

RESOLUTION NO. 6 OF 2010

**ADOPTION OF DECLARATION ON PUBLIC SERVICE SUMMIT AS AGREED TO AT
PUBLIC SERVICE SUMMIT THAT WAS HELD ON 11-13 MARCH 2010 AT INKOSI
ALBERT LUTHULI CONVENTION CENTRE IN DURBAN**

Noting:

1. **Clause 15.1** of Resolution 1 of 2007 "Parties to Council agree to convene a Public Sector Summit in 2008 to address the following areas, among others:-
 - 15.1.1 Outsourcing and agentisation;
 - 15.1.2 Performance and productivity in the public service;
 - 15.1.3 Work environment;
 - 15.1.4 Resourcing of the public service; and
 - 15.1.5 Minimum wage."
2. By decision of Council parties agreed to:
 - 2.1 postpone the Public Sector Summit to 11-13 March 2010.
 - 2.2 add the following topics:
 - 2.2.1 remuneration policy,
 - 2.2.2 strengthening collective bargaining, and
 - 2.2.3 focusing on health, education and the criminal justice cluster; and
 - 2.3 amend 'sector' to 'service'

Public Service Bargaining Centre, 260 Basden Ave, Lyttelton, Centurion, Pretoria, 0176

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All correspondence must be addressed to the General Secretary of Council



Scope

3. 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.

Agreement

4. The parties to the PSCBC agree to adopt the Declaration of the Public Service Summit as agreed to at Inkosi Albert Luthuli Convention Centre in Durban, on 13 March 2010, attached as **Annexure A** to this agreement .
5. This agreement shall come into effect from the date of signing.
6. The Council will monitor the implementation of this agreement.

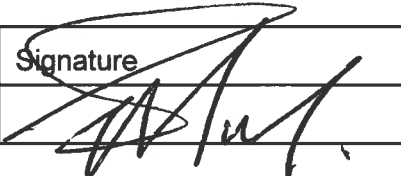
Dispute Resolution

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.

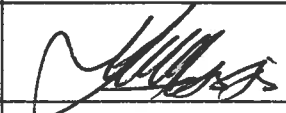




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THIS DONE AND SIGNED AT Centurion OF THIS
13 DAY OF December 2010.

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	Alex Mahaga	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
DENOSA	Mabus Jeyar	
HOSPERSA/NUPSAW/NATU	A. MURRAY	
NAPTOSA	Henry Hendricks	
NEHAWU	S. MARSHAN	
POPCRU		
PSA		
SADTU	Mugovena Maluleke	
SAPU		



Declaration of the Public Service Summit

We the parties to the **Public Service Summit**, held at Inkosi Albert Luthuli Convention Centre in Durban, from **11-13 March 2010**, gathered together under the theme "Positioning the Public Service towards a developmental state through effective service delivery" hereby declare and commit to the principles, objectives and agreements set out in this declaration.

The Summit arises from Resolution 1 of 2007 where parties to the PSCBC agreed to host a summit to discuss the following areas:

1. Resourcing the public service
2. Outsourcing and agentisation
3. Performance and productivity in the public service
4. Work Environment
5. Minimum wage

Subsequent to reaching this agreement, the parties to the council further agreed to-

1. extend the terms of the summit to include remuneration policy, strengthening collective bargaining, and focussing on health, education and the criminal justice cluster; and
2. amend 'sector' to 'service' in clause 15 of Resolution 1 of 2007.

Public Service Summit 2010 Declaration

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The Public Service Summit, consisting of parties to the Public Service Coordinating Bargaining Council (PSCBC), recommits itself to the transformation of the public service, focussing discussions and resolutions in the following areas-

1. Providing quality service delivery through labour intensive resourcing;
2. Outsourcing and Agentisation in the Public Service;
3. Building effective and responsive frontline service offices in education, health and criminal justice cluster;
4. Introducing measures to utilise the public service to combat youth unemployment;
5. Creating a productive and performance orientated public service;
6. Supporting measures to strengthen anti-corruption legislation and initiatives;
7. Remuneration policy; and
8. Reaffirming a commitment to strengthen public service collective bargaining.

Further the parties to this summit aim to promote a public service capable of meeting the aims and objectives of a democratic developmental state, which include –

1. Being people-centred and people-driven;
2. Creating a national vision, and mobilising society behind this vision;
3. Striving for a new and sustainable development growth path;
4. Restructuring the economy and striving for socio-economic inclusion;
5. Striving to achieve universal access to quality public services, decent jobs, food security and decent housing;
6. Strengthening of participatory democracy; and
7. A strong state that decisively intervenes in the economy to redistribute resources.

