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GOVERNMENT NOTICE

GOEWERMENTSKENNISGEWING

SOUTH AFRICAN POLICE SERVICE

No. R. 1489

27 September 1995

REGULATIONS FOR THE SOUTH AFRICAN POLICE SERVICE

The Minister of Safety and Security has, under section 11 (1) (c) and (e) of the South African Police Service Rationalisation Proclamation, 1995 (No. R. 5, 1995), made the regulations contained in the Schedule hereto.

F. S. MUFAMADI,

Minister of Safety and Security.

SUID-AFRIKAANSE POLISIEDIENS

No. R. 1489

27 September 1995

REGULASIES VIR DIE SUID-AFRIKAANSE POLISIEDIENS

Die Minister van Veiligheid en Sekuriteit het kragtens artikel 11 (1) (c) en (e) van die Suid-Afrikaanse Polisie-diens Rasionalisasie Proklamasie, 1995 (No. R. 5, 1995), die regulasies in die Bylae uitgevaardig.

F. S. MUFAMADI,

Minister van Veiligheid en Sekuriteit.

SCHEDULE

SOUTH AFRICAN POLICE SERVICE LABOUR RELATIONS REGULATIONS

1. DEFINITIONS

(1) In these regulations unless the context otherwise indicates -

- (i) "agreement" means a written agreement concluded in the National or Provincial Forum between the employer and an employee organisation; (xiii)
- (ii) "arbitration" means an arbitration conducted in terms of these regulations; (iii)
- (iii) "department" means a department as defined in section 1(1) of the Public Service Act, 1994; (vi)
- (iv) "employee" means a member of the Service; (xxi)
- (v) "employee compensation" means remuneration, allowances, benefits and reimbursements whether monetary or otherwise; (xxiii)
- (vi) "employee organisation" means an organisation consisting *inter alia* of members or employees of the Service formally associated together and organised in a staff association, trade association or trade union, for the purpose of regulating relations between themselves and the employer; (xxii)
- (vii) "employer" means the South African Police Service; (xx)
- (viii) "Labour Relations Act, 1956" means the Labour Relations Act, 1956 (Act No. 28 of 1956); (xxiv)
- (ix) "lock-out" means lock-out as defined in the Labour Relations Act, 1956; (xix)
- (x) "management echelon", in relation to any employee, means that group of employees who hold the rank or the post of director, as the case may be, or any other higher rank or post; (v)
- (xi) "matter of mutual concern" means, subject to the provisions of these regulations, any matter within the power of the employer related to employment in the Service, the employer and employee relationship, including, but not limited to, terms and conditions of employment, employee compensation, salary and service benefits, as are provided for in the policy framework, disciplinary and grievance procedures and any other matter of mutual interest to the employer and employee; (i)
- (xii) "member" means a member of the Service. (ix)
- (xiii) "National Forum" means the National Negotiating Forum established in terms of regulation 3;

- (xiv) "negotiate", means an endeavour to reach an agreement;
(xii)
- (xv) "office-bearer", in relation to any employee organisation, means a person, other than an official, who holds any office in the organisation, including a member of a committee of the organisation other than an *ex officio* member; (ii)
- (xvi) "official", in relation to an employee organisation, means any staff member of the organisation, employed as secretary, assistant secretary or organiser of such organisation, or any staff member engaged in any other official capacity, whether or not such staff member is employed in a full-time capacity;
(iv)
- (xvii) "political party" means any body or group of persons excluding a federation of trade unions having as objective or as one of its objectives, whether expressly or otherwise -
- (a) the nomination of candidates for an election to any legislative body established by any law; or
- (b) the influencing of public opinion to support or oppose any such body or group; (xv)
- (xviii) "premises" means any land, building or structure possessed, leased or occupied by the Service, and includes any vehicle, aircraft or vessel; (xiv)
- (xix) "Provincial Forum" means the Provincial Negotiating Forum established in terms of regulation 3; (xvi)
- (xx) "recognised employee organisation" means an employee organisation which has been registered and recognised, to the extent of such recognition, in terms of these regulations;
(viii)
- (xxi) "salary", in relation to an employee, includes any allowances and payment for overtime, including the determination of bases and rates thereof, payable to the employee in exchange for the performance of his or her assigned tasks and his or her compliance with the employer's code of conduct; (xvii)
- (xxii) "service benefits", in relation to an employee, means privileges, *natura* items or moneys, excluding salary and employee compensation, provided to the employee in exchange for the performance of his or her assigned tasks and his or her compliance with the employer's code of conduct; (vii)
- (xxiii) "strike" means strike within the meaning of the Labour Relations Act, 1956; (xviii)
- (xxiv) "unfair labour practice" means an unfair labour practice as defined in the Labour Relations Act, 1956; (xi)

2. FUNDAMENTAL PRINCIPLES

- (1) Employees shall, subject to subregulations (2), (3) and (4) have the right to establish and, further subject only to the constitution of the organisation concerned, to join any employee organisation of their own choice or to refrain from establishing or joining any employee organisation.
- (2) Notwithstanding subsection (1) -
 - (a) employees in the management echelon shall not represent or assist employee organisations or employees on behalf of such an organisation for any purpose contemplated in these regulations;
 - (b) employees performing policy-making or managerial functions shall not represent or assist employee organisations or employees on behalf of such an organisation on any matter arising out of the exercise of such functions and in the event of a dispute concerning the competence of such employees to so represent or assist, the dispute shall be referred to arbitration on an expedited basis in terms of regulation 13:

Provided that this subregulation shall not be construed as prohibiting the aforementioned employees from being represented in negotiations or otherwise by an employee organisation of which they are members.

- (3) No employee shall intimidate any other employee to join, refrain from joining, resign from or refrain from resigning from any employee organisation.
- (4) No employee shall be victimised or be unfairly discriminated against on grounds of membership or non-membership of an employee organisation or participation in the activities of such an organisation, or promoting the policies of such an organisation.
- (5) Any employee who is a member of a recognised employee organisation may in writing request the employer to deduct membership fees payable to such employee organisation from any salary payable to him or her, and the employer shall thereupon deduct such fees, as soon as possible, from such salary for payment to the employee organisation concerned and continue doing so until the request is withdrawn or amended in writing: Provided that the employer may retain as a collection fee a portion, not exceeding five percent, of the amount so deducted.
- (6) No request under subregulation (5) shall be withdrawn or amended within three months of the date upon which the first amount in respect of the membership fee of the employee concerned was deducted.
- (7) A recognised employee organisation shall be granted reasonable

access during working hours to its members and to the premises and facilities of the employer for the purposes of conducting its lawful activities, upon prior approval by the National or Provincial Commissioner, and such approval shall not be unreasonably withheld.

- (8) (a) The employer shall provide a recognised employee organisation with information relevant to matters concerning the terms and conditions of employment of all employees who are members of such organisation, including the full contents of its policy framework and any information which is necessary for the negotiation processes contemplated in terms of this regulation.
- (b) If the employer unreasonably refuses to provide an organisation with such information such organisation may within 14 days refer the matter to arbitration in terms of regulation 13.
- (9) Subject to subregulation (10) the employer shall not fail or refuse to negotiate on matters of mutual concern.
- (10) The employer shall not be obliged to negotiate, within the period agreed upon in a current agreement, in respect of any matter regulated by such an agreement, unless the parties to the National or Provincial Forum concerned agree to negotiate on the matter.
- (11) The employer shall exercise managerial responsibilities and prerogatives subject to the provisions of these regulations and any other law, including agreements concluded in terms of these regulations.
- (12) The parties shall at all times ensure that when acting under these regulations, they do not prejudice the provision of neutral, non-political, a-political and impartial services to the public.

3. NEGOTIATING FORUM AND PARTIES TO THE FORUM

- (1) (a) There is hereby established a National Negotiating Forum and a Provincial Negotiating Forum for each province within the Republic.
- (b) The Provincial Negotiating Forums shall function as bargaining chambers of the National Negotiating Forum.
- (c) The date on which a Provincial Forum comes into operation shall be determined by the National Commissioner after consultation with the Provincial Commissioner upon a request by the National Forum pursuant to an agreement arrived at in this regard.
- (2) The employer and all recognised employee organisations shall be parties to the National or Provincial Forum.
- (3) Any recognised employee organisation may participate in

proceedings in the National or Provincial Forum concerned: Provided that such an organisation may only negotiate on a particular matter if it proves that it represents employees affected by such matter.

4. POWERS, DUTIES AND FUNCTIONS OF THE NATIONAL AND PROVINCIAL FORUM

(1) The National or Provincial Forum, as the case may be, shall -

- (a) negotiate on matters of mutual concern;
- (b) take such steps as it may deem expedient to bring about the regulation or settlement of matters of mutual concern to the employer and employee organisations, or
- (c) by means of consultation or otherwise endeavour to prevent disputes from arising, and to settle disputes, including unfair labour practice disputes, that have arisen or may arise, between the employer on the one hand and employee organisations on the other hand:

Provided that -

- (i) a Provincial Forum shall have only those powers and duties, subject to such conditions as may be applicable, assigned or delegated to it, by the National Commissioner in consultation with the Provincial Commissioner, upon a request by the National Forum pursuant to an agreement arrived at in this regard;
 - ii) agreement cannot be concluded on matters that fall beyond the exclusive competence of the employer;
 - (iii) the provisions of paragraph (ii) shall not preclude the parties from reaching agreement on a common approach to such matters.
- (2) Notwithstanding the provisions of subregulation (1) the National or Provincial Forum as the case may be, may advise the Minister or relevant member of the Executive Council, as the case may be regarding existing or proposed National or Provincial legislation in so far as such legislation may affect employees.
- (3) The National Forum shall from time to time determine the threshold of representativeness for purposes of registration in terms of regulation 6.

5. CHAIRPERSON OF THE NATIONAL AND PROVINCIAL FORUM

- (1) For purposes of the first meeting of the National or Provincial Forum a temporary acting chairperson shall be appointed by the National or Provincial Commissioner concerned and such chairperson shall determine the date and time of the first meeting of the Forum.

