulate that the attitude of a person of authority in implementing certain decisions serves as a major determinant of the perceptions of fairness in the workplace.

### **4.3 CAUSES OF UNRESOLVED EMPLOYEE GRIEVANCES**

The grievance resolution process may not be that simple, especially when considering the factors which hamper such a process. The causes of unresolved grievances in the workplace are different and are most likely dependent on how an institution responds to employee grievances. Some of the causes of unresolved grievance in the workplace are discussed hereunder.

#### **4.3.1 Grievance handling style**

According to Daud, Yahya, Isa and Noor (2011:242-243), grievance resolution can be affected by the management style of handling grievances, namely: integrating style (i.e. cooperation between two or more parties), obliging style (i.e. receptive to the needs of others), compromising style (i.e. pursuing a mutual gratification), dominating style (i.e. seeking to safeguard one's position), and avoiding style (i.e. paying less or no attention to important issues).

##### **4.3.1.1 Integrating (collaborating) style**

Njiraini and Gachunga (2015:1210) and Daud et al. (2012:29) state that integrating style is concerned with finding a mutually acceptable solution to problems. At the same time, Daud et al. (2012:29) note that integrating style requires a high level of collaboration between parties involved in a conflict situation. According to Njiraini and Gachunga (2015:1210), collaboration is enhanced through communication and sharing of ideas about a problem in a conflict situation, grievances in particular. Further, inputs made by parties involved in the conflict have to be considered and valued in the process of resolving differences. In this sense, a manager who adopts this style in grievance resolution would strive to find a solution that is plausible to any party to a grievance. Although individuals who adopt a collaborating style are concerned with the needs of

other people, they do not compromise their interests and positions to appease others (Howell, 2014:15). It is also clear that without honest cooperation between parties involved in a grievance case, it could be difficult to resolve a grievance mutually. However, collaborating style is suitable for problem-solving because individuals who use this style can discuss issues with other people in an open, frank and neutral manner (Lim & Yazdanifard, 2012:146). In addition, Howell (2014:16) opines that this approach is more suitable when conflicting parties have mutual respect and trust. Noteworthy, integrating style can be useful in circumstances where conflicting parties still have to continue working together towards a common purpose in the workplace. Nevertheless, the disadvantage of this strategy in relation to a conflict situation is that it is time-consuming.

#### 4.3.1.2 Obliging (accommodating) style

Obliging style is a “common soft response when one party adjusts to the position of the other without seeking to serve his/her own interests in the relationship” (Njiraini & Gachunga, 2015:1211). Essentially, this style is concerned with ensuring that the other party is accommodated in a quest for a lasting solution to a conflict situation. In fact, individuals who use the obliging style in dealing with conflicts yield to the demands and needs of other people (Daud et al. 2011:242). Njiraini and Gachunga (2015:1211) and Howell (2014:16) highlight that managers who make use of an obliging style in dealing with grievances overlook self-interest in order to gratify other parties to a grievance. Since the accommodating style focuses on sacrificing one’s needs while ensuring that the needs of others are satisfied, this indicates that the primary focus of this strategy is on improving relationships, cooperation and harmony (Kaimenyi, 2014:57). In support of the views expressed above, Mamonyi and Juma (2016:135) assert that individuals who adopt the obliging style tend to be more cooperative and assertive while they easily give in to the aspirations of others and ignore differences or points of disagreements in order to maintain a peaceful relationship with other people. This explains that if managers tend to adopt an obliging style in addressing grievances, it is more likely that they would yield to reasonable demands by any party to a grievance in the workplace. Similarly, managers using this style could find themselves yielding to unreasonable demands if the

situation is not managed appropriately. Howell (2014:16) points out that those individuals who have an excessive desire for recognition and support from other people use this strategy. Another disadvantage in connection with this strategy is that when individuals use this strategy continuously to deal with a conflict, it has the potential of causing depression, especially if one party keeps on yielding to the wishes of other parties without any positive returns (Howell, 2014:16-17).

#### 4.3.1.3 Compromising style

Compromising style in grievance resolution indicates that each party to a grievance emerges as a winner (Njiraini & Gachunga, 2015:1211). However, managers need to confront a problem in order to identify viable solutions instead of ignoring the underlying causes of a grievance situation (Njiraini & Gachunga, 2015:1211). Daud et al. (2012:29) point out that the compromising style in grievance resolution allows parties to make concessions while also identifying areas where there are irrevocable differences. In Howell's (2014:16) assessment of the compromising style, individuals who seek to achieve fairness and realism use this approach. Lim and Yazdanifard (2012:146) state that individuals who adopt this style of conflict management choose to do so with a view of avoiding unprecedented confrontation or disagreement. In other words, such individuals give up their original positions and interests to reach a common settlement. In line with the above statement, Kaimenyi (2014:56-57) asserts that a compromising style involves taking deliberate efforts to achieve a "mutually acceptable decision." According to Momanyi and Juma (2016:137), the compromising style could be useful in resolving interpersonal conflict, especially if the parties involved are likely to benefit from mutual compromises made.

#### 4.3.1.4 Dominating (competing) style

Dominating or competing style shows that there is little concern about the interests of other parties, suggesting that only one party wins (Daud et al. 2012:29). Additionally, Kaimenyi (2014:57) states that dominating style "expresses high concern for self and low concern for others," which indicates that individuals who adopt this style will primarily pursue self-gratification at the expense of other people. Howell (2014:15) postulates that

when the dominating style is used, it becomes increasingly difficult to reach a mutually agreed resolution to a conflict situation because this approach culminates in a win-lose outcome. In fact, the main focus of this approach is dealing with a conflict situation than improving relationships between conflicting parties. Following this, individuals who adopt this style of conflict resolution would prefer to have a final resolution in their favour (Howell, 2014:15). To emphasise this point of view, people who choose to use this style to deal with conflict rely on the usage of their authority, threats and intimidation to force other people to agree with their views (Lim & Yazdanifard, 2012:146; Momanyi & Juma, 2016:136). Lim and Yazdanifard (2012:147) contend that dominating style contributes in terms of improved institutional decision making although other people may also tend to respond aggressively towards a forceful and dominant manager. This type of conflict management style can present multiple challenges in dealing with employee grievances because the emphasis is on overpowering other parties instead of identifying areas of agreements.

#### 4.3.1.5 Avoiding style

Avoiding style involves ignoring grievances or complaints as though they were never reported and is often used by managers to create an opportunity to collect sufficient information about a grievance reported (Njiraini & Gachunga, 2015:1210). Moreover, Njiraini and Gachunga (2015:1211) argue that if parties involved in a grievance case do not take proactive steps to resolve their problems, managers' inaction could be justified. Momanyi and Juma (2016:135) mention that managers who make use of the avoiding style are less assertive and are unable to cooperate with other people, in particular, their subordinates. Individuals who are interested in ignoring a prevailing problem use this strategy. Howell (2014:16) holds a view that individuals who make use of this strategy tend to be less concerned about their own needs and may withdraw from a situation that could spark some disagreements. Furthermore, Howell (2014:16) points out that avoiding style is used by individuals who are the silent, non-confrontational type, or by individuals who feel they are simply 'too good' to be involved with the whole situation." In Lim and Yazdanifard's (2012:146) analysis, avoiding style can assist in maintaining the relationship between managers and subordinates although the extent to which such

relations could be maintained is not known. However, avoiding style is not effective in resolving disagreements or conflict in the workplace because ignoring, suppressing and refusing to address a problem can only exacerbate it. Therefore, an avoiding style could be more useful in dealing with trivial issues in the workplace (Howell, 2014:16).

#### **4.3.2 Involvement of legal representatives**

The involvement of legal representatives in grievance hearings in the workplace tends to complicate and delay grievance resolution processes. According to Thornicroft (1995:60), “the involvement of legal counsel may tend to lengthen the proceedings – lawyers may file more briefs and advance more evidentiary or jurisdictional arguments than do lay representatives.” Besides, union representatives find it to be cumbersome to defend their members during grievance hearings or disciplinary proceedings, particularly in instances where legal representatives are involved to represent an employer (Mzangwa, 2012:115). This could be attributed to the fact that institutions utilise the services of highly qualified legal teams to defend them as employers. In addition, Mzangwa (2012:115) indicates that involving lawyers at the premature stage of the grievance resolution process impedes the harmonious resolution of the grievances since this can culminate into an adversarial relationship between the management and labour (unions representing the aggrieved employees), particularly if the management of the institution and the legal team starts taking an opposing stance on issues under consideration (Walker & Hamilton, 2015:126). In line with Thornicroft’s (1995:60) finding, Geetika et al., (2014:142) as well as Ng and Dastmalchian (1989:394) note that delays in settlement of grievances can be attributed to the involvement of legal representatives. In Geetika et al.’s (2014:142) view, delays in dealing with grievances may include “delay in proceeding to hearing, delay from hearing to written award and overall delay.” Contrary to this view, Walker and Hamilton (2015:126) argue that legal representation may be considered to be appropriate for the grievance resolution process if the management and the legal teamwork towards finding an amicable solution to the grievances. At the same time, it is essential to take note of the fact that legal representation is a fundamental democratic right that cannot be denied by an aggrieved employee for unobvious reasons, particularly during the grievance arbitration process (Thornicroft (1995:64). In other



words, circumstances and the stage of the grievance resolution process should dictate whether or not legal representatives should be involved. An important observation made by Thornicroft (1995:64) is that the involvement of legal representatives does not seem to have a negative influence on the outcomes of a grievance hearing, irrespective of whether or not one party is represented.

#### **4.3.3 Lack of neutrality and impartiality**

Kishore (2006:222) states that the issue of neutrality of grievance mediators during grievance hearings seems to be cumbersome because it tends to be somehow impractical. Similarly, Van Gramberg and Teicher (2006:199) hold a view that the impartiality of grievance mediators in grievance resolution mechanism and processes needs to be explored extensively. When a grievance mediator starts to manifest acts of partiality in the process of grievance resolution, this could be construed as a breach of a fundamental ethical obligation and may also lead to a reduced level of confidence in the mediation process (Kishore, 2006:223). However, Van Gramberg and Teicher (2006:202) note that it is extremely difficult for human resource managers as grievance resolution officers to remain neutral and impartial during grievance hearings due to the prevailing hierarchical relationship with disputants.

While neutrality denotes “freedom from favouritism and bias in either word or action” it is important to mention that a grievance mediator should strive to avoid temptation of acting as an advocate or creating an antagonistic environment for grievances (Van Gramberg & Teicher, 2006:202). By so doing, neutrality could easily be attained in the process of addressing the employee. But if a grievance mediator assumes a role of a lawyer or advocate it could make grievance resolution an onerous process. At the same time, the fact that grievance officers do not have to assume an advocate’s role does not mean that ignoring material facts emerge in favour of an aggrieved employee or a defendant. In fact, Van Gramberg and Teicher (2006:202) postulate that “for a mediator to take a totally neutral (unbiased) stance would be to refrain from intervention and thus perpetuate the power difference by allowing the more powerful party to determine the terms of the agreement.” According to Kishore (2006:222-223) neutrality is an undesirable and

unattainable concept which requires that a grievance mediator should manifest the following qualities: “will not intervene in the substance of the dispute; is different to the welfare of clients; has no previous or present relationship with the parties, outside of mediation; will not attempt to alter perceived power balance variances; is disinterested in the outcome, and is unconcerned with the impact of the settlement or unrepresented parties.”

Contrary to neutrality which requires that a mediator should not make efforts to equalise or offset power imbalances, impartiality suggests that a grievance mediator needs to create a power balance between two disputants who have unequal power relations thereby ensuring that a weaker party has an opportunity to articulate a grievance without fear of retributions (Van Gramberg & Teicher, 2006:202). In this way, a weaker party to a grievance will be able to express concerns freely. However, a mediator may be found to have breached a neutrality principle in an effort to grant a weaker party an opportunity to articulate concerns because this could be construed as an advocacy role (Van Gramberg & Teicher, 2006:202). Furthermore, Van Gramberg and Teicher (2006:202) point out that “if power imbalances are a reality and any attempt by the mediator to check that balance constitutes bias, the failure to balance power may result in the maintenance of the power imbalance and of the status quo.” This suggests that grievance mediators should not be fearful to take a decision in an effort to equalise power particularly when a situation permits. Importantly, this should be done with neutrality and impartiality in mind to avoid unprecedented delays in grievance resolution. Clayton (2019) concludes that “impartiality and neutrality do not mean that the mediator may not have a personal opinion about a desirable outcome to a dispute. No one can be entirely impartial. What impartiality and neutrality do signify is that mediators can separate themselves from the performance of their duties and focus on ways to help the parties make their own decisions without unduly favouring one of them.” Practically, grievance mediators need to know and understand their limitations concerning grievance resolution especially when issues of neutrality and impartiality arise. In essence, when dealing with grievance during grievance proceedings, mediators need to apply personal discretion with a certain

degree of circumspection to avoid compromising the principle of neutrality and impartiality.

#### **4.3.4 Failure to keep written grievance records**

According to Acas (2015:41), the employer needs to retain full written records pertaining to a grievance which should entail the following: “the nature of the grievance; what was decided and actions taken; the reasons for the actions; whether an appeal was lodged; the outcome of the appeal; and, any subsequent developments.” As soon as a grievance is reported formally, it is important to maintain accurate records which can be utilised when a need arises to review some decisions or actions recommended in relation to a grievance (European Bank for Reconstruction and Development, 2017:5). The employer should be ready to avail copies of grievance meeting records to an aggrieved employee should a need to do so arise. However, the employer reserves the right to withhold access to certain information for the purposes of protecting witnesses (Acas, 2015:41).

#### **4.3.5 Lack of transparency**

There is a growing concern to improve transparency in the adjudicative and investigative processes of grievance resolution. However, it is noteworthy that the issues of transparency in grievance resolution are not without any challenges particularly if confidentiality is taken into consideration. Having mentioned this, it follows that a balance needs to be struck between transparency and confidentiality when embarking on grievance resolution processes (Rees, 2008:30). Recent research undertaken by Underhill (2018:93) indicates that regular contact between grievance investigators and aggrieved employees is essential to improve transparent grievance resolution. Equally important, a transparent grievance resolution process can assist in ensuring that grievance investigators are not accused of biasness by any party to the grievance. In support of Underhill’s (2018:93) view, Scheltema (2013:190) points out that transparency in the grievance resolution process suggests that all parties to a grievance have to be deliberately informed about the progress made towards addressing a grievance. At the same time, parties have to grant adequate information about the efficacy of the existing grievance resolution mechanism in order to instil trust and confidence in the grievance procedure in the institution. Moreover, Scheltema

(2013:197) believes that perceptions regarding the efficacy of a grievance procedure can influence the level of trust in the processes undertaken to address a grievance. Accordingly, transparency in the grievance resolution process can be enhanced through the following avenues (Harvard University, 2008:24):

- When a grievance is filed, it is necessary to acknowledge receipt thereof in writing and send it through to an aggrieved employee. This practice should be tied to a specific timeframe in order to avoid unexpected or deliberate delays.
- Once a grievance has been satisfactorily investigated, efforts should be made to inform all parties involved about a proposed course of action as part of a grievance resolution.
- Concerned parties have to be cordially informed of the formal outcomes in relation to a reported grievance. As indicated above, it is imperative to ensure that this practice is linked to a specific turnaround time in order to prevent unprecedented delays.

#### **4.3.6 Lack of confidentiality**

The issue of confidentiality in grievance mediation and arbitration presents insurmountable challenges in a quest for ultimate resolutions to grievances. For example, Westerkamp (2014:16) reports that mediators are capable of eliciting confidential information from managers during mediation with a view of reaching a final and amicable settlement, but problems emerge when a settlement is not attained in which case confidential information tends to be used against managers. This type of situation clearly indicates that confidentiality in grievance resolution is not absolute and for this reason, speedy resolution of grievances could be elusive due to such contentious matters. Nevertheless, to avert misuse of confidential information which has been disclosed during mediation processes, it is important to consider using a joint session that has to be attended by a grievant, union, and management, so that parties involved in a grievance could be able to understand each other's positions or interests and identify mutually agreed solutions (Westerkamp, 2014:117-118).

Based on the complications highlighted above that may arise when confidential information is disclosed during an attempt at grievance mediation, the American Arbitration Association (2010:9) states that the law or any other agreement should be explicit about maintaining confidentiality in grievance resolution. The mediator should be in a position to advance confidentiality, implying that information acquired by virtue of facilitating a grievance resolution process as well as records or reports have to be kept strictly confidential. At the same time, it is necessary to ensure that any person that served as a mediator is disqualified from representing any party to a grievance in court proceedings related to the same matter (Moffitt, 1996:203). This is not only a matter of advancing confidentiality of information discussed during the mediation process, but it is an ethical rule. In line with the arguments stated above, Arie (2015:34) suggests that grievance handling has to be conducted in a confidential manner, subject to the agreement between parties involved. In support of this position, the American Arbitration Association (2010:9-10) emphasise that unless the agreement provides for disclosure of confidential information, no person should disclose the following:

- Proposals made by any person in relation to a viable grievance.
- Confession or admission made by persons involved in a grievance issue.
- Suggestions articulated or put forward by the grievance mediator.
- The unwillingness of any party to a grievance to accede to a grievance settlement or proposal initiated by the grievance mediator.

#### **4.3.7 Failure of grievant to testify**

The aggrieved employee can reach a point where it is difficult to testify during a grievance hearing due to numerous reasons. For instance, Irish, Magadlha, Qhobosheane and Newham (2000) state that intimidation is among the various reasons why witnesses are sometimes unwilling to provide information concerning a specific incident. Further, it is evident that intimidation is used as an instrument to discourage people from disclosing information that can assist in resolving cases. Unfortunately, intimidation is carried out surreptitiously to make sure that there is no evidence about such threats (Irish et al., 2000). In other words, when threats are directed against a witness, it would be difficult to prove legally that intimidation indeed took place. Apart from the issue of failure to

testify due to intimidation or threats, the International Labour Organisation (1977:48) highlights that the grievance may refuse to provide testimony in order to avoid being perceived as a confused or inadequate witness. Nevertheless, as a consequence of such failure to give information pertaining to the case, the grievance arbitrator may view this as a major shortcoming in the grievance case and may create a situation where the merits of such a grievance could be doubted. In this regard, Acas (2019:25) mentions that if an employee fails to provide testimony when required to do so, it is important for a grievance investigator to make efforts to establish the reasons thereof. If the reasons are found to be valid and legitimate, the investigator may obtain a statement as an alternative way of gathering further information concerning a grievance. Be that as it may, failure by a grievant to give testimony during a grievance hearing could create a situation whereby a grievance resolution process is unreasonably protracted. This could culminate in unresolved grievances in the workplace.

#### **4.3.8 Complexity of the grievance issue**

Deitsch and Dilts (1988:116) found that when a grievance case becomes more complex, it increases the possibilities of resolving such a case through private negotiations than via arbitration process. According to Deitsch and Dilts (1988:116-117), this could be attributed to factors: firstly, labour relations officers in the institutions are reluctant to have a situation where arbitrators will make important decisions on their behalf. Moreover, there is a degree of distrust and fear that arbitrators can make unpopular decisions since they may not be familiar with bargaining relationships in the institutions. Secondly, parties to a grievance may be reluctant to resolve grievances through the arbitration process due to exorbitant costs associated with the process. Contrary to Deitsch and Dilts' (1988) position, Tjosvold and Morishima (1990:540) argue that the greater the complexity of a grievance the more difficult it will be to find a solution. For instance, it could be easier to resolve grievances related to working conditions than grievances concerned with workloads or work assignments. In other words, the nature of a grievance reported may determine the complexity in terms of finding resolutions. Besides, grievances can be more complicated when union officials or shop stewards reformulated

and distort grievances in which case favourable settlement could be difficult to attain (Salipante & Bouwen, 1990:20).

#### **4.3.9 Refusal to hear a grievance**

Walker and Hamilton (2009:53) assert that employers in the workplace are concerned about union representatives who strive to pursue cases or incidents that lack merit and are based on minor procedural technicalities. Israelstam (2019) argues that it is not an uncommon practice for employers to ignore legitimate employee grievances although this has the potential of creating tensions in the workplace as long as the grievance remains unresolved. Such grievances will not disappear or vanish simply because managers refused to take efforts to resolve them. While employers find it easy to ignore employee grievances, it should be noted that employers have a duty to receive and address formal grievances filed by their employees. Nevertheless, this does not imply that employers are bound to listen to a similar grievance that is being reported repeatedly irrespective of decisions taken to address it unless it is reported as an appeal to the final decision (Harper James Solicitors, 2019). In situations where there is perennial refusal to listen to employee grievances, employee morale is likely to be affected immensely leading to a decline in productivity, high turnover, and prolonged conflict (Israelstam, 2019).

Regarding the refusal to listen to employee grievances in the workplace, the Public Service Alliance of Canada (2011:19) mentions that grievances that are filed by employees in the institution should be carefully considered in order to ensure that they are worth reporting to the management. At the same time, this should be done in such a way that the employee does not feel isolated, particularly if the issue is non-grievable. This should be handled with a great degree of respect and consideration of employee emotions in relations to issues raised. Besides, Harper James Solicitors (2019) states that if an employer has evidence that a grievance is filed in bad faith against an institution or fellow employees, then the employer may refuse to hear a grievance. In this sense, if a grievance that is brought against an employer or one of the employees constitutes a non-grievable matter; the employer may dismiss such a grievance. Having said this, a

grievance could remain unresolved whilst awaiting a determination of whether it be a determination by management or whether it is grievable or non-grievable.

#### **4.3.10 Insufficient evidence**

There are numerous factors that can influence the finalisation of a grievance case. Having mentioned this, one of the factors that need to be considered during a grievance hearing is evidence. According to the National Prosecuting Authority (2013:6), evidence should satisfy the following criteria in order to be useful: admissibility, credibility, and reliability. Admissibility denotes that evidence put forward during a grievance hearing would be relevant and was obtained legally or procedurally. Credible evidence suggests that evidence produced during a grievance hearing is not contradictory, thus materially strengthening the hearing. The reliability criterion indicates that evidence produced during a hearing should not cast doubts about its veracity. In judging credibility, the grievance arbitrator observes witnesses' behaviour when providing testimony, especially under cross-examination in order to establish the witness' emotional stability, consistency and attitude towards other people during a grievance hearing (International Labour Organisation, 1977:48). Although grievance arbitrators are not at liberty to reject evidence that is based on irrelevance and immateriality criteria, it is important to discourage parties from introducing evidence that does not have any bearing on the grievance. Equally important, grievance arbitrators need to treat evidence acquired unprocedurally with utmost suspicion (International Labour Organisation, 1977:49).

In a criminal case, the State needs to have sufficient evidence against the accused individual to secure a conviction (Reddy, 2018:251). In the same way, for an institution to impose a sanction against an offending employee in a grievance case, sufficient evidence needs to be gathered. Further, Reddy (2018:251) argues that when the State fails to collect adequate evidence for a conviction, the accused person may be freed without having to defend a case. This could happen in interpersonal grievance cases in the workplace because if there is insufficient evidence the employer may not be able to take punitive measures against an offending employee due to legal implications that could ensue. Inadequate grievance evidence suggests that a grievance case could be



inadvertently delayed in order to allow investigators time to collect enough evidence concerning a grievance case. While the accused person has rights, it is necessary to consider the victims' interests before a decision to discontinue a case on the basis of delays in completing the proceedings (Reddy, 2018:267). As a matter of fact, grievance investigators should strive to collect sufficient evidence about a reported grievance. Part of the information that needs to be gathered includes evidence that supports a filed grievance as well as information that may prove to be contradictory to the grievance case (Acas, 2019:26). In this way, the collection of evidence pertaining to a grievance is likely to be more balanced. This, however, requires that an investigator should be experienced, knowledgeable, critical and analytical in dealing with grievance cases in the workplace.

#### **4.4 CONCLUSION**

This chapter has presented the various characteristics of what constitutes an effective grievance resolution mechanism based on the assessment of literature. The grievance resolution mechanism can be perceived to be appropriate if it affords aggrieved employees an opportunity to be represented during grievance hearing. Apart from the issue of representation during hearings, an effective grievance procedure needs to set a clear turnaround time within which grievances must be resolved. At the same time, this can be realised if compliance with timelines is monitored and enforced by senior managers in the institutions. Equally important, employees have to be protected against unfair treatment or victimisation for laying grievances against their supervisors or managers. The emphasis should not only revolve around the protection of employees from victimisation, but attention must be paid to the issue of improving access to the grievance procedure in the workplace. In this regard, deliberate efforts must be taken to avoid unnecessary technicalities that seek to dissuade employees from laying legitimate and valid grievances. To this end, managers and union representatives have to be trained, skilled, knowledgeable and experienced in handling employee grievances. In the process of handling employee grievances, managers have to be consistent and uphold the principle of fairness and justice.

The review of literature has shown that unresolved employee grievances could be a consequence of the grievance handling style used by managers in the workplace. Managers tend to apply some of the following grievance handling styles: avoiding, accommodating, integrating, compromising, dominating. In this regard, reviewed literature indicates that accommodating, compromising and integrating styles would be preferred approaches because they involve high concerns for other people. In this sense, these approaches would be preferable in grievance handling in the workplace despite their shortcomings. Another factor, that contributes to unresolved grievances is the involvement of legal representatives in the early stages of the grievance resolution process. The situation can become tense in the workplace if grievance remains unresolved, particularly if the legal representative is not willing to renegotiate their position in relation to a grievance issue. In addition to the aforementioned cause of unresolved grievances, lack of neutrality and impartiality in the grievance resolution process is an ongoing concern in the workplace. When mediators are found to be biased or partial in their effort to resolve employee grievance that is an indication of a violation of a fundamental ethical duty. Nevertheless, it is not only mediators who have a duty to be impartial and ethical but also grievance investigators who have to ensure that they discharged their responsibilities with a great degree of transparency. The absence of transparency in the grievance resolution process is lamented as one of the major impediments to the process. Grievance investigators need to keep in contact with aggrieved employees in order to provide an update regarding the progress made in investigations. Assessment of extant literature on employee grievance has shown that stagnation in grievance resolution could be attributed to the failure of the grievant to testify, the complexity of grievance matter and lack of sufficient evidence concerning a filed grievance. Clearly, inadequate evidence suggests that there is little or nothing that an institution will be able to do in order to address a grievance. At the same time, this suggests that an offending party may escape without a penalty because senior managers in the institution will not be able to impose a penalty, particularly in connection with interpersonal grievances.

## **CHAPTER 5**

### **RESEARCH DESIGN AND METHODOLOGY**

#### **5.1 INTRODUCTION**

The previous chapter has focused on the review of literature as it relates to the determinants of effective grievance handling and causes of unresolved employee grievances. This chapter presents a research design and methodology that was adopted in order to answer the research questions for this study. For that reason, it is important that this chapter should clearly identify, describe and explain the methods, processes and procedure that were followed in collecting research data. Furthermore, the reasons for adopting specific methods, processes and procedures in collecting data have to be justifiable. By so doing it becomes clear whether or not the collection of empirical data was undertaken using acceptable, ethical and sound techniques and procedures. In this sense, once the research design and methodology is presented it will assist other researchers in making a decision regarding the replicability of the study. To this end, it is necessary to provide sufficient methodological details in order to allow reproduction of or comparison of similar studies.

This chapter is organised as follows: the research paradigm, in particular, pragmatism is explained in the context of this study. The mixed methodology design is described and an explanation is made in terms of its application in the process of collecting data. In this regard, the description and explanation of the mixed methodology are not only confined to distinguishing between quantitative and qualitative research designs but an unambiguous identification and description of a specific variant of the mixed methodology adopted is also required. The data collection techniques for the quantitative and qualitative component of this study are outlined succinctly. Importantly, the steps taken by the researcher to ensure data quality criteria for both qualitative and quantitative data is explained in a justifiable manner. The extent to which the researcher adhered to research ethics in the process of the data collection phase is well sated. Equally, the

presentation of methodological limitations and challenges associated with employing the mixed methodology approach concludes this chapter.

## **5.2 RESEARCH PARADIGM**

This study is predicated on pragmatism as a philosophical tradition or paradigm that is consistent with mixed methods research design. The philosophical stance in research is essential to locate and justify the methodological choice employed in conducting research. In fact, the philosophical perspective provides context for the research process and bases it on logic and standards (Crotty, 1998:7). Maarouf (2019:5) defines pragmatism as a philosophy that allows the combination of quantitative and qualitative strategies, data collection techniques and methods of analysis. Besides, Weaver (2018:3) notes that “in terms of ontology and epistemology, pragmatism is not committed to any single system of philosophy and reality.” Nevertheless, Kalolo (2015:155) points out that pragmatism is more practical and useful in addressing prevailing problems. In this study, pragmatism was chosen as the philosophical position to provide clarity for the research process.

Pragmatism values the contributions of quantitative and qualitative research. In essence, pragmatist researchers are convinced that quantitative and qualitative research methods can be employed successfully in a single study (Migiro & Magangi, 2011:3758). In as much as the philosophical position is imperative in guiding the research endeavours, it also provides a justification and defence for its application which consequently result in the exclusion of other philosophical perspectives (Feilzer, 2010:7). According to Creswell (2003:12), pragmatism makes the following knowledgeable claims:

- Pragmatist philosophy holds that the researcher is free to use quantitative and qualitative research approaches or strategies when undertaking a research project.
- Researchers are at liberty to select methods, techniques and procedures suitable for their research projects.
- Pragmatists hold the view that using quantitative and qualitative methods implies that multiple procedures for gathering and analysing data will be undertaken.

- Researchers employ mixed methods research to develop a comprehensive discernment of research problems.
- Pragmatist researchers focus on what should be researched and how it should be researched with due regard to the reasons for adopting mixed methods.

In support of the aforementioned views, Feilzer (2010:8) asserts that pragmatists are opposed to the representational view of knowledge and emphasise that researchers should be concerned with the usefulness of knowledge rather than attempting to provide an exact account of the phenomenon under investigation. This argument is likely to rouse debate and difficult questions pertaining to the aims of the research because the issue of truthfulness in research remains important as well. To achieve truthfulness in research, a specific degree of accuracy in reporting the phenomenon under investigation is required. Interestingly, from a dialectic point of view, the truth can be successfully derived by confronting the various perspectives in relation to a phenomenon (Kalolo, 2015:156).

The choice for the pragmatist stance was based on the fact that the researcher was able to make use of induction, deduction and abduction in the interpretation and analysis of research data. To clarify the issue further, Migiro and Magangi (2011:3759) postulate that “pragmatism as a philosophy includes the use of induction (or discovery of patterns or gaining an understanding of the research context, and data collection of qualitative data), deduction (moving from theory to data, testing of theories and hypotheses, explanation of causal relationships between variables, application of controls to ensure the validity of data and the selection of sufficient sample sizes in order to generalise conclusions), and abduction (uncovering and relying on the best set of explanations for understanding end results). As a consequence of using a pragmatic paradigm, the study was able to reflect on the value of subjective and objective knowledge.

### **5.3 RESEARCH DESIGN**

The research design refers to the plan or blueprint in relation to how the researcher has planned to undertake the inquiry. The research design focuses on the evidence which is

pertinent to answer the research questions (Babbie & Mouton, 2011:74-75). This study has adopted the mixed methods research design which involves the quantitative and the qualitative components. The mixed methods approach utilises the strengths of both quantitative and qualitative research techniques in a study, to give sufficient answers to a research question (Morgan & Sklar, 2012:76). According to Bless, Higson-Smith and Sithole (2013:58), using mixed methods helps to minimise the disadvantages of both quantitative and qualitative methods. Further, quantitative and qualitative data can be gathered sequentially or simultaneously to answer research questions when using mixed methods (Creswell, 2003:18). In this research, concurrent triangulation (convergent parallel) typology of the mixed methods was followed. This implies that both quantitative and qualitative data were collected simultaneously during the data collection phase and both methods were assigned equal priority [QUAN+QUAL] as explained by Hanson, Creswell, Plano Clark, Petska and Creswell (2005:229). The chosen strand of mixed methods is appropriate for this research because the purpose was to cross-validate, confirm and corroborate quantitative results and qualitative findings (Creswell & Plano Clark, 2011:77). It is important to take note of the fact that when conducting mixed methods, it is possible to face a situation where there are contradictory quantitative and qualitative results (Creswell & Plano Clark, 2011:80). Although this could be seen as a way of bringing new insight, it is necessary to seek reasonable explanations for such contradictions. As a matter of fact, Heale and Forbes (2013:98) argue that using quantitative and qualitative methods to answer the research questions may culminate in any of the following outcomes: firstly, the research results may tend to converge, leading to similar conclusions; secondly, the research results may tend to complement one another suggesting that results emanating from either method could be successfully used to supplement the other; lastly, it may happen that the research results could be divergent or contradictory. In the context of this study, converging results were found to be increasing validity through verification. In the same way, complementary results were useful in highlighting a different aspect of the research phenomenon, in particular, grievance handling in the SAPS. Divergent results led to new and better explanations of the grievance handling in the SAPS.

