



## Resolution 2 of 2025

# CONSTITUTION GENERAL PUBLIC SERVICE SECTOR BARGAINING COUNCIL

### 1. NAME

The name of the Bargaining Council is the General Public Service Sector Bargaining Council (GPSSBC).

### 2. DEFINITIONS

- 2.1 Any expression used in this constitution which is defined in the Labour Relations Act, 1995 (Act no. 66 of 1995) shall have the same meaning as in the Act.
- 2.2 "**Panellist**" means an arbitrator appointed by the Council to the panel of arbitrators in terms of clause 15.9(c).
- 2.3 "**Audited membership figures**" means membership figures of a trade union as reflected in stop orders or other auditable methods audited by the registered auditor appointed by such trade union.
- 2.4 "**CCMA**" means the Commission for Conciliation, Mediation and Arbitration.
- 2.5 "**Chamber**" means a chamber established by the Council in terms of clause 13.9.

C-2  
1  
jm



- 2.6 **"General Secretary/ General Manager"** means, in the case of an admitted trade union, the person finally responsible for administrative matters in that trade union, irrespective of the terms used within that trade union to name that position.
- 2.7 **"Committee"** means a committee established by Council in terms of clause 13.1.
- 2.8 **"Combined trade union party"** means two or more trade unions acting together as a single party (under the registered name of one of the parties) for the purposes of **clause 6.2(b)**.
- 2.9 **"Council"** means the General Public Service Sector Bargaining Council.
- 2.10 **"Decision of Council"** means a decision of Council that complies with the requirements of **clause 16.3**.
- 2.11 **"Dispute"** includes an alleged dispute and means a dispute that falls within the jurisdiction of the Council.
- 2.12 **"Dispute resolution procedures"** means the Council's dispute resolution procedure as contained in the applicable collective agreement of the Council.
- 2.13 **"Employee"** means –
- (a) any person, excluding an independent contractor, who works for another person or the State and who receives, or is entitled to receive, any remuneration; and
  - (b) any other person who in any manner assists in carrying on or conducting the business of an employer; and "employed" and "employment" have meaning corresponding to that of "employee".
- 2.14 **"Employer"** means the State as employer falling within the registered scope of the Council.
- 2.15 **"Executive Committee"** means the Executive Committee referred to in clause 14.1.
- 2.16 **"Member"** means an employee who is a member in good standing of a trade union.

*Handwritten signatures and initials:*  
A large stylized signature, possibly "Am".  
To the right, "C-2" and a signature that looks like "gm".  
Below "C-2" is a small "2".



2.17 **"Member in good standing"** means an employee who is not more than three months in arrears with the payment of his or her membership fees payable in terms of the constitution of the union.

2.18 **"Month"** means a calendar month, measured from any day in the month up to the day before the day with the same number one month later, and excludes the first and includes the last such day; in the case of there being no day with the same number in the latter month the 1st day of such month will apply.

2.19 **"Mutual interest"** means any matter of mutual interest between:

(a) on the one side –

- (i) one or more trade unions;
- (ii) one or more employees; or
- (iii) one or more trade unions and one or more employees; and

(b) on the other side –

- (i) one or more employers' organisations;
- (ii) one or more employers; or
- (iii) one or more employers' organisations and one or more employers.

2.20 **"Official"**, in relation to a trade union means a person employed by a trade union.

2.21 **"Party to Council"** means the employer or a trade union admitted to the Council.

2.22 **"PSCBC"** means the Public Service Co-ordinating Bargaining Council.

2.23 **"Public service"** is as defined by the Constitution of the PSCBC.

2.24 **"Remuneration"** means any payment in money or in kind, or both in money and in kind, made or owing to any person in return for that person working for the employer.

2.25 **"Resolution of Council"** means a Resolution of Council that complies with the requirements of clause 16.9.

*Handwritten signatures and initials:*  
A large signature on the left, and the initials "C.2" and "Jm" on the right.



2.26 **"General Secretary"** means the General Secretary of the Council appointed in terms of clause 12.1 or any person appointed as acting General Secretary in terms of clause 12.2 (l) or 14.4 (e);

2.27 **"The Act"** means the Labour Relations Act 66 of 1995;

2.28 **"Threshold requirements"** means the threshold requirements as provided in clause 6.2.

2.29 **"Trade union"** means an association of employees whose principal purpose is to regulate relations between the employees and employers, including any employer's organisations.

2.30 **"Admitted trade union"** in the Council a trade union that –

- (a) the trade union and each trade union forming part of a combined trade union party is registered in terms of the Act and meets the required threshold of the Council.
- (b) the trade union has organisational rights with an employer falling within the registered scope of the Council; or
- (c) two or more trade unions acting together as a single party have organisational rights with an employer falling within the registered scope of the Council, either jointly or separately and meet the threshold of the Council.

2.31 **"Working days"** means all days excluding Saturdays, Sundays and public holidays, and excludes the first and includes the last such day.

2.32 Words used in this constitution in the singular include the plural, unless the context indicates otherwise.

2.33 References in this constitution to the male gender include the female gender and vice versa.

C-2  
4  
JW Jm



### 3. SCOPE

- 3.1 The State, as employer, and its employees who fall within the scope of the PSCBC and who do not fall within the registered scope of any current or other sector bargaining council that may be established for a sector designated by the PSCBC.

