

**RESOLUTION NO 2 OF 1998.****LEVY AGREEMENT**

1. *Noting* that if the Public Service Co-ordinating Bargaining Council, (the PSCBC) is to function efficiently and effectively, it needs funds to do so;
2. *Noting further* that all employees in the public sector and the state as employer benefit from the PSCBC;
3. The parties to the PSCBC hereby resolve to conclude a levy agreement, which agreement is attached to this resolution as Schedule 1.
4. This agreement binds :-
  - (i) The employer;
  - (ii) The employees of the employer who are members of the trade union parties to this agreement; and
  - (iii) 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 the Council.
5. This agreement shall come into effect on the 1<sup>st</sup> of July 1998.

## Schedule 1

### LEVY AGREEMENT

- 1) The purpose of this agreement is to provide for a joint contribution by the *employer* and its *employees* to finance the expenditure of the *Council*<sup>1</sup> and any *sectoral council*.
- 2) (1) Subject to subclause (2), this agreement applies to the *employer* and all its *employees* who fall within the registered scope of the *Council*.  
  
(2) This agreement does not apply to the *employer* and those *employees* covered by a *levy* agreement-
  - (a) concluded in a *sectoral council*; and
  - (b) approved by the *Council*.  
(3) Should a *levy* agreement have been concluded in a *sectoral council* prior to the conclusion of this agreement, this agreement does not apply to those *employees* and the *employer* who fall within the jurisdiction of that *sectoral council*; provided that the *sectoral council* enters into an agreement with the *Council* regarding the contributions that the *sectoral council* will make to finance the expenditure of the *Council*.
- 3) Each month the *employer* must deduct a *levy* of 50 cents from the basic salary of each of its *employees*.
- 4) The *employer* must pay the amounts deducted for the month to the Secretary of the *Council* on or before the 14<sup>th</sup> day of the following month. The payment must be accompanied by a schedule stating the date of the deduction and the total amounts deducted.
- 5) On the same day that the *employer* pays the amounts referred to in clause 3, the *employer* must pay to the *Council* an amount equivalent to the total of the amounts referred to in clause 3 as the *employer's* contribution.
- 6) The Secretary of the *Council* must deposit all money received in terms of clauses 3 and 5 into the *Council's* bank account.
- 7) The money held in the account must be for the expenditure of the *Council*, which expenditure includes-
  - a) remuneration;
  - b) expenditure on-
    - (i) dispute resolution functions;
    - (ii) collective bargaining; and
    - (iii) training.
  - c) The money held in the account may also be used for the expenditure of the *sectoral councils*, which expenditure must be approved and agreed upon in the *Council*.
- 8) Any monies in surplus after payment of the *Council's* expenditure may be invested in accordance with section 53(5) of the Labour Relations Act No. 66 of 1995, as amended.
- 9) The *sectoral council* will notify the Secretary of the *Council* what disputes have been processed by the *sectoral council*, with the names of the panelists that have been used. The panelists must claim their fees and expenses directly from the Secretary of the *Council*.

<sup>1</sup> Words italicized are defined in clause 15 of this agreement

- 10) Any dispute that arises within the jurisdiction of a council referred to in item 14, read with item 20, Schedule 7 of the *LRA*, must be administered by the *sectoral council* for the sector in which the *employees* are employed.
- 11) The annual budget of the *Council* must be agreed upon by the parties to the *Council* at the *Council's* annual general meeting.
- 12) The Secretary must, on a monthly basis, present to the *Executive Committee*, a statement of the *Council's* income and expenditure. The *Executive Committee* must report on these monthly statements to the *Council*.
- 13) The money received by the *Council* may not be used for expenditure that does not advance the interests of the *Council* or any of the parties to the *Council*.
- 14) This agreement may only be terminated by a decision of the Council.
- 15) 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*.
- 16) For the purpose of this agreement-
- (a) "*levy*" means the compulsory deduction from the basic salary of every *employee* by the employer for the purpose of financing the expenses of the *Council* and any *sectoral council* in accordance with this agreement.
- (b) "*Council*" means the Public Service Co-ordinating Bargaining Council;
- (c) "*employee*" means an employee-
- (i) employed by the State; and who
- (ii) who falls within the registered scope of the *Council*;
- (d) "*employer*" means the State;
- (e) "*Executive Committee*" means the executive committee of the *Council*;
- (f) "*LRA*" means the Labour Relations Act, No 66 of 1995
- (g) "*sectoral council*" means a council-
- (i) established by the *Council*, or the President in terms of section 37; or
- (ii) deemed to be a *sectoral council* in terms of item 16 and 18 of Schedule 7 of the *LRA*; and
- (h) "*trade union*" shall carry the definition as set out in the Act and shall also mean :
- (i) a trade union having organisational rights with an employer falling within the registered scope of the Council; or
- (ii) two or more registered trade unions having organisational rights with an employer falling within the registered scope of the Council, acting together as a single party.
- i) "*workplace*" *workplace* is deemed to be the public sector as a whole including all places where *employees* work<sup>2</sup>, unless a Minister contemplated in the definition of "*workplace*" in section 213 has determined differently.

<sup>2</sup> The Minister for Public Service and Administration must determine this meaning of the *workplace* for the purpose of section and 23 of the *LRA*.

The Minister of Education will have to determine that the education sector is a single *workplace* for the purpose of section 23 of the *LRA*.

The Minister for Safety and Security will have to determine that the police sector is a single *workplace* for the purpose of section 23 of the *LRA*.