### **5.3.1 Quantitative research**

Quantitative research is “defined as a formalised, systematic, objective and nomothetic approach to research where numerical data and statistical analysis are used to generalise results from a sample group to the population” (Morgan & Sklar, 2012:71). Quantitative research includes two prominent designs, namely: experimental and non-experimental designs such as surveys (Creswell, 2014:12). For the quantitative component of this study, a survey design was adopted in order to assess the opinions and attitudes of police officials pertaining to the reasons for or causes of grievances and unresolved grievance grievances in the SAPS.

According to Lee, Benoit-Bryan and Johnson (2011:87), survey research is a suitable design when the researcher intends to examine the perceptions, opinions, attitudes in the various social disciplines. The data collected through a quantitative survey instrument was utilised to describe and explain reasons for grievances and unresolved grievances. Furthermore, the survey design was cross-sectional which implies that all the pertinent information regarding the research topic was gathered at one point in time as explained by Bless et al. (2013:135). The advantage of survey design is that it allows the researcher to collect sufficient data in respect of a large population which is based on a small sampling frame (Seabi, 2012:88). On the other hand, a disadvantage of this type of design is that the data generated could lack appropriate depth or details on the issues being researched or examined (Keley, Clark, Brown, Sitzia, 2003:262).

### **5.3.2 Qualitative research**

According to Joubish, Khurram, Ahmed, Fatima and Haider (2011:2084), qualitative research is “defined as an inquiry process of understanding a social or human problem, based on building a complex, holistic picture, formed with words, reporting detailed views of informants and conducted in a natural setting”. According to Creswell (2014:13-14), qualitative research comprises five types of approaches that are as follows: narrative research, phenomenology, grounded theory, ethnography, and case study. With regard to the qualitative component, a case study design was considered to be useful in order

to understand the perceptions of the union representatives and management representative of the SAPS regarding the reasons for or causes of grievances and unresolved grievances.

A case study refers to a qualitative research design in which an in-depth analysis of a case is developed by the researcher (Creswell, 2014:14). Seabi (2012:83) asserts that the prime aim of a case study is to comprehend the case thoroughly in its natural circumstances, acknowledging its intricacies and context. In support of this view, Nieuwenhuis (2007:75) contends that case study research is “aimed at gaining greatest insight and understanding of the dynamics of a specific situation”. In fact, the case study presents a “multi-perspective analysis in which the researcher considers not just the voice and perspective of one or two participants in a situation, but also the views of the other relevant groups or actors on the interaction between them” (Nieuwenhuis, 2007:75). Moreover, Morgan and Sklar (2012:75) and Henning, van Rensburg and Smit (2004:61) argue that case studies provide thick descriptions of the issues under investigation within relevant context and time. The main shortcoming of this design is that it is time-consuming, and the data produced through this strategy could be difficult to compare with other results (Bless et al., 2013:61).

## **5.4 DATA COLLECTION TECHNIQUES**

The data collection phase took place concurrently, which means that research data was gathered at a single entry into the field. The different data collection techniques that were employed in gathering relevant research data are identified and briefly discussed below. The techniques identified include a questionnaire, document study and interviews.

### **5.4.1 Questionnaire**

The questionnaire consisted of 53 close-ended questions whereby the respondents had to select the answer that best represented their opinions or attitudes on a five-point Likert scale. According to Bird (2009:1311), close-ended questions can be administered easily and analysed with less difficulty while they also allow respondents to fully complete questionnaires. The use of a quantitative questionnaire focused on determining the



attitudes or opinions of the SAPS members in respect of grievance management procedure. The questionnaire was designed in such a manner that questions were sequenced in a logical order, which permitted a seamless transition from one topic to another as recommended by Bird (2009:1310). Additionally, related questions were grouped under a short heading that described the section's theme. By so doing, the respondents were able to understand the purpose of the questionnaire and were subsequently able to answer all questions meticulously. Moreover, the questionnaire was divided into six sections. The Cronbach's alpha coefficient was measured from section B through to section F to internal reliability of the scale. Section A focused on the biographical data to determine the respondents' gender, race, rank and length of service. Section B (nature of grievance cases in the SAPS) consisted of 10 items and the response categories for this section were 'strongly disagree', 'disagree', 'not sure', 'agree' and 'strongly agree'. The Cronbach's alpha coefficient for section B was 0.891. Section C (factors that account for the high rate of grievances) was composed of 10 items with similar response categories as section B. Cronbach's alpha coefficient for section C was 0.616. Section D (procedures applied for handling grievances in the SAPS) comprised of 15 items and the response categories for this section were 'not at all', 'to a slight extent', 'to some extent', 'to a large extent', 'to a very large extent' to establish the degree of implementation of the grievance procedure. The Cronbach's alpha for section D was 0.832. Section E (the effectiveness of the grievance handling mechanism in the SAPS) consisted of 08 items with similar response categories as section D to determine the extent of effectiveness of grievance handling mechanisms. Cronbach's alpha for section E was 0.755. Section F (Causes of unresolved grievances in the SAPS) was comprised of 10 items with the following response categories: 'strongly disagree', 'disagree', 'not sure', 'agree' and 'strongly agree'. Cronbach's alpha for section F was 0.719.

As soon as the questionnaire had been designed, it was checked for accuracy. The questionnaire was administered or piloted with the purpose of improving the questions. To ensure that the piloting process yielded positive results, the questionnaire was distributed to a minimum of ten (10) police officials from different racial groups. The pilot

study also assisted to determine whether or not the respondents would be able to understand the questions.

#### **5.4.2 Document study**

May (2011:195-196) explains that a document can take different forms such as written text or an electronic text. Document study is concerned with the study and analysis of a variety of information sources such as newspapers, magazines, personal documents, diaries, official reports and archival material for the purpose of conducting scientific research as explained by Strydom and Delport (2005:315-317). For the purpose of this research, the various types of official documents were utilised and these included SAPS annual reports and policy documents. Additionally, the mass media information sources such as newspapers and newsletters were used in gathering research data. Worth noting, the researcher has exercised care in evaluating the authenticity and accuracy of the documents before they were used. In this regard, Nieuwenhuis (2007:83) points out that matters that form part of official written reports may not always be factual. Equally important, information obtained through document study was used to corroborate information obtained through interviews and questionnaires. Nevertheless, Nieuwenhuis (2007:83) highlights that a challenge with document study relates to misinterpretation of the writer's intentions or thoughts, erroneous organisation and integration of information which could result in ill-conceived argument or conclusions on the subject matter. For this reason, the researcher has exercised care to guard against selectivity and misinterpretation of official documents that were studied.

#### **5.4.3 Interviews**

The qualitative interviews were conducted both face to face and telephonically with the research participants. The telephonic interviews were necessitated by the need to observe Covid-19 protocols in order to minimise the spread of the pandemic or infections thereof. At the same time, during face-to-face interviews, the social distance was maintained, with masks on and well-ventilated offices. The interview questions were semi-structured to ensure that all the research participants were asked a series of similar

questions with curtailed responses. In addition, the research participants were asked open-ended questions that allow time and space for free-form answers which encouraged the participants to share their understanding, experiences, opinions, views and knowledge regarding grievance handling in the SAPS. All the interviews were topical and focused on the themes predetermined by the researcher whereby the participants were able to provide answers instantaneously after the questions had been asked as explained by Mouton (2001:197). The researcher noted that participants provided longer verbal responses to some of the questions asked. Interestingly, vague answers were probed further to elicit clear responses. All the interviews were audio-taped after consent had been granted by participants. In instances where permission to record was denied, notes were taken during interviews. All the interviews were transcribed verbatim followed by the analysis and interpretation of responses. Prior arrangements for interviews were made with the interviewees to secure a convenient date, time and place for interviews.

The interviews were conducted with five (5) union representatives and five (5) grievance officers from ten (10) identified police stations within the Pretoria policing area of the SAPS. In other words, ten (10) semi-structured interviews were conducted for the qualitative component of this study. The services of a professional transcriber were secured to assist with the transcription of the audio-taped interviews. This was necessary since transcribing requires careful listening and excellent typing skills. Furthermore, transcribing could be time-consuming. For these reasons, a professional transcriber was able to enhance the accuracy of the interview data and saved time for the researcher to focus on other activities of the same research project. Moreover, a confidentiality agreement was signed between the transcriber and the researcher in which case the transcriber committed to complying with the following conditions: keep all the research information confidential by not discussing or sharing the research information in any form or format (e.g., disks, tapes, transcripts) with anyone other than the researcher; keep all research information in any format or form (e.g., disks, tapes, transcripts) secure while it is in his/her possession; return all research information in any form or format (e.g., disks, tapes, transcripts) to the researcher after completion of the research tasks; and, erase or destroy all the research information in any form or format regarding this research

project that is not returnable to the researcher (e.g., information stored on computer hard drive), after consultation with the researcher. After the completion of the transcription, the researcher listened to the audio-taped interviews in order to verify the accuracy of the transcribed responses.

## **5.5 POPULATION AND SAMPLING**

The research was conducted in the Pretoria policing area of the SAPS which has 35 police stations and approximately 7 474 employees who are employed in terms of the South African Police Service Act 68 of 1995 (Hlongwane, 2013:1). However, for the purposes of this research, only ten (10) police stations were purposefully selected out of 35 so as to ensure that the research is manageable and ensure sufficient race representations of respondents or participants. The police stations that were targeted in this research were as follows: Mamelodi-West, Eersterust, Atteridgeville, Rietgat, Soshanguve, Sunnyside, Pretoria Central, Brooklyn, Villieria and Lyttelton. The above-mentioned police stations had about 2113 members collectively employed in terms of the South African Police Service Act 68 of 1995. In respect of the quantitative component, a sample size was set at 300 respondents from a target population of 2113 police officials from ten (10) police stations based in the Pretoria policing area of the SAPS. The respondents were chosen from the rank of Constable through to the rank of Colonel. Interestingly, 303 fully completed questionnaires were returned after the distribution of approximately 400 questionnaires. This indicates that the response rate was about 75.75%.

The proportional quota sampling was utilised to select a sample of respondents from a target population. The primary aim of using quota sampling is to ensure that the sample drawn is representative of the various categories of the target population, thus in terms of race and gender (Strydom, 2005:202; Babbie, Mouton, Vorster & Prozesky, 2011:167). Moreover, this sampling strategy is considered to be less expensive and convenient for researchers (Bless et al., 2013:173). Contrary to the advantages highlighted above, Strydom (2005:202) indicates that the shortcoming of this sampling strategy is that selection of respondents is incumbent upon the discretion of the

fieldworker which tends to create a certain degree of subjectivity. Although this deficiency presents a challenge to the sampling, it was addressed by ensuring that all the individuals were selected based on clear predetermined criteria or characteristics.

A purposive sampling strategy was employed for the qualitative component to select the union representatives and the grievance officers at the identified police stations. The union representatives and grievance officers were purposefully selected seeing that they are seen as having the requisite knowledge about the grievance procedures within the SAPS. In support of this assertion, Nieuwenhuis (2007:79) mentions that purposive sampling implies that participants are chosen based on distinct characteristics or traits that qualify them as possessors of the required information or knowledge. However, a disadvantage of purposive sampling is that it may not be easy to determine the trustworthiness of the sampling procedure if the necessary steps followed in sampling are not adequately explained (Elo, Kaariaineh, Kanste, Polkki, Utraiainen & Kyngas, 2014:4). Therefore, to overcome this challenge, full details relating to the sampling procedure were provided and explained accurately.

Samples of ten (10) participants were chosen to take part in research interviews. Five (5) of the ten (10) participants constituted of union representatives while the other five (5) included the grievance officers based within the Pretoria policing area or district of the SAPS. In short, the inclusion or exclusion sampling criteria was as follows:

- Unions representatives or shop stewards were attached to the South African Policing Union (SAPU) or Police and Prisons Civil Rights Union (POPCRU)
- Employees that took part in surveys or completed questionnaires were employed in terms of the SAPS Act 68 of 1995.
- Grievance officers were recognised or formally nominated individuals in terms of the grievance procedure of the SAPS.
- All the research respondents and participants were attached to the 10 identified police stations in the Pretoria policing area of the SAPS.

## 5.6 METHODS OF DATA ANALYSIS AND INTERPRETATION

Several statistical tests were undertaken so as to analyse quantitative data. In this regard, a Kaiser-Meyer-Olki (KMO) test and Bartlett's Test of Sphericity were first undertaken to establish whether it was appropriate for factor analysis. Both tests are useful in measuring the sampling adequacy to establish the factorability of the matrix or data set (Zulkepli, Sipan & Jibril, 2017:14). Pallant (2010:181) points out that "Bartlett's Test of Sphericity should be significant ( $p < .05$ ) for the factor analysis to be considered appropriate. The KMO index ranges from 0 to 1, with .6 suggested as the minimum value for a good factor analysis." For the purpose of this research, the sample was examined for its appropriateness for factor analysis. The Kaiser-Meyer-Olkin (KMO) measure of sampling adequacy value was .828 and Bartlett's Test of Sphericity was highly significant ( $p < .001$ ), sustaining the factorability of the matrix.

Factor analysis and the Principal Factor Analysis (PCA) were applied in analysing quantitative data. Sarstedt and Mooi (2019:259) argue that both PCA and Factor Analysis can be applied in practice to understand a huge number of variables in the data set. In support of this view, Yong and Pearce (2013:80) highlight that large data sets with numerous data variables can be reduced to a smaller set thereby ensuring that common variables are assembled into descriptive categories. For these reasons, the two tests mentioned above were found to be suitable for analysis given that the survey questionnaire consisted of over 50 variables. At the same time, the sample size for this research was over 300 respondents, which is the sample size recommended by Yong and Pearce (2013:80), considering that larger sample sizes reduce the error in the data.

Although data collection took place concurrently [QUAN+QUAL], data analysis was implemented separately so that data collected through quantitative and qualitative methods could be analysed using relevant procedures applicable to both methods (Hanson et al., 2005:230; Creswell & Plano-Clark, 2011:78). However, the results of quantitative and qualitative methods were integrated during the data presentation and discussion phase. All questionnaires received from respondents were captured on a spreadsheet. When the data was completely and accurately captured, it was transported

to statistical analysis software. In order to minimise errors during this procedure, the services of a qualified and competent statistician were secured to assist with the analysis process. The SPSS (Statistical Package for the Social Sciences) version 26 software was utilised in the analysis of quantitative data. The statistical information was utilised to extract information in order to draw conclusions about key aspects of the research. The services of a professional statistician were secured to assist with the analysis of quantitative data, particularly after data collection. Notably, the key role of the statistician was to assist the researcher to make sense of the quantitative data, identify trends and make deductions. In this sense, the statistician played a pivotal role in conducting statistical analysis. Equally important, the statistician signed a confidentiality agreement, committing to keep the research information confidential and protect such information from any third parties. At the same time, the statistician agreed to return all material information to the researcher and vowed to destroy that which is not returnable after obtaining permission from the researcher.

The qualitative data analysis was conducted followed by the interpretation of interview findings. Qualitative data analysis can be more useful to information collected through structured interviews using open-ended questions (Bless et al., 2013:347). According to De Vos (2005:333), qualitative data analysis is a search for general statements about relationships among categories of data. The qualitative content analysis was applied in analysing the interview data. Hsieh and Shannon (2005) assert that qualitative content analysis is suitable for the analysis and interpretation of the interview data or text. In essence, content analysis is important for the analysis of communication (Bless et al. 2013:352).

All the audio-taped interviews were transcribed verbatim followed by analysis and interpretation of the text. The transcription of interviews took place shortly after each interview had been conducted. In this way, the researcher had a reasonable opportunity to reflect on the research objectives (Ezzy, 2002:70). The information collected through interviews was categorised according to different themes to give meaning and structure during the data collection phase. In this regard, De Vos (2005:335) states that the analysis of data commences during the time of collection at the research venue as well

as away from the research site after data collection. Further, De Vos (2005:335) argues that analysis of data may require that the researcher adjust the procedures and strategies employed in data collection. In support of these arguments, Ezzy (2002:61) mentions that it is very crucial to analyse data during data collection so as to avoid missing valuable information. Moreover, Ezzy (2002:61) accentuates the importance of integrating data collection and analysis as an inductive method for building theory and interpretations.

The research data was meticulously and appropriately analysed in a quest for similarities, categories, themes, differences, ideas, gaps and weaknesses in data. In this regard, De Vos (2005:338) posits that data interpretation is concerned with obtaining information from the collected data. The researcher critically assessed the transcribed data while searching for reasonable explanations for data and the connections between them. In addition, the researcher had to search for the most reasonable explanations, identify and describe them, and illustrate why the given exposition was the most palatable of them all, as recommended by De Vos (2005:339).

## **5.7 VALIDITY AND RELIABILITY**

In order to ensure the quality of data in quantitative research, it was necessary to determine the reliability and validity of instruments used in data collection. The various types of validity were checked in line with this study and are as follows: first, face validity which is concerned with the extent to which the data collection instrument measures what it is supposed to measure. Due to the difficulty associated with quantifying or testing this type of validity, the researcher used an experienced statistician to assess the questionnaire to enhance a degree of face validity. Second, content validity focuses on the extent to which the data collection tool can incorporate comprehensive content relating to a specific construct which it is supposed to measure (Pietersen & Maree, 2007:217). In order to ensure the content validity of the questionnaire, the researcher presented the data collection instrument to the supervisor and the experienced statistician prior to finalising the instrument. Third, construct validity focuses on the standardisation of the data collection tool and is concerned specifically with ensuring that



the construct is comprehensively measured through related items grouped together in the data collection instrument (Pietersen & Maree, 2007:217). As a means to test the validity of all constructs in the questionnaire, exploratory factor analysis was undertaken to establish whether individual questions load onto the constructs as planned in the questionnaire. A value close to 1 serves as an indication that an item loads highly on a particular factor. At the same time loading of 0.4 and higher can be regarded as meaningful (Gerber, 2014:12).

Reliability refers to ‘the consistency of measurement, or the degree to which an instrument measures the same way each time it is used under the same conditions with the same subject’ (Gerber, 2014:15). The Cronbach’s alpha coefficient was utilised to measure the internal reliability of the questionnaire on grievance management as indicated above. Pietersen and Maree (2007:216) provide guidelines for acceptable values of Cronbach’s alpha coefficients as follows:

0.90 – high reliability

0.80 – moderate reliability

0.70 – low reliability

The question or item with a value below 0.60 was considered as being unreliable or unacceptable, as mentioned by Gerber (2014:15) and Pietersen and Maree (2007:216).

## **5.8 TRUSTWORTHINESS**

The measure of the quality of data generated through qualitative instruments is trustworthiness. The level of trustworthiness of the research can be achieved by evaluating qualitative research in respect of credibility, dependability, transferability and conformability (Bless et al., 2013:236).

### **5.8.1 Credibility**

In an effort to attain credibility in this research, the researcher had to apply different strategies. For instance, the researcher had to ensure that information gathered through interviews from participants was presented, interpreted and described accurately. In

addition, member checks were undertaken so as to allow the participants a chance to assess how data analysis and interpretation was carried out as recommended by De Fabio and Maree (2012:140). This was performed after the preliminary analysis of data. According to Korstjens and Moser (2018:122), member check allows the research participants an opportunity to rectify the interpretations and also to challenge the interpretations which may appear to be erroneous. Moreover, the researcher embarked on prolonged engagement with the research participants thereby establishing a rapport prior to the commencement of interviews in order to build trust. In addition, the researcher invested adequate time to become more familiar with the research settings and context. Besides, during the interview process, the participants were encouraged to elaborate their answers to questions asked and subsequently, the researcher asked some follow-up questions to clarify responses. Triangulation was also employed to enhance the findings of the qualitative component of this study. In particular, data source triangulation contributed to the enhancement of the research findings. In this regard, research participants included union representatives and grievance officers who were knowledgeable about grievance handling in the SAPS. This is in line with the view of Ziyani, King and Ehlers (2004:13) that truth value is enhanced when data is drawn from multiple sources. In sum, credibility or truth value in this study was enhanced through member checking, prolonged engagement and triangulation.

### **5.8.2 Dependability**

The research instruments utilised in collecting qualitative data were explained accurately intending to make it possible for other researchers to replicate the research using the same instruments. According to Tobin and Begley (2004:392), the researcher should ensure that the procedures employed in the research are logical, traceable and clearly explained. Furthermore, explanations in respect of how the data was collected, analysed and interpreted was provided (Bless et al., 2013:237). The audit trail strategy was used to enhance the dependability of the research findings. In this sense, the researcher kept accurate records of field notes regarding important decisions taken during the research process, notes regarding the settings of the interview, the interview transcripts, analysis processes and procedures. This was in line with the view of Korstjens and Moser

(2018:121) that the audit trail suggests “transparently describing the research steps taken from the start of a research project to the development and reporting the finding. The records of the research path are kept throughout the study.” The researcher believes that the audit trail enhanced transparency relative to the research processes and procedures.

### **5.8.3 Transferability**

Transferability is concerned with the extent to which the findings of the research can be transferred to other settings and contexts (Krefting, 1991:216; Ziyani et al. 2004:13). To satisfy the transferability criterion, thick descriptions concerning data collection and analysis was provided. By doing so, other researchers had an opportunity to examine and compare qualitative data with the purpose of establishing whether such qualitative findings could be transferred to other settings (Di Fabio & Maree, 2012:140; Krefting, 1991:216). In other words, it is not incumbent upon the researcher to determine whether or not the findings are transferrable to other settings except the readers. According to Korstjens and Moser (2018:122), transferability can be enhanced through the provision of “rich account of descriptive data, such as the context in which the research was carried out, its setting, sample, sample size, sample strategy, demographic.....inclusion and exclusion criteria, interview procedure and topics, changes in interview questions based on the iterative research process, and excerpts from the interview guide.” In order to improve the applicability of the research findings, efforts were taken to satisfy the criteria outlined by Korstjens and Moser (2018:122).

### **5.8.4 Conformability**

Conformability is concerned with establishing that data and interpretations of the findings are not figments of the inquirer’s imagination, but without doubt derived from the data (Korstjens & Moser, 2018:121). In fact, conformability implies that research results are “derived from the participants and the research conditions rather than from the (subjective) opinions of the researcher” (Di Fabio & Maree, 2012:141). Therefore, as a means to attain neutrality or conformability, the researcher did not allow personal bias

and convictions to influence the research process. In other words, the interpretation of research data was not based on personal viewpoints and preferences but scientifically grounded in empirical data.

## **5.9 TRIANGULATION**

Triangulation refers to “research strategy that uses multiple data sources, researchers, theories, or research methods to ensure that the data, analysis, and conclusions of a research study are as comprehensive and accurate as possible” (Moon, 2019:103). Ziyani et al. (2004:12) mention that triangulation involves collecting data from two or more sources whilst maintaining the focus of the study with the primary goal of counterbalancing the limitations and degree of biasness that may emerge when using a single method. For this reason, Heale and Forbes (2013:98) argue that triangulation is a necessary exercise aiming to improve the level of confidence in the research findings thereby rigorously confirming the results using two or more independent measures. Triangulation was used in this study for the following reasons: firstly, to increase the validity, reliability and trustworthiness of the research findings, especially when the researcher utilises multiple sources of data to gain insight into a phenomenon and cross-check the findings of one procedure against the other. Secondly, to increase the comprehensiveness and completeness of the research findings by providing multiple dimensions whilst advancing a deeper understanding of the phenomenon. Thirdly, triangulation seeks to confirm trends and identify inconsistencies thereby allowing the researcher to draw comparisons or uncover different perspectives of the phenomenon (Weyers, Strydom & Huisamen, 2008:210). Despite the aforementioned benefits of triangulation, Weyers et al. (2008:210) note that there are some disadvantages of using triangulation in research. For instance, triangulation can be expensive and demanding because usage of quantitative and qualitative data collection procedures requires more time to achieve adequate preparations and could be extremely difficult to analyse due to a need to interpret and compare the numerical as well as linguistic data. Furthermore, triangulation generates masses of data and meanings because different perspectives culminate in the proliferation of meaning, thus making data reduction more cumbersome.

At the same time, multiple perspectives on the research subject matter tend to produce contradictions. However, in this study, when contradictions in data emerged, the researcher embarked on an exercise to probe the reasons for variations in data and sought to understand what might have contributed to such contradictions.

For the purpose of this study, at least three types of triangulations were applied, namely: methodological triangulation, theory triangulation and data source triangulation. Methodological triangulation is concerned with the use of multiple research methods in a single study to collect data (Ziyani et al., 2004:12). According to Weyers et al. (2008:208), the two forms of methodological triangulation are “intra-method” or within method and “inter-method” or between method. Within method refers to the use of two or multiple data collection techniques such as interviews, focus groups and observations in a qualitative study to address a research problem (Fusch, Fusch & Ness, 2018:22). In this study, the intra-method was applied accordingly since semi-structured interviews and document studies were conducted as part of qualitative data collection methods as pointed out above. With regard to the between method, two or more data collection methods of different methodological origin are used, for instance, quantitative (survey questionnaires) and qualitative (interviews) data collection methods (Weyers et al. 2008:208). In the process of collecting data for this study, the quantitative and qualitative data collection procedures were applied, in particular, questionnaire and semi-structured interviews. The use of methodological triangulation has allowed the researcher to compare data collected through different techniques, thereby providing a thorough perspective of the phenomenon under investigation.

Fusch et al. (2018:22) state that theory triangulation is concerned with using two or more different theories to make sense of empirical data set. In support of this view, Moon (2019:103) mentions that theory triangulation can be useful in guiding the research design, implementation of research and data interpretation. Having mentioned this, the attribution and expectancy theories were applied to understand the empirical data in this study.

Moon (2019:103) asserts that data source triangulation is closely related to methodological triangulation, but its main aim is to gather data from multiple sources within a single data collection technique in order to provide a complete picture of the subject matter. In line with this assertion, Ziyani et al. (2004) highlight that the practice of collecting data from multiple sources allows the researcher to acquire different perspectives regarding the phenomena. It is worth pointing out that in this study, data source triangulation was achieved through interviewing the union representatives as well as the grievance officers in the SAPS.

## **5.10 CRYSTALLISATION**

Crystallisation is the process that involves combining “multiple forms of analysis and multiple genres of representation into coherent text or series of related texts, building a rich and openly partial account of a phenomenon that problematizes its own construction, highlights researchers’ vulnerabilities and positionality, makes claims about socially constructed meanings, and reveals the indeterminacy of knowledge claims even as it makes them” (Ellingson, 2014:14). This definition shows that crystallisation is not extensively varied from triangulation but a broad extension of the latter. For the purpose of the study, crystallisation was applied by the researcher to improve the quality of qualitative findings by using various data sources and ensuring rigorous analysis of data. In this sense, different dimensions and interpretations were considered by the researcher in order to enhance quality during the research process. This was consistent with Di Fabio and Maree’s (2012:142) view that crystallisation allows the researcher with multiple options of interpreting data. Moreover, Di Fabio and Maree (2012:142) assert that crystallisation can be applied using various data collection techniques to improve in-depth comprehension of complex cases and increase data quality. In support of this assertion, Ellingson (2014:3) enumerates the various benefits associated with crystallisation in research. First, crystallisation can ensure that knowledge produced regarding a specific phenomenon is generated through rigorous interpretation of data. Second, crystallisation involves the usage of two or more methods of analysis to produce knowledge from multiple vantage points. Further, De Vries (2018:6) indicates that crystallisation makes it possible for the researchers’ voices to be included in the research

process. At the same time, crystallisation produces complex interpretations of findings regarding a phenomenon. Indeed, crystallisation was useful in this study because it has contributed immensely to the improved quality of the findings.

## **5.11 ETHICAL CONSIDERATIONS**

Firstly, it is important to point out that a request for permission to conduct research in the Pretoria policing area of the SAPS was lodged at the SAPS Gauteng Provincial Office. Subsequently, the permission was formally granted, which facilitated empirical data collection processes. Secondly, the researcher applied for ethics clearance from the University of Limpopo (TREC). The ethics clearance certificate was issued by the Turfloop Research Ethics Committee at the University of Limpopo with project number: TREC/09/2020: PG. The researcher noted that the relationship between the researcher and the research participants or respondents had to be professional, guided by certain values, norms and code of conduct relating to research. A brief explanation of how the ethical issues were adhered to in this study is outlined below:

### **5.11.1 Confidentiality**

The researcher ensured that the identity of the research participants remained anonymous to people who were not part of the research process. This was achieved by not writing the names of the participants and concealing the names of areas or police stations where some participants had been interviewed. The responses were framed in such a manner that it would be difficult to track the participant as explained by Aldridge and Levine (2001:22-23). Further, all the respondents were not asked to write their names or write contact details on the survey questionnaire. The completed questionnaires were kept in a locker for safety. The survey questionnaires were not discussed with any person or individual who was not a part of the research process.

### **5.11.2 Right to privacy**

The research respondents and participants were requested to take part in the research at their most convenient time. This is due to the consideration of the fact that the people

who were targeted for research had the right to refuse to be interviewed during lunch, at night and for a prolonged period, as mentioned by Mouton (2001:2243). In order to ensure that this right is not encroached upon, the researcher had to ensure that all the research participants were interviewed at their most convenient place, date and time. Similarly, the survey questionnaire respondents were asked to fill or complete the questionnaires at their most convenient time to minimise disruption of their daily duties and responsibilities.

### **5.11.3 Informed consent**

The researcher had to ensure that all the research respondents and participants were informed about the objectives of the research and its implications. Efforts were taken to obtain written approval for undertaking research from the Gauteng Provincial Office of the SAPS as mentioned above. May (2011:197) emphasises the importance of requesting permission to access official documents citing the fact that certain official documents or records or restricted documents may be protected by the legislation. The significance of the research and participation of the target population was succinctly explained. All the research respondents and participants were assured that they would be free from any possible psychological and physical harm (Mouton, 2001:244).

### **5.11.4 Sensitivity**

The researcher managed to avoid putting the research respondents and participants under undue pressure to complete or fill in questionnaires and partake in the interviews. All the research respondents and participants were not coerced to take part in the research. This means that participation in research was voluntary in order to demonstrate sensitivity to the wishes of the target population. Aldridge and Levine (2001:23) state that it is necessary to exercise caution in the use of language, especially concerning race, ethnicity, gender, age and disability. The researcher had to avoid using statements that could be interpreted as racial or sexist by the research respondents or participants.



## **5.12 METHODOLOGICAL LIMITATIONS**

Although mixed methods were utilised in this research, the results or findings may not be generalized to the police stations within and outside the Pretoria policing area of the SAPS other than the ones that were selected for the purpose of this study. This could be ascribed to the fact that only non-probability sampling strategies were utilised for both quantitative (survey questionnaires) and qualitative (interviews) methods. Further, the decision to employ non-probability sampling strategies for quantitative and qualitative methods is brought about by the absence of appropriate information to allow for random sampling strategy which could ensue in the generalizability of research findings. For this reason, it would be necessary to conduct similar empirical research using probability sampling strategies in other policing areas of the SAPS so as to determine the opinions and perceptions of employees on grievance management.

## **5.13 CONCLUSION**

This chapter has discussed the research design and methodology applied in collecting the empirical data. As a point of departure, pragmatism was chosen as a suitable research paradigm considering that the study adopted a concurrent mixed methodology. Interestingly, it was noted in this chapter that the pragmatist paradigm defies the ontological and epistemological stance of both quantitative and qualitative methodologies. In other words, the pragmatist paradigm defuses “paradigm wars” and uses the best of both world views. Returning to the issue of methodological choice for this study, the concurrent mixed methodology was found to be a suitable variant of the mixed methods approach because it allowed for concurrent data collection and separate analysis. The specific quantitative data collection technique that was used is the survey questionnaire. The questionnaire was distributed to a sample of 300 police officials based at any of the following police stations in Pretoria Policing Area: Mamelodi-West, Eeste-rust, Atteridgeville, Rietgat, Soshanguve, Sunnyside, Pretoria Central, Brooklyn, Villieria and Lyttelton. In line with the qualitative component of this study, this chapter reveals that interviews were conducted with five (5) union representatives or shop stewards and five (5) grievance officers employed at the aforementioned police stations.

In order to ensure the validity of quantitative data, exploratory factor analysis was undertaken. This was done to check the extent to which items in the data collection instrument loaded on one another. In fact, efforts were taken by the researcher to ensure face validity, content validity and construct validity. In term of the qualitative component, it is clearly stated that the trustworthiness of the findings was enhanced by ensuring, credibility, transferability, dependability, and conformability. Further, this chapter indicates that using the mixed method approach permitted the research to undertake an inter-method triangulation in which case qualitative and quantitative data collection methods were used. Besides, crystallisation was effectively applied to enhance the research findings. This chapter reveals that the researcher obtained an informed consent from the participants and respondents by informing them about the purpose and benefits of participating in the research. The extent to which confidentiality of research information was maintained is clearly explicated because the research data was not shared with any person who was not part of this study. It was noted that employing a mixed-method approach has major implications because it can be costly and time-consuming.

