



**GENERAL PUBLIC SERVICE
SECTOR BARGAINING COUNCIL**



Physical Address:
260 Basden Avenue,
Lyttelton, Centurion,
Pretoria

Postal Address:
PO Box 16663,
Lyttelton, 1040

Tel: 012 644 8132
Web: <http://www.gpssbc.org.za>

Resolution 05 of 2024

AGREEMENT ON THE 2024 NATIONAL MACRO ORGANISATION OF GOVERNMENT

1. OBJECTIVES

- 1.1. To give effect to the changes to the National Executive as announced by the President for the 7th Administration, which necessitated the reconfiguration of the National Departments.
- 1.2. Ensure alignment between the announced Cabinet portfolios and the administrative structures in support of Ministers responsible for such portfolios.
- 1.3. To provide guidelines on the identification, transfer and placement of staff in a transparent, fair and inclusive process that allows meaningful participation and consultation with all stakeholders.

2. SCOPE

- 2.1. This agreement binds the Employer and employees who:
 - 2.1.1. are employed by the State; and
 - 2.1.2. Fall within the registered scope of the Council.

3. NOTING THAT:

- 3.1. In terms of Section 97 of the Constitution of the Republic of South Africa, 1996 (the Constitution), the President may by proclamation, transfer to a member of Cabinet, the administration and powers and functions entrusted by legislation;
- 3.2. Section 7(5)(a) of the Public Service Act, provides that the President may by proclamation in the Gazette, on the advice of the Minister for the Public Service and Administration, amend Schedule 1 to establish or abolish any national department;
- 3.3. Section 7(5)(b) of the Public Service Act further provides that the President may, by proclamation in the Gazette and at the request of the Premier, amend Schedule 2 to establish or abolish any provincial department;

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3.4. Section 3(4) of the Public Service Act allows for the Minister for the Public Service and Administration, after consultation with the relevant executive authority or executive authorities, as the case may be, to make determinations regarding amongst others:

3.4.1. The allocation of any function to or the abolition of any function of, any national department,

3.4.2. The transfer of any function from one national department to another.

4. THE PARTIES TO COUNCIL THEREFORE AGREE TO THE FOLLOWING PRINCIPLES THAT SHALL GOVERN THIS PROCESS:

4.1. All employees to be identified for transfer shall be transferred to the recipient department in terms of Section 14 of the Public Service Act; and section 197 of the labour relations act and any other relevant legislation;

4.2. The transfer of the functions will take place in terms of Section 3(4) and 3A of the Public Service Act and Regulation 32 of the Public Service Regulations, 2016;

4.3. Employment security is a priority, in terms of which the parties agree that no employee shall lose his/her employment or be negatively affected as a result of the transfer;

4.4. Both the relinquishing and recipient departments should have equitable access to human resources as a result of the transfer process;

4.5. Identified posts as defined in the Public Service Act shall be subjected to the ring-fencing and transfer processes;

4.6. Fairness and transparency in the decision-making and implementation should underpin the process;

4.7. Parties should strive to reach consensus in decision-making.

4.8. Consultation should be in the spirit of goodwill between the relinquishing and recipient departments, as well as the affected employees and their representatives;

4.9. The principle that employees follow function based on validated job content shall be applicable;

4.10. Affected employees in acting positions shall have no right to permanent appointment within those acting positions;

4.11. All affected employees will be transferred to the recipient departments on the same salary level and conditions of service as the post they currently occupy;

4.12. Employees appointed on contract in a post on the fixed establishment will be placed against posts on the new establishment for the remainder of their contracts in line with the public service regulations;

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- 4.13. Employees appointed on contract additional to the post establishment will be transferred/ employed additional to the post establishment of the newly created department for the remainder of their contracts;
- 4.14. No employee shall be automatically upgraded to a higher-level post during the ring-fencing and the transfer process.

5. CRITERIA FOR RING-FENCING AND TRANSFER OF STAFF

- 5.1. Separation of functions must be guided by the department's mandate which will be shared during consultation.
- 5.2. Based on the functional separation, resources need to be identified and quantified by relinquishing and receiving departments for consultation purposes.
- 5.3. Following this, the incumbents of the posts must be identified for transfer to the recipient department.
- 5.4. Resources allocated to more than one function should be ring-fenced proportionately.
- 5.5. Departments must determine the proportion of support posts, employees and concomitant resources compared with the line function for transfer to the recipient departments.

