



the dpsa

Department:
Public Service and Administration
REPUBLIC OF SOUTH AFRICA

COLLECTIVE BARGAINING IN THE PUBLIC SERVICE

PSTF: 29 September 2009

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INTRODUCTION



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- Mechanism to address matters of mutual interest
 - Constitutional right
 - No general duty to bargain –agreement or power play
 - Public service – compulsory – PSCBC
 - Demarcation of sectors

BARGAINING STRUCTURES

- PSCBC
- 4 Sectors – 4 sectoral bargaining councils
 - ELRC
 - SSSBC
 - PHSDSBC
 - GPSSBC
- Registration with Registrar of Labour
- Juristic persons

BARGAINING COUNCIL SCOPES



PSCBC

- All employees in the public service, excluding
 - SANDF
 - NIA
 - Secret Service
 - SA National Academy of Intelligence

ELRC

- All persons employed i.t.o. Employment of Educators Act

SSSBC

- All employees employed in SAPS

BARGAINING COUNCIL SCOPES cont.



PHSDSBC

- All employees in national and provincial departments of health and social development
- Employees working in health facilities in other departments
- Employees in other departments in identified health and social development occupations (Schedule 1 of Resolution 9/1998)

GPSSBC

- All employees that are not covered by the other councils
- Same exclusions as for PSCBC

- SMS members excluded from bargaining units of councils

DUTIES AND FUNCTIONS OF BARGAINING COUNCILS



- Enhance labour peace
- Promote sound relations between employer and employee
- Negotiate and conclude collective agreements
- Implement collective agreements
- Prevent and resolve labour disputes

BARGAINING LEVELS



PSCBC

- Transverse issues (general salary increases, medical assistance, housing allowance, leave, etc.)
- Matters that affect two or more sectors

SECTORAL COUNCILS

- Matters specific to employees in the sector (e.g. OSDs)

DEPARTMENTAL AND PROVINCIAL CHAMBERS

- PSCBC, ELRC, PHSDSBC & GPSSBC have chambers
- PSCBC chamber in each province - same role as Council
- GPSSBC – chamber in each national department & 1 chamber in each province

BARGAINING LEVELS cont.

- Chambers are not juristic persons
- Collective agreements of chambers – ratification process
- Bargaining structures not to infringe on scope of others
- Bargaining structure only to deal with matters on which employer at level has authority
- Uncertainty about level – check with lead department or national chief negotiator

INSTITUTIONAL LEVEL

- Engagement with unions possible
- Refrain from concluding collective agreements
- May record understanding with unions if necessary
- Consult with I r section before entering into any understanding

MATTERS FOR NEGOTIATION / CONSULTATION

- Not all matters constitute matters of mutual interest
- Not all matters subject of negotiations –
- Some matters, employer prerogatives
- Consultation on prerogatives
- Distinction between negotiable matters & employer prerogative – not exact science
- Broad guideline
 - Financial implications – negotiate
 - Policy - consult

MATTERS FOR NEGOTIATION / CONSULTATION cont.



- Problems with policy negotiations –
 - amendments to be negotiated
 - no guarantee of acceptance of amendments
 - slightest deviation – dispute

MANDATING



- Negotiate – proper mandate – also fiscal requirements
- National level – special cabinet committee – Mandate Committee
- Mandate Committee
 - MPSA – chair
 - Ministers from sectors
 - MoF and DMoF
- Sectors – normally MINMEC (S&S exception)
- Chambers – EAs & HODs

RESOLUTIONS

- Employer + number of trade unions representing majority employees
- No agreement without employer / trade union majority
- No agreement – deadlock
- Dispute resolution procedure applies
 - Strike
 - Lock-out
 - Arbitration
- Unilateral implementation possible

MAIN TRADE UNIONS

- DENOSA
- HOSPERSA
- NAPTOSA
- NEHAWU
- POPCRU
- PSA
- SADTU
- SAPU

FUNCTIONS OF ROLE PLAYERS



EAs/HODs

- Provide mandate for negotiations
- Strategic direction
- Appoint employer representatives
- Ensure budgetary obligations will be met

LRO

- Represent employer in negotiations
- Secure mandates
- Act as secretariat
- Facilitate training for employer negotiators
- Advise management on collective bargaining procedures

FUNCTIONS OF ROLE PLAYERS cont.



- Report outcome of negotiation meetings
- Ensure compliance with legislation
- Ensure implementation of collective agreements

SHOP STEWARDS

- Represent members in negotiations
- Provide accurate feedback on negotiations
- Obtain mandates for negotiations
- Disputes – manage members in e.g. strike action
- Participate in consultations
- Participate in negotiations in good faith

FUNCTIONS OF ROLE PLAYERS cont.



MANAGERS

- Support employer position
- Represent employer in negotiations
- Provide accurate feedback – especially during salary negotiations
- Manage strike w.r.t. own staff & keep records

DEVELOPMENTS IN OSD AND SALARY NEGOTIATIONS 2009



- Conclusion of negotiations on OSDs and non-OSDs
 - COSATU meeting with affected Ministers
 - Convening of Birchwood 1 on 11 June 2009
 - Signing of Birchwood declaration setting a timetable for OSDs negotiations 12 June 2009

- Finalisation of the outstanding OSDs
 - Social workers agreement finally signed on 4 June 2009
 - Correctional officers agreement finally signed on 24 June 2009

DEVELOPMENTS ...CONT.



- Medical officers, Dentists, Pharmacists, etc agreement finalised on the 7 August 2009
- Revised Salary Structure agreement (levels 1-12) signed on 24 July 2009
- Therapeutic Services and Allied workers negotiations underway in the PHSDSBC
- Outstanding matters on the Educator OSD were concluded on 14 August 2009
- Engineers agreement signed on 18 August 2009

DEVELOPMENTS ...CONT.



- Environmentalist and biodiversity signed on 13 August 2009
- Establishment of a task team to identify additional occupational classes was signed on 12 August 2009
- Engineering technologists, etc signed on 12 August 2009
- Engineering technicians, etc signed on 12 August 2009
- Artisans signed on 7 August 2009
- Quantity surveyors signed on 7 August 2009

DEVELOPMENTS ...CONT.



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DEVELOPMENTS ...CONT.



- Salary negotiations for 2009/10 and 2010/11
 - Started only after the finalisation of the OSDs negotiations
 - Labour tabled a lists of approximately 11 demands including a 15% across the board.
 - The employer initial offer was for an average 8.5% on a sliding scale.
 - The final offer from the employer was tabled on the 1 Sep 2009 which is an average of 11% based on a sliding scale

DEVELOPMENTS ...CONT.



- The employer offer was restricted to a single term of 2009/10 FY
- The employer offer excluded all the other CoS demands. These are to be subjected to a future process
- Negotiations for the FY 2010/11 will resume later in September 2009

Thank you
Siyabulela
Rea Leboga
Dankie
Ha nkhensa
Siyabonga