## CHAPTER 6

### PRESENTATION OF RESULTS, FINDINGS AND DISCUSSION ON GRIEVANCE HANDLING IN THE SAPS

#### 6.1 INTRODUCTION

The previous chapter presented the research design and methodology that was found to be suitable for achieving the primary aim of the study. In this regard, the mixed methodology was identified as being suited to determine the causes of high rate of grievances and unresolved grievances in the South African Police Service (SAPS). Therefore, the focus of this chapter is to present the results, findings and discussions regarding the causes of grievances and unresolved grievances in the SAPS, specifically in the Pretoria policing precinct. The first section presents the finding in terms of the biographical data of the respondents who participated in the study. The second section seeks to determine the nature of grievance cases reported in the SAPS. This can also assist to pinpoint specific grievances that may appear to be common among the members of the SAPS. The third section focuses on identifying and explaining factors that account to high rate of grievances in the SAPS. In this sense, the results and findings of this section shows whether grievances reported in the SAPS emanate due to union factors, management factors, institutional factors or interpersonal matters. In the fourth section of this chapter, an assessment of the procedures used by the SAPS in handling employee grievances is presented succinctly. In this way, it becomes clearer whether affected employees understand procedures applied by the SAPS in dealing with grievances whenever they report grievances in the workplace. Further, section five of this chapter, presents an evaluation the effectiveness of grievance handling mechanisms in the SAPS based on the empirical data. The results and findings reflect on the efficacy of the current grievance resolution mechanisms in the SAPS in order to propose areas that may need improvement if there are shortcomings. The chapter concludes by presenting the causes of unresolved grievances in the SAPS. This section emphasises the need to address causes that lead of unresolved grievances instead of dealing with symptoms.

## 6.2 BIOGRAPHICAL DATA OF THE RESPONDENTS

In this section, the findings with regard to the biographical data of the respondents who completed the questionnaire are presented and interpreted. As can be observed from Table 6.1 below, 59.1% of the respondents were males (1) while 40.9% were females (2). The mode was 1, suggesting that most of the respondents were males (1) and the average for police officials who responded was 1. On average male police officials (1) responded to the questionnaire than female police officials (2). However, it is clear that both male and female police officials were represented and provided input to this research since the views of both genders are useful for the research. Based on the statistical information regarding gender representation, it can be argued that male police officials constitute the majority in the SAPS.

**Table 6.1 Respondents representation in terms of gender**

Gender	Frequency	Percent	Valid Percent	Cumulative Percent
1=Male	179	59.1	59.1	59.1
2=Female	124	40.9	40.9	100.0
Total	303	100.0	100.0	

**Source:** (Researcher's own construction)

Table 6.2 below, shows that 91.1% of the respondents were Black police officials, 3.6% of the respondent were Coloured police officials, 2% of the respondents were Indians police officials and 3.3% of the respondents were White police officials. The mean of race is 1, on average Black police officials responded to the questionnaire. This was also corroborated by the value of the mode ( $M=1$ ), suggesting that most of the answers were provided by Black police officials. In other words, Black police officials have contributed more to the research by answering questions than police officials from other race groups, thus Coloured, Indian and White police officials.

**Table 6.2 Respondents representation in terms of race**

Race	Frequency	Percent	Valid Percent	Cumulative Percent
1=Black	276	91.1	91.1	91.1
2=Coloured	11	3.6	3.6	94.7
3=Indian	6	2.0	2.0	96.7
4=White	10	3.3	3.3	100.0
Total	303	100.0	100.0	

**Source:** (Researcher's own construction)

Table 6.3 indicates that 45.9% of the police officials who responded to the questionnaire were Constables, 33% of the police officials were Sergeants, 14.2% of the respondents were Warrant Officers, while 4.6% of the respondents were Captains and 2.3% percent were Lieutenant Colonels. In relation to ranks for police officials, the value of the mean was 1.93, suggesting that on average policer officials who responded to the questionnaire were Sergeants while the value of the mode for rank is 1, indicating that most police officials who responded to the questionnaire were holding the rank of Constable. It could be argued that the higher-ranking police officials including Captains, Lieutenant Colonels and Colonels were not available and did not provide answers to the questionnaire. As higher-ranking police officials, it could be that they were busy with other commitments.

**Table 6.3 Respondents representation in terms of rank**

Rank	Frequency	Percent	Valid Percent	Cumulative Percent
1=Constable	139	45.9	45.9	45.9
2=Sergeant	100	33.0	33.0	78.9
3=Warrant Officer	43	14.2	14.2	93.1
4=Captain	14	4.6	4.6	97.7
5=Lieutenant Colonel	7	2.3	2.3	100.0
Total	303	100.0	100.0	

**Source:** (Researcher's own construction)

Table 6.4 reveals that 8.3% of the respondents have worked for 0 to 5 years, 26.1% have worked for 6 to 10 years, 26.4% of the police officials worked for 11 to 15 years, while 26.7% of the respondents worked for 16 to 20 years and 12.5% of the police officials who responded to the questionnaire worked for more than 20 years in the SAPS. The mean for the variable length of service is 3, suggesting that on average the length of service for which police officials have worked in the SAPS is 11 to 15 years. At the same time, the mode for the length of service is 4, which indicates that most of the respondents have work for 16 to 20 years in the SAPS. In this regard, it can be argued that responses provided by police officials were reliable since they appeared to have experience and learned more based on the number of years worked in the SAPS.

**Table 6.4 Sample size by length of Service**

Length of Service	Frequency	Percent	Valid Percent	Cumulative Percent
1=0-5 years	25	8.3	8.3	8.3
2=6-10 years	79	26.1	26.1	34.3
3=11-15 years	80	26.4	26.4	60.7
4=16-20 years	81	26.7	26.7	87.5
5=+20 years	38	12.5	12.5	100.0
Total	303	100.0	100.0	

**Source:** (Researcher's own construction)

### **6.3 NATURE OF GRIEVANCE CASES REPORTED IN THE SAPS**

This section presents the results and findings on the nature of grievance cases in the SAPS. In this section, specifically for the quantitative strand of the study, the central tendency in terms of the responses to the questionnaire was assessed using mean (M). However, in order to gauge how far the individual responses to a question deviate or vary from the mean, the standard deviation (SD) was used. In other words, the standard deviation (SD) is important for explaining the distribution of responses and providing valuable descriptive measure. Additionally, a one-tailed test was undertaken to derive a probability value (p-value) in relation to each variable in order to indicate whether the result attached to each variable was statistically significant. The cut-off value for the

alpha was set at 0.05, which means that a p-value of less than 0.05 ( $p < 0.05$ ) served as an indication of statistical significance whereas a p-value of greater than 0.05 ( $p > 0.05$ ) was an indication that there was no statistical significance. At the same time, the qualitative findings are presented in order to corroborate, cross-validate and confirm the quantitative findings. Equally, important, in cases where there are contradictions, such inconsistencies are explained in a palatable manner.

**Table 6.5: Descriptive Statistics on the nature of grievance cases in the SAPS**

No.	Items	Mean	Std. Deviation <sup>a</sup>	Analysis N <sup>a</sup>	Sig. (1-tailed)
1	Dissatisfaction with performance assessments is reported as a grievance in the SAPS	2.7195	1.64090	303	0.000
2	Unequal salary for the same job responsibilities is reported as a grievance in the SAPS	2.8317	1.68202	303	0.000
3	Grievances in the SAPS are concerned with unfair treatment such as demotion and suspension	3.0330	1.48689	303	0.000
4	Sexual harassment grievances are often reported by employees in the SAPS	3.3894	1.17090	303	0.000
5	Employee grievances in the SAPS are concerned with employer's defamatory and false information	2.9835	1.10824	303	0.000
6	Employee grievances in the SAPS focus on recruitment and selection or promotion to higher rank	1.9010	1.40131	303	0.000
7	Grievances reported by employees in the SAPS are concerned with refusal to approve application	2.1584	1.46527	303	0.000
8	Unrealistic performance targets for employees are a source of grievances in the SAPS	2.3399	1.43281	303	0.000
9	Grievances related to bullying are frequently reported in the SAPS	2.5215	1.62106	303	0.047
10	Forced overtime work is formally reported by employees as a grievance in the SAPS	2.2079	1.40706	303	0.000

**Source:** (Researcher's own construction)

Table 6.5 above shows the descriptive statistics on the nature of grievance cases in the SAPS. The mean (M) was between 1 and 5 because a Likert scale of 1-5 (strongly disagree [1], disagree [2], not sure [3], agree [4] and strongly agree [5]) was used. Firstly, item 1 mean (M) score 3 reveals that the respondents were not sure in their response to item 1 that dissatisfaction with performance assessments is reported as a grievance in the SAPS. However, when looking at the standard deviation (SD) score for item 1 was 2 suggesting that the responses to item 1 were 95% spread within 2 standard deviations of the mean (M). In this regard, the standard deviation (SD) score of 2 show that a reasonable segment of the respondents have disagreed and agreed that dissatisfaction with performance assessments is amongst the nature of grievances reported in the SAPS. This result was statistically significant since the p-value was  $< 0.01$ .

Secondly, item 2 mean (M) score of 3 indicates that respondents were not sure that unequal salary for the same job responsibilities is reported as a grievance in the SAPS. Nevertheless, the standard deviation (SD) score for item 2 was 2 suggesting that the responses to item 2 were 95% spread within 2 standard deviations of the mean (M). Apart from uncertainty in their responses, a higher standard deviation shows that some of the respondents seem to agree while others disagree with the above statement. Importantly, this result was statistically significant as the p-value was <0.01.

Thirdly, item 3 mean (M) score of 3 reveals that the respondents were not sure that grievances in the SAPS are concerned with unfair treatment such as demotion and suspension. With regard to item 3, the standard deviation (SD) was 1.48 showing that the individual responses, on average were a little over 1 point away from the mean (M). The standard deviation (SD) of 1 point indicates that the responses were 68% scattered within 1 standard deviation from the mean (M). Nevertheless, this result was statistically significant because the p-value was <0.01.

With regard to item 4, the mean (M) score was 3 indicating that the respondents were not sure that sexual harassment grievances are often reported by employees in the SAPS. Further, the standard deviation (SD) was 1.17, which is 1 point away from the mean (M). This indicates that the responses were not scattered far apart in comparison to item 1 and item 2. However, this result was statistically significant as the p-value was <0.01.

On assessing the official documents, clause 8.1.2 of the Policy of Sexual Harassment in the Workplace, mentions that the procedures to handle complaints related to sexual harassment are intended to ensure that complaints concerning sexual harassment are viewed in a serious light, quickly, sympathetically and confidentially with due consideration of the rights of both the complainant and the alleged harasser (Safety and Security Sectoral Bargaining Council, 2011b:6).

As for item 5, the respondents were not sure that employee grievances in the SAPS are concerned with the employer's defamatory and false information as evidenced by the



mean (M) score of 3, with a standard deviation (SD) of 1.10, which shows that responses were spread 68% within 1 standard deviation of the mean (M). Worth noting, this result was statistically significant because the p-value was <0.01.

Item 6 responses indicate that the respondents disagree that employee grievances in the SAPS focus on recruitment and selection or promotion to a higher rank as per a mean (M) score of 2. As for item 6, the standard deviation (SD) was 1.4 showing a minimal spread of responses to the item, which were just 1 point away from the mean (M). The result was statistically significant ( $p < 0.01$ ).

During interviews, when the research participants were asked about the nature of grievance reported in the SAPS, the answers were phrased as follows:

“Most of the time it is unfair treatment, transfers and promotions. These are the most grievances which we face daily in the SAPS. Yeah, I think that these are the most common ones” (Union representative 1).

“The one that is on top of the issues is about issues of promotions. Those are a lot of grievances that speaks to the issue of promotions. And when you talk promotions you'll always find a 90% of those cases we win them as labour because discrepancies that are there, you find that the person was shortlisted and given a position whereby the person was not qualifying. You are told you should spend 24 months in a rank, but you find a person having been promoted twice before even completing a year or 12 months if I can put it that way” (Union representative 2).

“First, it is unfair labour practice, which is promotions. During any cycle of promotions, there will be grievances. The problem is that the SAPS does not want to apply the policy on promotion in a fair manner. I am talking from experience because I represented numerous members when I was still a shop steward in the arbitrations and so on. So this is on top of the list of the grievances” (Grievance officer A).

The research participants went further to elaborate, particularly in relation to grievances that are frequently reported in the SAPS.

“Especially when it is a time for promotions. We know that we are going to receive a huge number of grievances. If you can see this, all these files here are promotion grievances. I have more than 50 arbitrations which are still pending for the promotions” (Union representative 1).

“As I have said earlier, on top of the list of grievances, it is promotions. You can go to SSSBC, and you will find that most of the disputes that have been lodged there are concerned with promotion issues” (Grievance officer A).

When questioned about the underlying factors that contribute to grievances in relation to promotions, the research participants responded in this way:

“Yeah, the first thing is nepotism. Another thing, appointing people who do not have knowledge about what they are doing. Third one, is arrogance of the supervisors. I think that these are the main causes of this. Because if the manager do not go according to the book, they will always have grievances when members are not satisfied. And then it when it comes to the most grievances, we're talking about the promotions because our National Instructions 6 of 2005 is very clear. It say it says you must have a skill and knowledge, training and qualification.....” (Union representative 1).

“In terms of promotions, it will be unfair promotions of people where people are promoted on the basis of favouritism. In relation to transfers, the SAPS will tell you that you applied for the position at a particular station or unit and therefore cannot be transferred elsewhere. Such a transfer can drag for so many years. I know of one transfer that took almost five years. A member was requesting a transfer in order to look after ailing parents

(mother and father). Unfortunately, the transfer was granted after both parents had passed away” (Union representative 3).

Apart from promotion grievances, the research participants divulged other forms of grievances that appear to be prevalent in the SAPS. Such grievances were concerned with unpaid leave and the participants expressed their views as follows:

“In 2019, I received four grievances. Two grievances were concerned with promotions, one was a collective grievance for overtime and the last one was for unpaid leave. In 2020, four grievances were reported as well. The first one was for injury on duty that was not approved as injury on duty, the second one was for placement of a member and the other two were for unpaid leave. Most of the grievances I would say were for unpaid leave” (Grievance officer C).

“The type of grievances that are reported at this station have to do with unpaid leave, transfers and conflicts. Unpaid leave grievances are very common because members failed to submit supporting or required documents to human resource section. I have also noticed that some members submit incomplete documents for leave while others take leave without prior approval. In addition, some members do not show interest in what they do and are negligent” (Grievance officer D).

The participants provided reasons why unpaid leave grievances were common in the SAPS.

“I think those grievances, especially the unpaid leave, I think it is due to negligence. In other words, the member did not follow the correct procedure initially when the submission for leave was handed in. Therefore, when the leave is not approved, the absence from work is considered as unpaid leave and members respond by lodging grievances” (Grievance officer C).

On assessing the official documents, particularly with regard to promotions, it was found that clause 4.2.1 of the Promotions and Grade Progression Policy of the South African

Police Service states that “an employee must comply statutory or specific qualification or other requirement of a post which may be determined by the Service or governed by a regulatory authority pertaining to a specific occupation” (Safety and Security Sectoral Bargaining Council, 2011a:4). At the same time, clause 4.2.2 of the policy states that post promotions are based on the following principles (Safety and Security Sectoral Bargaining Council, 2011a:4):

- (a) Availability of vacant funded posts,
- (b) Advertisement and selection process,
- (c) Satisfactory performance
- (d) Years of service on a salary level or rank,
- (e) Suitability, and
- (f) The National Commissioner is under no obligation to fill an advertised post.

Apart from the principles upon which post promotions are based, clause 5.2.2 outlines the specific requirements for promotion for employees appointed in terms of the SAPS Act 68 of 1995, especially from the rank of Constable through to the rank of Colonel. In fact, clause 5.2.2 clearly shows that to qualify for post promotion, employees who are employed in accordance with the SAPS Act 68 of 1995 need to have at least an NQF level 6 qualification and a minimum of two (2) years uninterrupted service on the same rank or position. Alternatively, employees are expected to have a minimum of four (4) years uninterrupted service on the same rank (Safety and Security Sectoral Bargaining Council, 2011a:6-8).

The responses to item 7 highlight that the respondents disagree that grievances reported by employees in the SAPS are concerned with refusal to approve application as per mean score of 2. In relation to item 7, the standard deviation (SD) was 1.46. This result was statistically significant since the p-value was <0.01.

As shown in table 6.1, responses to item 8, the mean score of 2 serves an indication that respondents disagree that unrealistic performance targets for employees are a source of grievances in the SAPS. The standard deviation (SD) for item 8 was 1.43, which

suggest that the responses were 68% scattered from the mean (M). This result was statistically significant because the p-value was  $<0.01$ .

Responses to item 9 reveal that respondents were not sure that grievances related to bullying are frequently reported in the SAPS as per mean (M) score of 3. Besides, the standard deviation (SD) score for item 9 was 2 suggesting that the responses to item 9 were 95% spread within 2 standard deviations of the mean (M). In this regard, the standard deviation (SD) score of two serves as an indication that a reasonable number of respondents have disagreed and agreed that grievances related to bullying are frequently reported in the SAPS. This result was statistically significant since the p-value was  $<0.05$ .

Item 10 mean (M) score of 2 indicates that the respondents disagreed with the statement that forced overtime work is formally reported by employees as a grievance in the SAPS. The standard deviation (SD) for item 10 was 1.40. This result was statistically significant because the p-value was  $<0.01$ .

Concerning overtime work, the analysis of official documents, specifically clause 3.1.1 of the Agreement on Overtime highlights that the employees of the SAPS are expected to work overtime if and when a need arises. However, clause 3.2.6 emphasises that “overtime duties must be planned in advance and be structured where possible. Employees must be notified of the overtime duties that they are to perform at least 72 hours before the duty commences” (Safety and Security Sectoral Bargaining Council, 2014:2).

Table 6.6 shows the communalities for variables under the nature of grievance cases in the SAPS using the Principal Component Analysis. It is worth noting that all the extraction values are greater than 0.40. If the communality value extracted is low for a variable, it is an indication that it does not share much in common with other variables. This would suggest that the variable is unrelated to other variables in the data set. Any variable with low communality of less than 0.40 does not contribute to the measurement of underlying factors. The common reason for low communality is that the item could have been

designed incorrectly. Sometimes, it could be that the respondents did not understand the item. A variable with low communality could be removed from analysis or treated as a stand-alone variable. Most of the extraction values (as per Table 6.6) were closer to 1, signifying acceptable levels of communalities.

**Table 6.6: Communalities - nature of grievance cases in the SAPS**

Variables	Initial	Extraction
Var. 1	1.000	<b>.759</b>
Var. 2	1.000	<b>.867</b>
Var. 3	1.000	.556
Var. 4	1.000	.594
Var. 5	1.000	.453
Var. 6	1.000	<b>.822</b>
Var. 7	1.000	<b>.746</b>
Var. 8	1.000	<b>.806</b>
Var. 9	1.000	.686
Var. 10	1.000	<b>.717</b>

Extraction Method: Principal Component Analysis

**Source:** (Researcher's own construction)

Table 6.7 highlights the total variance explained for items that fall under the nature of grievance cases in the SAPS. In this regard, the first two components whose Eigenvalues were greater than 1 were found to be pivotal in measuring underlying factors. The total variance indicates that component 1 and 2 contributed more (70%) to the data than other components. Notably, component 1 contributes 51.94% of the data. These two components of Factor Analysis Output are considered “strong factors” whereas the other eight components are viewed as “weak factors.”

**Table 6.7: Total Variance Explained - nature of grievance cases in the SAPS**

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	5.194	51.943	51.943	5.194	51.943	51.943
2	1.813	18.127	70.070	1.813	18.127	70.070
3	.803	8.029	78.099			
4	.595	5.949	84.047			
5	.493	4.932	88.980			
6	.358	3.577	92.557			
7	.266	2.660	95.217			
8	.223	2.230	97.447			
9	.144	1.435	98.882			
10	.112	1.118	100.000			

Extraction Method: Principal Component Analysis.

**Source:** (Researcher's own construction)

### 6.3.1 Discussion of the nature of grievance case reported in the SAPS

The quantitative results have shown that the respondents were uncertain that dissatisfaction with performance assessments is reported as a grievance in the SAPS. However, it is possible that the respondents might have chosen 'unsure' in order to avoid exerting cognitive effort to form an opinion about the subject matter. At the same time, the response could be an indication that the issue of performance assessment is not frequently reported as a grievance matter in the SAPS. Interestingly, this finding could not refute or confirm the findings by the Public Service Commission (2018a:18) which highlight that performance assessments are among major causes of grievance in the public sector institutions.

As seen above, the empirical results reveal that the respondents were unsure whether unequal salary for the same job responsibilities is reported as a grievance in the SAPS. This finding could be a confirmation that the SAPS is not experiencing major issues concerning the remunerations of its employees. It is also worth noting in this regard that the finding does not reject nor accept the findings of the Public Service Commission

(2018b:7) that some of the national and provincial government departments have in the past registered numerous grievances related to salary problems such as non-payment of acting allowances. Regarding this matter, Rynes, Gerhard and Minette (2004:388) argue that employees would generally become more anxious when their salary fluctuates without any valid reasons for such fluctuations.

The quantitative results reveal that the respondents were not sure whether grievances in the SAPS are concerned with unfair treatment such as demotion and suspension. This result appears to be contradictory to the qualitative findings, which suggest that unfair treatment is among the causes of grievances in the SAPS. The police officials may have attempted to avoid providing positive or negative responses without concrete evidence. However, the qualitative finding is consistent with the study conducted by the Public Service Commission (2018a), which reveals that unfair treatment of employees in the public service accounted for numerous grievances reported in various government departments. At the same time, Keashly and Neuman (2010:55) mention that anger and aggression could emerge among employees when they perceive unfair treatment in their workplace.

As per quantitative results, the respondents were not sure that sexual harassment grievances are reported in the SAPS. Perhaps the result could be attributed to strict measures that have been put in place by the SAPS in order to deter and manage grievances pertaining to sexual harassment incidents. In addition, sexual harassment grievances are handled confidentially in the SAPS. This can make it impossible or difficult for employees who are not party to the incidents to know the details about such grievances. In other words, even if such grievances could be reported more frequently, employees who are not involved may know little or nothing about the incidents of sexual harassment because a premium is placed on handling such cases in a confidential manner.

The results from a quantitative component of the study reveal that the respondents were not sure that employee grievances are concerned with employer's defamatory and false



information. It might have been difficult for the respondents to provide solid responses without supporting evidence. Besides, grievances pertaining to defamation and false information appear to be rare in the SAPS since interview participants never referred to these types of grievances. Nicely and Brown (2011:1) state that defamation grievances could emerge in instances where erroneous performance evaluation information is utilised to demote an employee. This could have some negative ramifications for the supervisor who evaluated the employee concerned, should the affected employee pursue a grievance.

The findings of the qualitative component of the study indicate that promotions are the major causes of grievances in the SAPS. Concerns were raised about unfairness in relation to the promotion criteria. Some participants highlighted major concerns about nepotism and favouritism pertaining to post promotions. Although the Policy on Post Promotion and Grade Progression of the South African Police Service (2011), stipulates the requirements for post promotion, it appears that the emphasis is placed on the principles that guide promotion instead of adhering to the promotion requirements as per policy provisions. In support of the qualitative findings on promotion, the Public Service Commission (2018:c:32) mentions that recruitment and selection practices in the public service are extremely subjective, unfair and inconsistent. Surprisingly, the quantitative results were contradictory to the qualitative findings because the results show that the respondents disagreed that employee grievances in the SAPS focus on recruitment and selection or promotion to a higher rank. This difference in terms of responses could be due to a lack of knowledge on the part of respondents whereas the participants would have first-hand information regarding grievances because union representatives and grievances officers receive most grievances, especially when the formal procedure is evoked.

The findings from the qualitative component of the present study reveal that refusal to approve applications for transfer to another police station is a cause for grievances in the SAPS. This could be attributed to numerous factors but for the purpose of this discussion, only two factors are worth noting that could contribute to the rejection of

application for transfers. Firstly, on the part of employees, it could be that employees fail to provide sufficient motivation and evidence to strengthen their applications for transfer to another station or police unit. Secondly, on the part of management, it could be that the management of the SAPS may find it difficult to deal with workforce shortages that could be created by transfers and the necessary adjustments that have to be made subsequent to the departure of an employee to another police station or unit. In line with this qualitative finding, the previous study conducted by the Public Service Commission (2018c:18) reveals that more than 1000 grievance incidents in the public service are associated with refusal to approve applications for transfer or leave. Contrary to the qualitative findings, the quantitative results revealed that the respondents disagreed that grievance reported in the SAPS are concerned with refusal to approve application. It is possible that the respondents may not have experienced this type of a challenge and therefore could not consider refusal to approve an application as the major grievable issue in the SAPS.

Results from a quantitative strand of the study have shown that the respondents disagree that unrealistic performance targets for employees are a source of grievances in the SAPS. This result is at loggerheads with Pinto's (2016:21) findings that unmanageable workload results in extreme stress levels, turnover and grievances. In support of Pinto's (2016:21) assertion, Portoghese, Galletta, Coppola, Finco and Campagna (2014:153) mention that excessive workload serves as an indication that employees do not have adequate time to meet set performance targets due to time constraints. Unfortunately, when employees feel that their work assignment is excessive, they may resort to reporting grievances in the workplace.

The quantitative component of the study indicates that the respondents were unsure that grievances related to bullying are frequently reported in the SAPS. This could be an indication that employees in the SAPS seldom register bullying as a grievance. This result does not appear to support a study by the South African Board for People Practices (SABPP) (2018:6) which found that workplace bullying is at 31.1% across different sectors in South Africa. Further, the quantitative findings have revealed that respondents

disagreed that forced overtime work is formally reported as a grievance in the SAPS. Contrary to this result, a study conducted by Kolb (2008:332), found that employees around the world tend to be forced to work overtime against their wishes because they are constantly threatened with expulsion if they refuse to work overtime.

The qualitative findings of this present study reveal that unpaid leave grievances are common in the SAPS. In that regard, the interviewees highlighted that there are varied reasons for unpaid leave. Firstly, some of the employees fail to submit supporting documents when they apply for different types of leave. Secondly, in some instances, employees choose to take time off before the leave could be approved by managers. Lastly, employees follow the incorrect procedure for submitting an application for leave. These findings are in agreement with the attribution theory, which explains that when employees attribute their grievances to external factors, they are more likely to lodge grievances (Eberly, Holley, Johnson, and Mitchell, 2011:731).

#### **6.4 FACTORS THAT ACCOUNT FOR HIGH RATE OF GRIEVANCES IN THE SAPS**

In this section, the various factors that account for the high rate of grievances in the SAPS are identified and explained. Table 6.8 below shows the descriptive statistics on the factors that account for the high rate of grievances in the SAPS. The mean (M) was between 1 and 5 because a Likert scale of 1-5 (strongly disagree [1], disagree [2], not sure [3], agree [4] and strongly agree [5]) was applied. In the same way, the standard deviation (SD) was used in order to explain the spread of responses. The qualitative findings are also presented hereunder to support and strengthen quantitative findings.

As shown in table 6.8, the result on item 1 shows that police officers agree that the autocratic supervisory behaviour could be attributed for the high rate of grievances in the SAPS (M=4, SD=1.1). At the same time, item 6 shows that police officers agree with the statement that employee grievances could be lower if shop stewards attempted to address grievances through informal channels (M=4, SD=1.13).

**Table 6.8: Descriptive Statistics on the factors that account for high rate of grievances in the SAPS**

No.	Items	Mean	Std. Deviation <sup>a</sup>	Analysis N <sup>a</sup>	Missing N
1	Autocratic supervisory behaviour could be attributed for high rate of grievances in the SAPS	4.1848	1.17880	303	0
2	Grievances reported in the SAPS are influenced by strict application of high performance standards	1.8119	1.10429	303	0
3	Availability of alternative jobs in the labour market influences employees' tendency to report grievances	1.9109	1.04310	303	0
4	Unpleasant working conditions and change of operational methods lead to increased grievances	3.1287	1.22066	303	0
5	Union policies that encourage written submission of grievances contribute to increased number of grievances	3.3960	1.26658	303	0
6	Employee grievances could be lower if shop stewards attempted to address grievances through informal channels	4.1122	1.13082	303	0
7	Employee are easily influenced by shop stewards to file grievances in the SAPS	2.8911	1.44594	303	0
8	Employee's education and skill levels are determinants of reporting grievances in the SAPS	1.8185	1.18910	303	0
9	Cooperation between the SAPS management and the union leadership determines the number of grievances filed in the institution	1.9835	1.15792	303	0
10	Unions use grievances reported to force the SAPS management to agree to their demands and wishes	3.1155	1.06565	303	0

**Source:** (Researcher's own construction)

During interviews, some participants articulated their views regarding the factors that can influence the high rate of grievances as follows:

“I think it is unhappiness in the workplace. Maybe I need to speak from two perspectives. Firstly, for the non-commissioned officer's point I think they may file grievances because they are unhappy about something in their work environment and may wish to be removed. So, they file a grievance with the hope that the commander will be reprimanded because they are unhappy with something that he has done” (Grievance officer B).

Another participant echoed different sentiments in this way:

“Then the second group of grievances is about management style wherein members are being victimised. This is caused by this thing of saying it is me who is having power. As I said, the management of the SAPS does not want to be open on issues that concern promotions. For example, they may advertise a position knowing very well that there are competent people who can perform well in that specific position but what happens is that they will underscore or disadvantage other candidates who meet the requirements and are competent in order to give that position to someone whom they prefer despite the level of competency. Sometimes, they may not shortlist you even if you qualify” (Grievance officer A).

As a further extension of this view, a participant stated:

“Then, three members put grievances against their commanders regarding his management style because the members concerned were removed from the shift due to poor performance” (Grievance officer B).

The participant went further to propose a solution to this quagmire:

“I think if the management can apply the promotion policy in a fair manner, there will be less grievances” (Grievance officer A).

Items 2, 3, 8 and 9 reveal that the respondents disagree with the statements: Grievances reported in the SAPS are influenced by strict application of high-performance standards ( $M=2$ ,  $SD=1.10$ ). Availability of alternative jobs in the labour market influences employees' tendency to report grievances ( $M=2$ ,  $SD=1.04$ ). Employee's education and skill levels are determinants of reporting grievances in the SAPS ( $M=2$ ,  $SD=1.18$ ). Cooperation between the SAPS management and the union leadership determines the number of grievances filed in the institution ( $M=2$ ,  $SD=1.15$ ).

Responses to items 4, 5, 7 and 10 indicate that the respondents were not sure about the following statements: unpleasant working conditions and change of operational methods lead to increased grievances ( $M=3$ ,  $SD=1.22$ ). Union policies that encourage written submission of grievances contribute to increased number of grievances ( $M=3$ ,  $SD=1.26$ ).

Employees are easily influenced by shop stewards to file grievances in the SAPS (M=3, SD=1.44). Unions use grievances reported to force the SAPS management to agree to their demands and wishes (M=3, SD=1.06).

Concerning the influence of union representatives in relation to the filing of grievances in the SAPS, the participants had different opinions. A view held by one of the participants is:

“Yeah, that one I think they do influence members to report grievances because a member will complain about something, you advise a member and agree on the way forward but suddenly the member will come back to report a grievance. So, I can say members are 50% to 75% influenced by union representatives to file grievances” (Grievance officer C).

Another participant echoed a similar sentiment by explaining:

“Normally the unions will try to engage the member in order to understand the merits of the grievance reported. However, the unions also keep information sealed after doing their own investigation about the grievance and at times you may end up knowing nothing about that information. Subsequent to that, the union will say to the aggrieved member, if you are not happy file a formal grievance then we will fight to the top. Then you will ultimately get justice from external bodies” (Grievance officer A).

Some participants expressed a positive view about the role of union representatives in grievance resolution. The participants do not believe that union representatives do influence employees to file grievances:

“I think it does happen, but I did not see it happening a lot with us because we consult on everything with them. And, we have good relations with them, and they would communicate with us before they advise someone to file a grievance. Most of the time I have seen it from individuals pushing them to file grievances rather than the union representatives” (Grievance officer B).

“I do not think they play such an important role when it comes to influencing members to report grievances” (Grievance Officer D).

One participant articulated a concern regarding the reasons for which some employees file grievances in the SAPS and proposed a viable solution. The participant stated:

“When SAPS members want something, for example, a transfer and they fail to obtain it, after following the correct procedure, they resort to filing grievances. Sometimes members resort to grievance procedure too quickly. For example, a person may say, I see that you are promoted, and I am not promoted, then he lodges a grievance. If you ask, did you apply for promotion, you find that he did not apply for promotion, but he wants to report a grievance. People must talk in order to deal with misunderstanding and by so doing grievances can be prevented” (Grievance officer C).

A view held by another participant in terms of the way forward with regard to grievance handling was expressed briefly in this manner:

“I wish there could be more training for grievance officers and at the same time, I do feel that senior officials should take more responsibility in resolving grievances” (Grievance officer D).

Table 6.9 below presents communalities for variables on factors that account for high rate of grievances in the SAPS. As indicated earlier that any variable that is less than 0.40 is considered to be unrelated to other items or variables and that may warrant the removal of the variable from analysis although this would suggest further analysis of results thereafter. Interestingly, the extraction values for variable 1-10 were close to 1 (see Table 6.5), suggesting that the variables were designed appropriately for this specific section.