- (2) At the first meeting of the National or Provincial Forum the parties shall by a vote of the employer and a majority vote on the employee side elect a chairperson for the National or Provincial Forum concerned.
- (3) The National or Provincial Commissioner concerned shall appoint the person elected in terms of subregulation (2) as chairperson of the National or Provincial Forum concerned.
- (4) If a chairperson is for any reason not able to carry out his or her duties or pending his or her appointment in terms of subregulation (3), the National or Provincial Forum, as the case may be, shall in accordance with the procedures as set out in subregulation (2), appoint an acting chairperson for the period of the said inability or pending his or her appointment, and the acting chairperson shall, during such period, have all the powers of the chairperson in terms of these regulations.
- (5) The chairperson or acting chairperson shall not have the right to vote: Provided that if the acting chairperson has been appointed or chosen from among the parties, he or she shall retain his or her voting right as representative.
- (6) Subject to subregulations (7) and (8) the terms and conditions of office for the chairperson shall be determined by majority vote on both the employers and employee side: Provided that his or her services may be terminated by decision taken by majority vote of either the employer or the employee side.
- (7) The chairperson shall be appointed for a period not exceeding three years: Provided that he or she may be appointed for further periods not exceeding three years at a time.
- (8) If a chairperson or acting chairperson is not a member of the Forum concerned or is not employed in the Public Service, the National or Provincial Forum concerned shall determine his or her remuneration and such costs may be borne equally by
 - (a) the employer; and
 - (b) the recognised employee organisations.

6. REGISTRATION OF EMPLOYEE ORGANISATIONS

- (1) An employee organisation shall apply to the National Commissioner to be registered as an employee organisation, notwithstanding the fact that such organisation may be registered in terms of any other law.
- (2) An application for registration as an employee organisation shall be submitted to the National Commissioner in a manner specified by him or her and shall be accompanied by -
 - (a) the constitution of the employee organisation together with the full names of its chief executive officer, permanent

street and postal address, the telephone number and, if any, the telefax number of its head office;

- (b) a list of the employees of the employer who are members of the organisation, with an indication of the provinces, components and units where they are in the service of the employer and the occupational classes to which they belong.
- (3) Amendments of the constitution of a registered employee organisation, as well as changes in its addresses and telephone and telefax numbers and in respect of its chief executive officer and office-bearers, shall be communicated to the National Commissioner within one month of any such amendment or change.
- (4) An employee organisation shall be registered in terms of these regulations by the National Commissioner, if -
 - (a) the requirements set out in subregulation (2) have been complied with;
 - (b) it has a constitution which is consistent with these regulations and which does not contain provisions in conflict with any law;
 - (c) it is sufficiently representative of employees of the employer; and
 - (d) it is not affiliated to any political party, or does not receive material support from any political party.
- (5) The National Commissioner -
 - (a) shall register an employee organisation which complies with these regulations or may refuse to register an employee organisation which does not comply with these regulations;
 - (b) may before making a decision contemplated in paragraph (a) request that additional information be furnished by an employee organisation relating to its application;
 - (c) shall in writing notify the employee organisation, which applied in terms of subregulation (1) for registration of his or her decision, within 90 days of the date of such application; and
 - (d) shall forward a registration certificate to the employee organisation in the event of the registration of such employee organisation.
- (6) The registration of an employee organisation shall, subject to subregulation (7), be withdrawn by the National Commissioner when -
 - (a) the employee organisation ceases to exist or is dissolved or liquidated in terms of its constitution;

- (b) the employee organisation is no longer sufficiently representative of employees of the employer;
 - (c) it has a constitution which is not consistent with these regulations or contains provisions which are in conflict with the provisions of any law; or
 - (d) it is affiliated to any political party or receives material support from any political party.
- (7) If the National Commissioner intends to withdraw the registration of an employee organisation he or she shall in writing notify the employee organisation of the intended withdrawal and the reasons therefor and that it must within 90 days of the date of the said notice comply with the relevant provisions of these regulations.

7. RECOGNITION OF EMPLOYEE ORGANISATIONS

- (1) An employee organisation shall, after it has properly been registered in terms of regulation 6, be recognised by the employer.
- (2) On recognition of an employee organisation under this regulation it shall have, in addition to rights granted to it by these regulations, the right to -
 - (i) represent its members in respect of disciplinary and grievance proceedings and other matters on which agreement have been reached with the employer; and
 - (ii) be consulted by the employer on matters as may be agreed upon.

8. FUNCTIONS OF NATIONAL AND PROVINCIAL FORUMS

- (1) Subject to this regulation meetings of the National or Provincial Forum shall be convened and conducted in accordance with procedures as the relevant National or Provincial Forum may determine.
- (2) The presence of the employer and a recognised employee organisation or organisations having more than 50 percent of the voting rights shall constitute a quorum for a meeting of the National or Provincial Forum.
- (3) If the parties present at a meeting are insufficient to constitute a quorum, such a meeting shall, after notice by the relevant chairperson to the employer and recognised employee organisations concerned, be held on a date at least seven days thereafter, and at that meeting the parties present shall constitute a quorum.
- (4) The voting rights in the National or Provincial Forum shall at all times and under all circumstances be equally divided between the employer on the one hand and recognised employee organisations jointly on the other hand.

- (5) The number of votes of a recognised employee organisation in the National or Provincial Forum shall be directly proportionate to the number of members it has in relation to the overall membership of recognised employee organisations in the National or Provincial Forum as the case may be as determined by reference to the most recent monthly figures supplied by the employer: Provided that in the case of negotiations regarding a particular matter referred to in regulation 3(3), the voting rights of a particular employee organisation shall be determined according to the number of its members affected by the matter in proportion to the total number of members of the employee organisations concerned together affected by the matter.
- (6) Subject to regulation 3(2), a vote of the employer at a meeting of the National or Provincial Forum together with a majority vote of the employee side at such a meeting, shall constitute a binding decision of the National or Provincial Forum: Provided that in the case of a dispute as to an alleged unfair labour practice or any other dispute of right, a decision may only be arrived at by a unanimous decision between the parties to the dispute.
- (7) A decision by the National or Provincial Forum as contemplated in subregulation (6), shall be regarded as an agreement between the parties in the National or Provincial Forum.

9. AGREEMENTS IN THE NATIONAL OR PROVINCIAL FORUM

- (1) A dispute as to whether any particular matter is negotiable as contemplated in regulation 4 may be referred, within 30 days from the date on which the dispute arose, by either the employer or any recognised employee organisation for arbitration.
- (2) An agreement in terms of regulation 8(7) shall be reduced to writing and signed by the parties in the National or Provincial Forum concerned, indicating their viewpoints on such agreement, and shall, as from the date agreed to by the parties be binding on the employer and all employee organisations, their members, and all other employees to whom it is made applicable by the employer, and shall be valid for the period determined in the agreement: Provided that if such agreement or any part thereof cannot be given effect to unless authorised by an Act of Parliament such agreement or part thereof, shall be suspended until such an Act has been passed.
- (3) If a dispute as to the interpretation of an agreement cannot be settled in the National or Provincial Forum concerned, the dispute shall within 30 days from the date on which the dispute arose or within such longer period as the parties concerned may agree, be referred by the chairperson of the Forum concerned to arbitration in terms of regulation 13.
- (4) Pending the outcome of arbitration contemplated in subregulation (3) an interpretation determined by the employer shall prevail unless the National or Provincial Forum concerned otherwise agrees.

- (5) Where a matter referred to in regulation 4 does not fall within the exclusive jurisdiction of the employer, the chairperson of the National or Provincial Forum concerned shall refer agreements on such matters to the relevant department, body or institution which also has jurisdiction on the relevant matters for consideration and decision.
- (6) Any such department, body or institution referred to in subregulation (5) shall only make its decision in negotiation with the National or Provincial Forum concerned.
- (7) In the event of a deadlock occurring during the negotiations referred to in subregulation (6) the dispute shall be referred to arbitration.
- (8) The parties to the dispute referred to in subregulation (7) shall determine the terms of reference, date, time, venue, costs, composition and referee or arbitrators and all matters incidental to such arbitration.
- (9) In the event of a dispute regarding the terms of reference of the arbitration or any matter incidental thereto, the dispute shall be referred to the President of the Industrial Court or any other person as the parties may agree within seven days of such dispute.
- (10) The person referred to in subregulation (9) shall seek to bring the parties to agreement within seven days of the referral of such dispute to him or her, failing which he or she shall determine the dispute within three days thereafter.
- (11) In the event that an arbitration referred to in subregulation (7) has financial implications, the arbiter's report and determination shall be forwarded to the relevant legislature for its decision thereon.
- (12) If an agreement on a matter referred to in regulation 4 cannot be reached in the National or Provincial Forum concerned, and a deadlock in negotiations is reached, such matter may be referred -
 - (a) for mediation, the terms of reference of which shall be determined by the National or Provincial Forum concerned; or
 - (b) within 30 days of the date of such deadlock in negotiations or failure of mediation, to arbitration in terms of regulation 13 by either the employer or the recognised employee organisation concerned.
- (13) Any agreement, recommendation or award in terms of these regulations shall not have the effect of reducing existing salaries, service benefits or employee compensation of employees or depriving them thereof.

10. ESTABLISHMENT OF COMMITTEES

- (1) A National or Provincial Forum may establish committees and may, subject to the conditions determined by it, assign or delegate any of its functions to any such committee.
- (2) A committee referred to in subregulation (1) shall consist of an equal number of representatives on the employer and the employee side, respectively unless the parties otherwise agree.
- (3) The chairperson of any such committee may be the chairperson or the acting chairperson of the National or Provincial Forum concerned or a person elected by the National or Provincial Forum from among the members of the committee concerned or otherwise, or as may be otherwise determined by the National or Provincial Forum concerned.

11. ADMINISTRATION

- (1) A National or Provincial Forum shall acquire suitable accommodation and facilities and shall make provision for its administration in accordance with the provisions of these regulations.
- (2) A National or Provincial Forum may appoint a part-time or full-time secretary, who, with the approval of the National or Provincial Forum concerned, may appoint additional part-time or full-time personnel to assist in the administration of the National or Provincial Forum concerned.
- (3) All expenses arising from the administration of the National or Provincial Forum concerned may be equally divided between the employer on the one side and the recognised employee organisations jointly on the other side.

12. STRIKES AND LOCK-OUTS

- (1) An employee shall not strike under any circumstances.
- (2) The employer shall under no circumstances effect a lock-out.

