

# **PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL**

## **RESOLUTION NO   3   OF 2000**

Noting that:

Schedule 7, Part D, item 14(2) and item 20(b), of the *Labour Relations Act*, No 66 of 1995 ("the LRA"), read with Schedule 1, item 3(1) of the LRA, creates formal bargaining council structures in the provincial administrations and the national departments that are not cost effective, or necessary.

Item 20(b)(i) and (ii) of Schedule 7 states that the provincial and national chambers created in terms of the Public Service Labour Relations Act, Proclamation No 105 of 1994 ("the PSLRA") shall be deemed to be bargaining councils established in terms of section 37(3)(a) of the LRA. They have, therefore, been deemed to be created by a collective agreement of the PSCBC.

Section 37(3)(a) states that the Public Service Co-ordinating Bargaining Council ("the PSCBC") may designate any sector in the public service for the establishment of a bargaining council; and

The PSCBC may amend any collective agreements that it has entered into.

The parties hereby resolve that:

1. The decision to designate bargaining councils in terms of the LRA (1995) in provincial administrations and national departments is withdrawn, subject to the following:
  - (a) The withdrawal of the decision does not affect the establishment of the Education Labour Relations Council, Safety and Security Sectoral Bargaining Council, Public Health and Welfare Sectoral Bargaining Council and the General Public Service Sectoral Bargaining Council.
  - (b) Departmental and provincial bargaining councils in existence at the time of the coming into effect of this resolution shall continue to exist for a period of not longer than six months from such date.

- (c) All agreements concluded in departmental and provincial bargaining councils and still valid at the expiry of the period referred to in subparagraph (b) above, will remain in force until amended or replaced by an agreement concluded in the relevant sectoral bargaining council.
- 2. Any dispute that arose in a departmental or provincial bargaining council before the expiry of the period referred to in subparagraph (b) above, must be concluded in terms of the dispute resolution mechanism that applied to such council at the time.
- 3. The sectoral bargaining councils designated by the PSCBC will, if necessary and in accordance with their constitutions, establish chambers and/or committees in national departments and provincial administrations.
- 4. The PSCBC may consider the establishment of provincial committees to facilitate and co-ordinate the implementation of agreements reached at PSCBC and other sectoral bargaining councils.
- 5. This agreement binds:
  - (a) the employer;
  - (b) the employees of the employer who are members of the trade union parties to this agreement; and
  - (c) the employees of the employer who are not members of any trade union parties to this agreement, but who fall within the registered scope of Council.
- 6. This agreement shall come into effect from the date of signing.
- 7. 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. Any dispute arising concerning jurisdiction of the chamber and/or other bargaining forums shall be dealt with in terms of the provisions of the LRA.
- 8. The Council will monitor the implementation of this agreement.



**THIS DONE AND SIGNED AT \_\_\_\_\_ OF THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_ 2000.**

**ON BEHALF OF THE EMPLOYER**

	Name	Signature
State as Employer		

**ON BEHALF OF TRADE UNION PARTIES**

Trade Union	Name	Signature
DENOSA		
HOSPERSA		
NAPTOSA		
NUPSAW		
NPSWU		
NEHAWU		
PAWUSA		
POPCRU		
PSA		
SADTU		
SAPU		
SAOU		