**Table 6.9: Communalities - factors that account for high rate of grievances in the SAPS**

Variables	Initial	Extraction
Var. 1	1.000	.753
Var. 2	1.000	.757
Var. 3	1.000	.752
Var. 4	1.000	.631
Var. 5	1.000	.786
Var. 6	1.000	.686
Var. 7	1.000	.921
Var. 8	1.000	.716
Var. 9	1.000	.812
Var. 10	1.000	.803

Extraction Method: Principal Component Analysis.

**Source:** (Researcher's own construction)

**Table 6.10: Total Variance Explained - factors that account for high rate of grievances in the SAPS**

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	3.227	32.269	32.269	3.227	32.269	32.269
2	1.972	19.722	51.991	1.972	19.722	51.991
3	1.316	13.163	65.154	1.316	13.163	65.154
4	1.102	11.016	76.170	1.102	11.016	76.170
5	.611	6.110	82.279			
6	.574	5.735	88.015			
7	.479	4.791	92.805			
8	.284	2.835	95.640			
9	.225	2.252	97.893			
10	.211	2.107	100.000			

Extraction Method: Principal Component Analysis.

**Source:** (Researcher's own construction)

Table 6.10 below shows the total variance explained for factors that account for high rate of grievances in the SAPS. Component 1, 2, 3 and 4 have Eigenvalues of greater



than 1 implying that the 10 variables measure 4 underlying factors. As a matter of fact, the 4 components contribute 76% to the data than other 6 components.

#### **6.4.1 Discussion of the factors that account for high rate of grievances in the SAPS**

Two management factors were used to determine whether they contribute to the high rate of grievances in the SAPS. To be more specific, the management style and strict application of performance standards were used. In relation to the management style, the quantitative results show that the respondents agreed that autocratic supervisory behaviour contributed to a high rate of grievances in the SAPS. The qualitative findings also indicate that management style contributes to grievances in the SAPS. These results or findings are in agreement with the Rollinson and Dundon's (2007:187) argument that supervisors who introduce changes in the workplace without involving or consulting with employees or union representatives are likely to create an environment for the high rate of employee grievances. In relation to the strict application of performance standards, the quantitative results revealed that the respondents disagreed that grievances reported in the SAPS are influenced by the strict application of high-performance standards. This result significantly differs from previous results reported in the literature. For instance, Setsetse (2008:17-18) mentions that managers who exert pressure on subordinates to perform highly in order to achieve institutional targets are prone to receiving high grievance rates. These findings validate the usefulness of attribution theory as Burton, Taylor and Barber (2014:885) assert that employees make attributions in order to localise the etymology of the factors that contribute to their grievances.

Other important factors (environmental factors) that were considered to gauge whether they contribute to the high rate of grievances in the SAPS, are labour market conditions as well as the working condition. The quantitative results show that the respondents were in disagreement with the statement that the availability of alternative jobs in the labour market influences employees' tendency to report grievances. Apart from this slight discordance, the result seems to confirm Setsetse's (2008:18) assertion that employees

who are remunerated well are not likely to leave an institution due to grievances. In other words, employees who are paid well tend to stay with their employers irrespective of grievance issues they may have reported. Despite Bemmels and Foley,s (1996:365) findings that employees who are treated unfairly in the workplace are more likely to file grievances when there are alternative jobs in the labour market, the results of this study reveal that the respondents had a contradictory view. While the results show that the respondents were uncertain whether unpleasant working conditions and change of operational methods lead to the increased number of grievances, a study undertaken by Labig and Greer (1988:3) highlights that an unpleasant working environment and changing operational methods tend to contribute to high levels of grievances.

The quantitative results of this study reflect on union factors to establish whether they contribute to high levels of grievances in the SAPS. In fact, the results divulge that the respondents were uncertain that union policies that encourage written submissions of grievances contribute to increased number of grievances. While the results show that there were uncertainties about the issue raised above, Setsetse (2008:18) argues that heightened grievance rates can be attributed to union policies that encourage employees to register grievances in the workplace. Interestingly, the results illustrate that the respondents agreed that employee grievances could be lower if shop stewards attempted to address grievances through informal channels. This finding suggests that increased levels of grievances in the SAPS could be reduced immensely if the shop stewards or union representatives took decisive steps to address grievances during the informal phase of a grievance resolution process. The finding confirmed Bemmels and Foley's (1996:369) argument that when shop stewards take deliberate steps to address employee grievances through informal processes, grievance rates would be reduced.

When considering the contribution of employee factors to increased levels of grievances, the quantitative results indicate that the respondents are not certain that employees are easily influenced by shop stewards to file grievances in the SAPS. Nevertheless, the qualitative findings reveal that the participants held a strong view that union representatives or shop stewards do influence employees to file grievances since some of them are informed about the grievances procedure. Even though the quantitative

results were not conclusive, Bemmels and Foley (1996:368) who argue that when grievances are initially reported to the union representatives or shop stewards, they are more likely to encourage employees to file formal grievances supported by the qualitative findings. Although a study undertaken by Labig and Greer (1988:15) discovered that education and skills play a critical role in influencing an employee's decision to file a grievance, the quantitative results of this study highlight that the respondents disagreed that employee's education and skills levels are determinants of reporting grievances in the SAPS.

The results emanating from the quantitative strand of this study illustrate that the respondents disagreed that cooperation between the SAPS management and the union leadership determines the number of grievances filed in the institution. Further, the quantitative results show that the respondents were not sure that unions use reported grievances to force the SAPS management to agree to their demands and wishes. These results did not refute Setsetse's (2008:19) findings that the highest rates of grievance filing are evident towards the end of collective bargaining cycles in order to push the management of an institution to agree to union demands. At the same time, it should be noted that these results could be attributed to limited knowledge that ordinary policemen and women might have concerning how unions engage in collective agreements.

## **6.5 PROCEDURES APPLIED FOR HANDLING GRIEVANCES IN THE SAPS**

This section presents both quantitative and qualitative findings concerning procedures applied by the SAPS in handling employee grievances. The results in Table 6.11 show the ratings of procedures applied for handling grievances in the SAPS by the respondents. In this regard, the respondents were asked to rate the procedures based on the extent to which they think SAPS applies each procedure when handling grievances. To this end, a 5-point Likert scale of 1-5 (not at all [1], to a slight extent [2], to some extent [3], to a large extent [4], and to a very large extent [5]) was used, in which case the respondents were asked to indicate the extent to which grievance-handling measures were applied. In this regard, the mean (M) score was ranging from 1-5. The mean (M) item score was used to determine the central tendency whereas the standard

deviation (SD) was also used to explain the spread in terms of responses to the items. The standard deviation of 1 suggests that data are spread within 68% of the first standard deviation while 2 indicates that 95% of data is spread within the second standard deviation. Similarly, the standard deviation of 3 denotes that 99.7% of the data are spread within the third standard deviation.

**Table 6.11: Descriptive statistics on procedures applied for handling grievances in the SAPS**

No.	Items	Mean	Std. Deviation <sup>a</sup>	Analysis N <sup>a</sup>	Missing N
1	The SAPS applies an informal grievance handling procedure which is clear, fair and transparent	2.8218	.98057	303	0
2	The informal grievance resolution procedure of the SAPS ensure that grievances are addressed within 24hours of receipt	1.5347	1.09391	303	0
3	The SAPS applies a formal grievance handling procedure which include shop stewards and supervisors	3.7855	1.55799	303	0
4	During the second step, which is a formal grievance resolution in the SAPS, grievances are addressed within 48 hours	1.7228	1.11390	303	0
5	The SAPS does apply a third step in grievance resolution whereby a grievance committee is appointed to investigate a grievance.	3.3993	1.64244	303	0
6	During the third step of grievance resolution the SAPS ensures that grievances are resolved within 96 hours of reporting.	1.6073	1.06146	303	0
7	The SAPS applies a fourth step in grievance resolution whereby a committee made of labour relation officers, shop stewards and senior managers is convened to deal with grievances	2.5116	1.45542	303	0
8	During the fourth step of grievance resolution the SAPS ensures that grievances are resolved with 168 hours	2.1518	1.35810	303	0
9	The SAPS applies the fifth step in grievance resolution which includes the top management of the institution	3.0627	1.16490	303	0
10	The grievance procedure of the SAPS provides for mediation of employee grievances	2.6799	1.37858	303	0
11	The SAPS affords employees an opportunity to choose mediators	2.9538	1.33639	303	0
12	In the SAPS, employee grievance mediators act in an advisory and conciliatory manner	3.0693	1.45067	303	0
13	The grievance procedure provides for grievance arbitration if mediation fails	3.0792	1.55058	303	0
14	The SAPS recognises the binding decisions of employee grievance arbitrator	3.0990	1.29344	303	0
15	The employee grievance arbitration process of the SAPS provides an opportunity for parties involved to present evidence	3.3069	1.00353	303	0

**Source:** (Researcher's own construction)

As shown in Table 6.11 above, the response to items 1, 5, 7, 9, 10, 11, 12, 13 14, and 15 indicate that respondents are of the view that the following measures are only applied

to some extent in grievance resolution. The SAPS applies an informal grievance handling procedure that is clear, fair and transparent (M=3, SD=1). The SAPS does apply a third step in grievance resolution whereby a grievance committee is appointed to investigate a grievance (M=3, SD=2). The SAPS applies a fourth step in grievance resolution whereby a committee made up of labour relation officers, shop stewards and senior managers is convened to deal with grievances (M=3, SD=1). The SAPS applies the fifth step in grievance resolution which includes the top management of the institution (M=3, SD=1). The grievance procedure of the SAPS provides for mediation of employee grievances (M=3, SD=1). The SAPS allows employees to choose mediators (M=3, SD=1). In the SAPS, employee grievance mediators act in an advisory and conciliatory manner (M=3, SD=1). The grievance procedure provides for grievance arbitration if mediation fails (M=3, SD=2). The SAPS recognises the binding decisions of the employee grievance arbitrator (M=3, SD=1). The employee grievance arbitration process of the SAPS provides an opportunity for parties involved to present evidence (M=3, SD=1).

During interviews, when asked about the steps taken by the SAPS to address employee grievances, a research participant described and explained the employee grievance resolution processes in this way.

“In the first place, there is an informal process which used when the grievance has just started. There is also a formal process. One when the member raises a grievance with his immediate supervisor in writing, and then if there is no consensus the matter is escalated. And so, the commander, has also a time frame to respond to the grievance lodged by the member. And that is also the time which is stipulated on the forms of the grievance. This serves to show that the manager has so many days, for instance, three (3) days to seven (7) days and then from there it goes to the next level, which will also have a time frame. Since an employee will be represented by the labour unions, if they do not reach consensus, the matter must be referred to the grievance officer. A grievance officer must do his investigation and also give the report from the investigation and then

there will be a meeting. And then, he will explain the outcome. If the member is not happy about the outcome from the grievance officer, the matter will be referred to the joint grievance resolution team (JGRT). At the JGRT, if there is no agreement reached. The matter would be escalated to a mediation. A mediator will be appointed by the same office of labour relations so that the mediator could be a neutral person who is going to listen to both sides of the story. However, the mediator cannot give a decision. He just listens and advises. If there is no consensus reached there, now, the mediation certificate will be issued to a member so that the member can apply to a Council for Arbitration. And then from there, the Council will appoint a Commissioner who is also a neutral person outside of the SAPS. There will be a representative from legal services representing the SAPS and also that the employee will be represented by a union and there would be a pre-arbitration with the legal services representative to try to resolve that grievance. Then if you do not reach the consensus there, there will be an arbitration, where the Commissioner will be a neutral person; he will come and listen to you present your case as a representative of employee and then the employer will come and defend the matter. And then if you win the case, the arbitrator will give you the award” (Union representative 1).

Affirming this view, other participants stated unequivocally:

“As soon as we receive a grievance at the station level, we need to finalise it within ten (10) days. When the grievance is registered with me as the grievance officer, I need to sit down and try to resolve it within three days. I make an appointment and try to get everyone together and we sit down. Then if they are not happy, we make a formal meeting within seven days. We register the grievance on the system, and we receive an email from the provincial office that will confirm that indeed a grievance has been registered. The grievance will also have to be reported to the provincial labour relations officer. All the formal documents are then submitted to the

provincial office, and they will make efforts to address it from that level. However, in terms of the whole timeframe for addressing the grievance, it is thirty (30) days but we try to make everything much shorter. The provincial labour relations officer will try to make a meeting with us at the station level in order to resolve a grievance. So far, I only know of two grievances that went to the provincial office, otherwise we try our best to resolve grievances through the informal meeting process” (Grievance officer B).

“The SAPS has a grievance procedure, which starts with the immediate supervisor. You have an informal part wherein if you are not happy you can discuss with your immediate supervisor. However, the problem with some immediate supervisors is that they are incompetent to handle grievances. I am saying this because when members approach the immediate commander about something, they are advised to go and write a grievance. When you look at the procedure, it clearly says that efforts must be made to address the grievance informally. If you fail to resolve it, then you will go to the next step.” (Grievance officer A).

In line with the views expressed above, Clause 5 of the Grievance Procedure of the SAPS expressly states that on receipt of a formal grievance, the immediate supervisor has three (3) working days to resolve a grievance. If the grievance is not resolved at that level, the supervisor has to refer the same matter to the grievance officer who shall make efforts to resolve the grievance issue within seven (7) working days. In case of failures to find a solution, the grievance officer needs to escalate the grievance to the joint grievance resolution team (JGRT) and compile a comprehensive report that should accompany the referral. The joint grievance resolution team which normally consists of labour relations officer, shop stewards and affected parties need to strive to find a solution within ten (10) working days. Further, if the matter cannot be resolved, the joint grievance resolution team has to compile a detailed report stating the reasons why the issue could not be resolved. The grievance issue will be subsequently escalated to the

internal mediator together with the report. Similarly, the internal mediator is expected to resolve the grievance within ten (10) working days. Importantly, after the mediation process, the mediator is expected to issue a certificate to the parties involved. However, if the matter remains unresolved, the grievant may escalate the grievance issue or dispute to the Safety and Security Sectoral Bargaining Council within thirty (30) days of the certificate being issued (Safety and Security Sectoral Bargaining Council, 2005:2-4).

Interestingly, Table 6.7 indicates that the responses to item 2, 4, 6 and 8 reveal that respondents are of the view that SAPS does the following only 'to a slight extent': firstly, the informal grievance resolution procedure of the SAPS ensure that grievances are addressed within 24hours of receipt (M=2, SD=1). Secondly, during the second step, which is a formal grievance resolution in the SAPS, grievances are addressed within 48 hours (M=2, SD=1). Thirdly, during the third step of grievance resolution the SAPS ensures that grievances are resolved within 96 hours of reporting (M=2, SD=1). Fourthly, during the fourth step of grievance resolution the SAPS ensures that grievances are resolved within 168 hours (M=2, SD=1).

The findings from interviews reveal that participants were concerned about the noncompliance with times frames by the SAPS. This is evidenced by the following comments:

"The employer does not comply with timeframes. If the case is in their favour, yes, they would comply but if the case is not in their favour, they always have tricks to waste time. Like for an example he spoke about taking its cut, like buying time whereby when the employer receives the outcome that is not in their favour. They will not implement. Instead, they will wait first until the implementation time frame expires right. When it is expired and you want to challenge them, you must first start with the issue of condonation. However, condonation is another process that takes time too before you can have a response. In some instances, it will not be granted. If it is granted, they (SAPS) will want to appeal it" (Union representative 2).



“I must also say that 50%-60% of grievances reported in the SAPS remain unresolved for years. If you can go to the SSSBC, you will find a list of cases that date back as far back as 2012 or 2011. These are some of the cases, which were supposed to have been resolved in 30 days. They are still waiting there. They will tell you that they have problems with administrators; some of them have not been paid. Matters take long before they are assigned to arbitrators” (Union representative 3).

In relation to compliance with the time frames, however, one of the participants expressed a positive outlook and explained circumstances under which time may expire while grievances are pending:

“There is a monitoring system, that monitoring system is called grievance template and it has a function. The head office is able to monitor the system, it does not matter where the grievance is reported, they will see on the system when they make inquiries on grievances. They can be able to see that there is somebody who registered a grievance in the Eastern Cape. The head office will be able to monitor that in terms of performance per component. There is a manner of reporting those grievances on a weekly basis and monthly. So, they will check and monitor. The grievance officer also has to monitor the time frames. The aggrieved person is equally responsible to monitor the time frames. It is only when the shop steward and the aggrieved member are no longer interested in pursuing the grievance, then they will leave the grievance to run outside the set time frames” (Grievance officer A).

When explaining the procedure that is followed to address employee grievances, one participant emphasised a need to observe a time frame within which a grievance can be filed:

“Well, there are specific timeframes but I will have to check my file in order to verify what I will say here. However, you will note that a grievance cannot be considered if it is reported after 120 days. If the grievance issue

happens today, you have 120 days to report such a grievance. If the grievance was not reported after 120 days, you have to apply for condonation to explain why you want to lodge a grievance after that period. Basically, after the incident you have 120 days to report a grievance. So, if you report your grievance before that time there is no problem. When you report a grievance, there is informal procedure, which we have to handle within three working days. Then it goes to the send level, and you have seven working days to resolve a grievance. Step three is ten working days. If the grievance is not resolved, you get the joint grievance resolution team (JGRT). And step four, it is ten working days. That is how the internal grievance procedure works. Mediation is also used to try to resolve grievances but if the grievance is not resolved a certificate is issued after which the matter is referred to SSSBC” (Grievance officer C).

With regard to the challenges pertaining to noncompliance with time frames for grievance resolution, one of the participants proposed a solution in this way:

“If members can be educated to understand how the grievance procedure works, they make sure that the grievance is finalized within 30 days. If we create awareness among our own membership. However, it is the responsibility of the management to make sure that the issues that pertain to the grievance of a member are resolved amicably and with the ambit of the grievance procedure. So, the ignorance from both sides remain the main factors create an environment where members remain aggrieved” (Union representative 3).

Another participant raised a concern regarding the grievance procedure in its current form. However, the participant also suggested a solution in relation to the concern raised:

“Well the grievance procedure is good but the only worrying thing, is that it has left no one accountable for resolving grievances. As a result, many grievances that should have been resolved are not resolved. Therefore, it will be better if they tie grievance resolution to individuals because the person should not just say the matter is referred to the next level. He should

take responsibility of doing something to try to resolve the grievance. Those who are charged with the responsibility of resolving grievances are not doing so” (Grievance officer A).

As per Table 6.11 above, item 3 shows that respondents hold a view that the SAPS applies a formal grievance handling procedure which includes shop stewards and supervisors only to a large extent (M=4, SD=2).

### **6.5.1 Discussion of the procedures applied for handling grievances in the SAPS**

The quantitative results and the qualitative findings of this study were interesting, particularly as they relate to the application of the grievance procedure in the SAPS. In order to avoid unprecedented confusion, the discussion of the above results or findings is undertaken with due regard to the steps followed in terms of the grievance procedure of the SAPS, adherence to the timelines during the grievance resolution process, grievance mediation in the SAPS and grievance arbitration process.

Concerning the steps that are followed by the SAPS in addressing grievances, the quantitative results of this study reveal that all the steps involved in employee grievance resolution are followed to some extent (see Table 6.7 mean for item 1,5,7,9). These findings suggest that there is moderate compliance with the provisions of the grievance procedure of the SAPS. However, the qualitative findings show that the stakeholders involved in grievance resolution within the SAPS do take reasonable steps to ensure that when grievances are reported they do go through the necessary steps as per the grievance procedure of the SAPS. Generally, these findings were in consonant with the guidelines provided by Bendix (2015) pertaining steps that need to be followed when addressing employee grievances in the workplace. As a matter of fact, Bendix (2015:246-247) explains that a grievance needs to go through multiple stages of grievances resolution, starting from step one, two, three, four and five, mediation and arbitration processes. Most importantly, reports have to be submitted to the next level whenever the grievances are escalated, explaining the reasons for failure to find a solution as noted by Erasmus, Swanepoel, Schenk, Van der Westhuizen and Wessels

(2005:502-503). Besides, the quantitative results illustrate that the SAPS applies a formal grievance handling procedure which includes the shop stewards and supervisors. In this sense, it is evident that the grievance resolution processes of the SAPS are inclusive since important stakeholders are seemingly not left out of the grievance resolution. This result is in line with the recommendations made by Nel, Swanepoel, Kirsten, Erasmus and Tsabadi (2005:240) pertaining to the steps in the grievance resolution process.

In terms of the adherence to timelines when dealing with grievances, the quantitative results indicate that the SAPS complies with timeframes only to a slight extent (see Table 6.7 mean for item 2,4,6,8). These results clearly show that compliance with timeframes at every phase of grievance resolution in the SAPS is below average. At the same time, it appears that the issue of adhering to the timeframe is a major challenge facing the SAPS. The qualitative findings of this study have confirmed similar challenges pertaining to non-adherence to timeframes attached to each step of grievance resolution. The findings or results have revealed that what was happening in practice was contradictory to the Grievance Procedure of the SAPS (2005). Moreover, non-compliance with timelines in terms of grievance resolution processes was found to be at loggerheads with the proposals by Bendix (2015:246-247) regarding timeframes.

The quantitative results of this study show that mediation processes are adopted moderately. Firstly, the grievance procedure of the SAPS provides for the mediation of employee grievances to some extent. The qualitative findings confirmed that if the Joint Grievance Resolution Team is unable to find a solution to a grievance, the matter is referred to the internal mediator in the SAPS. Bendix (2015:247) points out that if the management of an institution fails to address a grievance, it should be escalated to a mediator. Secondly, the SAPS affords employees an opportunity to choose mediators to some extent. Although the quantitative result shows that employees are on average afforded an opportunity to select a mediator, this result is supported by the qualitative findings. Thirdly, in the SAPS, employee grievance mediators act in an advisory and conciliatory manner. This result is consistent with the Bendix's (2001:557) assertion that

mediators have to “act in an advisory and conciliatory capacity.” This result was corroborated by qualitative findings, which highlighted that the role of the mediator in grievance resolution is to assist parties to a grievance to find a mutually agreed solution.

With regard to the arbitration of grievance disputes, the quantitative results show that the grievance procedure provides for grievance arbitration if mediation fails only to some extent. In agreement with this result, the Commission for Conciliation, Mediation and Arbitration (2014:1202) highlights that if a grievance remains unresolved after the mediation process, the mediator needs to issue a certificate of non-resolution after which the aggrieved employee can refer the matter for arbitration. Additionally, although Van Jaarsveld and Van Eck (2005:359-361) point out that the arbitration award is final and binding upon disputing parties, the quantitative results divulge that the SAPS only recognises the binding decisions of the employee grievance arbitrator only to some extent. Lastly, the employee grievance arbitration process of the SAPS provides for an opportunity for parties to present evidence to some extent or moderately. Nonetheless, this result is in agreement with the recommendations of the Commission for Conciliation Mediation and Arbitration (2015:8-9) that the arbitrator may afford any party to the dispute to raise any matter in relation to the grievance arbitration. Further, these findings confirm the relevance of expectancy theory in this context because the efforts exerted in dealing with employee grievances could result in positive outcomes whereas such outcomes could be valuable to both the aggrieved individual and the institution in case of harmonious resolution. Additionally, the expectancy theory demonstrates that good performance in terms of addressing grievances thereby following established procedure may lead to desired outcomes, thus resolved employee grievances (Turcan, 2010:46).

## **6.6 EFFECTIVENESS OF THE GRIEVANCE HANDLING MECHANISMS IN THE SAPS**

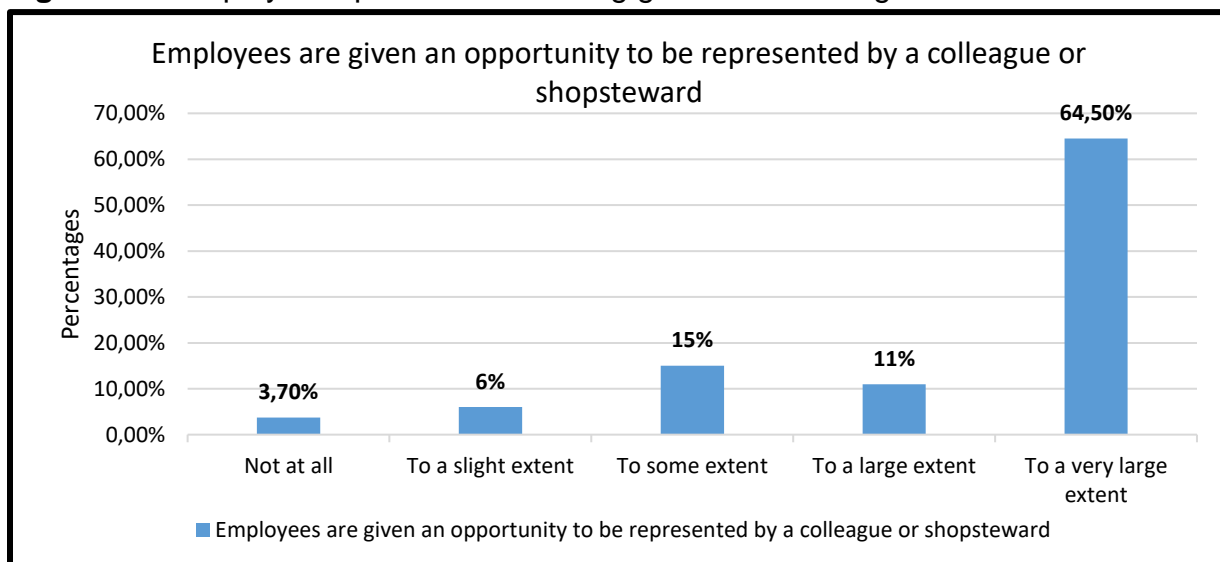
In this section, the results are presented on the effectiveness of grievance handling mechanisms utilised by the SAPS. A 5-point Likert scale of 1-5 (not at all [1], to a slight extent [2], to some extent [3], to a large extent [4], and to a very large extent [5]) was used, in which case the respondents were asked to indicate the extent to which

grievance-handling mechanisms were effective in resolving employee grievances in the SAPS. At the same time, the mean, mode and standard deviation were taken into consideration (see Table 6.12). The mode is useful in terms of highlighting the most preferred answer in response to each item in a questionnaire. Equally important, the probability value (p-value) for each item is stated in order to indicate the statistical significance.

The results shown in Figure 6.1 below indicates that 64.5% of the respondents hold a view that employees are granted an opportunity to be represented by a colleague or shop steward during grievance hearing to a 'very large extent' (M=4, SD=1, Mo=5). With regard to the different views, only 3.70% of the respondents chose 'not at all', 6% selected 'to a slight extent', 15% have chosen 'to some extent' and 11% picked 'to a large extent.' The mode (Mo) for item 1 was 5 because this value appears most frequently in the data set. The result was statistically significant ( $p < 0.01$ ).

With regard to the representation of employees during grievance hearings, Clause 3.5 of the Grievance Procedure in the SAPS explicitly states that “the grievant may be assisted or be represented by a trade union representative or co-employee at any stage of the grievance proceedings” (Safety and Security Sectoral Bargaining Council, 2005:3).

**Figure 6.1:** Employee representation during grievance hearing



**Source:** compiled by the researcher using primary data.

Figure 6.2 below indicates that 49.3% of the respondents believe that SAPS complies with time frames for each step of the grievance resolution 'to a very large extent' while 15.3% selected 'not at all' (M=4, SD=2, Mo=5). Only 9.7% respondents believe that the SAPS complies 'to a slight extent while 18% thought 'to a large extent.' Out of 303 respondents, 7,7% thought the SAPS complies with time frames 'to some extent.' As per Table 6.8, the mode (Mo) for item 2 reveals that option 5 was the most frequent value chosen by the respondents. Although the standard deviation of 2 showed consideration dispersion of responses, the result was found to be statistically significant ( $p < 0.01$ ).

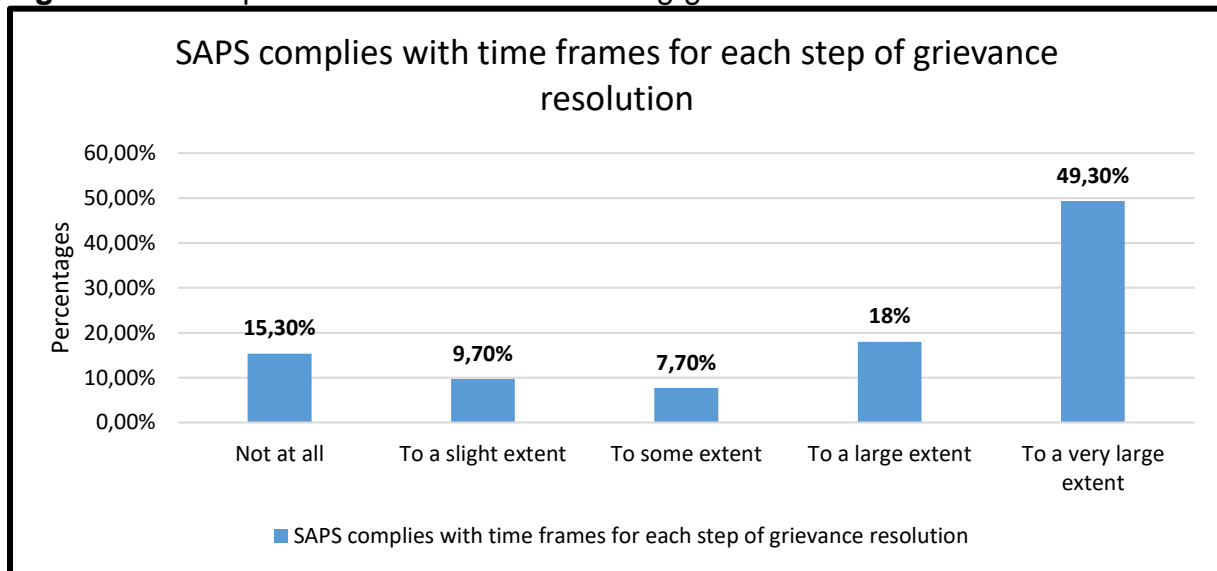
The qualitative findings which emanate from interviews reveal the issue of compliance with time frames during grievance resolution appears to be problematic. This was expressed clearly by one of the participants as follows:

"You will see that once you have lodged it (your grievance), for them to interact with your grievance they take almost two or three months. Already they have surpassed the 30 days period..... So, employee grievances can take even years because the employer has what we call committee; the committee is established to look at your complaint. Remember I gave an example of transfers. They will have to wait for the committee to go and sit and it is going to make investigations with another province, thus if you are going out of one province or they are going to talk to another police station, the resource establishment guide. It the resources establishment guide of the station says 250 personnel; they will say it has to remain at 250. Then they will say you will have to get a cross transfer. There is a lot of bureaucratic tape in the SAPS, which defeats the purpose of having a grievance procedure..... They do not even look at the merits of the case. The police have all the policies; it is the implementation, which is lacking. They do not follow time-frames. You remind them and they realise that they neglected their job and did not do their job. They subsequently bring you together with the person who aggrieved you. They make it impossible for you to survive" (Union representative 3).

Another participant expressed a view that is diametrically opposed to the one articulated above, particularly as it relates to compliance with timelines in the grievance resolution process:

“Yes. The first step with the immediate supervisor is three days. The supervisor must try to resolve a grievance within three working days. From there if the grievance is not resolved, it will go to the next person called the grievance officer. The grievance should be finalised internally within 30 working days. And there is a mechanism to monitor that 30 working days” (Grievance officer A).

