RESOLUTION NO 11 OF 1998

COLLECTIVE AGREEMENT FOR THE ELECTION OF FULL TIME SHOP STEWARDS IN THE PUBLIC SERVICE

1. **Full time shop steward agreement**

   1.1. The object of this agreement is to define guidelines for the appointment of full time shop stewards, where necessary, to optimise collective bargaining and dispute resolution in the public service.

   1.2. Subject to subclause 1.3, this agreement applies to the employer and all employees-

      1.2.1. employed by the State; and

      1.2.2. who fall within the registered scope of the council.

   1.3. This agreement does not apply to the employer and those employees covered by a full time shop steward agreement concluded in a sectoral council.

   1.4. This agreement will not affect existing collective agreements on full time shop stewards already concluded between the employer and trade unions in the public service.

2. **Objectives of this Agreement**

   2.1. The objectives of this agreement are to:

      2.1.1. provide criteria for determining whether a full time shop steward is necessary;

      2.1.2. provide the structures for the office of full time shop steward;

      2.1.3. facilitate the functioning of the full time shop steward; and

      2.1.4. protect the full time shop steward from discrimination and victimisation.

3. **Criteria for the Appointment of a full time shop steward**

   3.1. In order to reach agreement on whether full time shop stewards are needed the employer and the relevant trade unions in the sectoral council must consider:

      3.1.1. the provincial administrations and the national departments that fall within the registered scope of the sectoral council;

      3.1.2. the number of employees employed;

      3.1.3. the type of services provided;

      3.1.4. the nature of work performed;

      3.1.5. the current and expected allocation of resources;

      3.1.6. the burden of labour relations work;
3.1.7. the nature and type of negotiations that the full time shop steward will be involved in; and
3.1.8. the nature and number of disputes that may arise.

3.2. The employer and the relevant trade union in the sectoral council must negotiate on:
3.2.1. on the number of full time shop stewards;
3.2.2. the place, places or area of work that the full time shop steward will work in; and
3.2.3. the constituency that the full time shop steward will work in

4. The Duties of a Full time shop steward

The duties of a full time shop steward are to:

4.1. assist and represent employees in grievance and disciplinary proceedings;

4.2. monitor the employers compliance with any law regulating terms and conditions of employment and any collective agreement binding on the employer;

4.3. report any alleged contravention of any law regulating terms and conditions of employment and any collective agreement binding on the employer to:
4.3.1. the employer;
4.3.2. the representative trade union; and

4.4. co-operate with the employer to ensure that:
4.4.1. the process of service delivery is uninterrupted;
4.4.2. high productivity levels are maintained;
4.4.3. services are rendered to the general public efficiently and effectively; and
4.4.4. there is order in the public service.

5. Obligations of the Employer

5.1. An employee who has been elected as a full time shop steward of a trade union is entitled to leave of absence with remuneration.

5.2. The employer must ensure that the position that the full time shop steward occupied prior to commencing office as a full time shop steward is protected for the period during which the full time shop steward is in office. At the end of the period of office the full time shop steward will revert back to the grade and remuneration attached to that grade, unless otherwise agreed. In this regard the relevant employer1 will conclude an agreement with a trade union, prior to the period of office of the full time shop steward commencing, regarding:
5.2.1. The grade and location that the full time shop steward will return to at the end of the period of office;

1 The statutory authority of the employer is vested in the executing authority- see section 1 (Interpretation) of the Public Service Act, Proclamation No 103 of 1994.
5.2.2. The rate of remuneration to be paid to the full time shop steward considering the responsibilities of the full time shop steward, which amount may not be less than that provided for in clause 4.6 below;

5.2.3. The form of performance assessment, if any, that will apply to the full time shop steward during the period of office;

5.2.4. Any promotion, if any, that the full time shop steward is entitled to during the period of office; and

5.2.5. The duties of the full time shop steward, which may include any trade union activities defined by the trade union.

5.3. During the period of being a full time shop steward, the full time shop steward will not be subject to the discipline of the employer for activities related to the duties of the trade union.

5.4. The employer will provide the full time shop steward with reasonable access to office accommodation, including communication facilities commensurate with the area in which the employer is located.

5.5. The employer will not interfere with, restrain, coerce or discriminate against the full time shop steward, unless otherwise allowed by law.

5.6. A full time shop steward:

5.6.1. who is employed in grade 4 or below will be paid at the remuneration paid to an employee in grade 4; or

5.6.2. who is employed in any grade above grade 4 will be paid: at a rate equal to the rate of remuneration that the full time shop steward was employed on at the time of taking up the position of full time shop steward.

6. Obligations of the Trade Union

6.1. The trade union shall notify the employer of the name of the employee elected as a full time shop steward as soon as an election for the position of full time shop steward has taken place.

6.2. If a full time shop steward, for any reason does not occupy this position for the full period, then the trade union shall notify the employer immediately it becomes aware that such employee will no longer be a full time shop steward.

7. Period of Office of the Full time shop steward

7.1. A full time shop steward will be appointed for a period of one year.

7.2. A full time shop steward may be re-appointed.

8. Disputes

If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.
9. Definitions

9.1. Any expression used in this agreement which is defined in the Labour Relations Act, 1995 (Act no 66 of 1995) will have the same meaning as in that Act except that:

9.1.1. “Council” means the Public Service Co-ordinating Bargaining Council;

9.1.2. “Employee” means an employee:

9.1.2.1. employed by the State; and

9.1.2.2. who falls within the registered scope of the council

9.1.3. “Employer” means the State as employer;

9.1.4. Full time shop steward means a shop steward of a trade union whose conditions of service are regulated in terms of this agreement and any other collective agreement.

9.1.5. “Remuneration” means salary and any other benefits that the employee is entitled to.

9.1.6. “Sectoral council” means a council:

9.1.6.1. established by the council, or the President, in terms of section 37 of the Labour Relations Act of 1995; or

9.1.6.2. deemed to be a sectoral council in terms of item 16 and 18 of Schedule 7 to the Labour Relations Act of 1995;

9.1.7. “Trade union” means a registered trade union, or two or more registered trade unions acting together who are admitted to a sectoral council designated by the PSCBC.