13. ARBITRATION

- (1) If the employer or a recognised employee organisation wishes to refer any dispute or matter in terms of these regulations for arbitration, it shall within the prescribed period give notice of such referral to the chairperson of the National or Provincial Forum concerned.
- (2) The chairperson shall upon receipt of such notice, convene a meeting of the relevant parties to the dispute within 14 days of the notice referred to in subregulation (1), for purposes of determining the terms of reference for the arbitration.
- (3) In the event of a dispute regarding the terms of reference of the

arbitration or any matter incidental thereto, the dispute shall be referred to the President of the Industrial Court or any other person as the parties may agree within seven days of such dispute.

- (4) The person referred to in subregulation (3) shall seek to bring the parties to agreement within seven days of such referral failing which he or she shall determine the dispute within three days thereafter.
- (5) Arbitration shall be undertaken by a single arbiter, or by an equal number of arbiters and a referee, chosen from a panel of arbiters to be constituted by the National or Provincial Forum concerned.
- (6) If the National or Provincial Forum concerned decides that the arbitration will be undertaken by a single arbiter an arbiter shall be appointed from the panel of arbiters referred to in subregulation (5) by a majority vote on the employer side and the employee side.
- (7) If the National or Provincial Forum decides that arbitration shall be undertaken by an equal number of arbiters and a referee -
 - (a) one half of the number of arbiters shall be appointed by the employer and the other half shall be appointed by the representatives of the employee side from the panel referred to in subregulation (5); and
 - (b) a referee shall be appointed from the said panel by a vote of the employer and a majority of votes on the employee side.
- (8) If more than one arbiter is appointed -
 - (a) the referee shall preside at all meetings of the arbiters;
 - (b) the arbiters shall decide by majority vote; and
 - (c) the referee shall, in the case of an equality of votes, have a casting vote.
- (9) The relevant National or Provincial Forum may issue instructions or guidelines to any arbiter, or arbiters and referee, as and when deemed appropriate.
- (10) An arbitration shall be finalised within 30 days from the date on which the arbiter, or arbiters and referee, as the case may be, have been appointed: Provided that the said period may be extended by agreement between the parties, or for such period as the arbiter, or arbiters and referee, may deem reasonable.
- (11) The arbiter's determination shall deal only with the subject matter of the dispute and with the matters which reasonably relate to the resolution of the dispute.
- (12) If a dispute which is referred to arbitration in terms of this regulation, is settled by means of a decision of a National

or Provincial Forum in terms of regulation 9 before the arbiter's determination is made, the arbiter or arbiter's shall be informed accordingly and upon such notification, the arbitration proceedings shall cease.

- (13) A copy of the arbiter's determination shall be furnished to every party in the National or Provincial Forum concerned.
- (14) The arbiter's determination shall, subject to regulation 4 and 9, be final and binding on the employer, the recognised employee organisations concerned, and the employees to whom the determination is applicable.
- (15) The following provisions shall apply to the costs of any arbitration –
 - (a) in the event of an arbitration contemplated in subregulation (6) the arbiter's fees shall be equally shared between the employer and the employee organisations involved in the arbitration; and
 - (b) In the event of an arbitration contemplated in suregulation (7)
 - (i) the employer and employee organisations involved in the arbitration shall pay the fees of the arbiter or arbiters appointed by them; and
 - (ii) the referee's fees shall be shared equally between the employer and the employee organisations involved in the arbitration.
- (16) Notwithstanding the provisions of subregulation (15), the employer shall bear the costs of arbitration in the event that the legislature does not approve the determination whether in whole or in part made pursuant to the procedure contemplated in regulation 9.

14. TRANSITIONAL ARRANGEMENTS

- (1) All employee organisations registered and recognised by a Police Force prior to the coming into operation of these regulations shall be deemed to be registered and recognised for purposes of these regulations.
- (2) All agreements entered into between registered and recognised employee organisations and a Force or the Service that were in force prior to the commencement of these regulations shall continue to be in force until abolished or otherwise dealt with by the National Forum: Provided that all such agreements shall, at the first meeting of the National Forum be tabled for ratification, amendment or abolition or to be otherwise dealt with as the National Forum deems fit.

15 SHORT TITLE

These regulations will be called the South African Police Service Labour Relations Regulations.

SOUTH AFRICAN POLICE SERVICE GRIEVANCE PROCEDURE REGULATIONS

1. DEFINITIONS

In these regulations unless the context otherwise indicates -

"employee" means a member of the Service;

"grievance" means any dissatisfaction or perception of unfair treatment experienced by an employee, a group of employees and/or a recognised employee organisation arising within the employment relationship in the Service;

"grievant" means any employee, group of employees or recognised employee organisation;

"recognised employee organisation" means an employee organisation recognised in accordance with regulation 7 of the South African Police Service Labour Relations Regulations;

"representative" means an office-bearer or official or person in the employ of a recognised employee organisation or an employee: Provided that for the purposes of regulation 3(5) the meaning of "representative" shall also include a legal representative; and

"specified form" means a form prescribed by the National Commissioner by means of National Orders.

2. FUNDAMENTAL PRINCIPLES

- (1) The grievance procedure may be invoked by any grievant.
- (2) The primary objectives of the grievance procedure shall be to:
 - (a) resolve grievances as equitably and as speedily as possible;
 - (b) resolve grievances as close as possible to its point of origin or level of authority; and
 - (c) protect the interests of the Service and its members.
- (3) A grievant shall have the right to have grievances addressed fairly and without fear of victimisation or prejudice.
- (4) The grievance procedure shall not serve as:
 - (a) an alternative to or as an appeal mechanism against the disciplinary steps taken in terms of any law; or
 - (b) a forum for collective bargaining.

- (5) A grievant may be assisted by a representative at any stage of the grievance procedure.

3. PROCEDURAL STEPS

- (1) (a) A grievant who wishes to raise any grievance which is of direct concern to the grievant, shall, with the assistance of a representative if so desired, lodge a formal grievance in writing on a specified form with his or her immediate superior or if the grievance is against such immediate superior the grievant may proceed as provided for in subregulation (2).
- (b) The immediate superior shall, upon receipt of the grievance, endeavour to resolve the grievance as speedily as possible, which endeavour shall include, but not be limited to, interviewing and consulting the grievant concerned, and such other persons or parties who may be affected or implicated by the grievance.
- (c) In the event that the immediate superior is unable or fails to resolve the grievance within two working days of receipt of the grievance, or such extended period upon which the parties may agree, the grievant may proceed as provided for in subregulation (2).
- (d) The outcome of the process contemplated in this subregulation shall be recorded on a specified form.
- (2) (a) The grievant contemplated in subregulation (1) shall, with the assistance of a representative if so desired, refer the formal grievance in writing on a specified form to the head of his or her component or if the grievance is against the head of the component the grievant may proceed as provided for in subregulation (3).
- (b) The head of the component shall, upon receipt of the grievance, endeavour to resolve the grievance as speedily as possible, which endeavour shall include but not be limited to considering the record of proceedings contemplated in subregulation (1) and interviewing and consulting the grievant concerned, and such other persons or parties who may be affected or implicated by the grievance.
- (c) (i) In the event that the head of the component is of the opinion that the grievance concerns a matter falling beyond his or her scope of authority the head of the component shall within three working days of receipt of the grievance refer the grievance in writing on a specified form to the most appropriate level of authority or managerial function: Provided that if the most appropriate level of authority or managerial function is not the next higher level of authority such referral shall only be effected after consultation with such next

higher level of authority.

(ii) The person responsible at the most appropriate level of authority or managerial function contemplated in subparagraph (i), shall process the grievance as if he or she is the next higher level of authority as contemplated in subregulation (3).

(d) In the event that the head of the component is unable or fails to resolve the grievance within five working days or such extended period as the parties may agree upon, the grievant may proceed as provided for in subregulation (3).

(e) The outcome of the process contemplated in this subregulation shall be recorded on a specified form.

(3) (a) The grievant contemplated in subregulation (2) shall, with the assistance of a representative if so desired, refer the grievance in writing on a specified form to the next higher level of authority or if the grievance is against the said person in authority or any other person in higher authority the grievant may proceed as provided for in subregulation (4).

(b) The next level of authority shall, upon receipt of the grievance endeavour to resolve the grievance as speedily as possible, which endeavour shall include but not be limited to considering the record of proceedings contemplated in subregulation (2) and interviewing and consulting the grievant concerned, and such other persons or parties who may be affected or implicated by the grievance.

(c) In the event that the person in authority contemplated in paragraph (a) is unable or fails to resolve the grievance within five working days or such extended period as the parties may agree upon the grievant may proceed as provided for in subregulation (4).

(d) The outcome of the process contemplated in this subregulation shall be recorded on a specified form.

(4) (a) (i) The grievant contemplated in subregulation (3) shall, with the assistance of a representative if so desired, refer the grievance in writing on a specified form to -

(aa) the National Commissioner; and

(bb) in the event that the grievance concerns a matter or person/s falling within the jurisdiction of a Provincial Commissioner, the relevant Provincial Commissioner.

(ii) In the event of such joint referral, the National Commissioner, after consultation with the relevant Provincial Commissioner, shall in writing advise the grievant, within five working days of receipt

of such referral, regarding which Commissioner shall address the grievance.

- (b) The specified form contemplated in paragraph (a) shall require the grievant to make representations concerning, inter alia, the nature and basis of the grievance and where applicable, details of the steps taken to resolve the grievance, and suggested procedural and/or substantive measures to resolve the grievance.
 - (c) The relevant Commissioner, shall within 10 working days of receipt of such representations or such extended period as the parties may agree upon:
 - (i) cause an investigation to be undertaken on all matters relevant to the grievance; and
 - (ii) convene a meeting in an endeavour to resolve the grievance by consensus and such meeting shall be attended by -
 - (aa) the grievant, or no more than three persons chosen by the grievant in the event of a group grievance with the assistance of a representative if so desired; and
 - (bb) members from the managerial echelon of the Service: Provided that their number shall not exceed the total number on the side of the grievant.
 - (d) In the event that the parties at such a meeting are unable or fail to resolve the grievance, the grievant may proceed as provided for in subregulation (5).
 - (e) The outcome of the process contemplated in this subregulation shall be recorded on a specified form.
- (5) (a) (i) The grievant contemplated in subregulation (4) shall, with the assistance of a representative if so desired, in writing refer the grievance within 30 days of the failure to resolve the grievance contemplated in subregulation (4) to -
- (aa) the National Commissioner; and
 - (bb) in the event that the grievance concerns a matter or person/s falling within the jurisdiction of a Provincial Commissioner, the relevant Provincial Commissioner.
- (ii) In the event of such joint referral, the National Commissioner, after consultation with the relevant Provincial Commissioner shall in writing advise the grievant, within five working days of receipt of such referral, regarding which Commissioner

shall address the grievance.