**Figure 6.2:** Compliance with timeframes during grievance resolution



**Source:** (Compiled by the researcher using primary data)

**Table 6.12: Statistics (mean, median, mode and standard deviation)**

	Var.1	Var. 2	Var. 3	Var. 4	Var. 5	Var. 6	Var. 7	Var. 8
N Valid	303	303	303	303	303	303	303	303
Sig. (1-tailed)	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
Mean	4.2658	3.7633	3.7143	3.7841	3.0800	3.1821	2.8013	2.9536
Median	5.0000	4.0000	4.0000	4.0000	3.0000	3.0000	3.0000	3.0000
Mode	5.00	5.00	5.00	5.00	3.00	3.00	3.00	3.00
Std. Deviation	1.13833	1.51271	1.47809	4.28290	1.41667	1.35542	1.09980	1.28801

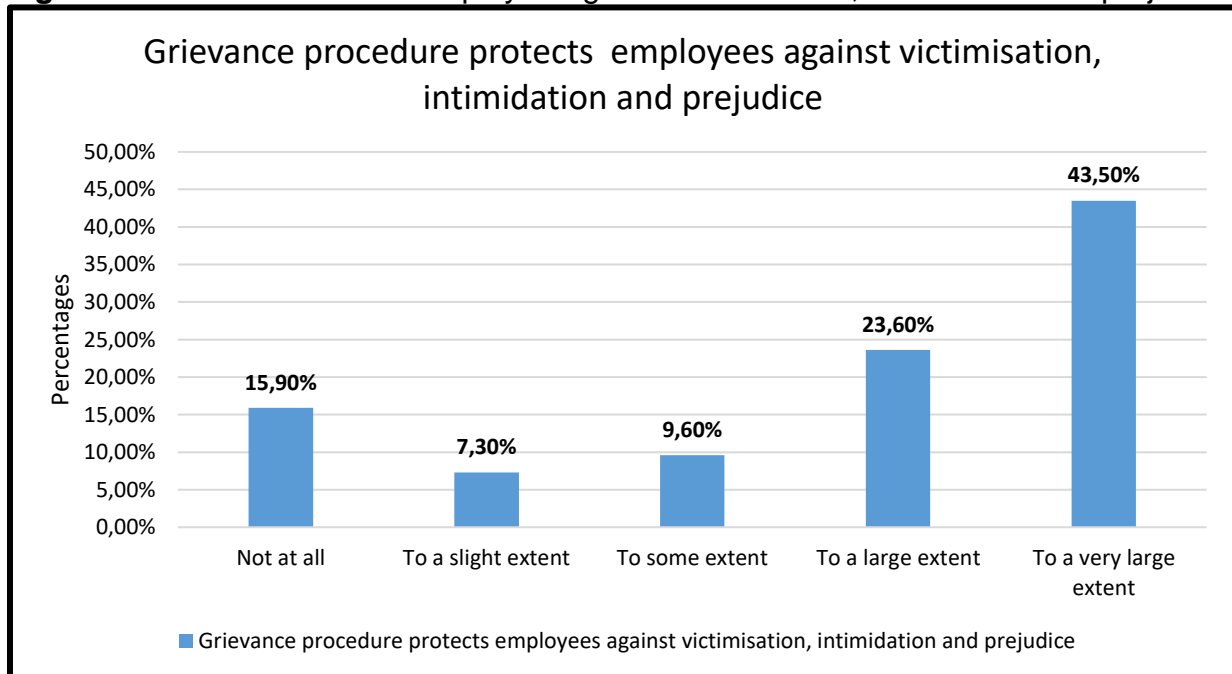
**Source:** (Researcher’s own construction)



The results shown in Figure 6.3 reveal that 43.5% of the respondents are of the opinion that the grievance procedure of the SAPS protects employees against victimisation, intimidation and prejudice after reporting a grievance while 15.9% selected 'not at all' (M=4, SD=1, Mo=5). At the same time, 7.3% were of the view that employees are protected only to a slight extent while 26.6% signalled 'to a large extent.' Out of 303 respondents, only 9.6% indicated that employees are protected against victimisation, intimidation and prejudice 'to some extent.' Despite the mean (M) score of 4, the standard deviation (SD) which was a little above 1 as per Table 6.8 suggests that the responses were indeed scattered.

On assessing the official documents, it was found that clause 3.3 of the Grievance Procedure in the SAPS mentions, "the grievant shall have the right to have grievances addressed fairly and without prejudice or fear of victimisation" (Safety and Security Sectoral Bargaining Council, 2005:1).

**Figure 6.3:** Protection of the employee against victimization, intimidation and prejudice



**Source:** (Compiled by the researcher using primary data)

Figure 6.4 indicates that 34.6% of the respondents subscribe to a view that the grievance resolution of the SAPS is accessible to all employees 'to a very large extent' while 16.3% selected 'not at all' (M=4, SD=4, Mo=5). Furthermore, 8% of respondents are of the opinion that the grievance resolution mechanism is accessible only 'to a slight extent' while 16.9% thought that accessibility of the grievance resolution mechanism occurs 'to a large extent.' Out of 303 respondents 23.3% highlighted that grievance resolution is accessible to all employees only 'to some extent.' In relation to this result, it is worth noting the mean (M) and mode (Mo) were 4 and 5 respectively, the standard deviations (SD) was also too high, thus 4, suggesting that 99.9% of the responses were scattered within the standard deviation of 4 from the mean (M). Nevertheless, this result was statistically significant ( $p < 0.01$ ).

Findings emanating from interviews show that there were different views regarding the accessibility of grievance resolution mechanism in the SAPS. When participants were asked whether employees were familiar with processes for lodging a grievance, one participant commented:

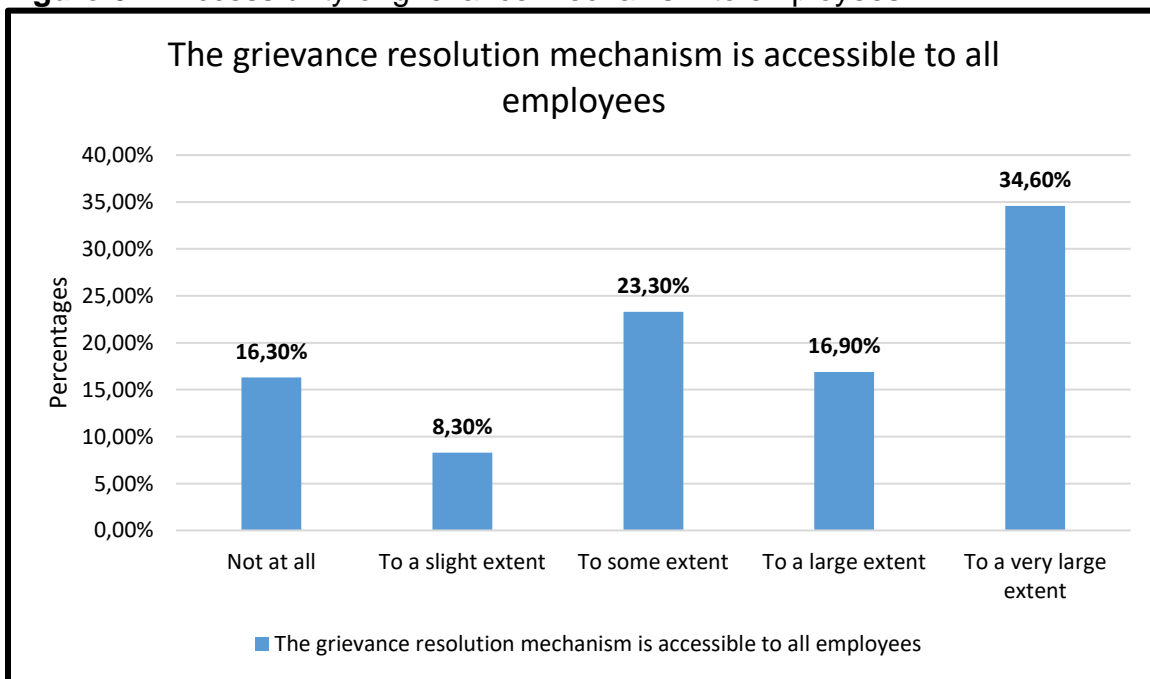
"In fact, a grievance is a right. You can even go in an interview; you will not find a portion where they ask you about the issue of understanding a grievance. I am saying 100% of the interview questions here. There is no way they can ask you about it. Internally they have a grievance procedure, but they really do not want you to know about it. It is almost kept as a secret, but us as Unions exist within the system, we are the ones when the members have the issues, we tell the members about it. And usually when we do our meetings, we put grievances as one of our agenda points whereby we tell their members to say guys, we are here as your representative as you should know..... The employer does not like a grievance process but is forced by Labour Relations Act to say that has to exist as much as when you see it's good in document because we also have inputs as unions. To say this has to run like this and we take it from there as Agreement 3 of 2005. It is a document that is born under the auspices of the Safety and Security Sectoral Bargaining Council (SSSBC)

whereby the employer and employees on as unions on behalf of employees we sit in such a forum to discuss the issues. So, in a nutshell, employees are not encouraged by employer to lodge grievances only encouraged by us as labour to lodge grievances” (Union representative 2).

The other participant had a completely different opinion concerning the accessibility of grievance procedure to members of the SAPS. The participant commented as follows:

“I think they (SAPS) try their best to create awareness among their employees, especially when it comes to issues of grievances. They create awareness through Information Book (IB), which can be read by everyone and is accessible to every member of the SAPS” (Union representative 3).

**Figure 6.4:** Accessibility of grievance mechanism to employees



**Source:** (Compiled by the researcher using primary data)

The results depicted in Figure 6.5 reveal that 23.3% of the respondents think that managers or supervisors are competent and knowledgeable about employee grievance handling ‘to a very large extent’ while 21.7% thought that managers or supervisors are ‘not at all’ competent (M=3, SD=1, Mo=3). Moreover, 8% of the respondents think that managers or supervisors are competent only ‘to a slight extent’ while 12.7% believe

managers or supervisors are competent 'to a large extent.' Of 303 respondents, only 34.3% maintained that managers or supervisors are competent to 'some extent.' The mean (M) and mode (Mo) were congruent with a value of 3 respectively. The result was statistically significant ( $p < 0.01$ ).

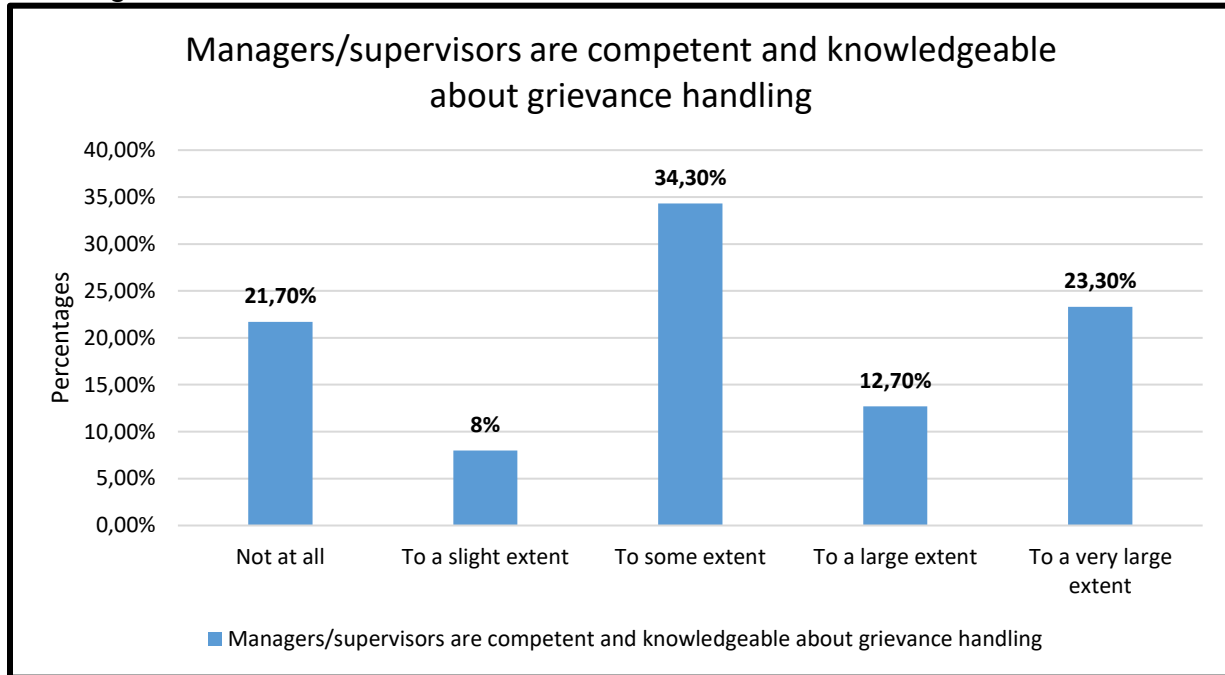
During interviews, when the participants answered the question of whether managers or supervisors were competent and knowledgeable about grievances, the responses were positive but with concerns.

"They have a knowledge because they are taken to attend courses. However, this is all about their reluctance that they really become personal about these things. You know, if one brings personality and politics where there is not supposed to be politics, it is whereby the processes tend to have fighting" (Union representative 1).

"The issue of them being in a position of being competent of their position, those guys they're competent when they can open their 96, we call it SAP 96 (SAPS database which shows qualifications attained by employees) you will see those guys have accumulated courses that really will say when you meet that person after seeing that profile, you believe that you will see a person who's going to be objective and be in a position to articulate issues that have been inculcated in that person during the process of training" (Union representative 2).

"Some are competent but negligent; some are good managers, some are not. You know, we cannot be the same. Some are good managers; some are bad managers. We have different kind of managers, democratic managers, autocratic managers and laissez-faire managers. So, the police produce these types of managers. But you will find there is a lot of autocratic managers. Democratic managers are unpopular because they are not taking instructions. These senior managers feel that the situation must be dealt with differently" (Union representative 3).

**Figure 6.5:** Manager and supervisor’s competence and knowledge about grievance handling



**Source:** (Compiled by the researcher using primary data)

Figure 6.6 illustrates that 21.9% of the respondents believe that shop stewards are competent about employee grievance handling ‘to a very large extent’ while 17.5% think that the shop stewards are ‘not at all’ competent (M=3, SD=1, Mo=3). Similarly, 19.2% of the respondents highlighted that shop stewards are only competent ‘to a large extent’ whereas 31.8% indicated that shop stewards are competent about grievance handling ‘to some extent.’ The mean (M) and mode (Mo) were found to be congruent with the value of 3 respectively. This result was statistically significant ( $p < 0.01$ ).

Concerning the competence and knowledge of trade union representatives about grievance handling, participants had different opinions as some argued that they do not seem to be competent and knowledgeable while others maintained that union representatives are competent and knowledgeable. This is reflected in the following statements made by participants in response to the question on the competence and knowledge of union representatives regarding grievance handling:

“It differs from one area to another. The majority of them are not competent because they do not read. Majority of them are clueless about policy issues. Therefore, when it comes to grievances you find that they are not sure about what to say. Instead, you find that the aggrieved person is the one who made smaller research to challenge the management. Nevertheless, when their workshops and short courses that are labour related, the union representative are invited to attend in order to empower them. Union representatives are not effective on grievance management. It is just a formality to say that if the employee is unhappy, she or he can approach a union representative” (Grievance officer A).

Confirming this view, another participant argued:

“I doubt if the union representatives are knowledgeable and competent about grievance handling because I have noticed that they fail to sign grievances that were reported via their office” (Grievance officer D).

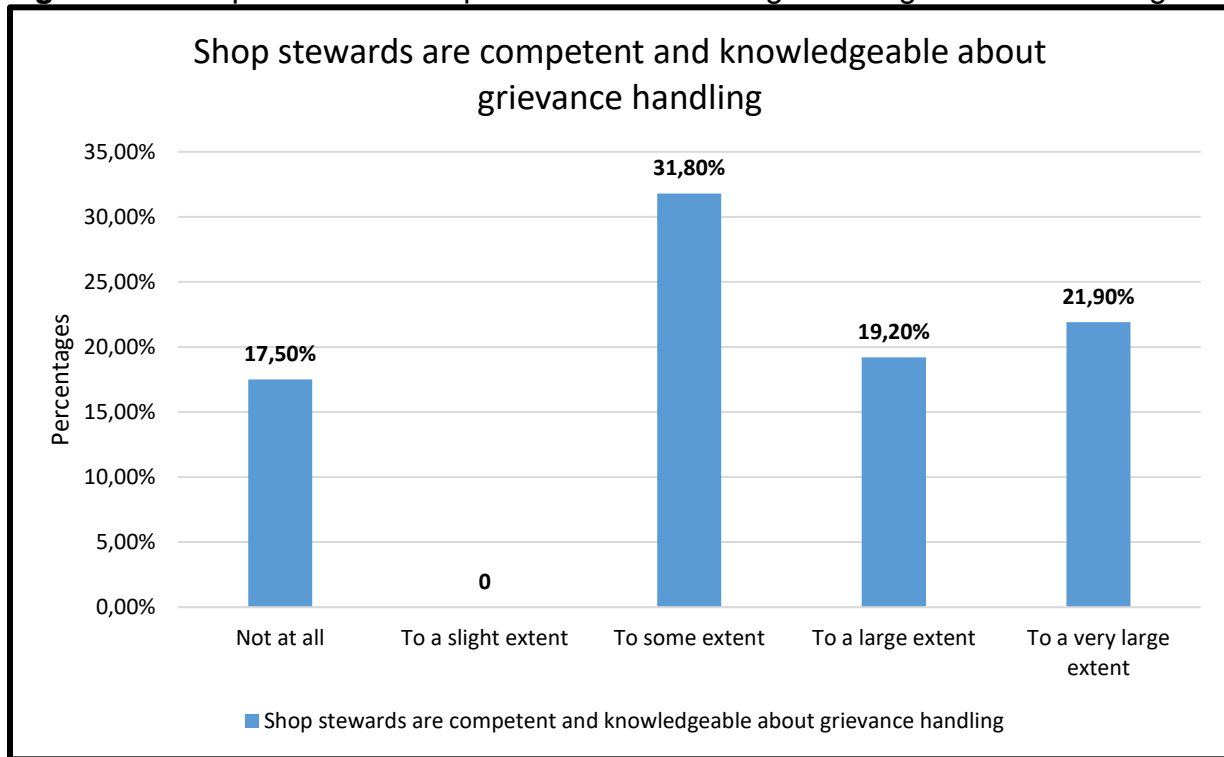
Some participants, who were of the opinion that union representatives were competent and knowledgeable, echoed their sentiments in this way:

“Currently the new members coming in as union representative, especially for POPCRU is knowledgeable although there are still things that he still needs to learn but he is eager to learn. At the same time, if something come up I always share the information with him. Overall, in terms of the shop stewards especially in Gauteng, they are very good. In fact, the full-time shop stewards are competent but the full-time shop stewards guide the union representative at the station level because they are not familiar with some of the things” (Grievance officer B).

Another participant supported this view but expressed this view differently:

“As I said, I would say yes, they are competent and knowledgeable because they influence the members since 75% of grievances reported are due to the influence from union representatives, which suggests that they know about the grievance procedure” (Grievance officer C).

**Figure 6.6:** Shop stewards' competence and knowledge about grievance handling



**Source:** (Compiled by the researcher using primary data)

As portrayed in Figure 6.7, only 4.3% of the respondents subscribe to a view that in the SAPS employee grievances are handled in a fair and just manner 'to a very larger extent' while 17.5% are of the opinion that employee grievances are 'not at all' handled in a fair and just manner ( $M=3$ ,  $SD=1$ ,  $Mo=3$ ). Additionally, 21.9% think that employee grievances are handled in a fair and just fashion only 'to a large extent' whereas 15.2% believe that fairness and justice in grievance handling prevail 'to a slight extent.' Out of 303 respondents, 41.1% hold a strong view that employee grievances are handled in a fair and just manner 'to some extent.' In this regard, the mean ( $M$ ) and mode ( $Mo$ ) were also found to be congruent with an average value of 3 respectively. The result was statistically significant ( $p < 0.01$ ).

During interviews, one of the participants made some positive recommendations in terms of how fairness and justice could be enhanced in grievance handling. The recommendation was articulated in this fashion:

“If you want to have grievances dealt with in an effective way, there is need to establish an environment where the process can be seen to be independent. In this sense, you are not removing the responsibility of the management to resolve issues of disputes, however, this is necessary because disputes and conflicts are being stifled by the management by themselves” (Union representative 3).

During interviews, some participants revealed that fairness and justice in grievance handling are maximised by affording an aggrieved employee to have a representative. The participant noted that:

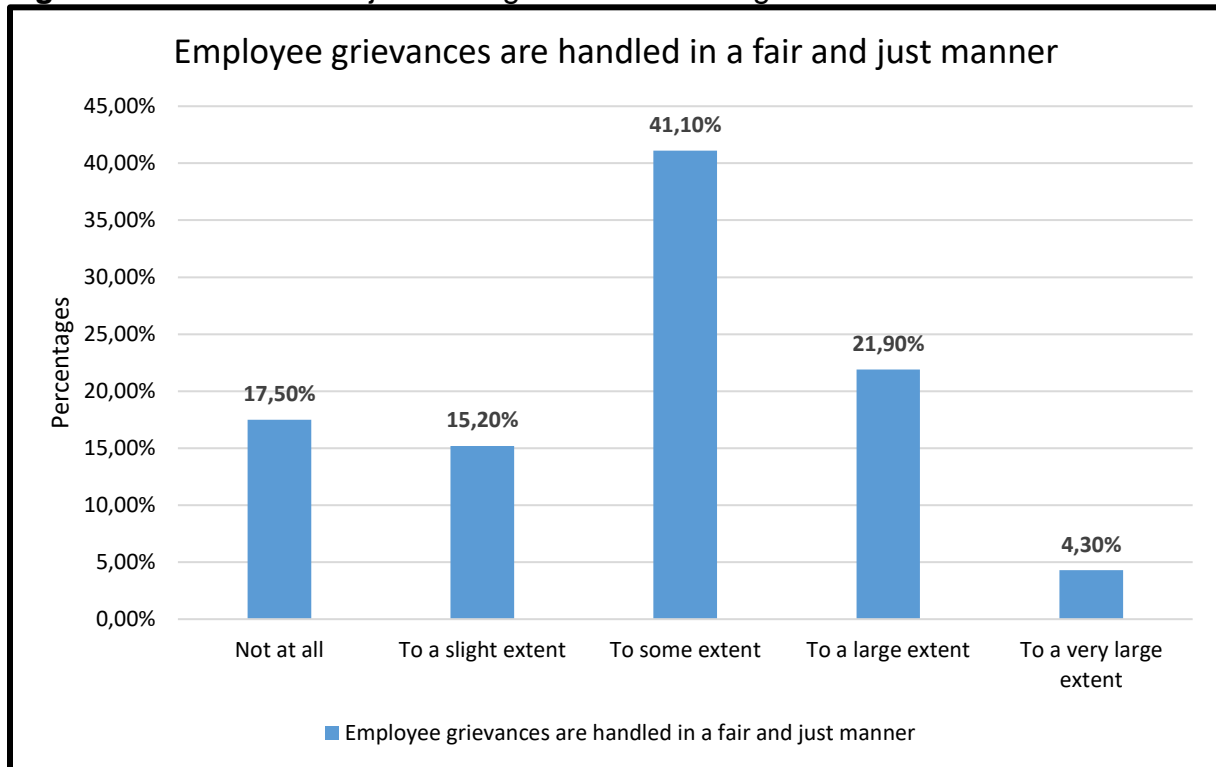
“The grievance policy states that the aggrieved member may be represented throughout the various steps of the grievances process although the member can choose to have a representative or not to have one. If the member is able to represent himself, he is also accommodated. In other words, the right to be represented is left in the hands of the aggrieved. If the member wants to be represented, there is a place where the representative needs to sign, and the aggrieved can sign too” (Grievance officer A).

Another participant elaborated further and said:

“The aggrieved member can have a representative with him if he chooses to have one. If a member lodges a grievance, he can put the name of the representative in the form. If the member agrees to the proposed solutions, the representative will also sign as well if you have one because a member is free to choose not to have a representative. But, most of the time members will have representatives and the representative is the one who will hand in a grievance” (Grievance officer C).



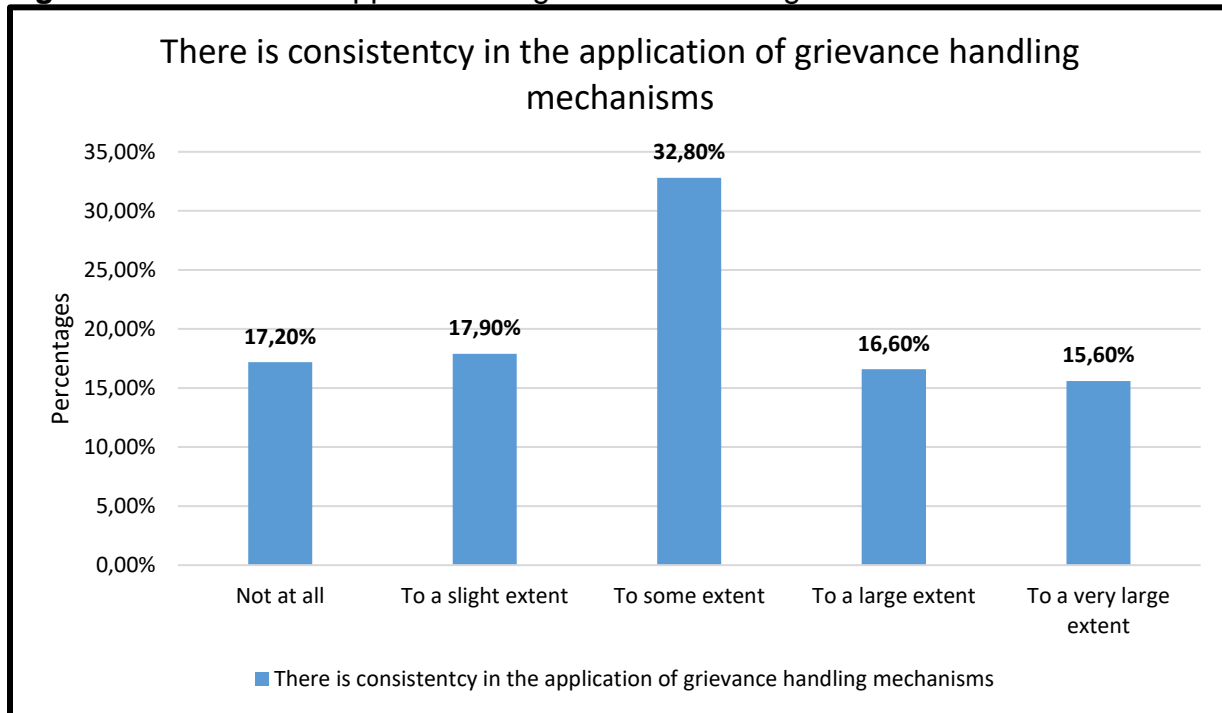
**Figure 6.7:** Fairness and justice in grievance handling



**Source:** (Compiled by the researcher using primary data)

Figure 6.8 below, illustrates that 15.6% of the respondents think that there is consistency in the application of grievance handling mechanisms ‘to a very large extent’ while 17.2% think ‘not at all’ (M=3, SD=1, Mo=3). Further, 16.6% of respondents indicated that consistency in the application of grievance handling mechanisms occurs ‘to a large extent’ whereas 17.9% thought that consistency prevails ‘to a slight extent.’ Nevertheless, a reasonable number (32.8%) of respondents signalled that consistency in the application of grievance mechanism occurs ‘to some extent.’ The mean (M) and mode (Mo) were found to be congruent with a value of 3 respectively. Importantly, the result was statistically significant ( $p < 0.01$ ).

**Figure 6.8:** Consistent application of grievance handling mechanisms



**Source:** (Compiled by the researcher using primary data)

**Table 6.13:** Communalities on the effectiveness of grievance handling mechanism

Variables	Initial	Extraction
Var.1	1.000	.649
Var. 2	1.000	.813
Var. 3	1.000	.819
Var. 4	1.000	.172
Var. 5	1.000	.679
Var. 6	1.000	.676
Var. 7	1.000	.803
Var. 8	1.000	.799

Extraction Method: Principal Component Analysis.

**Source:** (Researcher’s own construction)

Table 6.13 above shows the communalities on variables for the effectiveness of the grievance handling mechanism. Out of eight (8) variables, only variable number 4 was found to have very low communality loadings of 0.172, which is far below the acceptable

value of 0.40. This suggest that this variable was inconsistent with other variables. In other words, this variable was not contributing towards establishing the effectiveness of the grievance handling mechanism in the SAPS.

### **6.6.1 Discussion of the effectiveness of the grievance handling mechanisms in the SAPS**

The quantitative results have shown that a majority (64.5%) of respondents hold a view that employees are granted an opportunity to be represented by a colleague or shop steward during grievance hearing 'to a very large extent' (M=4, SD=1, Mo=5). At the same time, these results were corroborated by the qualitative findings, in particular the grievance procedure of the SAPS, which categorically states that an aggrieved employee may choose to be represented by a colleague or union representative. The participants have reiterated unequivocally that union representatives play an important role as representatives of employees during the grievance resolution process. In this regard, Saundry, Antcliff and Jones (2008:20-21) postulate that representation of employees during grievance hearings enhances their rights to be heard although some institutions tend to avoid employees' statutory right to be represented.

A substantial proportion (49.3%) of the survey respondents believe that SAPS complies with time frames for each step of the grievance resolution 'to a very large extent' (M=4, SD=2, Mo=5). This result needs to be approached with caution because it appears the responses were widely spread. Although the mode (Mo) was 5, it is evident the overall percentage is slightly below average. The qualitative findings presented contradictory views since some of the interviewees felt the SAPS was not compliant while others held a view that there is compliance with timelines during the grievance resolution process. Arie (2015:72) points out that it is important to provide timely feedback to the aggrieved employees because failure to do so may create a situation where employees' confidence in the grievance mechanism of the institution could diminish.

A sizeable number (43.5%) of the respondents are of the opinion that the grievance procedure of the SAPS protects employees against victimisation, intimidation and prejudice after reporting a grievance 'to a very large extent' (M=4, SD=1, Mo=5). This

result needs to be treated with utmost care because the percentage is far below average despite the mode (Mo) of 5. However, the qualitative findings support this result because the assessment of official documents express the employees' rights to have grievances redressed in a fair manner and without fear of victimisation and prejudice. In other words, should aggrieved employees notice any form of victimisation, they have the right to report the matter within an institution. Worth noting, Polster (2011:658) reports that it is not uncommon for employees who file grievances to be victimised or prejudiced. For this reason, Daley (2007:288) mentions that formal rights to report grievances in the institutions tend to be useless if employees are punished for applying such rights.

Approximately 34.6% of the respondents hold a view that the grievance resolution of the SAPS is accessible to all employees 'to a very large extent' (M=4, SD=4, Mo=5). This result may need to be treated with caution because the responses were highly dispersed as per standard deviation (SD) of 4. Besides, the percentage is extremely far below the average. Interestingly, some of the qualitative findings support this result. However, it must be stated that there were mixed reactions to the issue of accessibility of grievance procedure from the interviewees. As a consequence, it can be argued that the qualitative findings were not conclusive on this matter. In line with the arguments put forward by some of the interviewees in order to enhance the accessibility of grievance procedure, Arie (2015:73) recommends that employees can be alerted about the existence of grievance procedure through the intranet, union newsletters, wall post charters and information books.

Only 34.3% of the survey respondents subscribe to the view that managers or supervisors are competent 'to some extent' in grievance handling (M=3, SD=1, Mo=3). This result was strongly supported by some qualitative findings because the interviewees mentioned that managers and supervisors are exposed to the necessary training regarding handling of employee grievances but vehemently argued that some of the managers or supervisors seem to be ignorant. As proposed by Daud, Isa, Nor & Zainol (2013:125) it is vital for managers to receive continuous training on grievance handling in order to ameliorate their competencies, knowledge and capacity to deal with employee

grievances. In addition, Geetika, Ghosh, Rai, Joshi and Singh (2014:144) point out that the managers' ability to handle employee grievances can influence the grievance resolution processes immensely.

About 31.8% of the survey respondents indicate that shop stewards are competent about grievance handling 'to some extent' (M=3, SD=1, Mo=3). This result is supported by the qualitative findings because some of the interviewees mentioned that union representatives or shop stewards are knowledgeable about the grievance handling processes since they can assist aggrieved employees to file grievances. Nevertheless, the interviewees emphasised that union representatives need to improve in some areas of grievance handling and read or research about grievance issues. They felt that by so doing, union representatives could be able to avoid submitting documents that are not completed appropriately or not signed by parties to the grievance. In order to enhance the knowledge and skills of the union representatives, Bendix (2015:249) recommends that shop stewards need to be trained extensively about grievance resolution mechanisms in the workplace.

A considerable proportion (41.1%) of the survey respondents hold a strong view that employee grievances are handled in a fair and just manner 'to some extent' (M=3, SD=1, Mo=3). The qualitative finding of this study corroborates this result as some of the interviewees mentioned that fairness is improved by allowing aggrieved employees to have representation during grievance hearings although some of the participants felt that fairness would be enhanced if an independent institution conducted employee grievance hearings. As reported by Geetika et al. (2014:142), the issue of justice and fairness in grievance resolution tend to be complicated, which indicates that employees cannot be guaranteed that they will receive favourable outcomes.

A reasonable number (32.8%) of survey respondents indicated that that consistency in the application of grievance mechanism occurs 'to some extent' (M=3, SD=1, Mo=3). Although the percentages of respondents is far below average, this quantitative result is in agreement with findings in literature (Walasa, 2010; le Roux, 2014; Jordaan, 2018). While le Roux (2014) places emphasis on the need for the employers to adhere to the

parity principle, Jordaan (2018) points out that historical and contemporaneous consistency should be evident in the grievance resolution mechanism in the workplace. In this respect, it must be mentioned that failure to maintain consistency in terms of dealing with similar cases could have some major legal implications for the institution.