### 4. OBJECTIVE

The objectives of the Council are to:

- 4.1 promote labour peace in the General Public Service Sector;
- 4.2 promote and maintain sound relationships between the employer and its employees;
- 4.3 in terms of the Act and this constitution, negotiate and bargain collectively to reach agreement on matters of mutual interest to the employer and employees represented by admitted trade unions in the Council;
- 4.4 provide mechanisms for the prevention and effective and expeditious resolution of disputes between –
- (i) the employer and trade unions admitted to the Council;
  - (ii) the employer and trade unions not admitted to the Council; and
  - (iii) the employer and employees,
  - (iv) where the employer has the requisite authority to resolve such disputes;
- 4.5 conclude, supervise and enforce collective agreements;
- 4.6 comply with its powers and duties in terms of the Act and this constitution;
- 4.7 consider and deal with such other matters as may affect the interests of the parties to the Council;

C-2  
5  
Jm





- 4.8 promote the effective delivery of services to the community
- 4.9 promote effective communication between the employer, its employees and the trade unions in the General Public Service Sector.

## **5 POWERS AND FUNCTIONS**

The powers and functions of the Council are to perform those functions set out in section 28 of the Act, inter alia –

- 5.1 conclusion of collective agreements;
- 5.2 enforcement of collective agreements;
- 5.3 prevention and resolution of labour disputes;
- 5.4 performance of the dispute resolution functions referred to section 51 of the Act;
- 5.5 establishment and administration of a fund to be used for resolution of disputes;
- 5.6 promotion and establishment of training and education schemes;
- 5.7 raising, borrowing, lending, levying and investing funds;
- 5.8 development of policy proposals that may affect the sector
- 5.9 determining, by collective agreement, matters that may not be an issue in dispute for the purposes of a strike or a lock-out at a workplace;
- 5.10 exercising any other power to perform any other function that may be necessary or desirable to achieve the objectives of Council.

e-2  
6  
JW Jm



- 5.11 creation of an environment conducive to the provisioning of operational services by the PSCBC to the Council if it contributes to efficiency or administrative convenience and is appropriate for the sharing of skills, expertise or resources.

## **6 PARTIES TO THE COUNCIL**

- 6.1 The parties to the Council are the employer and all trade unions admitted to the Council.

- 6.2 Application of trade unions for admission to Council

- 6.2.1 The following trade unions may apply for admission to the Council:

- (a) A registered trade union which meets the threshold requirement of 30 000 members; or
- (b) two or more registered trade unions acting together as a single party, provided their combined membership meets the threshold requirement of 30 000 members.

- 6.2.2. A single trade union applying for membership in terms of clause 6.2.1 (a), must submit

- (a) a copy of its constitution, fully updated with all amendments as registered and duly authenticated by the signature of the General Secretary/ General Manager;
- (b) a certified copy of the trade union's certificate of registration;
- (c) the full names of the trade union's General Secretary/ General Manager, permanent street and postal addresses, the full telephone number and the full telefax number of its head office;
- (d) a list of national or provincial departments or organisational components in which the trade union has members with regard to whom stop-orders have already been implemented, with an indication, per such national or provincial department, or

C.2  
7  
JW JM



organisational component of their names, identity numbers, PERSAL numbers (where applicable) and the occupational classes to which they belong;

- (e) audited membership figures of all members of the trade union falling within the scope of the Council and proof that the trade union satisfies the threshold requirements; and
- (f) any other information on which the trade union relies in support of its application.

6.2.3. A combined trade union applying for membership in terms of clause 6.2.1 (b), must submit -

- (a) the documentation referred to in clause 6.2.2 in respect of each constituent trade union;
- (b) the agreement between the constituent trade unions addressing material aspects of their acting together arrangement, including –
  - (i) the name under which that combined trade union party will be acting (which name must be the registered name of one of the constituent trade union)
  - (ii) the period of validity which must be at least until the Council's Annual General Meeting in the year following the year within which the combined trade union party applies for membership.

6.3 The Council must –

- (a) within 90 days of receiving an application for admission to the Council, decide whether or not to grant the application;
- (b) within 21 working days of reaching such a decision, advise the applicant of its decision; and

Handwritten signature and initials: "E.2" and "SM" with a date "8".





- (c) if the applicant satisfies the admission criteria, admit the applicant as a party forthwith.

6.4 Change to position of admitted trade unions

6.4.1 Acting together between admitted trade unions

6.4.2 When two or more admitted trade unions form a combined trade union, they must submit the information referred to in clause 6.2.3(b) to the General Secretary.

6.4.3 Once the General Secretary receives the required information, he/she must inform the Council at its next meeting of the formation of such combined trade union.

6.4.4 The Council must recognise the combined trade union as a party to Council.

6.4.5 The validity of the acting together arrangement of the combined trade union, must be at least until the next Annual General Meeting of the Council.

6.5 Acting together between admitted and non-admitted trade unions

6.5.1 When an admitted trade union forms a combined trade union with a non-admitted trade union, the admitted trade union must submit to the General Secretary

(a) the information referred to in clause 6.2.2 (a), (b) and (c) (read with the necessary changes) in respect of the non-admitted trade union; and

(b) the information referred to in clause 6.2.3 (b).

6.5.2 Once the General Secretary receives the required information, he/she must inform the Council at its next meeting of the formation of such combined trade union.

6.5.3 The Council must recognise the combined trade union as a party to Council.

C-2  
9  
Jm



6.5.4 The validity of the acting together arrangement of the combined trade union must be at least till the next Annual General Meeting of the Council.

6.6 Amalgamation of admitted trade unions

6.6.1 When an admitted trade union amalgamates with another admitted trade union in terms of the Act, the new amalgamated trade union must, within one month of registration by the Registrar of Labour Relations, notify the General Secretary of such amalgamation and submit to him/her the information referred to in clause 6.2.2.

6.6.2 Once the General Secretary receives the required information, he/she must inform the Council at its next meeting of the establishment of the new amalgamated trade union.