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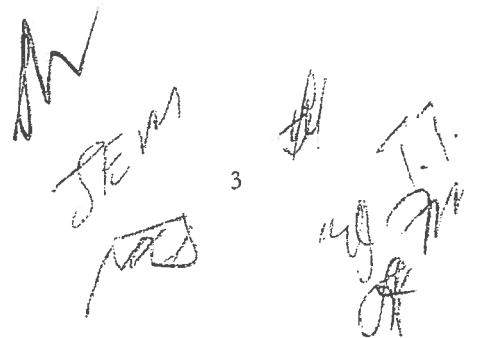
In supporting the implementation of this vision of a developmental public service which is-

1. Deeply concerned with the developmental challenges and the plight of communities that they serve and which is committed to fighting poverty, disease, corruption, inequality and unemployment;
2. Adequately staffed by skilled, capable and caring public servants;
3. Anchored in a workable partnership amongst government; organised labour; and the citizens of South Africa; and
4. Providing services to citizens in a dignified manner, as outlined in the *Batho Pele* principles.

1. Resourcing the public service

Noting that:

1. The provision of quality public services and opportunities, especially to the poor, is the most important role that the public service plays.
2. The aim of resourcing the public service is to extend services to and improve the quality of services to the citizens of South Africa.
3. There is a need for the development of skills and provision of adequate resources, so that every citizen has access to basic services.
4. Some vacancies in the public service are funded, and consequently there should be an undertaking by Departments to fill all funded vacant posts.
5. Once funded vacant posts are filled, it should be ensured that there is a balance between staffing components and the quality of service delivery.
6. Posts at all levels, especially lower levels, should be filled.
7. Youth employability is a serious problem, further exacerbated by lack of sufficient attainment of Education and Training as well as of work place based learning, experience and employment.

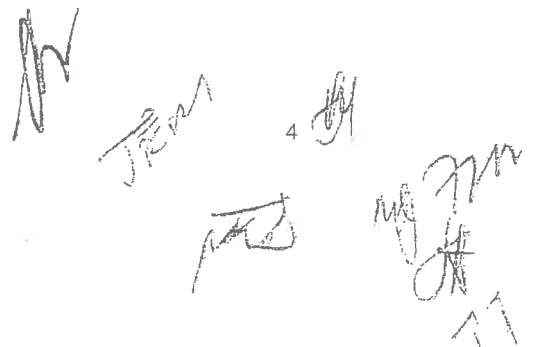
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Further committing to discuss the following issues:

1. Possible integration of Further Education and Training Colleges (FETC) into the public service; and
2. Specific mechanisms to support youth employment.

Parties hereby resolve on the following:

1. The configuration and alignment of national and provincial departments to ensure quality service delivery.
2. The filling of all vacant funded posts should be expedited, in accordance with PSCBC Resolution 1 of 2007.
3. Public Servants should be appointed in positions on the basis of their expertise and competence.
4. The importance of competency assessment of all public servants; in particular all levels of management; should receive priority attention.
5. Sufficient budgetary allocations for the creation of quality posts should be secured.
6. That youth employability is a serious problem further exacerbated by lack of sufficient attainment of Education and Training as well as of work place based learning, experience and employment.
7. Commitment to finding mechanisms of creating additional on-the-job education and training, and employment opportunities for young people, within the context of creating decent jobs.

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Health

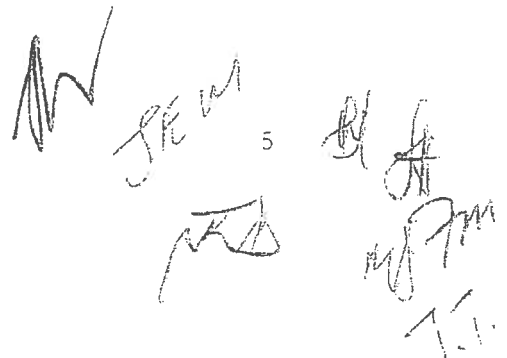
The parties resolve to:

1. A process of developing acceptable staffing norms and standards that are compatible to South Africa, considering benchmarking internationally, including –
 - Location;
 - Socioeconomic status;
 - Size of the population; and
 - Burden of disease
2. The 10 point plan of the Department of Health is endorsed.

Education

The parties resolve on the following:

1. **Basic Education**
 - 1.1. Reduction of overcrowding in schools through the introduction of favourable class sizes.
 - 1.2. Provision of more classrooms to accommodate the reduction of class sizes.
 - 1.3. The parties note the 10 point plan for Basic Education, details of which will be further discussed in the sector.
2. **Higher Education and Training**
 - 2.1. Any amendment to the Further Education and Training Colleges Act, would be considered within the following context –
 - 2.1.1. That the public sector institutions and public paid employees will be the main delivery conduit;
 - 2.1.2. That the newly created Department of Higher Education and Training (HET) needs to develop a new and



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transformed education system based on a seamless integration of post school education and training

- 2.1.3. That the Department of HET urgently begin a full participatory process through a Green Paper to carve out a responsive state machinery that delivers quality integrated nationally driven HET system.