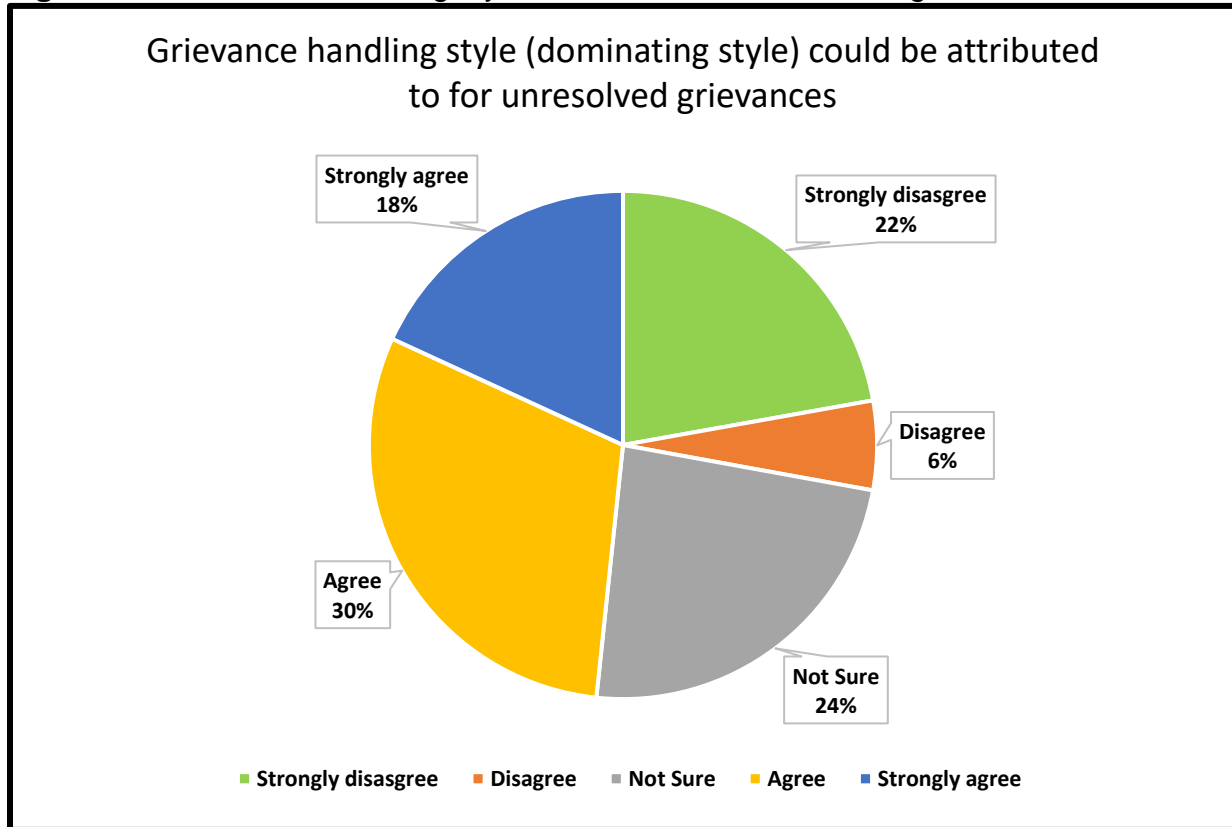
## **6.7 CAUSES OF UNRESOLVED GRIEVANCES IN THE SAPS**

In this section, the quantitative results and qualitative findings on the causes of unresolved grievances in the SAPS are presented. Concerning the quantitative strand of the study, charts and statistical tables are used to display the results. A five-point Likert scale ranging from 1-5 (strongly disagree [1], disagree [2], not sure [3], agree [4] and strongly agree [5]) was used in the questionnaire. Moreover, the mean (M), standard deviation (SD) and mode (Mo) are also considered in the presentation of empirical results. It is important to note that the mean (M) and mode (Mo) were between 1 and 5 since a five-point Likert scale was used as mentioned above. Additionally, the probability (p-value) was used to determine the statistical significance of the results presented hereunder. The cut-off value for the alpha was set at 0.05, which implies that a p-value below 0.05 ( $p < 0.05$ ) served as an indication of statistical significance whereas a p-value of greater than 0.05 ( $p > 0.05$ ) was an indication that there was no statistical significance. The qualitative findings are presented through verbatim quotes emanating from interviews and quoting official documents relevant to the study.

As illustrated in Figure 6.9, the analysis of item 1 revealed that 22 % of the police officers strongly disagree that the grievance handling style (dominating style) could be attributed to for unresolved grievances in the SAPS while 18 % of the police officers strongly agree. In the same vein, 6 % of the police officers disagree with the statement whereas 30% of the police officers agree and 24 % of the police officers are not sure ( $M=3$ ,  $SD=2$ ,  $Mo=4$ ). Clearly, 95% of the responses were scattered within the standard deviation of 2 from the mean (M). Notably, the most frequent value was 4 (see Table 6.14), suggesting the respondents agreed with the statement. This result was statistically significant ( $p < 0.05$ ).

Simply put, 48% of the respondents agree that grievance handling style could be ascribed to for unresolved grievances while 28% disagree and only 24% were uncertain.

**Figure 6.9:** Grievance handling style contribution to unresolved grievances



**Source:** (Compiled by the researcher using primary data)

A research participant expressed a concern regarding the attitude of managers towards grievances that are reported by their subordinates. The participant argued vehemently:

“As I said before, majority of members and commanders, they do not take grievances very seriously. You may find a mediator who is willing to resolve a grievance, but the management does not attend the mediation meeting. This shows that they are not serious and are not willing to resolve a grievance. As a result, the mediator will have to issue the mediation certificated indicating that the matter remains unresolved and it will be taken to external body such as the SSSBC” (Grievance officer A).

When asked about the type of grievance style that contributes to the high degree of grievances in the SAPS, one participant answered candidly:

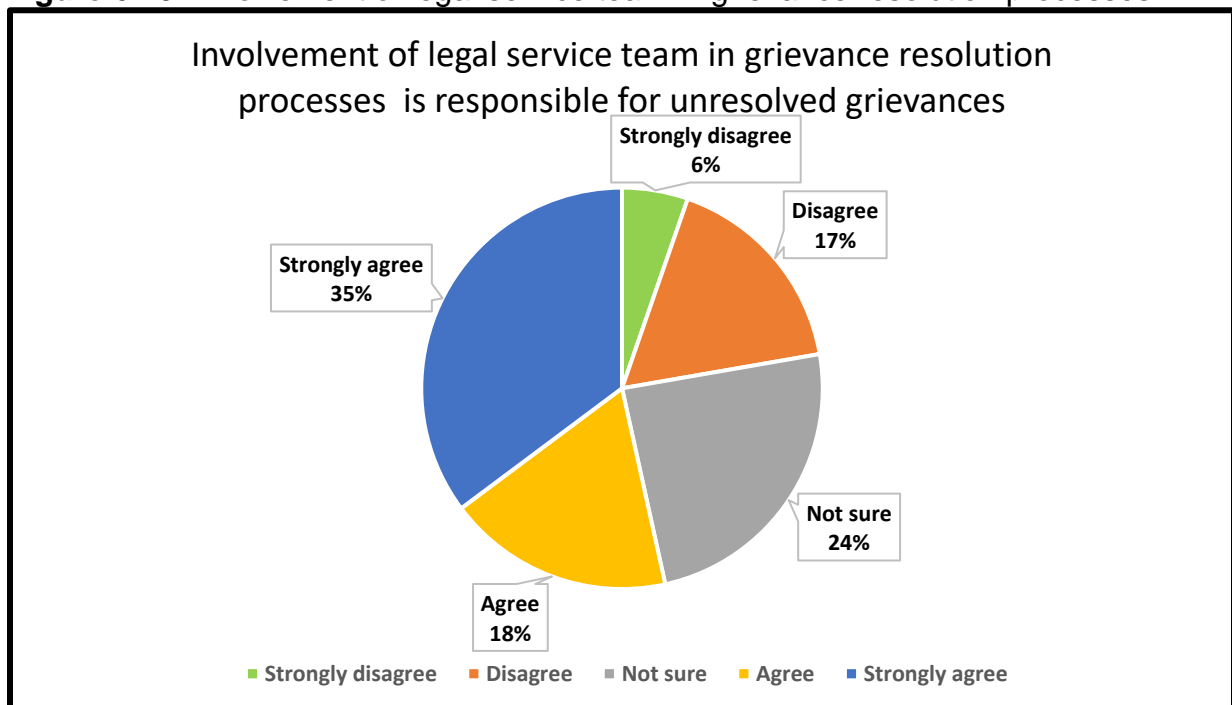
“That happens sometimes if you have someone who is autocratic. They believe what they say is the truth because they wanted things to be the way they used to be for many years. That type of management style can contribute to more and more grievances” (Grievance officer B).

**Table 6.14: Statistics (mean, median, mode and standard deviation)**

		Var. 1	Var. 2	Var. 3	Var. 4	Var. 5	Var. 6	Var. 7	Var. 8	Var. 9	Var.10
N	Valid	303	303	303	303	303	303	303	303	303	303
	Sig. (1-tailed)	0.041	0.039	0.384	0.297	0.122	0.421	0.055	0.000	0.000	0.000
Mean		3.2642	3.6722	3.7947	3.5099	3.4618	3.5232	3.6788	3.9037	3.9801	4.1291
Median		3.0000	4.0000	4.0000	3.0000	3.0000	4.0000	4.0000	4.0000	4.0000	4.0000
Mode		4.00	5.00	4.00	3.00	3.00	3.00	4.00	4.00	5.00	5.00
Std. Deviation		2.21808	1.64907	3.09070	1.03665	1.12666	1.07422	1.05630	.98015	1.11749	1.05018

**Source:** (Researcher’s own construction)

**Figure 6.10: Involvement of legal service team in grievance resolution processes**





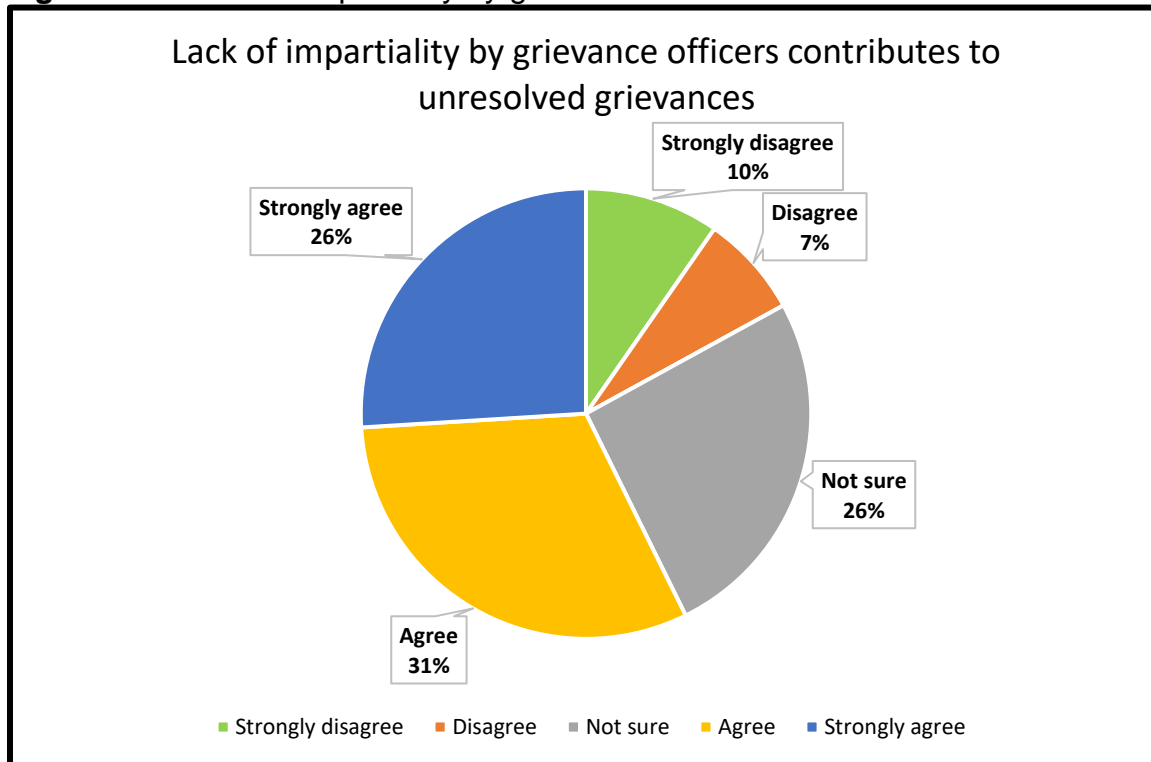
**Source:** (Compiled by the researcher using primary data)

The analysis of item 2 as depicted in Figure 6.10 showed that 6% of the respondents strongly disagree that the involvement of the legal service team in grievance resolution processes is responsible for unresolved grievances in the SAPS while 35% of the police officers strongly agree. At the same time, 17% of the respondents disagree whereas 24% of the police officers agree and only 18% of the respondents are not sure ( $M=4$ ,  $SD=2$ ,  $Mo=5$ ). As per Table 6.14, the mode ( $Mo$ ) shows that the respondents strongly agreed with the statement above although the standard deviation ( $SD$ ) revealed reasonable dispersion in terms of responses. The result was statistically significant ( $p < 0.05$ ). Presented differently, the above results show that 53% of the respondents agree that the involvement of legal service team in grievance resolution process is responsible for unresolved grievances while 23% disagreed and 24% remained uncertain. With regard to the involvement of legal services by the SAPS in the employee grievance resolution processes, some participants expressed some concerns:

“Now the legal service of the SAPS is run like politicians whereby you can see here is an award that needs to be implemented, but you'll always be instructed wrongly to say go and see what is there that you can do with this grievance. So, with this outcome guaranteeing approach. When somebody is a union representative is being given that case, for an example, he will say no, no, I am just told to say I must check what I can do about it” (Union representative 2)

“Law can complicate issues. In a grievance situation, you do not need a lawyer. You do not need a representative. But the procedure provides that an employee may elect to be represented by a colleague or a union representative” (Union representative 3).

**Figure 6.11:** Lack of impartiality by grievance officers



**Source:** (Compiled by the researcher using primary data)

The analysis of item 3 as shown in Figure 6.11 reveals that 10% of the police officers strongly disagree that lack of impartiality by grievance officers contributes to unresolved grievances while 26% of police officers strongly agree. Moreover, 7% of the police officers disagree with the aforementioned statement whereas 31% of the police officer agree and only 26 % of the respondents are not sure ( $M=4$ ,  $SD=3$ ,  $Mo=4$ ). The mean ( $M$ ) and mode ( $Mo$ ) were found to be congruent with a value of 4 respectively (see Table 6.14). The standard deviation of 3 signaled considerable levels of dispersion in terms of responses to item 3. The result was statistically non-significant ( $p > 0.05$ ). Stated differently, the results show that 57% of the respondents agree that lack of impartiality by grievance officers contributes to unresolved grievances in the SAPS whereas 17% disagree and 26% remained uncertain.

Interview findings reveal that efforts are taken in order to enhance impartiality in grievance handling by involving multiple stake holders such as trade union shop

stewards or union representatives and senior management. One participant commented that:

“Normally, when I receive a grievance, I inform my immediate commander or the station commander after which we call all the role players including the unions. It is always important to have all the parties concerned during the grievance and the management needs to be impartial. It is important as a grievance officer to be impartial during the informal and formal grievance meetings. You do not have to choose sides at all” (Grievance officer B).

With regard to the issue of impartiality, another participant accentuated the need for individuals charged with the responsibility of resolving grievances to be neutral or impartial. The participant believes that lack of impartiality may negatively influence grievance resolution:

“Yes, that is why there are three people involved in grievance resolution. You have the grievance officer who must be impartial. This officer needs to facilitate the grievance in order to ensure that the matter is resolved. The person needs to be open-minded, read the policy and listen to what the aggrieved person says in order to advise the grievant accordingly. In addition, the person who is a grievance officer needs to advise the management to say the policy says one thing and you are saying the other thing. Also, the labour relation officer will need to talk to the aggrieved person and the union representative and talk about policies in order to make sure that the matter is resolved without going outside the SAPS. When it comes to matters of promotion, you will not be having documents, then, how do you resolve that one? This means you do not know what happened. Was a process fair or not fair? You do not know. At that time, the member believes that he could have been treated fairly there. The last person is the mediator. This someone from internal but is supposed to be impartial and not take any side. The mediator has to be proposed by the aggrieved person first and agreed to by management. We still believe that internal people

who are competent without taking sides can resolve grievances” (Grievance officer A).

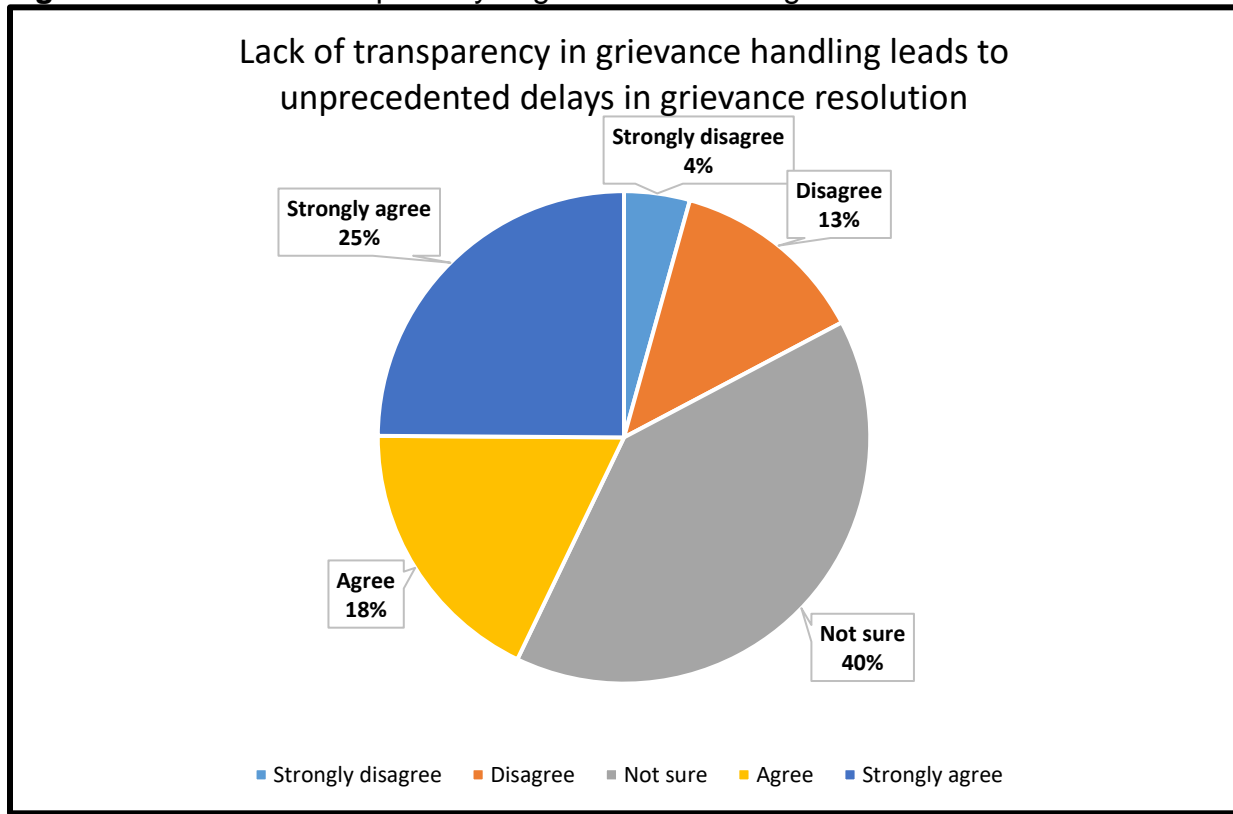
**Figure 6.12:** Failure to keep written records



**Source:** (Compiled by the researcher using primary data)

The analysis of item 4 as per Figure 6.12 highlights that 5% of the respondents strongly disagree that failure to keep written records causes unresolved grievances while 21% of the police officers strongly agree. Further, 6% of the respondents disagree with the above statement while 23% of the police officers agree and 45% of the respondents are not sure ( $M=4$ ,  $SD=1$ ,  $Mo=3$ ). Although the mean ( $M$ ) score was 4, the most frequent value was 3 as shown by mode ( $Mo$ ). Nevertheless, the result was found to statistically non-significant ( $p > 0.05$ ). Alternatively, the results show that only 44% of the respondents agree that failure to keep written records causes unresolved grievances in the SAPS while 11% disagree and 45% were uncertain.

**Figure 6.13:** Lack of transparency in grievance handling



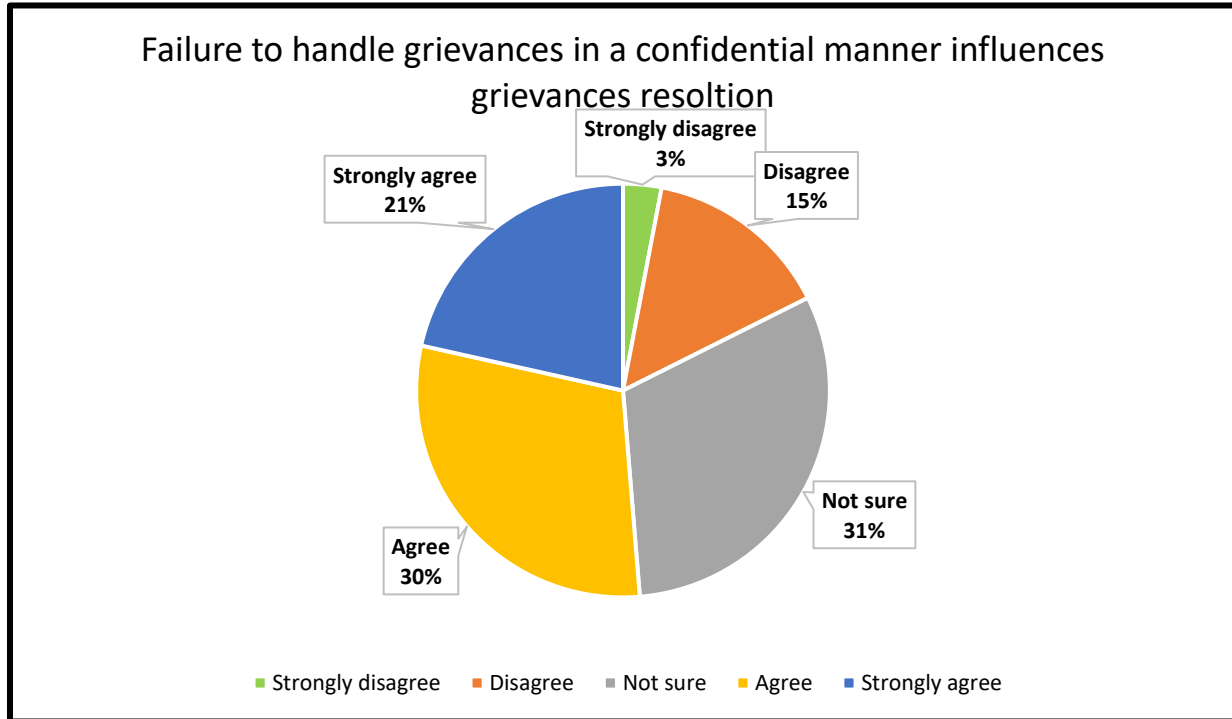
**Source:** (Compiled by the researcher using primary data)

As portrayed in Figure 6.13, 4% of the respondents strongly disagree that lack of transparency in grievance handling leads to unprecedented delays in grievance resolution while 25% of the police officers strongly agree. Additionally, 13% of the police officers disagree with the statement whereas 18% of the police officers agree and 40% of the police officers are not sure (  $M=3$ ,  $SD=1$ ,  $Mo=3$ ). The mean ( $M$ ) and mode ( $Mo$ ) recorded the value of 3 respectively (see Table 6.14). The result was not statistically significant ( $p > 0.05$ ). Interpreted in simple terms, the results show that 43% of the respondents agree that lack of transparency in grievance handling leads to unprecedented delays in grievance resolution whereas 17% disagree and a reasonable number (40%) of the respondents were not sure.

During interviews, a participant expressed a negative outlook about transparency during employee grievance resolution in the SAPS.

“There is no transparency. In fact, let us not use the word ‘transparency.’ Let us use fairness. There is no fairness. In fact, you know I do not know what can be done to improve” (Union representative 2).

**Figure 6.14:** Failure to handle grievances in a confidential manner



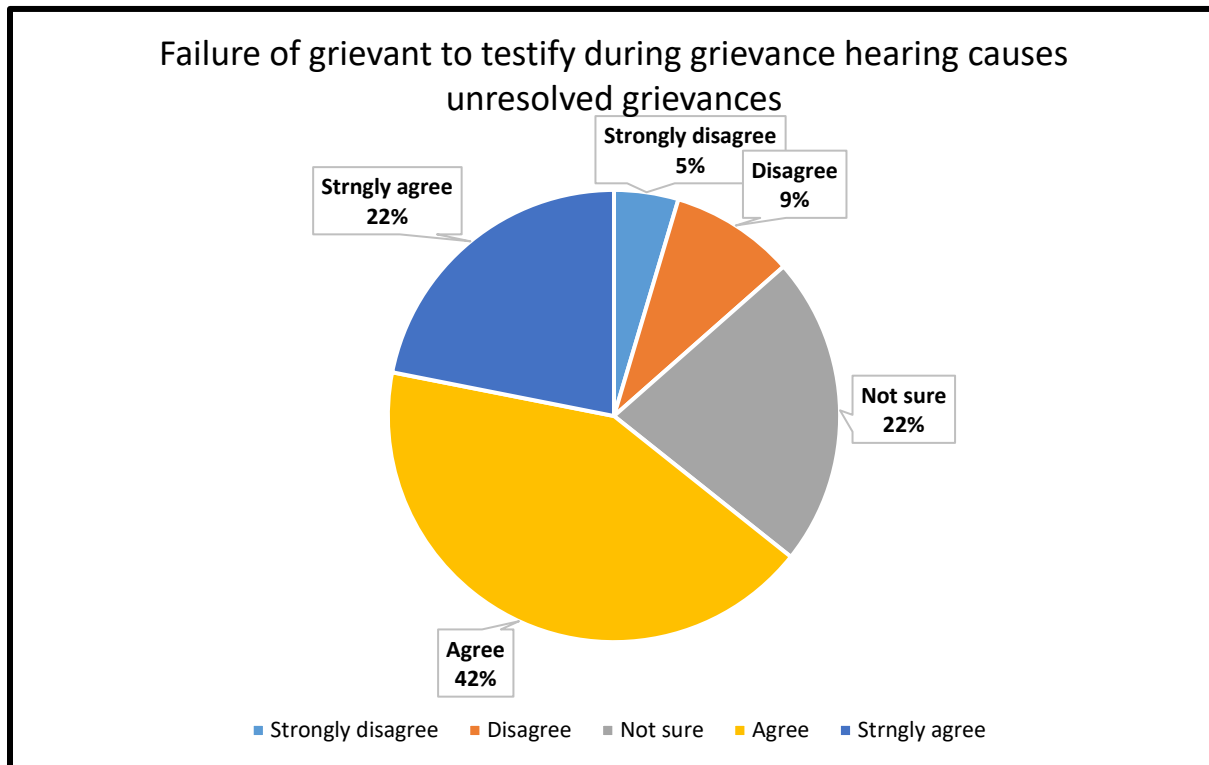
**Source:** (Compiled by the researcher using primary data)

Figure 6.14 illustrates that 3% of the police officers strongly disagree that failure to handle grievances in a confidential manner influences grievance resolution in the SAPS while 21% of the police officers strongly agree. At the same time, 15% of the police officers disagree with the statement whereas 30% of the police officers agree and only 31% of the police officers are not sure ( $M=4$ ,  $SD=1$ ,  $Mo=3$ ). Although the mean ( $M$ ) was 4, the most frequent value preferred by respondents was 3 (see Table 6.10). This result was not statistically significant ( $p>0.05$ ). Putting the results in another fashion, only 51% of the respondents agree that failure to handle grievances in a confidential manner influences grievance resolution while 18% disagree and 31% remained unsure.

The assessment of official documents reveals that the SAPS accentuates a need for the principle of confidentiality, particularly when handling sexual harassment incidents. This

is confirmed by clause 9 (a) (b) and (c) of the Policy on Sexual Harassment in the Workplace, which states that “All parties involved in a complaint of sexual harassment must at all stages take the utmost care to ensure confidentiality and sign an undertaking to that effect. Limited information may only be disclosed to a third party with the agreement of the complainant and the alleged harasser and on a "need to know" basis to those who have a genuine and official role in dealing with and resolving the matter. The person who is provided with information is also required to preserve confidentiality” (Safety and Security Sectoral Bargaining Council, 2011b).

**Figure 6.15:** Failure to testify in a grievance hearing

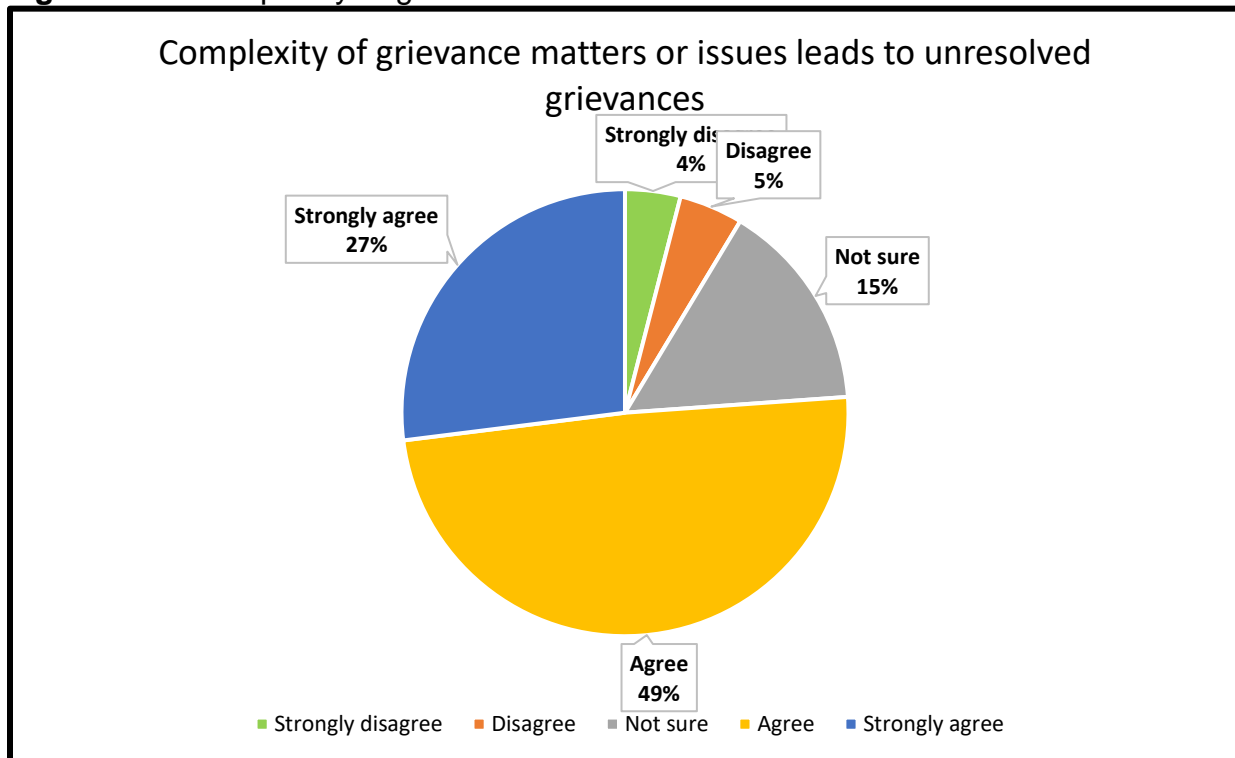


**Source:** (Compiled by the researcher using primary data)

The analysis of item 7 as depicted in Figure 6.15 reveals that 5% of the police officers strongly disagree that failure of the grievant to testify during grievance hearing causes unresolved grievances while 22% of the police officers strongly agree. Moreover, 9% of the police officers disagree with the aforementioned statement whereas 42% of the police officers agree and 22% of the police officers are not sure (M=4, SD=1, Mo=4). The mean (M) and mode (Mo) logged corresponding value of 4 respectively (see Table

6.10). This indicates that the respondents generally agreed with the statement above. However, the result was not statistically significant ( $p > 0.05$ ). Expressed in another way, the results illustrates that a 64% majority of the respondents agree that failure of grievant to testify during grievances hearings causes unresolved grievance while a small number (14%) disagree and 22% remained unsure.