- (b) The relevant Commissioner shall consult with the grievant concerned within 20 days of such referral with a view to determine whether the grievance shall be referred to -
 - (i) arbitration, or
 - (ii) mediation, and failing resolution, to arbitration:
Provided that in the event that the parties cannot agree on an acceptable dispute resolving mechanism the grievance shall be referred to arbitration.
 - (c) The terms of reference, date, time, venue, composition, chairperson, costs and all matters incidental to such mediation and/or arbitration shall be determined jointly by the relevant Commissioner and the grievant concerned.
 - (d) In the event of a dispute regarding the terms of reference of the arbitration or any matter incidental thereto, the dispute shall be referred to the President of the Industrial Court or any other person as the parties may agree upon within seven days of such dispute.
 - (e) The person contemplated in paragraph (d) shall in the first instance seek to bring the parties to agreement within seven days of the referral of such dispute to him or her, failing which he or she shall determine the dispute within three days thereafter.
 - (f) The outcome of the process contemplated in paragraphs (b) - (e) and any settlement reached as a result of mediation or any determination made as a result of arbitration shall be recorded in writing and shall be regarded as final and binding on the parties.
- (6) The procedure contained in these regulations shall not preclude a grievant from invoking any other procedure contained in any other law applicable to the Service.

4. SHORT TITLE:

These regulations will be called the South African Police Service Grievance Procedure Regulations.

SKEDULE

REGULASIES BETREFFENDE ARBEIDSVERHOUDINGE IN DIE SUID-AFRIKAANSE POLISIEDIENS

1. WOORDOMSKRYWINGS

(1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken

(i) "aangeleentheid van onderlinge belang", behoudens die bepalings van hierdie regulasies enige aangeleentheid binne die bevoegdheid van die werkgewer met betrekking tot diens in die Diens, die werkgewer- en werknemerverhouding, met inbegrip van, maar nie beperk nie tot, bedinge en voorwaardes van diens, werknemervergoeding, salaris en diensvoordele, soos voorsiening gemaak in die beleidsraamwerk; dissiplinêre- en grieweprosedures en enige ander aangeleentheid van gemeenskaplike belang vir die werkgewer en werknemer; (xi)

(ii) "amptsdraer", met betrekking tot 'n werknemerorganisasie, 'n persoon anders as 'n beampte, wat enige amp in die organisasie beklee, insluitend 'n lid van 'n komitee van die organisasie anders as 'n *ex officio* lid; (xv)

(iii) "arbitrasie" arbitrasie ingevolge die bepalings van hierdie regulasies gevoer. (ii)

(iv) "beampte" met betrekking tot 'n werknemerorganisasie, enige personeellid van die organisasie, in diens as sekretaris, assistent-sekretaris of organiseerder van sodanige organisasie, of enige personeellid in enige ander amptelike hoedanigheid, hetsy sodanige personeellid in 'n heeltydse hoedanigheid in diens is al dan nie; (xvi)

(v) "bestuurskader" met betrekking tot enige werknemer, daardie groep werknemers wat die rang of die pos van direkteur na gelang van die geval beklee, of enige ander hoër rang of pos; (x)

(vi) "departement" 'n departement soos omskryf in artikel 1(1) van die Staatsdienswet, 1994; (iii)

(vii) "diensvoordele" met betrekking tot 'n werknemer, voordele, artikels in *natura* of geld, uitgesonderd salaris en werknemerkompensering, voorsien aan die werknemer in ruil vir die uitvoering van sy toegewese take en sy nakoming van die werkgewer se gedragskode; (xxii)

(viii) "erkende werknemerorganisasie" 'n werknemerorganisasie wat ingevolge hierdie regulasies geregistreer en erken is, tot die mate van sodanige erkenning; (xx)

(ix) "lid" 'n lid van die Diens; (xii)

(x) "Nasionale Forum" die Nasionale Onderhandelingsforum ingevolge regulasie 3 ingestel; (xiii)

(xi) "onbillike arbeidspraktyk" 'n onbillike arbeidspraktyk soos omskryf in die Wet op Arbeidsverhoudinge, 1956; (xxiv)

- (xii) "onderhandel" 'n poging om 'n ooreenkoms te bereik;
(xiv)
- (xiii) "ooreenkoms" 'n skriftelike ooreenkoms aangegaan tussen die werkgewer en 'n werknemerorganisasie binne die Nasionale of Provinsiale Forum; (i)
- (xiv) "perseel" enige grond, gebou of struktuur besit, gehuur of geokkupeer, deur die Diens insluitend enige voertuig, vliegtuig of vaartuig; (xviii)
- (xv) "politieke party" enige liggaam of groep persone, uitgesonderd 'n federasie van vakbonde, wat as oogmerk of een van sy oogmerke het, hetsy uitdruklik of andersins -
- (a) die nominasie van kandidate vir verkiesing tot enige wetgewende liggaam deur enige wet ingestel; of
- (b) die beïnvloeding van die openbare mening om sodanige liggaam of groep te ondersteun of teen te staan; (xvii)
- xvi) "Provinsiale Forum" die Provinsiale Onderhandelingsforum ingevolge regulasie (3) ingestel; (xix)
- (xvii) "salaris" met betrekking tot 'n werknemer, ook enige besoldiging, lone, bonusse, besoldigende toelaes en betaling vir oortyd, met inbegrip van die bepaling van grondslae en koerse daarvan, betaalbaar aan die werknemer in ruil vir die uitvoering van sy of haar toegewese take en sy of haar nakoming van die werkgewer se gedragskode; (xxi)
- (xviii) "staking" 'n staking binne die bedoeling van die Wet op Arbeidsverhoudinge, 1956; (xxiii)
- (xix) "uitsluiting" uitsluiting soos omskryf in die Wet op Arbeidsverhoudinge, 1956; (ix)
- (xx) "werkgewer" die Suid-Afrikaanse Polisiediens; (vii)
- (xxi) "werknemer" 'n lid van die Diens; (iv)
- (xxii) "werknemerorganisasie" 'n organisasie wat onder meer bestaan uit lede of werknemers van die Diens wat formeel saam georganiseer is en in 'n personeelvereniging, vakvereniging of vakbond geassosieer is, met die doel om die verhouding tussen hulle of party van hulself en die werkgewer te reël, (vi)
- (xxiii) "werknemerskompensasie" vergoeding, toelaes, voordele en terugbetalings, hetsy geldelik of andersins; (vi)
- (xxiv) "Wet op Arbeidsverhoudinge, 1956" die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956). (viii)

2. FUNDAMENTELE BEGINSELS

- (1) Werknemers het onderworpe aan subregulasies (2), (3) en (4) die reg om werknemerorganisasies te stig, en verder onderworpe alleenlik aan die konstitusie van die betrokke organisasie, om by

enige werknemerorganisasie van hulle eie keuse aan te sluit of om hulle te weerhou van die stigting van of aansluiting by enige werknemerorganisasie.

(2) Ondanks subregulasie (1) -

- (a) mag werknemers in die bestuurskader nie werknemerorganisasies of werknemers namens so 'n organisasie verteenwoordig of bystaan vir doeleindes van enige doelstellings bedoel in hierdie regulasies nie;
- (b) mag werknemers wat beleidmakende of bestuursfunksies verrig nie werknemerorganisasies of werknemers namens so 'n organisasie verteenwoordig of bystaan ten opsigte van enige aangeleentheid wat voortspruit uit die uitoefening van sodanige funksies nie en in die geval van 'n dispuut aangaande die bevoegdheid van sodanige werknemers om sodanige verteenwoordiging of bystand te verleen, word die dispuut op 'n spoedeisende basis verwys vir arbitrasie ingevolge regulasie 13:

Met dien verstande dat hierdie subregulasie nie so uitgelê word dat vermelde werknemers verbied word om in onderhandelinge of andersins verteenwoordig te word nie deur 'n werknemerorganisasie waarvan hulle lede is.

- (3) Geen werknemer mag enige ander werknemer intimideer om by 'n werknemerorganisasie aan te sluit, nie daarby aan te sluit, om daaruit te bedank of nie daaruit te bedank nie.
- (4) Geen werknemer mag geviktimizeer word of mag onbillik teen gediskrimineer word op grond van lidmaatskap of nie-lidmaatskap van 'n werknemerorganisasie of deelname in die aktiwiteite van sodanige organisasie, of die bevordering van die beleid van sodanige organisasie nie.
- (5) Enige werknemer wat 'n lid is van 'n erkende werknemerorganisasie, kan die werkgewer skriftelik versoek om ledegeld betaalbaar aan sodanige werknemerorganisasie van enige salaris betaalbaar aan hom of haar af te trek, en die werkgewer moet daarop so gou doenlik sodanige gelde van sodanige salaris aftrek vir betaling aan die betrokke werknemerorganisasie en daarmee volhou totdat die versoek skriftelik teruggetrek of gewysig word: Met dien verstande dat die werkgewer 'n gedeelte, wat nie vyf persent van die bedrag aldus afgetrek oorskry nie, as invorderingsfooi kan behou.
- (6) Geen versoek kragtens subregulasie (5) mag teruggetrek of gewysig word binne drie maande vanaf die datum waarop die eerste bedrag ten opsigte van die ledegeld van die betrokke werknemer afgetrek is nie.
- (7) 'n Erkende werknemerorganisasie word redelike toegang gedurende werkure tot sy lede en tot die persele en fasiliteite van die werkgewer verleen vir doeleindes van verrigting van sy wettige bedrywighede, met die vooraf goedkeuring van die Nasionale of Provinsiale Kommissaris en sodanige goedkeuring mag nie onredelik weerhou word nie.