6.6.3 The Council must recognise the new amalgamated trade union as a party to Council.

6.6.4 Clauses 6.6.1 to 6.6.4 apply (with the necessary changes) when all the constituent trade unions of a combined trade union party amalgamate.

6.7 Amalgamation of admitted trade union with non-admitted trade union

6.7.1 When an admitted trade union amalgamates with a non-admitted trade union in terms of the Act, the new amalgamated trade union must, within one month of registration by the Registrar of Labour Relations, notify the General Secretary of such amalgamation and submit to him/her the information referred to in –

- (i) clause 6.2.2 (a), (b) and (c); and
- (ii) clause 6.2.2 (d), (e) and (f) in respect of the previously non-admitted trade union.

6.7.2 Once the General Secretary receives the required information, he/she must inform the Council at its next meeting of the establishment of the new amalgamated trade union.

C-2  
10  
AW gm



6.7.3 Subject to clause 6.7.4, the Council must recognise the new amalgamated trade union as a party to Council.

6.7.4 If a constituent trade union of a combined trade union party amalgamates with a non-admitted trade union, the new amalgamated trade union will be recognised as a constituent trade union of the combined trade union party.

#### 6.8 Change to composition of combined trade union party

6.8.1 When the composition of the constituent trade unions of a combined trade union party changes by the withdrawal or expulsion of a member of the combined trade union party, the remaining member(s) of such combined trade union party must, within one month of such change, notify the General Secretary of such change.

6.8.2 The General Secretary must determine whether or not the combined trade union party still complies with the threshold requirements. If the party still complies, the General Secretary must notify the Council of the change. If the party no longer complies, the provisions of clauses 7.1 and 7.2 become applicable.

#### 6.9 Change of name of admitted trade union

6.9.1 An admitted trade union must, within one month of registration by the Registrar of Labour Relations of the change of its name, notify the General Secretary of such change.

6.9.2 Once the General Secretary receives the notification, he/she must inform the Council, at its next meeting, of the change of name of the admitted trade union.

6.9.3 The Council must note the name change of the admitted trade union.

#### 6.10 Record of admitted trade unions to Council

6.10.1 The General Secretary must maintain a register of admitted trade unions and, in respect of a combined trade union party, also the names of the constituent trade unions of such combined trade union party

C-2  
11  
[Signature]



## **7 TERMINATION OF MEMBERSHIP OF COUNCIL**

7.1 The Council must terminate the membership of an admitted trade union when -

- (a) it receives a notice of resignation of such membership from the trade union;
- (b) the trade union dissolves, winds up in terms of its constitution or is liquidated;
- (c) the Registrar of Labour Relations cancels the trade union's registration;
- (d) the trade union no longer complies with the threshold requirements.
- (e) a combined trade union party, because of the loss of a constituent union(s), no longer complies with the threshold requirement; or
- (f) it fails to comply with a requirement referred to in clause 8.3(b) or (c).

7.2 Before the Council terminates the membership of an admitted trade union in terms of clause 7.1(d), (e) or (f), the trade union must be afforded a reasonable opportunity to submit representations to the Council as to why its membership should not be terminated.

7.3 An admitted trade union disputing the termination of its membership may refer the dispute to the Council in terms of its dispute resolution procedures.

## **8 REVIEW OF TRADE UNION MEMBERSHIP OF COUNCIL**

8.1 Each admitted trade union must submit to the General Secretary by 31 March each year its audited or verified membership figures (as the case may be) as at 31 December of the previous year with regard to its members who fall within the registered scope of the Council. The Council will determine during which years audited membership figures and during which years verified membership figures must be submitted.

12  
C.2  
AW  
SM





8.2 The General Secretary must determine the membership figures of the trade unions concerned and report it to the Council not later than 14 May of each year.

8.3 The General Secretary must –

- (a) afford a trade union which has not submitted its audited or verified membership figures by 31 March of a specific year, the opportunity to submit such figures by 30 April;
- (b) after the deadline provided for in clause 8.3(a) has passed, request the trade union concerned to provide reasons within 5 working days for non-compliance with these requirements and, if the trade union does not provide reasons within that period, then the admission of the trade union to the Council terminates; and
- (c) if the trade union timeously supplies reasons, extend the period for submission of the relevant membership figures for a further 14 working days of receipt of the reasons and, if the trade union does not provide the requested figures within that period, then the admission of the trade union to the Council terminates.

## **9 DETERMINATION OF BASIS OF VOTES**

9.1 The voting rights of an admitted trade union in the Council must be determined on the basis of the number of members in good standing of such a trade union who are employees as on 31 December of the previous year in proportion to the number of members who are employees represented by all the trade unions admitted to the Council.

9.2 The General Secretary must determine the number of votes of each admitted trade union based on the membership figures referred to in clause 8.1.

9.3 The General Secretary must, by 14 May of each year -

- (a) serve a notice upon every admitted trade union, indicating the number of votes it has in the Council; and