**Figure 6.16:** Complexity of grievance issues



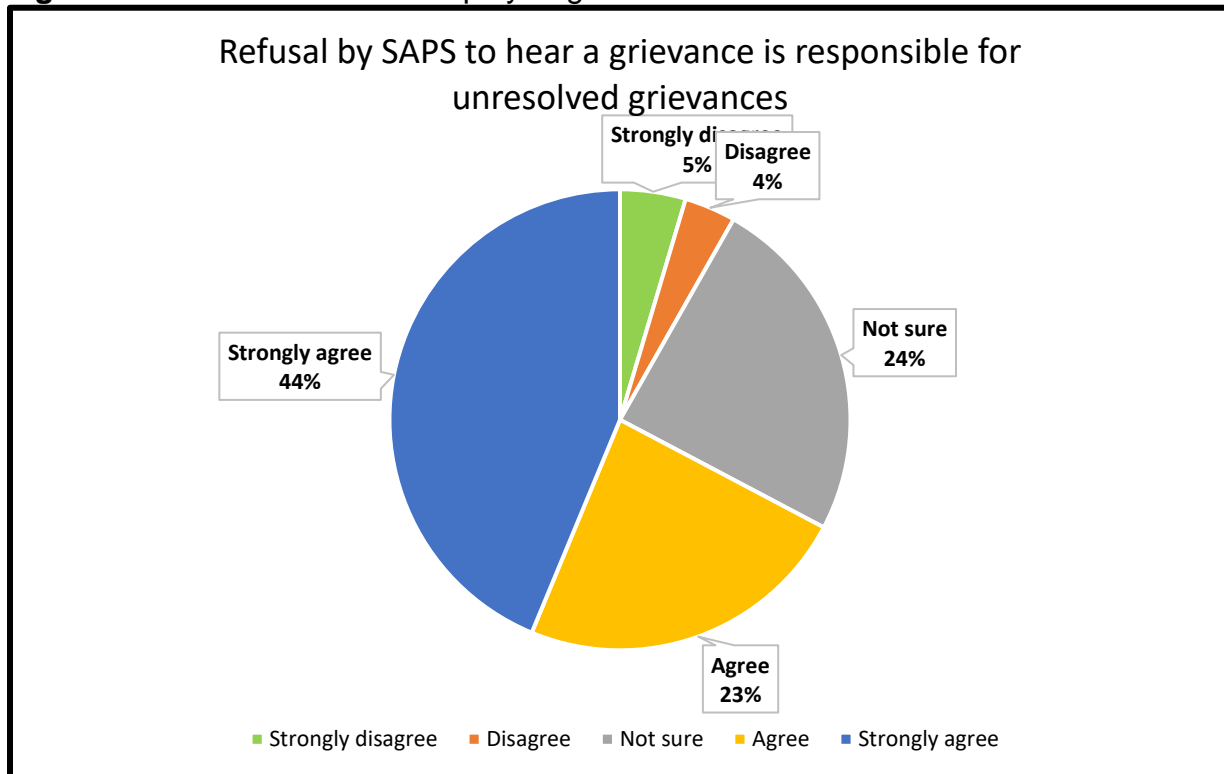
**Source:** (Compiled by the researcher using primary data)

Figure 6.16 illustrates 4% of the police officers strongly disagree that complexity of the grievance matters or issues lead to unresolved grievances while 27% of the police officers strongly agree. Further, 5% of the police officers disagree with the above statement whereas 49% of the police officers agree and only 15% of the respondents are not sure ( $M=4$ ,  $SD=1$ ,  $Mo=4$ ). The mean ( $M$ ) and mode ( $Mo$ ) show that the respondents agree that the complexity of grievance matters or issues lead to unresolved grievances. This result was statistically significant ( $p < 0.01$ ). Articulated in another way, the results reveal that a large majority (76%) of the respondents agree that complexity



of grievance matters leads to unresolved grievances while 9% disagree and only 15% were not sure.

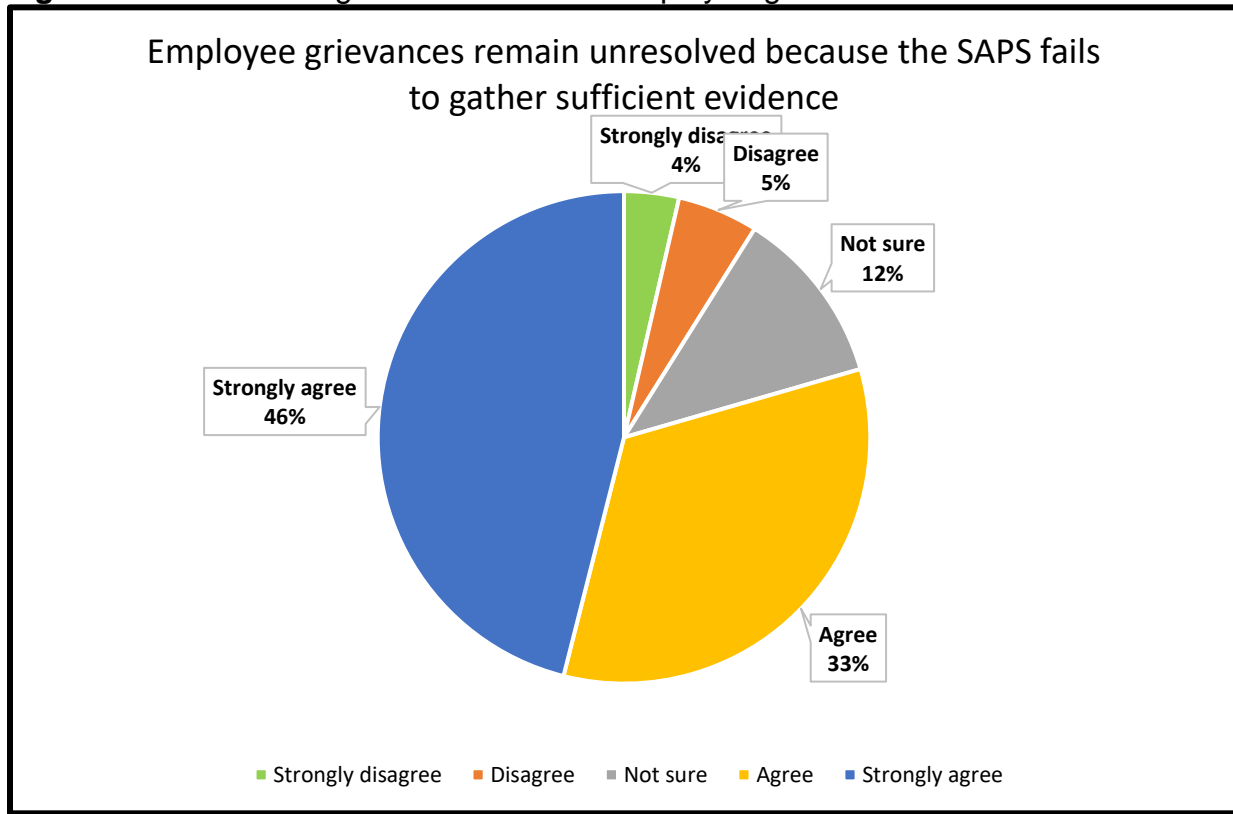
**Figure 6.17:** Refusal to hear employee grievances



**Source:** (Compiled by the researcher using primary data)

Figure 6.17 shows that 5% of the police officers strongly disagree that refusal by SAPS to hear employee grievances is responsible for unresolved grievances while 44% of the police officers strongly agree. Additionally, 4% of the police officers disagree with the statement mentioned above whereas 23% of the police officers agree and only 24% of the police officers are not sure ( $M=4$ ,  $SD=1$ ,  $Mo=5$ ). In this regard, the mean ( $M$ ) score indicates that the respondents do agree with the statement in Figure 6.17, while the mode ( $Mo$ ) highlights that respondents strongly agree with the statement. This result was statistically significant ( $p < 0.01$ ). Translated differently, the results reveal that a majority (67%) of the respondents agree that refusal by the SAPS to hear grievances is responsible for unresolved employee grievances, while 9% disagree and 24% were not sure about the statement.

**Figure 6.18:** Failure to gather evidence on employee grievances



**Source:** (Compiled by the researcher using primary data)

The analysis of item 10 as illustrated in Figure 6.18 indicates that 4% of police officers strongly disagree that employee grievances remain unresolved in the SAPS because the institution fails to gather sufficient evidence to resolve grievances while 46% of the police officers strongly agree. Furthermore, 5% of the police officers disagree with the statement whereas 33% of the police officers agree and only 12% of the respondents are not sure ( $M=4$ ,  $SD=1$ ,  $Mo=5$ ). The mean ( $M$ ) shows that generally the respondents agreed with the statement expressed in Figure 6.18 while the mode ( $Mo$ ) indicated that the respondents strongly agreed with the statement. This result was statistically significant ( $p < 0.01$ ). Simply put, the above results show that a large majority (79%) of the respondents agree that employee grievances remain unresolved because the SAPS fails to gather sufficient evidence concerning grievances reported while 9% disagree with the statement and only 12% were not sure.

During interviews, when one of the participants was asked about how insufficient collection of evidence regarding a grievance issue may affect its resolution, the participant commented:

“Yeah, it is a good question. As far as possible, it depends on the type of a grievance. Yes, I agree that inadequate information about a grievance can be a problem when it comes to dealing with grievances. I also think that the grievant needs to produce the necessary evidence that may be required to prove his case” (Grievance officer B).

Confirming the view expressed above another participant stated:

“Lack of enough evidence can create a serious deadlock in grievance resolution” (Grievance officer D).

**Table 6.15: Communalities on causes of unresolved grievances in the SAPS**

Variables	Initial	Extraction
Var.1	1.000	<b>.760</b>
Var. 2	1.000	.412
Var. 3	1.000	<b>.792</b>
Var. 4	1.000	.596
Var.5	1.000	<b>.758</b>
Var. 6	1.000	<b>.748</b>
Var. 7	1.000	.667
Var. 8	1.000	<b>.729</b>
Var. 9	1.000	<b>.777</b>
Var. 10	1.000	.556

Extraction Method: Principal Component Analysis.

**Source:** (Researcher’s own construction)

Table 6.15 above indicate that the communality loadings in the extraction column were not below the cutoff point of 0.40. This suggests that all ten (10) variables were in agreement with one another. In other words, the variables were designed appropriately to determine the causes of unresolved grievances in the SAPS.

**Table 6.16 High rate of grievances and unresolved grievances**

	Frequency	Percent	Valid Percent	Cumulative Percent
0=No	80	26.5	26.5	26.5
1=Yes	223	73.5	73.5	100.0
Total	303	100.0	100.0	

**Source:** (Researcher's own construction)

Table 6.16 presents the analysis of the question: Do you think there are high rates of grievances and unresolved grievances in the SAPS shows that 26.5% of the police officers chose no while 73.5% of the police officers chose yes. The response shows that the police officers are aware about the high rates of grievances and the fact that some of the grievances remain unresolved over a long period.

### **6.7.1 Discussion of the causes of unresolved grievances in the SAPS**

About 30% of the police officers agreed that the grievance handling style (dominating style) could be attributed to for unresolved grievances in the SAPS (M=3, SD=2, Mo=4). The qualitative findings are in agreement with this quantitative result as some of the interviewees highlighted that if managers push hard to have their own way during grievance hearings, such conduct could stifle the grievance resolution process. Howell (2014:15) mentions that dominating style in a conflict situation may yield desired results if a deadlock is reached since it produces win-lose outcomes. However, Daud, Isa and Nor (2012:29) view this strategy as being distractive and unacceptable in resolving conflicts because only one party wins. Indeed, the use of dominating style in grievance resolution could create challenges in finding plausible solutions and may cause unprecedented delays in reaching an agreement.

The results show that at least 35% percent of the police officers strongly agreed that the involvement of the legal service team in grievance resolution processes is responsible for unresolved grievances in the SAPS (M=4, SD=2, Mo=5). Although the responses were highly dispersed as per standard deviation (SD) of 2, this result was bolstered by the qualitative findings in which case the interviewees pointed out that involving legal

representatives in grievance resolution tends to complicate grievance matters. These findings lends support to the previous findings in literature as Mzangwa (2012:115) accentuates that institutions can complicate the grievance resolution processes if they choose to involve legal representatives during the early stages of grievance resolution. However, Walker and Hamilton (2015:142) argue that the involvement of legal representatives could be useful if they strive to assist concerned parties to reach a harmonious solution to the grievance.

The quantitative results reveal that at least 31% of the police officers agreed that lack of impartiality by grievance officers contributes to unresolved grievances ( $M=4$ ,  $SD=3$ ,  $Mo=4$ ). As per standard deviation ( $SD$ ) of 3, the responses were highly dispersed. Nonetheless, the qualitative findings of this present study strengthened this result since the interviewees emphasised the need for people charged with the responsibility of resolving grievances to remain impartial. In this sense, grievance officers and other persons responsible for resolving grievances should strive to remain neutral and not conflicted when dealing with grievances. According to Van Gramber and Teicher (2006:202), it can be challenging for grievance officers to maintain neutrality and impartiality when dealing with grievances due to the existing hierarchical relationship with parties to the grievance. Clayton (2019) explains that impartiality does not mean that a third party cannot have an opinion about issues under consideration, but such a person must be detached from the issues. In other words, a third party must not have a personal or pecuniary interest in the grievance matter.

A significant proportion (45%) of the respondents were not sure that failure to keep written records causes unresolved grievances ( $M=4$ ,  $SD=1$ ,  $Mo=3$ ). This result was not statistically significant ( $p>0.05$ ). Despite the fact that Acas (2015:41) stresses a need to keep accurate records of grievances in the workplace, the result could not refute or confirm the findings in the previous literature regarding the importance of maintaining grievance records. Equally important, approximately 40% of the police officers were not sure that lack of transparency in grievance handling leads to unprecedented delays in grievance resolution ( $M=3$ ,  $SD=1$ ,  $Mo=3$ ). Worth noting, this result was not statistically significant ( $p>0.05$ ). Although Underhill (2018:93) recommends that grievance

investigators need to maintain constant contact with the aggrieved employees as a way of enhancing transparency, this result failed to confirm or refute the previous findings in this regard.

The quantitative results of this study indicate that only 31% of the police officers are not sure that failure to handle grievances in a confidential manner influences grievance resolution in the SAPS ( $M=4$ ,  $SD=1$ ,  $Mo=3$ ). This result was not statistically significant ( $p>0.05$ ). Further, this quantitative result does not agree or disagree with the previous studies pertaining to the issues of confidentiality in grievance handling. Apart from this result, the qualitative findings, in particular the document analysis show that the principle of confidentiality is upheld in dealing with grievances, especially in grievance cases such as sexual harassment. In agreement with this finding, Arie (2015:34) states that confidentiality in grievance handling must be maintained with due regard to the wishes of the parties involved.

A considerable proportion (42%) of the police officers agreed that failure of a grievant to testify during grievance hearing causes unresolved grievances ( $M=4$ ,  $SD=1$ ,  $Mo=4$ ). Irish, Magadlha, Qhobosheane and Newham (2000) argue that a witness may withdraw from providing testimony pertaining to any matter under investigation due to intimidation or fear of reprisal. Since the aggrieved person's inability to provide testimony may affect grievance resolution, Acas (2015:25) suggest that the reasons for the witness' failure to provide evidence ought to be investigated.

About 49% of the police officers agreed that the complexity of the grievance matters or issues lead to unresolved grievances ( $M=4$ ,  $SD=1$ ,  $Mo=4$ ). This result confirms the findings in the previous literature that once the grievance matter has become more complex the more difficult it is to find a solution (Tjosvold & Morishima, 1990:540). In their study, Salipante and Bouwen (1990:20) found that when union representatives start engaging in the reformulation of grievances and distortion of facts, finding solutions to such grievances would remain a permanent challenge.

The quantitative results of this present study show that 44% of the police officers strongly agreed that refusal by SAPS to hear employee grievances is responsible for unresolved grievances (M=4, SD=1, Mo=5). The qualitative findings suggest that the SAPS allows employees a period of 120 days to report a grievance that is from the day they have become aware of the grievance matter. Further, the interviewees have pointed out that subject to valid reasons, a condonation may be granted to employees to file a grievance after a period of 120 days has lapsed. However, it also came out clear during interviews that the SAPS can oppose the application for grievance condonation. In this regard, Israelstam (2019) also note that employers are inclined to reject grievances that are valid and legitimate thus fueling tension in the workplace.

Lastly, the results divulge that 46% of the police officers strongly agreed that employee grievances remain unresolved in the SAPS because the institution fails to gather sufficient evidence to resolve grievances (M=4, SD=1, Mo=5). This result was sustained by the qualitative findings of this present study as interviewees revealed that inadequate information may not be helpful towards addressing employee grievances. Moreover, the interviewees felt that insufficient collection of evidence in relation to the grievance matter could stifle the grievance resolution processes. With regard to the collection of grievance evidence, Acas (2019:26) mentions that the information that has to be gathered in relation to the grievance issue included the information that may appear to be contradictory to the filed grievance matter. In this sense, the grievance investigator should not be unjustifiably selective or biased when gathering grievance evidence or information. These findings concur with attribution theory since employees tend to make attributions for causes of success or failure based on the distinctiveness, consensus and consistency of the observed phenomenon (Alony, 2014:59).

## **6.7 CONCLUSION**

This chapter has presented the results, finding and discussion on grievance handling in the SAPS especially in the Pretoria policing area. In relation to the nature of grievances in the SAPS, the above discussion has shown that grievances about promotions are the most prominent. In terms of post promotion processes, the issue of unfairness was raised

as a matter of concern. What stood out clearly is that unfair performance assessments do not seem to be reported frequently as grievances in the SAPS. Similarly, sexual harassment incidents are less reported as employee grievances. Some of the management factors were found to be contributing to a high rate of grievances in the SAPS, especially the autocratic supervisory conduct. Apart from management factors, the union representatives are instrumental in grievance filing although it appears as though they do not encourage resolution of grievances through informal processes. Based on this finding, it is evident that union factors do influence grievance filing. In contrast, environmental factors do not seem to contribute towards a high rate of grievances in the SAPS. Likewise, there were some uncertainties as to whether union-management relation factors could contribute to high levels of grievance filing.

The SAPS has a comprehensible grievance procedure that needs to be followed by all parties involved in grievance resolution including the aggrieved party. The empirical findings of this present study have shown that an aggrieved employee may informally discuss a grievance with the immediate supervisor in order to identify viable solutions. However, it has been noted that if the solution eludes the two parties, the matter needs to be referred to the grievance officer. In turn, the grievance officer has to conduct a thorough investigation and try to resolve the grievance. Further, if the grievance issue remains unresolved, it has to be escalated to the joint grievance resolution team (JGRT) and ultimately elevated to the internal mediator if unresolved. The mediator is not the final arbiter, because if the mediator within the SAPS does not address the grievance issue, the certificate of non-resolution is issued. From this point on, the matter can be referred to the Safety and Security Sectoral Bargaining Council. Nonetheless, lack of compliance with timelines remains a challenge since every phase of the grievance resolution process is tied to a specific timeline.

The preceding discussion above shows that in terms of the effectiveness of grievance mechanisms, there were interesting findings. At first, the employees' rights to be represented during the grievance hearings seem to be protected. Moreover, employees are assured of fairness and protection from victimisation and prejudice as per the



grievance procedure of the SAPS. As determinants of an effective grievance system, union representatives and the grievance managers as well as supervisors have to be competent and knowledgeable about the grievance procedure. The important stakeholders should be able to collect relevant information pertaining to the grievances filed in order to make informed decisions.

The findings of this study indicate that the grievance resolution process in the SAPS is hampered by numerous factors such as grievance handling style of applied by managers, the involvement of legal practitioners at the premature phase of the grievance resolution process, absence of impartiality or neutrality, complexity of grievance matter and failure to gather evidence concerning a grievance. Solutions to each of the challenges mentioned above have to be sought in order to ameliorate and expedite the grievance resolution process.

## **CHAPTER 7**

### **CONCLUSION AND RECOMMENDATIONS**

#### **7.1 INTRODUCTION**

The previous chapter has presented the results, findings and discussions on grievance handling in the SAPS. This chapter highlights the summary of major findings of the present study followed by conclusions based on the findings. Further, the theoretical implications are briefly highlighted in order to explain whether the two theories applied in this study are substantiated or contradicted by the findings of the study. The recommendations for implementation by the SAPS are presented in such a manner that they would be feasible, reasonable and practical. The contributions of the study are identified and explained in such a way that the possible beneficiaries of this study would be able to reap the lessons learned from the study. The final section of this chapter reflects on the possible areas for future research which can be explored by researchers and academics interested in grievance research.

#### **7.2 SUMMARY OF FINDINGS**

This section presents the main findings emanating from the study in line with the research objectives and questions. The first objective of this study was to determine the nature of grievance cases reported in the SAPS. In this with this research objective, the study has found that the most common grievance cases in the SAPS are concerned with post promotions, unpaid leave, transfers and unfair treatment. In that regard, the findings of the qualitative component of the study illustrate that post promotion are the primary sources of grievances in the SAPS. There are major concerns raised about issues of unfairness pertaining to the post-promotion criteria. Selected participants expressed concerns regarding nepotism and favouritism concerning post promotions. Although the Policy on Post Promotion and Grade Progression of the South African Police Service (2011) specifies the requirements for post promotion, it seems that more importance is put on the principles that guide promotion instead of observing the promotion requirements in terms of the policy provisions. In support of the qualitative findings on promotion, the Public Service Commission (2018:c:32) affirms that recruitment and

selection practices in the public service tend to be subjective, unfair and inconsistent. Astonishingly, the quantitative results were contradictory to the qualitative findings because the results show that the respondents disagreed that employee grievances in the SAPS focus on recruitment and selection or promotion to a higher rank. This variance in terms of responses could be attributed to the absence of information on the part of respondents whereas the participants would have first-hand knowledge concerning grievances because union representatives and grievances officers are the recipients of most grievance cases, particularly when the formal procedure is invoked.

The findings from the qualitative strand of the present study suggest that refusal to approve applications for transfer to another police station or unit is a source of grievances in the SAPS. This could be ascribed to several factors but for the purpose of this discussion, only two factors are worth noting that could influence the dismissal of application for transfers. Firstly, on the part of employees, it could be that employees are unable to offer adequate motivation and evidence to reinforce their applications for transfer to another station or police unit. Secondly, on the part of management, it is possible that the management of the SAPS may find it challenging to contend with workforce shortages that could arise due to transfers, whereby the necessary modifications may have to be made following the departure of an employee to another police station or unit. Consistent with this qualitative finding, the earlier study conducted by the Public Service Commission (2018c:18) shows that more than 1000 grievance case in the public service are linked with the rejection of applications for transfer or leave. In contrast to the qualitative findings, the quantitative results highlight that the respondents disagreed that grievance reported in the SAPS are concerned with refusal to approve application. This response could be that the respondents may not have experienced this type of a challenge and therefore could not consider the rejection of an application as one of the main grievance issues in the SAPS.

The quantitative results have revealed that the respondents were not sure whether grievances in the SAPS are concerned with unfair treatment such as demotion and suspension. This result appears to be inconsistent with the qualitative findings, which

confirm that unfair treatment is among the sources of grievances in the SAPS. The contradiction suggests that the police officials may have endeavoured to circumvent offering positive or negative responses without material evidence. Nevertheless, the qualitative finding is in harmony with the study conducted by the Public Service Commission, which discloses that unfair treatment of employees in the public service is responsible for various grievances reported in most government departments. In the same vein, Keashly and Neuman (2010:55) assert that anger and aggression could arise among employees when they start perceiving unfair treatment in their workplace.

The qualitative findings of this present study highlight that unpaid leave grievances are rife in the SAPS. In that regard, the interviewees pointed out that there are different reasons for unpaid leave. Firstly, some of the employees do not submit supporting documents when they apply for absence from work. Secondly, in some instances, employees choose to take leave before the application for leave could be approved. This resulted in a situation where their absence was captured as unpaid leave prompting members of the SAPS to file grievances after noticing their salaries were deducted. This finding was surprising since unpaid leave was never reported in previous studies as source grievances.

The second objective of the study was to identify and explain the factors that account for the high rate of grievances in the SAPS. In this regard, two management factors were used to establish whether they contributed to increased levels of grievances in the SAPS. Specifically, the management style and strict application of performance standards were utilised. Concerning the management style, the quantitative results revealed that the respondents agreed that autocratic supervisory behaviour contributes towards increased rate of grievances in the SAPS. The qualitative findings confirm that management style contributed to grievances in the SAPS. These findings agree with Rollinson and Dundon's (2007:187) argument that supervisors who initiate changes in the workplace without engaging in preliminary talks with employees or their representatives are prone to creating an environment for increased levels of grievances. With regard to the strict application of performance standards, the quantitative results revealed that the

respondents disagreed that grievances reported in the SAPS are prompted by strict application of high-performance standards. This result considerably varies from previous results reported in the literature. For example, Setsetse (2008:17-18) asserts that managers who pressurise their subordinates to perform highly in order to achieve institution targets are likely to receive an increased number of grievances.

The quantitative strand of this study tested the union factors in order to determine whether they contributed to increased levels of grievances in the SAPS. In fact, the results disclosed that the respondents were unsure that union policies that encourage written submissions of grievances contributed to increased number of grievances. While the results show that there were uncertainties regarding the issue raised above, Setsetse (2008:18) contends that increased grievance rates can be ascribed to union policies that encourage employees to register grievances in the workplace. Interestingly, the results confirm that the respondents agreed that employee grievances could be lower if shop stewards made efforts to address grievances through informal channels. This finding suggests that increased levels of grievances in the SAPS could be reduced considerably if the shop stewards or union representatives took deliberate measures to address grievances during the informal stage of grievance resolution process. The finding is confirmed by Bemmels and Foley's (1996:369) argument that when the shop stewards take purposeful measures to resolve employee grievances through informal processes, grievance rates could be reduced drastically.

The third objective of this study was to assess the procedures applied for handling grievances in the SAPS. Concerning the steps that are followed by the SAPS in resolving employee grievances, the quantitative results of this study showed that all the steps involved in employee grievance resolution are followed to some extent (see Table 6.7 mean for item 1,5,7,9). These findings indicate that there was modest conformity with the stipulations of the grievance procedure of the SAPS. Nevertheless, the qualitative findings show that the stakeholders who participate in grievance resolution within the SAPS do take rational measures to ensure that when grievances are filed, they do go through the essential stages as per the grievance procedure of the SAPS. Generally,

these findings were consistent with the guidelines provided by Bendix (2015) pertaining to steps that need to be followed when dealing with employee grievances. As a matter of fact, Bendix (2015:246-247) asserts that a grievance needs to go through multiple stages of grievances resolution, starting from step one, two, three, four and five, mediation and arbitration processes. Importantly, reports have to be submitted to the next level whenever the grievances are escalated explaining the reasons for failure to find a solution as noted by Erasmus, Swanepoel, Schenk, Van der Westhuizen and Wessels (2005:502-503). Besides, the quantitative results illustrate that the SAPS applies a formal grievance handling procedure that involves the shop stewards and supervisor. In this sense, it is clear that that the grievance resolution processes of the SAPS are inclusive since important stakeholders are seemingly not left out of the grievance resolution. This result is in line with the recommendations made by Nel, Swanepoel, Kirsten, Erasmus and Tsabadi (2005:240) regarding the steps in the grievance resolution process.

Concerning compliance with timelines when dealing with grievances, the quantitative results indicated that the SAPS complies with the timeframe only to a slight extent (see Table 6.7 mean for item 2,4,6,8). These results clearly show that adherence to timeframes at every phase of grievance resolution in the SAPS is minimal. In the same way, it appears that the issue of adhering to the timeframe is a major challenge facing the SAPS. The qualitative findings of this study have confirmed similar problems in relation to non-compliance with timeframes attached to each step of grievance resolution. The findings or results were found to be contrary to the provisions of the Grievance Procedure of the SAPS (2005). Moreover, non-compliance with timelines in terms of grievance resolution processes was found to be contradictory with the proposals by Bendix (2015:246-247) regarding timeframes.

The fourth objective of the study was to evaluate the effectiveness of the grievance mechanisms in the SAPS. To this end, numerous determinants of an effective grievance system were considered. The quantitative results have shown that a majority (64.5%) of respondents held a view that employees are granted an opportunity to be represented

by a colleague or shop steward during grievance hearing 'to a very large extent'. These results were corroborated by the qualitative findings, in particular the grievance procedure of the SAPS, which emphatically mentions that an aggrieved employee may elect to be represented by a colleague or union representative. The interviewees have reiterated unambiguously that union representatives play a crucial role as representatives of employees during the grievance resolution process. In that regard, Saundry, Antcliff and Jones (2008:20-21) accede that representation of employees during grievance hearings improves their rights to be heard even though some institutions tend to ignore employees' statutory rights to be represented.

This study had revealed that a substantial number (43.5%) of the respondents believed that the grievance procedure of the SAPS protects employees against victimisation, intimidation and prejudice after reporting a grievance 'to a very large extent'. This result needs to be treated with great care because the percentage is far below average despite the mode (Mo) of 5. Nevertheless, the qualitative findings support this result because the assessment of official documents express the employees' rights to have grievances redressed in a fair manner and without fear of victimisation and prejudice. In other words, should the aggrieved employees notice any form of victimisation, they have the right to report the matter within an institution. Worth noting, Polster (2011:658) reports that it is usual for employees who file grievances to be victimised or prejudiced. For this reason, Daley (2007:288) mentions that formal rights to report grievances in the institutions tend to be less useful if employees are penalised for using their rights.

The study has shown that only 34.3% of the survey respondents subscribed to the view that managers or supervisors were competent to 'some extent' in handling employee grievances. This result was strongly supported by some qualitative findings because the interviewees stated that managers and supervisors were exposed to the necessary training regarding handling of employee grievances but fervently said that some of the managers or supervisors appear to be negligent in their approach to employee grievances. As suggested by Daud, Isa, Nor & Zainol (2013:125) it is crucial for managers to receive regular training on grievance handling in order to improve their

competencies, knowledge and capacity to handle employee grievances in the workplace. In addition, Geetika, Ghosh, Rai, Joshi and Singh (2014:144) point out that the managers' ability to handle employee grievances can influence the grievance resolution processes enormously.

The result of this study has shown that approximately 31.8% of the survey respondents indicated that shop stewards were competent about grievance handling 'to some extent'. This result was supported by the qualitative findings because some of the interviewees mentioned that union representatives or shop stewards are knowledgeable about the grievance handling processes since they are able to assist aggrieved employees. Nevertheless, the interviewees emphasised that union representatives needed to improve in some areas of grievance handling and should read or research about grievances reported. They felt that by so doing, union representatives might be able to prevent the submission of incomplete documents that are not signed by parties to the grievance. In order to improve the competencies of the union representatives, Bendix (2015:249) recommends that shop stewards have to receive extensive training about grievance resolution mechanisms in the workplace.

The last research objective was to investigate the causes of unresolved grievances in the SAPS. In line with the objective, several findings were made. Firstly, the result showed that at least 35% percent of the police officers strongly agreed that the involvement of the legal service team in grievance resolution processes was responsible for unresolved grievances in the SAPS. Even though the responses were highly dispersed as per standard deviation (SD) of 2, this result was supported by the qualitative findings in which case the interviewees stressed that involving legal representatives in grievance resolution tends to confuse grievance issues. These findings lend support to the previous findings in the literature, as Mzangwa (2012:115) stresses that institutions can muddle the grievance resolution processes if they opt to involve legal representatives during premature stages of grievance resolution. However, Walker and Hamilton (2015:142) contend that the participation of legal representatives could be



beneficial if such legal representatives endeavour to help concerned parties to attain a harmonious solution to the grievance.

Secondly, the quantitative results reveal that at least 31% of the police officers agreed that lack of impartiality by grievance officers contributed to unresolved grievances in the SAPS. As per standard deviation (SD) of 3, the responses were extremely dispersed. However, the qualitative findings of this present study reinforced this result since the interviewees accentuated the need for people who are responsible for resolving grievances to remain impartial. In other words, grievance officers and other persons tasked with the responsibility of resolving grievances should attempt to remain neutral and not conflicted when addressing grievances. According to Van Gramber and Teicher (2006:202), it can be extremely difficult for grievance officers to uphold neutrality and impartiality when addressing grievances due to the prevailing hierarchical relationship with parties involved in the grievance. Further, Clayton (2019) explained that impartiality does not imply that a third party must not have an opinion concerning matters under consideration, but such a person ought to be detached from the issues. In other words, a third party must not have a personal or pecuniary interest in grievance issues.

Thirdly, a considerable proportion (42%) of the police officers agreed that the failure of the grievant to testify during a grievance hearing caused unresolved grievances in the SAPS. Concerning the issue of witnesses, Irish, Magadlha, Qhobosheane and Newham (2000) postulated that witnesses might withdraw from providing testimony pertaining to any matter under investigation due to intimidation or fear of reprisal. Since the aggrieved person's inability to provide testimony could affect grievance resolution, Acas (2015:25) proposed that an inquiry into the reasons for the witness' failure to provide evidence must be undertaken.

Lastly, the results divulged that 46% of the police officers strongly agreed that employee grievances remain unresolved in the SAPS because the SAPS failed to gather sufficient evidence to resolve grievances. This result was corroborated by the qualitative findings of this present study as interviewees disclosed that inadequate information cannot be

instrumental in resolving employee grievances. Furthermore, the interviewees felt that inadequate collection of evidence concerning grievance matters could asphyxiate the grievance resolution processes. Regarding the collection of grievance evidence, Acas (2019:26) comments that the information that has to be collected about the grievance issue includes the information that may seem to be contradictory to the reported grievance matters. In other words, grievance investigators should not be unreasonably selective or biased when collecting grievance evidence.

### **7.3 CONCLUSIONS**

The primary aim of this study was to determine the causes of the high rate of grievances and unresolved grievances in the Pretoria policing area of the SAPS. With regard to the causes of grievances in the SAPS, the findings presented in this study indicate that the most prominent sources of grievances are post promotions, unpaid leave, rejection of applications for transfers and unfair treatment. As far as post promotions are concerned, it seems there is a growing concern about unfairness and subjectivity or biasness in the allocation of promotions in the SAPS. The evidence from this study suggests that unpaid leave grievances were rife in the SAPS. These type of grievances emanated because some employees submitted incomplete applications for absence from work while some employees completed and submitted all documents as per procedure but chose to take leave before approval. Ultimately, the absences are captured as unpaid leave. There is a good probability that this could be a result of negligence or lack of knowledge regarding the consequences of not complying with regulations that govern leave. The rejection of applications for transfer from one station or unit to another could be as a result of stringent conditions set by the SAPS before application for transfer could be accepted. Concerning the issue of unfair treatment, which is reported as a grievance case in the SAPS, it could be due to individual perceptions and external attributions that are constantly made by employees when a challenge arises.