- (8) (a) Die werkgewer voorsien 'n erkende werknemerorganisasie van inligting relevant tot aangeleenthede betreffende die bedinge en voorwaardes van diens van alle werknemers wat lede is van sodanige organisasie, met inbegrip van die volledige inhoud van sy beleidsraamwerk en enige inligting wat noodsaaklik is vir die onderhandelingsprosesse bedoel ingevolge hierdie regulasies.
- (b) Indien die werkgewer onredelik weier om 'n organisasie van sodanige inligting te voorsien, kan sodanige organisasie die aangeleentheid binne 14 dae vir arbitrasie ingevolge regulasie 13 verwys.
- (9) Behoudens subregulasie (1)) mag die werkgewer nie versuim of weier om oor aangeleenthede van onderlinge belang te onderhandel nie.
- (10) Die werkgewer is nie verplig om binne die tydperk waarop in 'n bestaande ooreenkoms ooreengekom is, oor 'n aangeleentheid te onderhandel wat in sodanige ooreenkoms gereël word nie, tensy die partye in die betrokke Nasionale of Provinsiale Forum ooreenkom om oor die aangeleentheid te onderhandel.
- (11) Die werkgewer oefen sy bestuursverantwoordelikhede en -prerogatiewe uit onderworpe aan die bepalings van hierdie regulasies en enige ander wet, met inbegrip van ooreenkomste ingevolge hierdie regulasies gesluit.
- (12) Die partye moet te alle tye verseker dat wanneer hulle ingevolge hierdie regulasies optree, hulle nie die voorsiening van 'n neutrale, nie-politiese en onpartydige diens aan die publiek benadeel nie.

3. ONDERHANDELINGSFORUM EN PARTYE IN DIE FORUM

- (1) (a) Daar word hierby 'n Nasionale Onderhandelingsforum en 'n Provinsiale Onderhandelingsforum vir elke provinsie in die Republiek ingestel.
- (b) Die Provinsiale Onderhandelingsforums funksioneer as onderhandelingskamers van die Nasionale Onderhandelingsforum.
- (c) Die datum waarop 'n Provinsiale Forum in werking tree, word deur die Nasionale Kommissaris na konsultasie met die Provinsiale Kommissaris bepaal op versoek van die Nasionale Forum voortspruitend uit 'n ooreenkoms in die verband bereik.
- (2) Die werkgewer en alle erkende werknemerorganisasies is partye in die Nasionale of Provinsiale Forum.
- (3) Enige erkende werknemerorganisasie kan aan die verrigtinge van die betrokke Nasionale of Provinsiale Forum deelneem: Met dien verstande dat sodanige organisasie slegs oor 'n spesifieke aangeleentheid kan onderhandel indien dit bewys dat dit werknemers verteenwoordig wat deur sodanige aangeleentheid geraak word.

4. BEVOEGDHEDE, PLIGTE EN WERKSAAMHEDE VAN DIE NASIONALE EN PROVINSIALE FORUM

- (1) Die Nasionale of Provinsiale Forum, na gelang van die geval -
- (a) onderhandel oor aangeleenthede van onderlinge belang;
 - (b) tref sodanige maatreëls as wat dit dienstig ag om die reëling of skikking van aangeleenthede van onderlinge belang vir die werkgewer en werknemerorganisasies teweeg te bring; of
 - (c) poog by wyse van konsultering of andersins om die ontstaan van dispute te voorkom, en om dispute te besleg, met inbegrip van dispute oor onbillike arbeidspraktyke, wat tussen die werkgewer aan die een kant en werknemerorganisasies aan die ander kant, ontstaan het of mag ontstaan:

Met dien verstande dat -

- (i) 'n Provinsiale Forum, onderworpe aan sodanige voorwaardes as wat toepaslik mag wees, slegs daardie bevoegdhede en pligte het wat deur die Nasionale Kommissaris in konsultasie met die Provinsiale Kommissaris, op versoek van die Nasionale Forum nadat 'n ooreenkoms in die verband bereik is, daaraan toegewys of gedelegeer word;
 - (ii) 'n ooreenkoms nie bereik kan word betreffende aangeleenthede wat buite die uitsluitlike bevoegdhede van die werkgewer val nie;
 - (iii) die bepalinge in paragraaf (ii) nie die partye verhinder om 'n ooreenkoms van 'n gemeenskaplike benadering aangaande sodanige aangeleenthede te bereik nie.
- (2) Nieteenstaande die bepalinge van subregulasie (1) kan die Nasionale of Provinsiale Forum, na gelang van die geval, die Minister of betrokke lid van die Uitvoerende Raad, na gelang van die geval, adviseer aangaande bestaande of voorgestelde Nasionale of Provinsiale wetgewing in die mate waarin sodanige wetgewing werknemers kan raak.
- (3) Die Nasionale Forum bepaal van tyd tot tyd die vlak van verteenwoordiging vir doeleindes van registrasie ingevolge regulasie 6.

5. VOORSITTER VAN DIE NASIONALE EN PROVINSIALE FORUM

- (1) Vir doeleindes van die eerste vergadering van die Nasionale of Provinsiale Forum word 'n tydelike waarnemende voorsitter deur die betrokke Nasionale of Provinsiale Kommissaris aangewys en sodanige voorsitter bepaal die datum en tyd van die eerste vergadering van die Forum.
- (2) By die eerste vergadering van die Nasionale of Provinsiale Forum word 'n voorsitter vir die betrokke Nasionale of Provinsiale Forum

verkies by wyse van stemming aan die kant van die werkgewer en 'n meerderheidstem aan die werknemerskant.

- (3) Die betrokke Nasionale of Provinsiale Kommissaris stel die persoon verkies ingevolge subregulasie (2) as voorsitter van die betrokke Nasionale of Provinsiale Forum aan.
- (4) As 'n voorsitter om enige rede nie in staat is om sy of haar pligte uit te oefen nie of in afwagting van sy of haar aanstelling ingevolge subregulasie (3), stel die Nasionale of Provinsiale Forum, na gelang van die geval, ooreenkomstig die prosedure in subregulasie (2) 'n waarnemende voorsitter aan vir die tydperk van bedoelde ongeskiktheid of in afwagting van sy of haar aanstelling, en die waarnemende voorsitter het gedurende hierdie tydperk al die bevoegdhede waaroor die voorsitter ingevolge hierdie regulasies beskik.
- (5) Die voorsitter of waarnemende voorsitter beskik nie oor stemreg nie: Met dien verstande dat indien die waarnemende voorsitter uit die geledere van die partye aangestel of gekies is, hy of sy, sy of haar stemreg as verteenwoordiger behou.
- (6) Behoudens subregulasies (7) en (8) word die bedinge en voorwaardes van die amp van die voorsitter bepaal by wyse van meerderheidstem aan beide werkgewer en werknemerskant: Met dien verstande dat sy of haar dienste beëindig kan word deur 'n besluit geneem by wyse van 'n meerderheidstem aan of die werkgewer- of die werknemerskant.
- (7) Die voorsitter word aangestel vir 'n termyn wat nie drie jaar oorskry nie: Met dien verstande dat hy of sy aangestel kan word vir verdere termyne wat nie drie jaar per keer oorskry nie.
- (8) Indien 'n voorsitter of waarnemende voorsitter nie 'n lid van die betrokke Forum is nie of nie in diens van die Staat is nie, bepaal die betrokke Nasionale of Provinsiale Forum sy of haar vergoeding en sodanige koste kan gelykop gedra word deur
 - (a) die werkgewer; en
 - (b) die erkende werknemerorganisasies.

6. REGISTRASIE VAN WERKNEMERORGANISASIES

- (1) 'n Werknemerorganisasie doen by die Nasionale Kommissaris aansoek om as 'n werknemerorganisasie geregistreer te word, nieteenstaande die feit dat sodanige organisasie ingevolge enige ander wet geregistreer mag wees.
- (2) 'n Aansoek om registrasie as 'n werknemerorganisasie word aan die Nasionale Kommissaris voorgelê op 'n wyse deur hom of haar gespesifiseer en moet vergesel wees van
 - (a) die konstitusie van die werknemerorganisasie tesame met die volle name van sy hoof uitvoerende beampte, permanente straat en posadres, die telefoonnommer en, indien enige, die faksimileenommer van sy hoofkantoor;
 - (b) 'n lys van die werknemers van die werkgewer wat lede van die organisasie is, met 'n aanduiding van die provinsies,

komponente en eenhede waar hulle in diens van die werkgewer is en die beroepsklasse waartoe hulle behoort.

- (3) Wysigings aan die konstitusie van 'n geregistreeerde werknemerorganisasie, asook veranderinge aan adresse en telefoon- en faksimileenommers en ten opsigte van sy hoof uitvoerende beamppte en ampsdraers, moet binne een maand vanaf sodanige wysiging of verandering aan die Nasionale Kommissaris gekommunikeer word.
- (4) 'n Werknemerorganisasie word ingevolge hierdie regulasies deur die Nasionale Kommissaris geregistreeer, indien -
 - (a) aan die vereistes uiteengesit in subregulasie (2) voldoen is;
 - (b) dit oor 'n konstitusie beskik wat met hierdie regulasies bestaanbaar is en nie bepalinge bevat wat met die bepalinge van enige wet strydig is nie;
 - (c) dit voldoende verteenwoordigend van werknemers van die werkgewer is; en
 - (d) dit nie by enige politieke party geaffilieer is of materiële steun van enige politieke party ontvang nie.
- (5) Die Nasionale Kommissaris -
 - (a) registreer 'n werknemerorganisasie wat aan hierdie regulasies voldoen of kan weier om 'n werknemerorganisasie te registreer wat nie aan hierdie regulasies voldoen nie;
 - (b) kan voordat 'n beslissing bedoel in paragraaf (a) geneem word versoek dat bykomende inligting met betrekking tot sy aansoek deur die werknemerorganisasie verskaf word;
 - (c) stel 'n werknemerorganisasie wat ingevolge subregulasie (1) vir registrasie aansoek gedoen het, binne 90 dae vanaf die datum van sodanige aansoek, skriftelik van sy of haar besluit in kennis; en
 - (d) stuur aan 'n werknemerorganisasie 'n registrasiesertifikaat in die geval van die registrasie van sodanige werknemerorganisasie.
- (6) Behoudens subregulasie (7) word die registrasie van 'n werknemerorganisasie deur die Nasionale Kommissaris ingetrek wanneer -
 - (a) die werknemerorganisasie ophou om te bestaan of ontbind of gelikwideer word ingevolge sy konstitusie;
 - (b) die werknemerorganisasie nie meer genoegsaam verteenwoordigend van werknemers van die werkgewer is nie;
 - (c) dit oor 'n konstitusie beskik wat nie met hierdie regulasies bestaanbaar is nie of bepalinge bevat wat strydig is met die bepalinge van enige wet; of

(d) dit by enige politieke party geaffilieer is of materiële steun van enige politieke party ontvang.