- (b) inform the Council of the number of votes that each admitted trade union has in the Council.
- 9.4 Subject to clauses 9.5, 9.6, 9.7 and 9.8, the voting rights determined by the General Secretary apply from one Annual General Meeting to the next Annual General Meeting.
- 9.5 When a trade union referred to in clause 6.2.1 (a) or (b) is admitted to the Council, the General Secretary must immediately redetermine the number of votes of the admitted trade unions to the Council and, within 5 working days take the steps indicated in clause 9.3.
- 9.6 When two or more admitted trade unions form a combined trade union or amalgamate, the General Secretary must combine the votes of such trade unions as determined by him/her in terms of clause 9.1. The combined votes apply from the date on which the Council recognises the combined or amalgamated trade union as an admitted trade union until the next Annual General Meeting.
- 9.7 When an admitted trade union's membership is terminated in terms of clause 7.1, the General Secretary must immediately redetermine the number of votes of each remaining admitted trade union, based on the audited membership figures applicable from the last Annual General Meeting, and, within 5 working days take the steps indicated in **clause 9.3**.
- 9.8 When the composition of a combined trade union changes as a result of the withdrawal or expulsion of a constituent trade union, the General Secretary must, if such withdrawal or expulsion does not result in the termination of the membership of the combined trade union, immediately redetermine the number of votes of the combined trade union as well as the other admitted trade unions and then, within 5 working days, take the steps indicated in clause 9.3.
- 9.9 When an admitted trade union forms a combined trade union or amalgamates with a non-admitted trade union, the membership of the previously non-admitted trade union is not taken into account for purposes of the votes of the combined or amalgamated trade union until the next Annual General Meeting.



- 9.10 When a constituent trade union of a combined trade union party amalgamates with a non-admitted trade union, the membership of the previously non-admitted trade union is not taken into account for purposes of the votes of the combined trade union until the next Annual General Meeting.
- 9.11 When an admitted trade union changes its name, its number of votes will remain unaffected.
- 9.12 Any admitted trade union that disputes a determination of votes by the General Secretary in terms of clauses 9.2, 9.5, 9.6, 9.7 and 9.8 may refer such a dispute to the Council in terms of its dispute resolution procedures.
- 9.13 The employer has an equal number of votes to that of the admitted trade unions collectively and the voting rights in the Council must at all times be divided on an equal basis between the trade unions collectively, on the one hand, and the employer on the other hand.

## **10 APPOINTMENT OF REPRESENTATIVES**

- 10.1 The employer is represented in the Council by authorised representatives.
- 10.2 Each admitted trade union to the Council is represented by three representatives for the first 30 000 members, then one additional representative for every additional 20 000 members or part thereof up to a maximum of five representatives. The expression "part thereof" means members in excess of 10 000 members.
- 10.3 The General Secretary must in all instances that he/she is required to act in terms of clause 9.3 also notify each admitted trade union and inform Council of the number of representatives that each admitted trade union is entitled to.

## **11 CHAIRPERSON AND VICE-CHAIRPERSONS**

- 11.1 Chairperson

15

15

15



11.1.1 The Chairperson is elected during the Annual General Meeting of the Council in terms of the procedure set out in clauses 11.1.3 to 11.1.7.

11.1.2 Subject clause 11.5.3, the Chairperson holds office for a term of 24 months.

11.1.3 The outgoing Chairperson presides over the Annual General Meeting of the Council and must call for nominations for a chairperson for the forthcoming term of office (when applicable) at the conclusion of such meeting.

11.1.4 A person other than a representative of a party to Council who has consented to his/her nomination, may also be nominated as Chairperson.

11.1.5 A person to be nominated must be duly proposed and seconded.

11.1.6 The person receiving the highest percentage of the total votes, is the duly elected chairperson. In the event of a deadlock the General Secretary must draw lots in accordance with clause 11.1.7 to determine the duly elected Chairperson.

11.1.7 If an equal number of votes are cast for two or more candidates, the General Secretary must, in the presence of the meeting, write the name of each candidate on a separate piece of paper and place such papers in a suitable container and draw one of the papers from the container. The candidate whose name is so drawn is deemed to have been duly elected.

11.2 The Chairperson must –

- (a) preside over all meetings of the Council;
- (b) enforce order at all meetings at which he or she is present in accordance with normal meeting procedures;
- (c) sign the minutes of a meeting after confirmation thereof by the Council;

CR  
16  
JW



(d) endorse accounts for payment and financial statements after approval by the Council; and

(e) perform such other duties as by usage and custom pertain to the office of Chairperson.

11.3 Where applicable, the Council must from time to time determine a honorarium payable to the Chairperson of the Council. If it becomes necessary or desirable to retain the services of the Chairperson on a full-time basis, the Council must determine the salary and other conditions of employment of the Chairperson.

#### 11.4 Vice-chairpersons

11.4.1 **Clauses** 11.1.1 and 11.1.2, read with the necessary changes, apply in respect of the election of two Vice-chairpersons of the Council, one of who must be elected by the employer and the other by the admitted trade unions.

11.4.2 When the Chairperson is not available, the Vice-chairpersons must alternately act as Chairperson and must exercise the powers and perform the duties of the Chairperson.

#### 11.5 Provisions applicable to both Chairperson and Vice-chairpersons

11.5.1 When both the Chairperson and the two Vice-chairpersons are absent or unable to act at a meeting, the representatives present must elect from their number, a person to act as chairperson at that meeting.

11.5.2 The Chairperson or the Vice-chairpersons may not vote on any matter: Provided that if any of the Vice-chairpersons have not been replaced by another representative of that party to the Council, such Vice-chairperson may vote on any matter and the same applies to a representative elected to act as Chairperson in the absence of both the Chairperson and the Vice-chairpersons.

17  
G.2  
SM





11.5.3 The term of office of a Chairperson or Vice-chairperson may be terminated by written notice of either such Chairperson or Vice-chairperson, or the Council consequent to a decision to that effect.

11.5.4 The Chairperson and Vice-chairpersons of the Council are not personally liable for any loss suffered by any person as a result of an act performed or omitted in good faith while performing their functions for or on behalf of the Council.

## **12 GENERAL SECRETARY AND OTHER PERSONNEL**

12.1 The Council must appoint a part-time or full-time General Secretary or may request the employer that an employee be placed at its disposal, or be directed, to act as General Secretary.