The results of this study have confirmed that autocratic supervisory behaviour, as a managerial factor, does contribute to increased levels of grievances in the SAPS. This could be attributed to the fact that the SAPS is a paramilitary institution where employees

have to comply with instructions and complain later. Another factor that was found to contribute to the high rate of grievances was a union factor, whereby union representative does not seem to be interested in resolving grievances informally. Perhaps this could be an indication that the union representatives are less involved in addressing grievances through informal processes. Based on the evidence from this study, it could be argued that management and union factors are the main contributors to the high rate of grievances in the SAPS.

In term of the procedures followed by the SAPS to address employee grievances, the study found that the SAPS has a clear grievance procedure which allows employee grievances to be escalated in chronological order until the final internal phase of the grievance resolution process. The grievance resolution phase of the SAPS is clearly tied to specific timeliness although it was found that compliance with timelines is a concern. Indeed, it could be extremely difficult for an institution to resolve grievance issues that are complex. For that reason, a set timeframe for each phase could lapse without feedback. At the same time, there is a good probability that if an employee has a strong grievance case against an employer, delaying tactics might be used to frustrate the aggrieved employee.

Evidence emanating from this study strongly highlights that the SAPS does all which is possible to ensure that aggrieved employees are represented in a grievance hearing. This could be seen as a gesture towards enhancing the democratisation of the workplace where an employee's right to be heard and represented is strictly upheld. The managers and union representatives were, according to the findings, competent to some extent with regard to grievance handling. In other words, their capability to handle employee grievances is not at an advanced level. This is an indication that there is room for improvement if both the managers and union representatives could be subjected to further training and development, particularly on grievance handling.

This study discovered that unresolved grievances in the SAPS are due to the involvement of legal representatives. Invoking legal opinion during the preliminary stages

of grievance resolution frustrates the process and creates unprecedented delays. It would seem that this tactic is employed by an employer to wind time when an employee has presented strong arguments to strengthen a grievance issue. Lack of impartiality on the part of individuals who are charged with the responsibility of resolving grievances appears to be a challenge in the SAPS. It is unlikely that someone who is conflicted or biased would be expected to arrive at an objective finding when dealing with grievances. Apart from the two matters raised above, failure to collect sufficient evidence concerning grievance cases does stifle the grievance resolution process. In this regard, it can be firmly argued that a lack of grievance investigation plan can easily result in a situation where incomplete evidence is gathered. This can result in poor decisions by managers in the institution. Similarly, the absence of a grievance investigation plan suggests that a grievance investigation report would lack accurate and relevant details. Regardless of the challenges experienced in grievance handling, the SAPS has the capacity and resources to turn the situation around thereby improving the present state of affairs concerning grievances.

#### **7.4 IMPLICATIONS FOR EXISTING THEORIES**

The findings of the present study validate and substantiates both attribution and expectancy theories. The study has shown that indeed employees are prone to making either internal or external attributions so as to identify the origin of their grievances, which is in line with the attribution theory. Additionally, attribution theory provides insight concerning how individual employees could make attributions about factors that influence the high rate of employee grievances in the workplace. With regard to the expectancy theory, it demonstrates that after employees have lodged grievances in the workplace there is that belief that when managers put efforts in dealing with grievances, desired outcomes would follow (expectancy). In the same vein, there is also a view, which is in line with the basic assumption of expectancy theory that successful resolution of employee grievances would be valuable to both the employees and the institution.

## 7.5 RECOMMENDATIONS FOR IMPLEMENTATION

Based on the findings and discussion in this study, several recommendations for implementation by the SAPS are presented hereunder.

- With regard to grievances related to promotions, it is recommended that the SAPS management should consider revising the current promotion policy. In particular, this can be done by infusing the principles for post promotion and the requirements for post promotion. This would create clear selection criteria that could be used to promote employees in the SAPS. Moreover, the SAPS management needs to ensure that the principle of fairness and suitability are upheld in post promotions. In other words, it is vital for the SAPS to ensure that individuals are promoted to positions based on their competency, skills, knowledge and qualifications. In this regard, allegations of favouritism or nepotism need to be investigated.
- Since the findings of this study revealed that employees in the SAPS frequently report unpaid leave grievances. What happens is that employees tend to submit incomplete documents when applying for absence from work. Besides, the findings have shown that some of the employees opt to take leave prior to the approval of the application for absence. Subsequently, the absence is captured as unpaid leave but affected employees respond by lodging grievances when deductions are made from their salaries. For the reasons stated above, employees of the SAPS need to be workshopped about the policies and procedures for applying for official leave or absence from work. In the same way, procedures and processes that are involved in applying for leave ought to be accessible to all employees of the SAPS. Equally important, employees must be made aware of the implications for failure to adhere to procedures and processes when applying for absence from work or leave.
- In order to minimise grievances concerning the rejection of applications for transfer, the SAPS management needs to consider revising the employee transfer policy. Specifically, the SAPS management needs to adjust the conditions for

granting transfers to applicants. However, the SAPS needs to ensure that a complete investigation is undertaken to establish the veracity of the reasons for which a transfer is sought. This should be done within the shortest possible period and inform the applicant of the final outcome. Investigating the reasons for seeking a transfer would allow the SAPS to determine the strength of the application. At the same time, this suggests that employees who apply for direct transfers to other stations, units or provinces would have to submit comprehensive memorandums detailing the reasons for such applications. In this sense, supporting documents or evidence pertaining to the application would have to be attached. The process for assessing applications for transfers would have to be tied to specific timelines to prevent frustrations and stress due to unreasonable delays. Before making adjustments to the current policy on employee transfer and procedures, the SAPS management needs to assess the policy and identify aspects of the policy that seem to impede application for transfer and address them decisively. Reasons for declining applications for transfer should not be controversial or disputable.

- The SAPS management should make efforts to minimise unfair treatment grievances by affording supervisors and subordinates opportunities to attend workshops on interpersonal relation skills, emotional skills and conflict management in the workplace.
- The SAPS needs to enhance adherence to timelines when addressing grievances received at any level within an institution. By so doing, this would improve employees' confidence in the grievance mechanism of the SAPS. Moreover, it would be important for the SAPS to ensure that individuals who are charged with the responsibility of resolving employee grievances are qualified, knowledgeable and competent in grievance handling. Additionally, these individuals should be subjected to regular training concerning employee grievances and labour statutes.

- It is pivotal for the SAPS to guard against the involvement of legal practitioners in the early stages of grievance handling. Apart from preventing deadlocks in grievance resolution, this would minimise tension and adversarial environment in the resolution processes.
- Grievance officers as instigators into employee grievances have to encourage witnesses to testify and obtain their statements. If there are witnesses who cannot provide testimony for fear of reprisal, this must be recorded in the investigation report compiled by the grievance officer. Subsequent, the senior management of the SAPS should deal with this concern as a matter of urgency. This would be an alternative way of enhancing confidence in the grievance system of the SAPS.
- The SAPS should be more flexible in terms of granting condonation in order to allow employees to report grievances that are older than 120 days from the day the affected employees became aware of such grievances. This would be a reflection of an extensively democratised workplace.
- A final recommendation is that the SAPS management should strive to ensure that when grievances are reported, relevant and accurate information is gathered concerning a grievance to ensure those grievance resolutions are predicated on facts.

## **7.6 SUMMARY OF CONTRIBUTIONS**

This section highlights the noteworthy contributions that can be drawn from the empirical findings of this present study. First, the theoretical contribution to the understanding of grievance issues is stated. Secondly, the methodological contribution of the study is highlighted. Thirdly, the value of this study to the multiple beneficiaries of this research project is explained.

***Theoretical contribution*** – this study has made some important theoretical contributions by invoking two distinct theories in grievance handling, thus, attribution and

expectancy theories. In the first instance, attribution theory was used to explain how employees formulate grievance. In that regard, attribution theory has clearly shown that more often employees make external attributions in order to justify their grievances. In fact, without external attributions, employees would definitely not file grievances in the workplace. On the other hand, the expectancy theory was applied in this study to explain that when employees lodge grievances, they would expect the outcomes for their efforts, irrespective of whether such outcomes are negative or positive. At the same time, employees would expect that those who are responsible for grievance handling in the institution would exert the necessary effort to resolve grievances. This explains that aggrieved employees attach value to the outcomes of the grievance resolution process. Equally important, expectancy theory is used to explain a view that aggrieved employees would expect desired outcomes of a well-executed grievance resolution process.

***Methodological contribution*** – after an extensive assessment of the previous grievance literature in terms of methods used to investigate grievance issues, the researcher observed that the mixed methods research was scarcely applied. Specifically, no evidence suggested that the concurrent mixed methods research was utilised in the previous grievance research. For this reason, the use of concurrent mixed methods, particularly survey questionnaire, interviews and document study or analysis makes this research unique in terms of methodological application.

The empirical findings of this dissertation have some benefits that are worth noting for the various stakeholders. Firstly, the focus is on the value of this study for employees in the SAPS. Secondly, the concentration is on the value of the study for the management of the SAPS. Thirdly, the focus is on the value of the study for union representatives within the SAPS. Finally, the value of the empirical findings for grievance officers is highlighted.

Based on this study, the employees of the SAPS would learn a great deal about the grievance procedure and how it can be invoked when grievance issues arise. Employees are likely to understand the roles of various stakeholders involved in the grievance



resolution process and engage with them when necessary. Individual employees would also benefit from realising the fact that the aggrieved employee is the main witness in a grievance case, suggesting that such an employee would need to gather strong evidence and be willing to provide oral testimony when called upon to do so. At the same time, employees of the SAPS would need to learn to raise concerns about noncompliance with timelines at any stage of the grievance resolution in consultation with other key role players within the institution.

As far as senior managers and supervisors, their study serves to raise awareness about the most common grievances as well as factors that contribute to increased levels of grievances in the SAPS while identifying obstacles in the grievance resolution mechanism. For these reasons, the senior managers and supervisors would most probably appreciate the importance of addressing grievances informally before they could be escalated to the next levels of the grievance resolution process. This study presents an opportunity for managers and supervisors to learn about a need to familiarise themselves with grievance issues reported by their subordinates in order to gain insight into such grievances. Besides, managers and supervisors would learn to value the significance of dealing with employee grievance issues without any biasness or conflict of interest.

The findings of this study would give trade unions and their representatives an opportunity to re-evaluate their role and strategically reposition themselves in relation to grievance handling. For example, union representatives or shop stewards would have to approach grievances with a great degree of circumspection thereby gathering sufficient information concerning grievance cases. This suggests that union representatives would have to read and research extensively about grievances reported by employees. In the same vein, union representative would have to collect information that is pertinent to the grievance cases in order to establish whether the merits of the grievance matter are weak or strong. Based on information obtained, the union representatives would be able to advise the aggrieved employee about the strength of the grievance issue.

The finding of the present study sensitises the grievance officers to recognise the value of maintaining impartiality and confidentiality when handling employee grievances. Most importantly, grievance officers are presented with a unique opportunity to understand the reasons for gathering adequate evidence pertaining to grievances and compilation of comprehensive reports thereof. To this end, grievance officers would have to develop a clear grievance investigation plan which outlines the terms of reference and timelines, policies and procedures followed, issues that need to be explored, sources of evidence to be gathered, and witnesses to be interviewed. A clear grievance investigation plan could assist the grievance officer in compiling a comprehensive grievance report. Interestingly, the study offers grievance officers an opportunity to appreciate the need to ensure that aggrieved employees are not subjected to covert or overt victimisation and prejudice after filing a grievance.

## **7.7 SUGGESTIONS FOR FUTURE RESEARCH**

Based on the assessments of the findings of this study and the processes that were involved, there are three interesting suggestions for future research as identified and described below.

- First, this present study has applied concurrent mixed methods research to attain the primary aim of the study. Unfortunately, although this specific variant of mixed methodology is useful and saves time, the researcher noted that the concurrent mixed methods do not allow the researcher an opportunity to identify gaps in data collected through either quantitative or qualitative methods. This implies that gaps that would be noticed after analysis of data collected through the abovementioned approach, could be difficult to bridge after collection and analysis. For this reason, the researcher suggests that there is a need to make explanatory sequential mixed methods or exploratory sequential mixed methods in future studies particularly in the field of public administration. At least, these two variants of mixed methods allow the researcher to collect either quantitative or qualitative data, analyse, interpret the results or findings and identify the gaps in data that would be addressed through the second phase of data collection either through the qualitative or quantitative method.

- Second, the present study did not present any significant findings concerning the efficacy of grievance mediations and grievance arbitration in the SAPS. These two aspects of grievance resolution seem to be broad that warrant a separate study. For this reason, it is suggested that future researchers need to embark on research in order to investigate the effectiveness of these strategies in the grievance resolution process as a way of building upon the findings of this study.
- Finally, this present study has investigated the causes of unresolved grievances, but it did not consider exploring the correlations between unresolved grievances and work-related pathologies such as absenteeism, stress and poor work performance. Therefore, it is recommended that future studies should be conducted with the primary goal of establishing whether there is a correlation between unresolved grievances in the SAPS and work stress or absenteeism or poor performance.

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## ANNEXURES

### Annexure A: Permission to conduct research in the SAPS



Privaatsak Private Bag X94	Pretoria 0001	Faks No. Fax No.	(012) 334 3518
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Your reference/uj verwysing:

My reference/my verwysing: 3/34/2

THE HEAD: RESEARCH  
SOUTH AFRICAN POLICE SERVICE  
PRETORIA  
0001

Enquiries/Navrae: Lt Col Joubert  
AC Thenga  
Tel: (012) 393 3118  
Email: JoubertG@saps.gov.za

**APPROVED**

P Hlongwane  
UNIVERSITY OF LIMPOPO

**RE: PERMISSION TO CONDUCT RESEARCH IN SAPS: HANDLING OF GRIEVANCES IN THE SOUTH AFRICAN POLICE SERVICE (SAPS): A CASE OF PRETORIA POLICING AREA: UNIVERSITY OF LIMPOPO: DOCTORATE DEGREE: RESEARCHER: P HLONGWANE**

The above subject matter refers.


You are hereby granted approval for your research study on the above mentioned topic in terms of National Instruction 1 of 2006.

Further arrangements regarding the research study may be made with the following office:

The Provincial Commissioner: Gauteng:

- **Contact Person:** Lt Col Etsebeth
- **Contact Details:** (011) 547 9131
- **Email Address :** etsebethj@saps.gov.za
- **Contact Person:** Intern Nenzhelele
- **Contact Details:** (011) 547 9131

Kindly adhere to paragraph 6 of our attached letter signed on the 2020-02-18 with the same above reference number.

  
MAJOR GENERAL  
THE HEAD: RESEARCH  
DR PR VUMA

DATE: 2020-03-24

## Annexure B: Ethics clearance certificate



**University of Limpopo**  
Department of Research Administration and Development  
Private Bag X1106, Sovenga, 0727, South Africa  
Tel: (015) 268 3935, Fax: (015) 268 2306, Email: anastasia.ngobe@ul.ac.za

**TURFLOOP RESEARCH ETHICS COMMITTEE**  
**ETHICS CLEARANCE CERTIFICATE**

**MEETING:** 05 February 2020

**PROJECT NUMBER:** TREC/09/2020: PG

**PROJECT:**

**Title:** Handling of grievances in the South African Police Service: A case of Pretoria Policing Area  
**Researcher:** P Hlongwane  
**Supervisor:** Prof MP Sebola  
**Co-Supervisor/s:** N/A  
**School:** Economics and Management  
**Degree:** PhD in Public Administration

**PROF P MASOKO**  
**CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE**

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**

**Note:**

- i) This Ethics Clearance Certificate will be valid for one (1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee, together with the Application for Amendment form.
- iii) PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

## Annexure C: Survey questionnaire

### FACULTY OF MANAGEMENT AND LAW

#### Department of Public Administration

#### Title of the study:

#### Grievance handling in the South African Police Service: A case of Pretoria Policing Area.

Dear respondent

You are invited to participate in an academic research study conducted by Mr P Hlongwane, a Doctoral candidate at the University of Limpopo (UL).

The aim for this study is to determine the causes of the high rate of grievances and unresolved grievances in the Pretoria policing area of the SAPS. The information gathered will provide better comprehension of how the employees within the South African Police Service think about the causes of grievances and unresolved grievance.

Please note the following:

- This study involves an anonymous survey. Your name will **not** appear on the questionnaire and the answers you give will be treated as strictly confidential. You cannot be identified based on the answers you give. [Kindly note that consent cannot be withdrawn once the questionnaire is submitted as there is no way to trace the particular questionnaire that has been filled out.]
- Your participation in this study is very important to us. You may, however choose not to participate and you may also stop from participating at any time without negative consequences.
- Please answer the questions in the attached questionnaire as completely and honestly as possible. This should not take more than 20 minutes of your time.
- The results of the study will be used for academic purposes only and may be published in an academic journal. We will provide you with a summary of our findings on request.
- You can contact me Mr Hlongwane Paulus at [dvdset@yahoo.com](mailto:dvdsset@yahoo.com) , if you have any questions or comments regarding the study.

## SECTION A: BIOGRAPHICAL DATA

Please indicate the following

1. Gender

Male	Female
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2. Race

1 Black	2 Coloured	3 Indian	4 White
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3. Rank

1 Constable	2 Sergeant	3 Warrant officer	4 Captain	5 Lieutenant Colonel	6 Colonel
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4. Length of service at the South African Police Service.

1 0–5 years	2 6–10 years	3 11–15 years	4 16–20 years	5 +20 years
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## SECTION B: NATURE OF EMPLOYEE GRIEVANCE CASES IN THE SAPS

Please answer the following questions by marking the number that corresponds with your opinion (1-5). Mark your option with **X**

1	2	3	4	5
Strongly disagree	Disagree	Not sure	Agree	Strongly agree

1	Dissatisfaction with performance assessments is reported as a grievance in the SAPS	1	2	3	4	5
2	Unequal salary for the same job responsibilities is reported as a grievance in the SAPS	1	2	3	4	5
3	Grievances in the SAPS are concerned with unfair treatment such as demotion and suspension	1	2	3	4	5
4	Sexual harassment grievances are often reported by employees in the SAPS	1	2	3	4	5

5	Employee grievances in the SAPS are concerned with employer's defamatory and false information	1	2	3	4	5
6	Employee grievances in the SAPS focus on recruitment and selection or promotion to higher rank	1	2	3	4	5
7	Grievances reported by employees in the SAPS are concerned with refusal to approve application	1	2	3	4	5
8	Unrealistic performance targets for employees are a source of grievances in the SAPS	1	2	3	4	5
9	Grievances related to bullying are frequently reported in the SAPS	1	2	3	4	5
10	Forced overtime work is formally reported by employees as a grievance in the SAPS	1	2	3	4	5

### SECTIONC: FACTORS THAT ACCOUNT FOR HIGH RATE OF GRIEVANCES IN THE SAPS

Please answer the following questions by marking the number that corresponds with your opinion (1-5). Mark your option with **X**

1	2	3	4	5
Strongly disagree	Disagree	Not sure	Agree	Strongly agree

1	Autocratic supervisory behaviour could be attributed for high rate of grievances in the SAPS	1	2	3	4	5
2	Grievances reported in the SAPS are influenced by strict application of high performance standards	1	2	3	4	5
3	Availability of alternative jobs in the labour market influences employees' tendency to report grievances	1	2	3	4	5
4	Unpleasant working conditions and change of operational methods lead to increased grievances	1	2	3	4	5
5	Union policies that encourage written submission of grievances contribute to increased number of grievances	1	2	3	4	5
6	Employee grievances could be lower if shop stewards attempted to address grievances through informal channels	1	2	3	4	5
7	Employee are easily influenced by shop stewards to file grievances in the SAPS	1	2	3	4	5
8	Employee's education and skill levels are determinants of reporting grievances in the SAPS	1	2	3	4	5
9	Cooperation between the SAPS management and the union leadership determines the number of grievance are filed in the institution	1	2	3	4	5
10	Unions use grievances reported to force the SAPS management to agree to their demands and wishes	1	2	3	4	5

## SECTION D: PROCEDURES APPLIED FOR HANDLING GRIEVANCES IN THE SAPS

Please answer the following questions by marking the number that corresponds with your opinion (1-5). Mark your option with **X**

1	2	3	4	5
Not at all	To a slight extent	To some extent	To a large extent	To a very large extent

1	The SAPS applies an informal grievance handling procedure which is clear, fair and transparent	1	2	3	4	5
2	The informal grievance resolution procedure of the SAPS ensure that grievances are addressed within 24hours of receipt	1	2	3	4	5
3	The SAPS applies a formal grievance handling procedure which include shop stewards, supervisors	1	2	3	4	5
4	During the second step, which is a formal grievance resolution in the SAPS, grievances are addressed within 48 hours	1	2	3	4	5
5	The SAPS does apply a third step in grievance resolution whereby a grievance committee is appointed to investigate a grievance.	1	2	3	4	5
6	During the third step of grievance resolution the SAPS ensures that grievances are resolved within 96 hours of reporting.	1	2	3	4	5
7	The SAPS applies a fourth step in grievance resolution whereby a committee made of labour relation officers, shop stewards and senior managers is convened to deal with grievances	1	2	3	4	5
8	During the fourth step of grievance resolution the SAPS ensures that grievances are resolved with 168 hours	1	2	3	4	5
9	The SAPS applies the fifth step in grievance resolution which includes the top management of the institution	1	2	3	4	5
10	The grievance procedure of the SAPS provides for mediation of employee grievances	1	2	3	4	5
11	The SAPS affords employees an opportunity to choose mediators	1	2	3	4	5
12	In the SAPS, employee grievance mediators act in an advisory and conciliatory manner	1	2	3	4	5
13	The grievance procedure provides for grievance arbitration if mediation fails	1	2	3	4	5
14	The SAPS recognises the binding decisions of employee grievance arbitrator	1	2	3	4	5

15	The employee grievance arbitration process of the SAPS provides an opportunity for parties involved to present evidence	1	2	3	4	5
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## SECTION E: THE EFFECTIVENESS OF THE GRIEVANCE HANDLING MECHANISM IN THE SAPS

Please answer the following questions by marking the number that corresponds with your opinion (1-5). Mark your option with **X**

1	2	3	4	5
Not at all	To a slight extent	To some extent	To a large extent	To a very large extent

1	Employees are given an opportunity to be represented by a colleague or shop steward during grievance hearings	1	2	3	4	5
2	The SAPS complies with time frames for each step of the grievance resolution procedure	1	2	3	4	5
3	The grievance procedure of the SAPS protects employees against victimisation, intimidation and prejudice for reporting a grievance	1	2	3	4	5
4	The grievance resolution mechanism of the SAPS is accessible to all employees	1	2	3	4	5
5	Managers or supervisors are competent and knowledgeable about employee grievance handling	1	2	3	4	5
6	Shop stewards are competent and knowledgeable about grievance handling	1	2	3	4	5
7	In the SAPS, employee grievances are handled in a fair and just manner	1	2	3	4	5
8	There is consistency in the application of employee grievance handling mechanisms in the SAPS	1	2	3	4	5

## SECTION F: CAUSES OF UNRESOLVED GRIEVANCES IN THE SAPS

Please answer the following questions by marking the number that corresponds with your opinion (1-5). Mark your option with **X**

1	2	3	4	5
Strongly disagree	Disagree	Not sure	Agree	Strongly agree

1	The grievance handling style (dominating style) could be attributed to for unresolved grievances in the SAPS	1	2	3	4	5
---	--	---	---	---	---	---

2	The involvement of legal service team in grievance resolution processes is responsible for unresolved grievances in the SAPS	1	2	3	4	5
3	Lack of impartiality by grievance officers contributes of unresolved grievances	1	2	3	4	5
4	Failure to keep written records causes unresolved grievances	1	2	3	4	5
5	Lack of transparency in grievance handling leads to unprecedented delays in grievance resolution	1	2	3	4	5
6	Failure to handle grievances in a confidential manner influences grievance resolution in the SAPS	1	2	3	4	5
7	Failure of grievant to testify during grievance hearing causes unresolved grievances	1	2	3	4	5
8	Complexity of the grievance matters or issues lead to unresolved grievances	1	2	3	4	5
9	Refusal by SAPS to hear employee grievances is responsible for unresolved grievances	1	2	3	4	5
10	Employee grievances remain unresolved in the SAPS because the institution fails to gather sufficient evidence to resolve grievances	1	2	3	4	5

<b>Do you think there are high rates of grievances and unresolved grievances in the SAPS</b>	<b>1</b>	<b>0</b>
	<b>Yes</b>	<b>No</b>

**THANK YOU FOR COMPLETING THIS QUESTIONNAIRE.**



## **Annexure D: Interview schedule for grievance officers**

### **INTERVIEW SCHEDULE FOR GRIEVANCE OFFICERS/LABOUR RELATION OFFICERS**

#### **NATURE OF GRIEVANCE CASES IN THE SAPS**

1. In your opinion, what type of grievances do employees in the SAPS report?
2. To what extent do you think these type of grievances are rife in the SAPS?
3. What type of employee grievances do you frequently receive as a grievance officer?

#### **FACTORS THAT ACCOUNT FOR HIGH RATE OF GRIEVANCES IN THE SAPS**

4. In your view, what do you think are the factors that influence high grievance rate in the SAPS?
5. To what extent do you think union representatives can influence employee's attitude towards filing a grievance?
6. To what degree do you think employees' gender influences their attitude towards grievance reporting in the SAPS?

#### **PROCEDURES APPLIED FOR HANDLING GRIEVANCES IN THE SAPS**

7. Would you please explain the procedure followed by the SAPS in addressing employee grievances?
8. What are the time frames for resolving employee grievances applicable to each phase of grievance handling process?
9. What is the position of the SAPS regarding the usage of grievance arbitration in handling employee grievances?

#### **THE EFFECTIVENESS OF GRIEVANCE HANDLING MECHANISM IN THE SAPS**

10. To what extent does SAPS apply grievance mediation in resolving employee grievances?
11. How does the SAPS ensure that a grievant is represented during grievance hearings?
12. To what extent do you think shop stewards are competent and knowledgeable about employee grievance handling?
13. How does the SAPS ensure that a grievant is protected against victimisation, intimidation and prejudice after filing a grievance?

#### **CAUSES OF UNRESOLVED GRIEVANCES IN THE SAPS**

14. Which management style do you think could be attributed to for unresolved grievances in the SAPS?

15. To what extent do you think collection of insufficient evidence regarding a grievance affects grievance resolution in the SAPS?
16. To what extent do you think impartiality in grievance handling affects resolution of employee grievances in the SAPS?
17. Do you have any comment concerning our conversation?

**THANK YOU FOR PARTICIPATING**

## **Annexure E: Interview schedule for shop stewards**

### **INTERVIEW SCHEDULE FOR SHOP STEWARDS/UNION REPRESENTATIVES**

#### **NATURE OF GRIEVANCE CASES IN THE SAPS**

1. In your opinion, what type of grievances do employees in the SAPS report?
2. To what extent do you think these type of grievances are rife in the SAPS?
3. What type of employee grievances do you frequently receive as a shop steward?

#### **FACTORS THAT ACCOUNT FOR HIGH RATE OF GRIEVANCES IN THE SAPS**

4. In your view, what do you think are the factors that influence high grievance rate in the SAPS?
5. To what extent do you think supervisors' behaviour can influence employee's attitude towards filing a grievance?
6. To what degree do you think strict application of management policies influence grievances reported in the SAPS?

#### **PROCEDURES APPLIED FOR HANDLING GRIEVANCES IN THE SAPS**

7. Would you please explain the procedure followed by the SAPS in addressing employee grievances?
8. What are the time frames for resolving employee grievances applicable to each phase of grievance handling process?
9. How does the SAPS ensure that employee grievances are handled in a fair, just and transparent manner?

#### **THE EFFECTIVENESS OF GRIEVANCE HANDLING MECHANISM IN THE SAPS**

10. To what extent does SAPS comply with time frames during grievance handling process?
11. To what extent are SAPS managers or supervisors competent and knowledgeable about employee grievance handling?
12. How does the SAPS ensure that the grievance handling mechanism is accessible to all employees?
13. What measures that are taken by the SAPS to protect employees against victimisation, intimidation and prejudice after reporting a grievance?

#### **CAUSES OF UNRESOLVED GRIEVANCES IN THE SAPS**

14. In your view, which management style can affect or impede speedy resolution of grievances in the SAPS?
15. To what extent do you think the use of legal services by the SAPS in handling employee can affect grievance resolution?

16. To what extent do you think the arbitrator or mediator's lack of power to subpoena witnesses can affect employee grievance resolution?
17. Do you have anything to add in relation our conversation?

**THANK YOU FOR YOUR PARTICIPATION**

## Annexure F: Statistician confidentiality agreement



### Statistician Confidentiality Agreement

#### Handling of grievances in the South African Police Service: A case of Pretoria Policing Area

Mr Paulus Hlongwane, Doctoral candidate in the Department of Public Administration, University of Limpopo, is undertaking this research. The primary aim for this study is to determine the causes of the high rate of grievances and unresolved grievances in the Pretoria Policing Area of the South African Police Service.

As a Statistician of this research, I understand that I will be working on raw or electronic data. The information concerned has been gathered through a questionnaire from the respondents who agreed to participate in this research on the condition that their responses would remain anonymous and strictly confidential. I understand that I have a responsibility to honour this confidentiality agreement.

I agree not to share any information regarding the questionnaire responses, about any party, with anyone except the researcher of this project. Any violation of this and the terms detailed below would constitute a serious breach of ethical standards and I confirm that I will adhere to the agreement in full.

I, K. MALAMPALA agree to:

1. Keep all the research information shared with me confidential by not discussing or sharing the research information in any form or format (e.g., disks, tapes, transcripts) with anyone other than the researcher(s).
2. Keep all research information in any format or form (e.g., disks, tapes, transcripts) secure while it is in my possession.
3. Return all research information in any form or format (e.g., disks, tapes, transcripts) to the researcher(s) when I have completed the research tasks.
4. After consulting with the researcher(s), erase or destroy all the research information in any form or format regarding this research project that is not returnable to the researcher(s) (e.g., information stored on computer hard drive).

Statistician:

K. Malampala  
(print name)

(signature)

10/12/2020  
(date)

Researcher:

Paulus Hlongwane  
(print name)

(signature)

10/12/2020  
(date)

## Annexure G: Transcriber confidentiality agreement



### Transcriber Confidentiality Agreement

#### Handling of grievances in the South African Police Service: A case of Pretoria Policing Area

Mr Paulus Hlongwane, Doctoral candidate in the Department of Public Administration, University of Limpopo, is undertaking this research. The primary aim for this study is to determine the causes of the high rate of grievances and unresolved grievances in the Pretoria Policing Area of the South African Police Service.

As a transcriber of this research, I understand that I will be hearing recordings of confidential interviews. The information on these recordings has been revealed by interviewees who agreed to participate in this research on the condition that their interviews would remain strictly confidential. I understand that I have a responsibility to honour this confidentiality agreement.

I agree not to share any information on these recordings, about any party, with anyone except the researcher of this project. Any violation of this and the terms detailed below would constitute a serious breach of ethical standards and I confirm that I will adhere to the agreement in full.

I, BONGANISO ANGBA MUKATSHWA agree to:

1. Keep all the research information shared with me confidential by not discussing or sharing the research information in any form or format (e.g., disks, tapes, transcripts) with anyone other than the researcher(s).
2. Keep all research information in any format or form (e.g., disks, tapes, transcripts) secure while it is in my possession.
3. Return all research information in any form or format (e.g., disks, tapes, transcripts) to the researcher(s) when I have completed the research tasks.
4. After consulting with the researcher(s), erase or destroy all the research information in any form or format regarding this research project that is not returnable to the researcher(s) (e.g., information stored on computer hard drive).

Transcriber:

BONGANISO MUKATSHWA (print name) [Signature] (signature) 05/12/2020 (date)

Researcher:

Paulus Hlongwane (print name) [Signature] (signature) 05/12/2020 (date)

## Annexure H: Editing certificate



### EASYDOC EDITING AND TRANSCRIBING SERVICES

#### CERTIFICATE OF ENGLISH EDITING

#### TO WHOM IT MAY CONCERN

This document certifies that the Dissertation detailed below has been edited for English Language, Grammar, Punctuation, and Spelling by the English Language and Grammar Editor at Easydoc Editing and Transcribing Services.

#### MRS Y (ROSH) CHETTY

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#### DATE EDITED

Monday 14 June 2021

#### DISSERTATION TITLE

Handling of Grievances in the South African Police Service: A Case of Pretoria Policing Area

#### POSTGRADUATE DEGREE

Doctor of Administration in Public Administration (Ph.D) (University of Limpopo)

#### DISSERTATION AUTHOR

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