- (7) Indien die Nasionale Kommissaris van voorneme is om die registrasie van 'n werknemerorganisasie in te trek moet hy of sy die werknemerorganisasie skriftelik in kennis stel van die voorgename intrekking en die redes daarvoor en dat dit binne 90 dae vanaf die datum van sodanige kennisgewing aan die betrokke bepalings van hierdie regulasies moet voldoen.

7. ERKENNING VAN WERKNEMERORGANISASIES

- (1) 'n Werknemerorganisasie word, nadat dit behoorlik ingevolge regulasie 6 geregistreer is, deur die werkgewer erken.
- (2) By erkenning van 'n werknemerorganisasie ingevolge hierdie regulasie, het dit, benewens die regte ingevolge hierdie regulasies daaraan verleen, die reg om -
- (i) sy lede ten opsigte van dissiplinêre en griewe prosesse en ander aangeleenthede waarop met die werkgewer ooreengekom is, te verteenwoordig; en
- (ii) deur die werkgewer gekonsulteer te word oor aangeleenthede waarop ooreengekom mag word.

8. WERKSAAMHEDE VAN NASIONALE EN PROVINSIALE FORUMS

- (1) Behoudens hierdie regulasie word vergaderings van die Nasionale of Provinsiale Forum byeengeroep en gevoer in ooreenstemming met die prosedures wat die betrokke Nasionale of Provinsiale Forum mag bepaal.
- (2) Die teenwoordigheid van die werkgewer en 'n erkende werknemerorganisasie of organisasies wat oor 50 persent van die stemreg aan die werknemerkant beskik, maak 'n kworum uit vir 'n vergadering van die Nasionale of Provinsiale Forum.
- (3) Indien die partye wat by 'n vergadering teenwoordig is, onvoldoende is om 'n kworum daar te stel word sodanige vergadering, na kennisgewing deur die betrokke voorsitter aan die werkgewer en die betrokke erkende werknemerorganisasies, gehou op 'n datum minstens sewe dae daarna, en by daardie vergadering maak die partye teenwoordig 'n kworum uit.
- (4) Die stemreg in die Nasionale of Provinsiale Forum word te alle tye en onder alle omstandighede op 'n gelyke basis tussen die werkgewer aan die een kant en die erkende werknemerorganisasies gesamentlik, aan die ander kant verdeel.
- (5) Die getal stemme van 'n erkende werknemerorganisasie in die Nasionale of Provinsiale Forum is regstreeks proporsioneel tot die getal lede wat die werknemerorganisasie het in verhouding tot die totale lidmaatskap van erkende werknemerorganisasies in die Nasionale of Provinsiale Forum, na gelang van die geval, soos bepaal aan die hand van die mees onlangse maandelikse getalle verskaf deur die werkgewer: Met dien verstande dat in die geval van onderhandelinge oor 'n bepaalde aangeleentheid bedoel in

regulasie 3(3), die stemreg van 'n spesifieke werknemerorganisasie bepaal word aan die hand van die getal van sy lede wat deur die aangeleentheid geraak word in verhouding tot die totale getal lede van die betrokke werknemerorganisasies gesamentlik wat deur die aangeleentheid geraak word.

- (6) Behoudens regulasie 3(2) stel 'n stem van die werkgewer by 'n vergadering van die Nasionale of Provinsiale Forum tesame met 'n meerderheid van stemme aan die werknemerkant by sodanige vergadering, 'n bindende besluit van die Nasionale of Provinsiale Forum daar: Met dien verstande dat in die geval van 'n dispuut aangaande 'n beweerde onbillike arbeidspraktyk of enige ander dispuut van regte, 'n besluit slegs geneem kan word by wyse van 'n eenparige besluit tussen die partye tot die dispuut.
- (7) 'n Besluit van die Nasionale of Provinsiale Forum bedoel in subregulasie (6), word beskou as 'n ooreenkoms tussen die partye in die Nasionale of Provinsiale Forum.

9. OOREENKOMSTE IN DIE NASIONALE OF PROVINSIALE FORUM

- (1) 'n Dispuut oor die vraag of 'n bepaalde aangeleentheid onderhandelbaar is soos bedoel in regulasie 4, kan binne 30 dae vanaf die datum waarop die dispuut ontstaan het, deur òf die werkgewer of enige erkende werknemerorganisasie vir arbitrasie verwys word.
- (2) 'n Ooreenkoms ingevolge regulasie 8(7) moet op skrif gestel word en onderteken word deur die partye in die betrokke Nasionale of Provinsiale Forum, met 'n aanduiding van hulle standpunte betreffende sodanige ooreenkoms, en is vanaf die datum soos ooreengekom deur die partye, bindend op die werkgewer en alle werknemerorganisasies, hulle lede en alle ander werknemers op wie die werkgewer dit van toepassing maak, en is geldig vir die tydperk in die ooreenkoms bepaal: Met dien verstande dat indien sodanige ooreenkoms of enige gedeelte daarvan nie uitgevoer kan word tensy magtiging daartoe deur 'n Wet van die die Parlement verleen word nie, sodanige ooreenkoms of gedeelte daarvan opgeskort word totdat sodanige wet aangeneem is.
- (3) Indien 'n dispuut oor die uitleg van 'n ooreenkoms nie in die betrokke Nasionale of Provinsiale Forum opgelos kan word nie, word die dispuut binne 30 dae vanaf die datum waarop die dispuut ontstaan het, of binne sodanige langer tydperk as waarop die betrokke partye mag ooreenkom, deur die voorsitter van die betrokke Forum vir arbitrasie ingevolge regulasie 13 verwys.
- (4) In afwagting van die uitslag van arbitrasie soos bedoel in subregulasie (3), is 'n interpretasie soos bepaal deur die werkgewer van krag, tensy andersins in die betrokke Nasionale of Provinsiale Forum ooreengekom.
- (5) Waar 'n aangeleentheid bedoel in regulasie 4 nie binne die uitsluitlike jurisdiksie van die werkgewer val nie, verwys die voorsitter van die betrokke Nasionale of Provinsiale Forum ooreenkomste aangaande sodanige aangeleenthede na die toepaslike departement, liggaam of instelling wat ook jurisdiksie oor die betrokke aangeleentheid het, vir oorweging en beslissing.

- (6) Enige sodanige departement, liggaam of instelling bedoel in subregulasie (5) neem slegs 'n besluit in onderhandeling met die betrokke Nasionale of Provinsiale Forum.
- (7) Indien 'n dooie punt gedurende onderhandelings bedoel in subregulasie (6) ontstaan, word die dispuut vir arbitrasie verwys.
- (8) Die partye by die dispuut bedoel in subregulasie (7) bepaal die opdrag, datum, tyd, lokaal, koste, samestelling en skeidsregter of arbiters en alle ander aangeleenthede verbandhoudend met so 'n arbitrasie.
- (9) In die geval van 'n dispuut aangaande die opdrag of enige aangeleentheid wat daarmee verband hou, word die dispuut binne sewe dae na die ontstaan daarvan na die President van die Industriële hof of enige ander persoon op wie die partye mag ooreenkom, verwys.
- (10) Die persoon bedoel in subregulasie (9) poog om binne sewe dae na verwysing van sodanige dispuut na hom of haar, die partye tot 'n ooreenkoms te bring, en waar dit misluk, moet hy of sy binne drie dae daarna die dispuut besleg.
- (11) In die geval waar 'n arbitrasie bedoel in subregulasie (7) finansiële implikasies het, word die arbiter se verslag en beslissing na die toepaslike wetgewer vir sy beslissing daarop verwys.
- (12) Indien 'n ooreenkoms aangaande 'n aangeleentheid bedoel in regulasie 4 nie in die betrokke Nasionale of Provinsiale Forum bereik kan word nie en 'n dooie punt ontstaan, kan sodanige aangeleentheid -
 - (a) vir mediasie verwys word, die opdrag waarvan deur die betrokke Nasionale of Provinsiale Forum bepaal sal word; of
 - (b) binne 30 dae vanaf die datum van sodanige dooie punt in onderhandeling of as mediasie misluk, vir arbitrasie ingevolge regulasie 13 deur of die werkgewer of die betrokke erkende werknemerorganisasie verwys word.
- (13) Enige ooreenkoms, aanbeveling of toekenning ingevolge hierdie regulasies mag nie die uitwerking hê dat bestaande salarisse, diensvoordele of werknemerskompensering van werknemers verminder of hulle ontnem word nie.

10. INSTELLING VAN KOMITEES

- (1) 'n Nasionale of Provinsiale Forum kan komitees instel en kan, onderworpe aan die voorwaardes wat dit bepaal, enige van sy werksaamhede aan sodanige komitee opdra of delegeer.
- (2) 'n Komitee bedoel in subregulasie (1) bestaan uit 'n gelyke getal verteenwoordigers aan onderskeidelik werkgewer en werknemer kant, tensy die partye andersins ooreenkom.
- (3) Die voorsitter van enige sodanige komitee kan die voorsitter of waarnemende voorsitter van die betrokke Nasionale of Provinsiale

Forum wees of 'n persoon verkies deur die Nasionale of Provinsiale Forum vanuit die lede van die betrokke komitee of andersins, of soos andersins deur die betrokke Nasionale of Provinsiale Forum bepaal.

11 ADMINISTRASIE

- (1) 'n Nasionale of Provinsiale Forum moet gepaste akkommodasie en fasiliteite bekom en voorsiening vir sy administrasie ingevolge die bepalings van hierdie regulasies maak.
- (2) 'n Nasionale of Provinsiale Forum kan 'n deeltydse of voltydse sekretaris aanstel wat, met die goedkeuring van die betrokke Nasionale of Provinsiale Forum, bykomende deeltydse of voltydse personeel kan aanstel om bystand te verleen met die administrasie van die betrokke Nasionale of Provinsiale Forum.
- (3) Alle uitgawes voortspruitend uit die administrasie van die betrokke Nasionale of Provinsiale Forum kan gelykop verdeel word tussen die werkgewer aan die een kant en die erkende werknemerorganisasies gesamentlik aan die ander kant.

12. STAKINGS EN UITSLUITINGS

- (1) 'n Werknemer mag onder geen omstandighede staak nie.
- (2) Die werkgewer mag onder geen omstandighede 'n uitsluiting bewerkstellig nie.