12.2 The General Secretary must -

- (a) conduct all correspondence of the Council;
- (b) keep originals of letters received and copies of those despatched;
- (c) attend the meetings of the Council and the Executive Committee and record the minutes of the meetings;
- (d) ensure that minutes of all committee and task team meetings of the Council, other than those referred to in clause 12.2(c), be recorded;
- (e) administer the dispute resolution procedures of the Council;
- (f) keep books of account in accordance with general accepted accounting practices and the instructions of the Council;
- (g) bank all monies received on behalf of the Council within 3 working days of receipt thereof;





- (h) submit statements of the financial position of the Council whenever required to do so by the Council and in accordance with the provisions of the Act and this constitution;
- (i) once every calendar year, submit the books of account of the Council to a public auditor appointed by the Council for auditing;
- (j) countersign cheques signed by the Chairperson or a Vice Chairperson, on the banking account of the Council;
- (k) determine the number of votes of admitted trade unions in terms of clauses 9.2, 9.5, 9.6, 9.7 and 9.8;
- (l) appoint an acting General Secretary to act when the General Secretary is not able to fulfil his or her functions, unless the Executive Committee has made such appointment in terms of clause 14.4 (e);
- (m) enter into agreements duly delegated by the Executive Committee;
- (n) fulfil any functions assigned to the General Secretary by this constitution, including annexures to it; and
- (o) perform such other duties as the Council or Chairperson may direct or which is required by the Act.

**12.3 The General Secretary must keep in safe custody at the offices of the Council**

- (a) the approved minutes of every meeting of the Council, duly signed by him/her and by the person who presided at such meeting;
- (b) the original signed Resolutions of the Council; and
- (c) the statements referred to in clause 18.7(a) and (b) and all records in relation thereto.

19  
E.2  
[Signature]



12.4 The General Secretary may, in all instances with the prior approval of the Council or of the Executive Committee –

- (a) appoint such part-time or full-time personnel as he/she considers necessary, subject to the budget, staff structure, salary structure, conditions of service and policies as adopted by the Council; or
- (b) request that an employee of the employer be placed at the disposal of the Council or that such employee be directed to perform duties necessary for the administration of the Council.

12.5 In the case of personnel appointed in terms of clause 12.4(a), the General Secretary may –

- (a) determine the salary and other conditions of employment of such personnel, provided that it falls within the applicable policies of the Council, and the budget allocated for such use;
- (b) terminate their employment after following due process.

12.6 Where applicable, the Council must determine the salary and other conditions of employment of the General Secretary.

12.7 Where applicable, the employment of the General Secretary may be terminated on one month's notice on either side. Termination of services by the Council must be done upon a decision of the Council as contemplated in clause 16.3.

12.8 The services of the General Secretary or other personnel of the Council may be terminated for serious neglect of duty, misconduct or incapacity after following due process.

12.9 The functions of the General Secretary may be performed by any of the other personnel of the Council acting under the directions of the Secretary.

## 13 COMMITTEES AND CHAMBERS

C-2  
20  
[Handwritten signatures]



- 13.1 The Council may from time to time establish committees in terms of section 55 of the Act subject to such conditions as it may determine and may delegate any of its functions to any such committee. However, the Council may not delegate the powers, and duties contemplated in clauses 6.3, 15.5.2, 20.1 and 20.5 and the power of the Council to delegate.
- 13.2 Any decision or action of a committee contemplated in clause 13.1 must be reported to the Council for consideration and may be ratified, set aside or varied by the Council.
- 13.3 By delegating any of its functions, the Council is not divested of any of its powers nor is it relieved of any of its duties.
- 13.4 A committee established in terms of clause 13.1 must consist of an equal number of representatives of the admitted trade unions collectively and the employer as determined by Council.
- 13.5 A committee is chaired by the Chairperson, one of the Vice-chairpersons of the Council or a person designated by the Council to act as chairperson of such committee.
- 13.6 At least 50% of the employer representatives plus 50% of the representatives of the admitted trade unions referred to in clause 13.4, constitute a quorum for a meeting of a committee.
- 13.7 Secretarial or other services shall be rendered to a committee of the Council by the General Secretary or other personnel of the Council.
- 13.8 Clauses 13.1 to 13.7 apply with the necessary changes to any other committees appointed or established in terms of this constitution, unless otherwise provided.
- 13.9 The Council may, by Resolution of Council, establish chambers of the Council subject to such conditions as it may determine.

E-2  
21  
SM



## 14 EXECUTIVE COMMITTEE

14.1 The Executive Committee of the Council consists of –

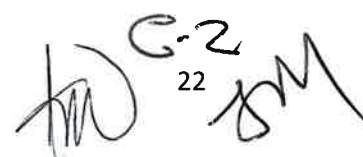
- (a) the Chairperson and the two Vice-chairpersons of the Council by virtue of their respective offices; and
- (b) 3 representatives appointed/elected by the employer side and 3 representatives appointed/elected by the admitted trade unions collectively at the Annual General Meeting.

14.2 The employer and the admitted trade union must, respectively, elect/ appoint an alternate for each of their representatives in the Executive Committee.

14.3 The General Secretary must attend meetings of the Executive Committee but may not participate in the taking of decisions.