6. MATCHING AND PLACING CRITERIA

- 6.1. The matching and placing criteria will be used to match and place all employees from the old structure to the new approved structures and will be in terms of the provisions of the NMOG guide on transfer and ring fencing of staff (Annexure A).
- 6.2. The departments will consult on start-up organisational structures as guided by the provisions of Annexure A of this agreement.
- 6.3. Matching and placing can only take place against a post of the same salary level as the current post an employee occupies.
- 6.4. Where the function has been transferred, the post(s) will follow such function, and the employee will follow the post(s).
- 6.5. The employer will utilise the job description to match the employee to a specific post on the new structure.
- 6.6. If there is no change to the job description of a specific post on the new structure, the employee (incumbent of the corresponding post on the current structure) who at present, performs those functions, must be placed in the new post.



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- 6.7. Where an employee's job function relates to two or more posts within the new organisational structure, he or she will be afforded the opportunity to indicate his or her preference. The preference of all employees will be considered but can only be given effect to, in as far as it is practically possible and feasible.
- 6.8. Where more than one employee's profile matches a particular post in the new establishment, the employee who has been longer in the post will be considered first.
- 6.9. In instances where employees referred to in clauses 6.7 and 6.8 are equally matched in all material respect, then years of service in the public service will be considered as a criteria.
- 6.10. If there would still be employees who remain unmatched and not placed at the end of the matching and placing process outlined above, they would be regarded as being additional to the post establishment, whilst the process of their placement would unfold through the process outlined below.

7 EMPLOYEES ADDITIONAL TO THE ESTABLISHMENT

7.1 The general rules applicable to redeployment are as follows:

7.1.1 All employees affected by the redeployment process must be treated fairly in terms of the relevant legislation, collective agreements and Annexure A and informed of the process to be followed in attempting to suitably accommodate them.

7.1.2 The employer must apply measures to facilitate and enhance redeployment, which includes training and reskilling for employees additional to the establishment.

7.2 Redeployment process will be as follows:

7.2.1 The department shall compile the list of employees additional to the establishment, citing their particulars, comprising of the following information:

7.2.1.1. Name of the employee and other relevant personal details.

7.2.1.2. Level and occupational classification.

7.2.1.3. Educational qualifications and or experience.

7.2.1.4. Short courses and/or capacity development exercises.

7.2.1.5. Other relevant skills and competencies.

7.2.1.6. Written preferences about redeployment; and Educational and training needs.

7.2.2 Only after completing the process in clause 7.2.1 and after all employees are matched, including those initially identified as additional to the establishment, all funded vacancies which exist in the department may be advertised and filled according to the departmental recruitment and selection processes.

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8. STRUCTURES TO FACILITATE THE PROCESS

- 8.1. To oversee and facilitate the implementation of the processes agreed to in this Resolution, parties note the establishment of the following structures:
- 8.1.1. At National Level: The process shall be monitored by the National Implementation Task Team (NITT) comprising the Employer and Organised Labour under the auspices of the GPSSBC.
- 8.1.2. The NITT will brief the GPSSBC on monthly basis.
- 8.2. The General Public Service Sector Bargaining Council (GPSSBC) must activate the chambers of the affected departments to oversee the implementation of this agreement.

9. CONDUCT OF PARTIES IN THE PROCESS

All participants from individual parties agree to adhere to, and conduct themselves, within the provisions as provided for, in the Service Charter (PSCBC Resolution 1 of 2013).

10. FRAMEWORK FOR PMOG

For the purposes of Provincial Macro Organisation of government, the Framework and principles contained in this collective agreement shall be followed.

11. DISPUTE RESOLUTION

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.

12. IMPLEMENTATION OF AGREEMENT

- 12.1. This agreement shall come into effect on the date it enjoys majority support and will remain in force unless terminated or amended by agreement.
- 12.2. In the implementation, interpretation and application of this agreement, words used in the agreement and defined within the constitution of Council will have the meaning as defined in the constitution
- 12.3. The Council will monitor the implementation of this agreement and ensure that all consultations of the NMOG process take place in the Departmental Bargaining Chambers.

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THIS DONE AND SIGNED AT CENTURION OF THIS 05 DAY OF

DECEMBER 2024

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	Yoliswa Mathasi	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
NEHAWU		
POPCRU		
PSA	JOSEPH MASHIGO	