13. ARBITRASIE

- (1) Indien die werkgewer of 'n erkende werknemerorganisasie enige dispuut of aangeleentheid ingevolge hierdie regulasies vir arbitrasie wil verwys, moet dit binne die voorgeskrewe tydperk aan die voorsitter van die betrokke Nasionale of Provinsiale Forum kennis gee van sodanige verwysing.
- (2) By ontvangs van sodanige verwysing, belê die voorsitter binne 14 dae na van die verwysing bedoel in subregulasie (1) 'n vergadering met die partye betrokke by die dispuut, met die doel om die opdrag van die arbitrasie te bepaal.
- (3) In die geval van 'n dispuut ten opsigte van die opdrag van die arbitrasie of enige aangeleentheid wat daarmee verband hou, word die dispuut binne sewe dae vanaf sodanige dispuut, na die President van die Industriële hof of enige ander persoon op wie die partye mag ooreenkom, verwys.
- (4) Die persoon bedoel in subregulasie (3) moet poog om binne sewe dae na sodanige verwysing, die partye tot 'n ooreenkoms te bring, en waar dit misluk, moet hy of sy binne drie dae daarna die dispuut besleg.
- (5) Arbitrasie word deur 'n enkele arbiter, of deur 'n gelyke getal arbiters en 'n skeidsregter onderneem, verkies uit 'n paneel van arbiters deur die betrokke Nasionale of Provinsiale Forum saamgestel.

- (6) Indien die betrokke Nasionale of Provinsiale Forum besluit dat die arbitrasie deur 'n enkele arbiter onderneem moet word, word 'n arbiter aangestel vanuit die paneel van arbiters bedoel in subregulasie (5) by wyse van 'n meerderheidstem aan die werkgewerkant en die werknemer kant.
- (7) Indien die Nasionale of Provinsiale Forum besluit dat arbitrasie deur 'n gelyke getal arbiters en 'n skeidsregter onderneem moet word -
 - (a) word die een helfte van die getal arbiters deur die werkgewer aangestel en die ander helfte deur die verteenwoordigers aan die werknemer kant aangestel vanuit die paneel, bedoel in subregulasie (5); en
 - (b) word 'n skeidsregter vanuit bedoelde paneel by wyse van 'n stem deur die werkgewer en 'n meerderheidstem aan die werknemer kant aangestel.
- (8) Indien meer as een arbiter aangestel is -
 - (a) sit die skeidsregter voor by alle vergaderings van die arbiters;
 - (b) besluit die arbiters by wyse van meerderheidstem; en
 - (c) het die skeidsregter, in die geval van 'n staking van stemme, 'n beslissende stem.
- (9) Die betrokke Nasionale of Provinsiale Forum kan instruksies en riglyne aan enige arbiter, of arbiters en skeidsregter gee, indien en wanneer dit geskik geag word.
- (10) 'n Arbitrasie word binne 30 dae vanaf die datum waarop die arbiter, of arbiters en skeidsregter, na gelang van die geval, aangestel is, afgehandel: Met dien verstande dat die bedoelde tydperk by ooreenkoms tussen die partye verleng kan word of vir sodanige tydperk wat die arbiter, of arbiters en skeidsregter redelik mag ag.
- (11) Die arbiter se bepaling mag slegs handel oor die onderwerp van die dispuut en met aangeleenthede wat redelikerwys met die beslegting van die geskil verband hou.
- (12) Indien 'n dispuut wat ingevolge hierdie regulasie vir arbitrasie verwys is, geskik word by wyse van 'n besluit van 'n Nasionale of Provinsiale Forum ingevolge regulasie 9 voordat die arbiter se bepaling gemaak is, moet die arbiter of arbiters dienooreenkomstig in kennis gestel word, en by sodanige kennisgewing, word sodanige arbitrasieverrigtinge gestaak.
- (13) 'n Afskrif van die arbiter se bepaling word aan elke party in die betrokke Nasionale of Provinsiale Forum voorsien.
- (14) Behoudens regulasie 4 en 9 is die arbiter se bepaling finaal en bindend vir die werkgewer, die betrokke erkende werknemerorganisasies en die werknemers op wie die bepaling van toepassing is.
- (15) Die volgende bepalings is met betrekking tot die koste van enige

arbitrasie van toepassing -

- (a) in die geval van 'n arbitrasie bedoel in subregulasie (6) word die arbiter se fooie gelykop tussen die werkgewer en die werknemerorganisasies wat by die arbitrasie betrokke is verdeel; en
- (b) in die geval van 'n arbitrasie bedoel in subregulasie (7) -
 - (i) betaal die werkgewer en die werknemerorganisasies wat by die arbitrasie betrokke is die fooie van die arbiter of arbiters wat deur hulle aangestel is; en
 - (ii) die skeidsregter se fooie word gelykop tussen die werkgewer en die werknemerorganisasies wat by die arbitrasie betrokke is, verdeel.
- (16) Nieteenstaande die bepalings van subregulasie (15), dra die werkgewer die koste in die geval waar die wetgewer nie 'n bepaling, gemaak voortspruitend uit die prosedure bedoel in regulasie 9, hetsy in die geheel of gedeeltelik, goedkeur nie.

14. OORGANGSBEPALINGS

- (1) Alle werknemerorganisasies geregistreer en erken deur enige Mag voor die inwerkingtreding van hierdie regulasies, word geag geregistreer en erken te wees vir doeleindes van hierdie regulasies.
- (2) Alle ooreenkomste aangegaan tussen geregistreerde en erkende werknemerorganisasies en 'n Mag of die Diens wat van krag was voor die inwerkingtreding van hierdie regulasies, bly van krag totdat dit deur die Nasionale Forum afgeskaf of andersins mee gehandel word: Met dien verstande dat alle sodanige ooreenkomste by die eerste vergadering van die Nasionale Forum ter tafel gelê moet word vir bekragtiging, wysiging of afskaffing of om andersins mee gehandel te word na goeddunke van die Nasionale Forum.

15. KORT TITEL

Hierdie regulasies staan bekend as die Regulasies betreffende Arbeidsverhoudinge in die Suid-Afrikaanse Polisiediens.

SUID-AFRIKAANSE POLISIEDIENS GRIEWEPROSEDURE REGULASIES

1. WOORDOMSKRYWINGS

In hierdie regulasies, tensy uit die samehang anders blyk, beteken -

"erkende werknemerorganisasie" 'n werknemerorganisasie erken ingevolge regulasie 7 van die Regulasies betreffende Arbeidsverhoudinge in die Suid-Afrikaanse Polisiediens;

"gegriefde" enige werknemer, groep werknemers of erkende werknemerorganisasie;

"gespesifiseerde vorm" 'n vorm deur die Nasionale Kommissaris by wyse van Nasionale Orders voorgeskryf;

"grief" enige ontevredenheid of persepsie van onbillike behandeling ervaar deur 'n werknemer, 'n groep werknemers en/of 'n erkende werknemerorganisasie wat in die diensverhouding in die Diens ontstaan;

"verteenwoordiger" 'n ampsdraer of beampte of persoon in diens van 'n erkende werknemerorganisasie of 'n werknemer: Met dien verstande dat vir doeleindes van regulasie 3(5) die betekenis van "verteenwoordiger" ook 'n regsverteenwoordiger insluit; en

"werknemer" 'n lid van die Diens.

2. FUNDAMENTELE BEGINSELS

- (1) Die grieweprosedure kan deur enige gegriefde ingestel word.
- (2) Die primêre doelstellings van die grieweprosedure is om:
 - (a) 'n grief so regverdig en vinnig as moontlik op te los;
 - (b) 'n grief so na as moontlik aan die punt van oorsprong of gesagsvlak op te los; en
 - (c) die belange van die Diens en sy lede te beskerm.
- (3) 'n Gegriefde het die reg dat griewe op 'n billike wyse en sonder vrees vir viktimisasie of benadeling aangespreek word.
- (4) Die grieweprosedure sal nie dien as:
 - (a) 'n alternatief tot of as 'n appél meganisme teen dissiplinêre stappe ingestel ingevolge enige wet nie; of
 - (b) 'n forum vir kollektiewe bedinging nie.
- (5) 'n Gegriefde kan in enige stadium van die grieweprosedure deur 'n verteenwoordiger bygestaan word.

3. PROSEDURELE STAPPE

- (1) (a) 'n Gegriefde wat enige grief wil opper wat van 'n direkte belang vir die gegriefde is, dien, met die bystand van 'n verteenwoordiger indien so verkies, 'n formele grief skriftelik in 'n gespesifiseerde vorm by sy of haar onmiddellike meerdere in of as die grief betrekking het op sodanige onmiddellike meerdere, kan die gegriefde voortgaan soos bepaal in subregulasie (2).
- (b) Die onmiddellike meerdere poog om by ontvangs van die grief die grief so spoedig moontlik op te los, welke pogings onderhoudvoering en konsultering met die betrokke gegriefde en sodanige ander persone of partye wat deur die grief geaffekteer of geïmpliseer kan word, insluit maar nie

daartoe beperk is nie.