14.4 Subject to the directions and control of the Council, the Executive Committee may –

- (a) exercise and perform the powers, functions and duties of the Council relating to the supervision and control of the day-to-day management and administration of the Council;
- (b) investigate and report to the Council on any matter connected with the registered scope of the Council;
- (c) do anything necessary to give effect to decisions of the Council;
- (d) monitor and enforce collective agreements concluded in the Council;
- (e) appoint an acting General Secretary to act when the General Secretary is not able to fulfil his or her functions, or cancel the appointment of an acting General

G-2  
22  




Secretary that was made by the General Secretary in terms of clause 12.2(I) and appoint a different person to act as General Secretary;

- (f) exercise and perform any power and duty that is conferred or imposed on the Executive Committee by or in terms of this constitution or that is delegated by the Council to the Executive Committee. However, the Council may not delegate to the Executive Committee the powers, and duties contemplated in clauses 6.5, 15.5.2, 20.1 and 20.5 and the power of the Council to delegate; and

- (g) make recommendations to the Chairperson of the Council to discuss urgent matters that need resolution.

14.5 A member of the Executive Committee holds office for 12 months unless withdrawn by the employer or admitted trade union parties who appointed/elected the member and is eligible for re-election at the end of that term.

14.6 A member of the Executive Committee whose term of office has expired and who is not re-elected, may nevertheless continue to act as a member of the Executive Committee until the member's successor assumes office.

14.7 A member of the Executive Committee –

- (a) may resign from the committee at any time after having given at least one month's notice in writing to the General Secretary;
- (b) must vacate office immediately –
  - (i) in the case of resignation, when the resignation takes effect; or
  - (ii) upon ceasing to be a representative of the Council;

C-2  
23  
Jm





(c) who fails to attend 3 consecutive meetings of the Executive Committee without submitting a prior and formal apology to the Chairperson or without arranging for the alternate to attend in his or her place, shall cease to be a member from that day.

14.8 The Executive Committee may reinstate a member referred to in clause 14.7(c) if it is satisfied that there was an acceptable reason for his or her failure to attend at least one of the meetings that he or she failed to attend. If the Executive Committee does not reinstate such former member within a period of one month from the date on which he or she ceased to be a member, the employer or the admitted trade unions that elected or appointed him or her must elect or appoint another member.

14.9 If the seat of a member of the Executive Committee becomes vacant, it must be filled by the employer or the admitted trade unions, whichever is applicable.

14.10 A member appointed to fill a vacant seat holds that seat for the unexpired portion of the predecessor's term of office.

14.11 The Executive Committee must hold a meeting at least once every 3 months.

14.12 A special meeting of the Executive Committee -

- (a) may be called by the Chairperson with a view to disposing of urgent business; and
- (b) must be called by the Chairperson within 5 working days of receiving a request for that purpose, stating the purpose of the special meeting and agreed to by the employer and at least 2 members of the admitted trade unions elected/ appointed to the Executive Committee.

14.13 The General Secretary must, not later than 5 working days before the date of the meeting, notify each member of the Executive Committee showing the date, time and venue of the meeting and the business to be transacted. However, the Chairperson may authorise shorter notice for a special meeting.

*[Handwritten signature]*  
C.E.  
24  
gm



14.14 At least 2 of the employer representatives plus 2 of the representatives elected/ appointed to the Executive Committee by the trade unions, shall constitute a quorum for a meeting of the committee.

14.15 All decisions of the Executive Committee shall be taken by consensus. If consensus cannot be reached, the matter must be referred back to the Council for a decision.

## **15 MEETINGS OF THE COUNCIL**

### **15.1 General provisions regarding meetings**

15.1.1 The Council must meet once every month, unless it decides otherwise. One such meeting must be the Annual General Meeting.

15.1.2 The Chairperson may on his/her own initiative or must at the request of a party to the Council, call a meeting of the Council to deal with an urgent matter, if the employer plus a number of admitted trade unions representing a majority of the votes on the side of labour consent thereto.

15.1.3 The General Secretary must serve on the parties to the Council a written notice of a meeting referred to in clause 15.1.1 or 15.1.2 showing the date, time and the business to be transacted –

(a) in the case of clause 15.1.1, at least 5 working days before the date of such meeting; or

(b) in the case of clause 15.1.2, as the Chairperson determines before the date of such meeting.

15.2 Copies of the minutes of the meeting held immediately prior to the relevant meeting, must be made available to the parties concerned at least 5 working days prior to the said meeting, and must, after confirmation by the meeting, be signed by the General Secretary and the person who chaired the relevant meeting.

*Handwritten signature and initials*  
G.2  
25



15.3 Subject to clause 15.2, copies of the minutes of all meetings must be forwarded by the General Secretary to all parties concerned within a period of 21 working days subsequent to a meeting, unless the Council determines a shorter period at such meeting.

15.4 Every meeting of the Council must be conducted in private unless the Council decides otherwise.

15.5 Annual General Meeting

15.5.1 The Council must hold an Annual General Meeting during the month of June of each year unless otherwise agreed by the Council but not later than December.

15.5.2 The following matters must be dealt with at the Annual General Meeting;

- (a) The election of a Chairperson and Vice-chairpersons, if necessary in terms of this constitution;
- (b) the election/appointment of members and alternates of the Executive Committee in terms of this constitution;
- (c) the appointment of a panel of conciliators and a panel of arbitrators for purposes of conducting dispute resolution.
- (d) the appointment of auditors, if necessary;
- (e) the financial statements of the Council;
- (f) the report of the auditor in respect of the financial statements referred to in clause 18.11;
- (g) the annual report of the Council;
- (h) the approval of the budget of the Council;

C-2  
26  
SM



- (i) the levies to be imposed on the parties to the Council; and
- (j) a report as to the membership figures and the number of votes held by each party in the Council, as determined by the General Secretary in accordance with **clause** 8.2 and 9.2 respectively.

15.6 The Council may deal with any other urgent matter at the Annual General Meeting.

#### 15.7 Quorums

15.7.1 The employer plus the number of admitted trade unions representing a majority of the votes on the side of labour constitute a quorum at any duly constituted meeting of the Council.

15.7.2 If, within 30 minutes of the time fixed for any meeting, a quorum is not present, the meeting stands adjourned to such other date, time and place to be determined by the Chairperson after consultation with the parties present, on condition that the General Secretary notifies the relevant parties accordingly. At such a reconvened meeting the parties present form a quorum. The date and time for such reconvened meeting shall not be later than 10 working days after the date of the original meeting.

### 16 DECISIONS AND RESOLUTIONS OF COUNCIL

16.1 The Chairperson may require that a proposal by the employer or an admitted trade union be submitted in writing and be read by him or her as a prerequisite to any debate or decision in respect thereof.

16.2 No proposal shall be considered unless it has been duly seconded.

16.3 Any decision of the Council requires the vote of the employer together with a majority of votes of the admitted trade union parties.

27  
G.2  
J.M.



- 16.4 Voting in the Council must be by a show of hands by the chief spokesperson of each party who shall carry the votes of the party, unless a party requests a secret ballot.
- 16.5 The General Secretary must act as electoral officer.
- 16.6 The Council may decide any procedural matters not regulated in this constitution.
- 16.7 A person who is not a representative as referred to in clauses 10.1 and 10.2 may be allowed to address the Council subject to a decision of Council.
- 16.8 Any decision of Council may be made a Resolution of Council.
- 16.9 Before a Resolution of Council becomes binding, it must be signed by the employer and by a number of admitted trade unions who represent the majority of votes on the side of labour in the Council.
- 16.10 The following provisions apply to the adoption of a Resolution of Council:
- (a) The General Secretary must –
    - (i) prepare a draft resolution on the matter;
    - (ii) within 21 working days of the Council concluding on the matter, present the draft resolution for signature to the employer and the chief executive officer (or his or her delegate) of each of the admitted trade unions;
    - (iii) if not signed within the period referred to in clause 16.10(a)(ii) by sufficient parties to comply with clause 16.9 table the draft resolution at the next meeting of the Council to confirm the parties' position.
  - (b) If there is no majority support at the Council meeting referred to in clause 16.10(a)(iii) –

28  
G-2  
SM





- (i) the draft resolution falls away; or
- (ii) the matter may, by decision of the Council, be reopened for discussion or negotiation.

- (c) The General Secretary must, within 5 working days after a majority signature has been achieved in respect of any draft resolution, provide copies of the signed Resolution of Council to each party to Council.

16.11 Each party signing a draft Resolution of Council must note the date on which it signs the draft resolution. However, failure to do so shall not invalidate the Resolution.

16.12 The date of the Resolution of Council is the first date on which clause 16.9 is complied with, and the General Secretary must insert such date as the date of the Resolution at the end of the Resolution.

16.13 The General Secretary must number each Resolution of Council, "Resolution No x of y", where y is the year in which clause 16.9 is complied with, and x is a number allocated sequentially in one year relative to the date on which clause 16.9 is complied with.

## **17 NEGOTIATING PROCEDURE ON MATTERS OF MUTUAL INTEREST**

17.1 Any party to the Council may submit a written proposal regarding a matter of mutual interest to the General Secretary for consideration by the Council. The Council must determine the procedure for placing a proposal on the agenda of the Council.

17.2 If it is decided that the Council will deal with a proposal, it must meet within 21 working days after receipt of a proposal submitted in terms of clause 17.1 or any time thereafter, if the party who made the proposal agrees thereto.

17.3 At the meeting referred to in clause 17.2, the Council must attempt to agree on a negotiation process which may include the following:

*Handwritten signatures and initials:*  
C-2  
29  
AM



- (a) The submission of counter proposals;
- (b) the establishment of a negotiating committee;
- (c) the appointment of one or more facilitators, if necessary, to facilitate the negotiations and chair the meetings; and
- (d) the timetable for negotiations.

17.4 If the Council agrees to facilitation in terms of clause 17.3(c) but fails to agree, within a period of 5 working days from the decision to appoint a facilitator(s), on which facilitator(s) to appoint, the General Secretary must in his or her own discretion decide how many facilitators to appoint and appoint the facilitator(s), taking into consideration the views of the parties.

17.5 In the event of the Council not meeting within the period provided for in clause 17.2, or at the meeting not agreeing upon a negotiating procedure in terms of clause 17.3, the parties must within 2 working days from the expiry of the period provided for in clause 17.2 commence negotiations.

17.6 If the parties do not conclude a Resolution of Council during a period of 21 working days from the date of the expiry of the period referred to in clause 17.2, or such longer period as agreed between the parties, and the matter is not settled, any party may refer the matter for conciliation in terms of the dispute resolution procedures.

17.7 If the matter is not resolved during the conciliation process, parties to the Council may exercise their rights in terms of the Act.

## **18 FINANCIAL MATTERS OF COUNCIL**

18.1 The expenses of the Council must be met from a fund approved by the Council.

G-2  
30  
fm



- 18.2 The Council must decide at which bank to keep its accounts.
- 18.3 The General Secretary may, in terms of the financial policy of the Council, invest any surplus funds not required for the expenses of the Council
- 18.4 Travelling, subsistence and other expenses of representatives and alternates shall be for the parties' own account unless otherwise agreed.
- 18.5 Funds required for a petty cash account must –
- (a) be kept safely in such a manner as the Council may determine from time to time;
  - (b) not exceed the petty cash limit as determined by the Council from time to time
- 18.6 The General Secretary must every month submit to the Council, statements of the income and expenditure that reflect the financial position of the Council.
- 18.7 The General Secretary must, prior to the Annual General Meeting of each year, in respect of the financial year ending on 31 March of that specific year prepare a statement, according to generally accepted accounting practices, principles and procedures, which must include but not be restricted to –
- (a) a statement showing –
    - (i) monies received; and
    - (ii) expenditure incurred under inter alia the following headings:
      - (aa) salaries and other payments to personnel.
      - (bb) printing and stationery; and
      - (cc) miscellaneous expenditure; and



- (b) a statement indicating the assets and liabilities of the Council.