- (c) In die geval waar die onmiddellike meerdere nie in staat is of nie daarin slaag om die grief binne twee werksdae na ontvangs van die grief of sodanige verlengde tyd soos deur die partye ooreengekom, op te los nie, kan die gegriefde voortgaan soos bepaal in subregulasie (2).
 - (d) Die uitslag van die verrigtinge bedoel in hierdie subregulasie moet in 'n gespesifiseerde vorm aangeteken word.
- (2)
- (a) Die gegriefde bedoel in subregulasie (1) verwys, met die bystand van 'n verteenwoordiger indien so verkies, die formele grief skriftelik in 'n gespesifiseerde vorm na die hoof van sy of haar komponent of as die grief betrekking het op die hoof van die komponent, kan die gegriefde voortgaan soos bepaal in subregulasie (3).
 - (b) Die hoof van die komponent poog by ontvangs van die grief om die grief so spoedig moontlik op te los, welke pogings oorweging van die rekord van die verrigtinge bedoel in subregulasie (1) en onderhoudvoering en konsultering met die betrokke gegriefde en sodanige ander persone of partye wat deur die grief geaffekteer of geïmpliseer kan word, insluit maar nie daartoe beperk is nie.
 - (c)
 - (i) In die geval waar die hoof van die komponent van mening is dat die grief betrekking het op 'n aangeleentheid wat buite die omvang van sy of haar bevoegdheid val, verwys die hoof van die komponent binne drie werksdae na ontvangs van die grief, die grief skriftelik in 'n gespesifiseerde vorm na die mees geskikte gesagsvlak of bestuursfunksie: Met dien verstande dat indien die mees geskikte gesagsvlak of bestuursfunksie nie die volgende hoër gesagsvlak of bestuursfunksie is nie, sodanige verwysing slegs sal plaasvind na konsultasie met sodanige volgende hoër gesagsvlak.
 - (ii) Die verantwoordelike persoon by die mees geskikte gesagsvlak of bestuursfunksie bedoel in subparagraaf (i), hanteer die grief asof hy of sy die volgende hoër gesagsvlak is soos bedoel in subregulasie (3).
 - (d) In die geval waar die hoof van die komponent nie in staat is of nie daarin slaag om die grief binne vyf werksdae of sodanige verlengde tyd soos deur die partye ooreengekom, op te los nie, kan die gegriefde voortgaan soos bepaal in subregulasie (3).
 - (e) Die uitslag van die verrigtinge bedoel in hierdie subregulasie moet in 'n gespesifiseerde vorm aangeteken word.
- (3)
- (a) Die gegriefde bedoel in subregulasie (2) verwys, met die bystand van 'n verteenwoordiger indien so verkies, die grief skriftelik in 'n gespesifiseerde vorm na die volgende hoër gesagsvlak of indien die grief teen die bedoelde gesagspersoon of enige ander persoon in die hoër gesagsvlak

is, kan die gegriefde voortgaan soos bepaal in subregulasie (4).

- (b) Die volgende hoër gesagsvlak poog by ontvangs van die grief om die grief so spoedig moontlik op te los, welke pogings oorweging van die rekord van die verrigtinge bedoel in subregulasie (2) en onderhoudvoering en konsultering met die betrokke gegriefde en sodanige ander persone of partye wat deur die grief geaffekteer of geïmpliseer kan word, insluit maar nie daartoe beperk is nie.
- (c) In die geval waar die gesagspersoon bedoel in paragraaf (a) nie in staat is of nie daarin slaag om die grief binne vyf werksdae of sodanige verlengde tyd soos deur die partye ooreengekom, op te los nie, kan die gegriefde voortgaan soos bepaal in subregulasie (4).
- (d) Die uitslag van die verrigtinge bedoel in hierdie subregulasie moet in 'n gespesifiseerde vorm aangeteken word.
- (4) (a) (i) Die gegriefde bedoel in subregulasie (3) verwys, met die bystand van 'n verteenwoordiger indien so verkies, die grief skriftelik in 'n gespesifiseerde vorm na -
- (aa) die Nasionale Kommissaris; en
 - (bb) in die geval waar die grief betrekking het op 'n aangeleentheid of persoon wat binne die jurisdiksie van 'n Provinsiale Kommissaris val, die betrokke Provinsiale Kommissaris.
- (ii) In geval van sodanige gesamentlike verwysing stel die Nasionale Kommissaris na konsultasie met die betrokke Provinsiale Kommissaris, die gegriefde binne vyf werksdae na ontvangs van sodanige verwysing, skriftelik in kennis watter Kommissaris die grief sal aanspreek.
- (b) Die gespesifiseerde vorm bedoel in paragraaf (a) moet van die gegriefde vereis om vertoë te rig betreffende onder andere die aard en grondslag van die grief en waar van toepassing, besonderhede van die stappe geneem om die grief op te los; en voorgestelde prosedurele en/of substantiewe maatreëls om die grief op te los.
- (c) Die betrokke Kommissaris moet binne 10 werksdae na ontvangs van sodanige vertoë of binne sodanige verlengde tyd waarop die partye mag ooreengekom:
- (i) ondersoek laat doen na alle aangeleenthede relevant tot die grief; en
 - (ii) 'n vergadering belê in 'n poging om die grief deur konsensus op te los en sodanige vergadering word bygewoon deur -
- (aa) die gegriefde, of nie meer as drie persone gekies deur die gegriefde in die geval van 'n groepsbrief

met die bystand van 'n verteenwoordiger indien so verkies; en

(bb) lede van die bestuurskader van die Diens: Met dien verstande dat hul getal nie meer sal wees as die totale getal aan die kant van die gegriefde nie.

(d) In die geval waar die partye by sodanige vergadering nie in staat is of nie daarin slaag om die grief op te los nie, kan die gegriefde voortgaan soos bepaal in subregulasie (5).

(e) Die uitslag van die verrigtinge bedoel in hierdie subregulasie moet in 'n gespesifiseerde vorm aangeteken word.

(5) (a) (i) Die gegriefde bedoel in subregulasie (4) verwys, met die bystand van 'n verteenwoordiger indien so verkies, binne 30 dae nadat pogings misluk het om die grief op te los soos bedoel in subregulasie (4), die grief skriftelik na -

(aa) die Nasionale Kommissaris, en

(bb) in die geval waar die grief betrekking het op 'n aangeleentheid of persoon(e) wat binne die jurisdiksie van 'n Provinsiale Kommissaris val, die betrokke Provinsiale Kommissaris.

(ii) In die geval van sodanige gesamentlike verwysing stel die Nasionale Kommissaris na konsultasie met die betrokke Provinsiale Kommissaris, die gegriefde binne vyf werksdae na ontvangs van sodanige verwysing, skriftelik in kennis watter Kommissaris die grief sal aanspreek.

(b) Die betrokke Kommissaris konsulteer binne 20 dae na sodanige verwysing met die betrokke gegriefde met die oog daarop om te bepaal of die grief verwys moet word vir -

(i) arbitrasie; of

(ii) mediasie, en by gebrek aan 'n oplossing, na arbitrasie:

Met dien verstande dat in die geval waar die partye nie op 'n aanvaarbare dispuut oplossingsmeganisme ooreenkom nie, die grief vir arbitrasie verwys moet word.

(c) Die opdrag, datum, tyd, lokaal, samestelling, voorsitter, koste en alle aangeleenthede wat verband hou met sodanige mediasie en/of arbitrasie word gesamentlik deur die betrokke Kommissaris en betrokke gegriefde bepaal.

(d) In die geval van 'n dispuut oor die opdrag van die arbitrasie of enige verbandhoudende aangeleentheid, word die dispuut binne sewe dae na die ontstaan daarvan na die President van die Nywerheidshof of enige ander persoon op wie die partye mag ooreenkom, verwys.

(e) Die persoon bedoel in paragraaf (d) poog in die eerste

instansie om binne sewe dae na die verwysing van sodanige dispuut na hom of haar die partye tot 'n ooreenkoms te bring, en indien dit misluk besleg hy of sy binne drie dae daarna die dispuut.

- (f) Die uitslag van verrigtinge bedoel in paragrafe (b) - (e) en enige ooreenkoms bereik as gevolg van mediasie of enige beslissing as gevolg van arbitrasie moet in skrif vervat word en word as finaal en bindend op die partye beskou.
- (6) Die prosedure in hierdie regulasies vervat, verhinder nie 'n gegriefde om hom of haar op enige ander prosedure vervat in enige ander wet van toepassing op die Diens, te beroep nie.

4 KORT TITEL:

Hierdie regulasies staan bekend as die Suid-Afrikaanse Polisie diens Griewe-prosedure Regulasies.

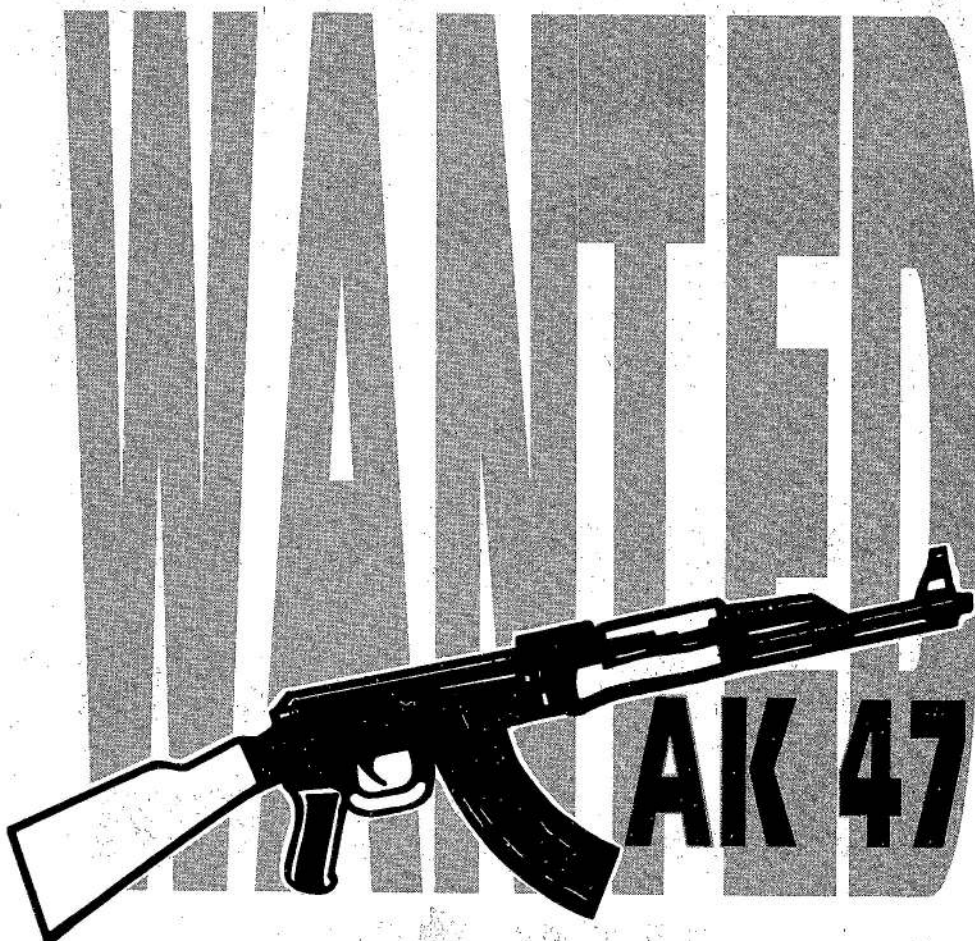
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ROBBERY
RAPE**

**UP TO R6000 WILL BE PAID
FOR VALUABLE INFORMATION**

SECRECY GUARANTEED

PHONE TOLL FREE

0800 11 12 13

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