18.8 The financial year of the Council shall be from 1 April of a particular year to 31 March of the following year.

18.9 The statements referred to in clause 18.7 –

- (a) must be countersigned by the Chairperson; and
- (b) must be submitted for audit to a public accountant and auditor appointed by the Council.

18.10 Certified copies of the audited statements and of the audit report thereon must be made available for inspection at the office of the General Secretary.

18.11 Certified copies of the audited statements and the auditor's report must be transmitted to the Registrar of Labour Relations, within one month after the Annual General Meeting.

## **19 RELATIONSHIP BETWEEN COUNCIL AND PSCBC**

19.1 The objective of interaction between the Council and the PSCBC will be to cooperate and contribute to, one another.

19.2 Decisions of the Council in as far as they affect the PSCBC, shall not be binding unless with the concurrence of the PSCBC.

19.3 Council may make recommendations to the PSCBC for consideration.

## **20 AMENDMENT OF CONSTITUTION OF COUNCIL**

20.1 Clause 3 of the Constitution (scope of the Council) may not be amended by way of a decision of the Council, but require the approval and ratification of the PSCBC.





- 20.2 This constitution may be amended by Resolution of Council provided the employer, together with a number of admitted trade unions representing 66% of the votes on the side of labour vote in favour of amending the constitution.
- 20.3 A proposed amendment to, or replacement of, the constitution of the Council may only be considered if at least one month's prior notice of the proposed amendment has been given to the General Secretary, unless the Council agrees otherwise.
- 20.4 Such notice must be transmitted to all representatives at least two weeks prior to the meeting at which it is to be considered.
- 20.5 The Council may, by Resolution of Council adopted unanimously, amend the constitution without notice.
- 20.6 If the Council by way of Resolution of Council in terms of clause 20.1 or 20.4 amends the threshold requirements, any admitted trade union that, in terms of its membership figures reported to the last Annual General Meeting in terms of clause 15.5.7(j), does not comply with the amended threshold requirements may, within a period of 90 calendar days after the adoption of the Resolution, or before the certification of the amendment by the Registrar of Labour Relations, whichever is the later, submit proof, in the form of audited or verified membership figures (whichever is applicable), to the General Secretary that the trade union complies with such increased threshold requirements. If the Secretary determines that the trade union complies with such increased threshold requirements, the trade union remains a party to Council.
- 20.7 Once the Council has adopted a Resolution of Council in terms of **clause** 20.2 or 20.5, the General Secretary must inform the Registrar of Labour Relations about the amendment to, or replacement of, the constitution.
- 20.8 Any amendment to, or replacement of, this constitution takes effect on the date it is certified by the Registrar of Labour Relations in terms of section 57(3) of the Act.

## 21 WINDING UP

*Handwritten signature and initials*  
C-2  
33  
SM





21.1 If section 35 of the Act is repealed and there is no statutory requirement for the existence of the Council, the Council may be wound up as follows:

- (a) At a special meeting called for that purpose, the Council may, by Resolution of Council, decide to wind up the Council.
- (b) Upon adoption of such Resolution, the General Secretary must take the necessary steps to ensure that –
  - (i) application is immediately made to the Labour Court for an order giving effect to the resolution; and
  - (ii) the Council's books and records of account and an inventory of its assets, including funds and investments, are delivered to the liquidator appointed by the Labour Court, and that whatever may be necessary is done to place the assets, funds and investments of the Council at the disposal and under the control of the liquidator.

21.2 Each party to the Council remains liable for any unpaid liabilities to the Council as at the adoption of the Resolution to wind up the Council.

21.3 If all the liabilities of the Council have been discharged, the Council must transfer any remaining assets to –

- (a) a bargaining council with the same or similar scope; or
- (b) the CCMA if –
  - (i) there is no bargaining council with the same or similar scope; or
  - (ii) the parties to the Council fail to agree on a bargaining council that is to receive the remaining assets.

*[Handwritten signature]* *E-2*  
34 *[Handwritten signature]*



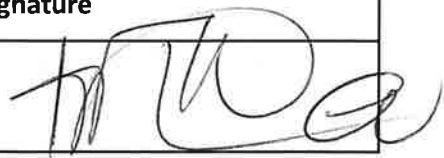
## 22 GENERAL

- 22.1 For purposes of section 30(1)(k) of the Act, the Council must consider and dispose of applications for exemption from the provisions of any Resolution of Council.
- 22.2 For purposes of its dispute resolution procedures Council may make rules to amplify the procedures.
- 22.3 Press and media statements by the Council must be released by the General Secretary after approval by the Council.
- 22.4 Press and media statements by individual parties to the Council shall not be prohibited, unless a unanimous decision is taken by the Council to limit such statements in respect of a specific matter.
- 22.5 A Resolution of Council must determine the domicilium executandi of the Council.

THIS DONE AND SIGNED AT CENTURION


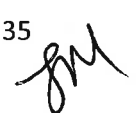
ON THIS DAY 26 OF 09 2025

ON BEHALF OF THE EMPLOYER


	Name	Signature
State as Employer	WILLIE NUKELA	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
-------------	------	-----------

 35 



NEHAWU	Caster Manto	
POPCRU		
PSA	JOSEPH MASHIGO	