Criminal justice system

The parties resolve on the following:

1. Recruiting, attracting and retention of skilled personnel agreed upon.
2. To investigate the possibility to include volunteers in formal employment in the public service.
3. Specific training of police officials and volunteers responsible for taking of statements should be prioritised.
4. The decentralisation of the Forensic Laboratory such that there would be a Forensic Unit in each province.
5. Making more human and financial resources available to strengthen and improve the witness protection program, parole system, community re-integration system and restorative justice system.
6. The integration of the metro police, traffic and SAPS under one National Commissioner of Police is agreed to.
7. That the employer complete the work on revising the Protected Disclosures Act (Act 26 of 2000) also known as the Whistle Blowing Act, as a matter of urgency. This revision must take into account the strengthening of the Act to protect whistle blowers from victimization of any kind. This work should be completed by **2011**.

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Fighting corruption

The parties agree to intensify the campaign against and expose all forms of corruption so that public funds are fully utilised for development. In this regard, the parties committed to support the establishment of a special unit to fight corruption.

Parties further resolve to fight corruption without fear or favour and reaffirm the following:

1. Tender process be opened to public scrutiny.
2. Effective disciplinary processes be consistently applied to both managers and workers.
3. To mobilise for a new dedicated public servant committed to serve the people based on high standards of professional ethics and attributes and amongst others, which include integrity, honesty and hard work.

2. Outsourcing and agentisation

The parties disagreed on the following issues:-

1. Moratorium on Public Private Partnerships (PPPs) in the form of outsourcing and concessions;
2. Moratorium on the establishment of new agencies be implemented; and
3. Where appropriate, provincial departments should devolve administrative powers to institutions (such as hospitals) with the necessary budget allocated in order to eliminate the delays in provincial departments. That these structures, while granted administrative autonomy would remain part of their respective provincial departments. That employment contracts should not be transferred from the public service to these institutions, but should remain in the public service.

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Noting that:

1. The Tripartite Alliance has agreed to a moratorium on outsourcing and agentisation; and
2. An Alliance Government Summit scheduled for April 2010 will provide clarity on this issue.

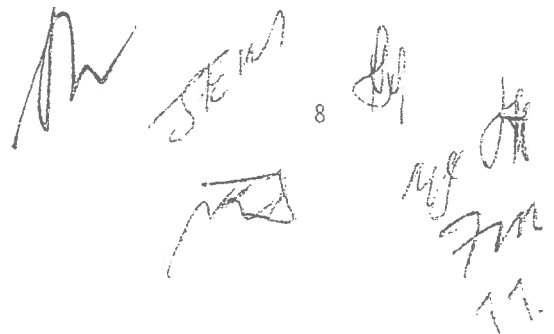
Parties hereby resolve on the following:

1. Review the impact of existing outsourcing and agentisation practices. The review to take place within the PSCBC structures. The parties to the PSCBC will define the Terms of Reference for the review. The timeframes for such a review will be determined by the parties at the PSCBC on an urgent basis, and
2. Convene a Public Sector Summit, which will include Municipalities, Agencies and State Owned Enterprises envisaged to take place by **31 August 2010.**

3. Performance and productivity in the public service

Noting that:

1. There is a need for constant monitoring and evaluation to ensure that performance gaps and resources needed are identified on a continuous basis to ensure improvement.
2. There is a need to identify issues to be measured and these should be accompanied by standards. These standards should be understood by all parties. In addition, these standards must be supported by the creation of a conducive working environment. The developmental aspects of the Performance Management and Development System (PMDS) needs to be strengthened.



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3. The current PMDS system provides an adequate basis for measuring performance; however, there is a need for implementers to ensure that the system works effectively and consistently.
4. Successful implementation of performance management requires the support of both employers and employees.
5. The performance management system should be implemented in such a manner that sector specific issues are dealt with.
6. Employees should not be denied opportunities for performance incentives purely on the basis that the system is not effectively implemented and managed by departments.
7. There is a need to introduce flexible working arrangements so that services could be provided to society even after the normal working hours of a department to enable access to services after hours.

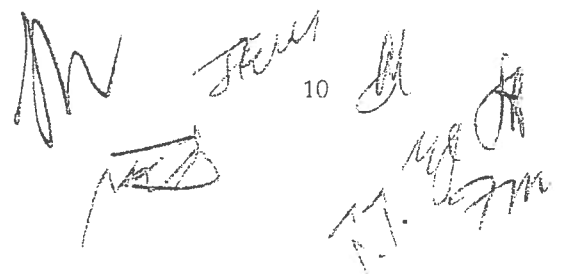
Parties hereby resolve on the following:

1. Conduct a research study on the relevance and effectiveness of the Performance Management and Development System (PMDS) and other performance management systems applicable in the Public Service. Such a research study should include elements of team and organisational performance and productivity. A task team should be established by the PSCBC for the purpose of conducting a comprehensive research by not later than **April 2010**. The findings or outcomes of this research study shall inform discussions on sector specific performance management system for levels below the SMS by not later than **September 2010**.
3. Implement an ongoing feedback mechanism on performance should be timely, continuously and consistently applied.
2. Ensure that the developmental aspect of the performance management system is emphasised for the purpose of improving performance and productivity in the Public Service.
3. Introduce a moratorium on the awarding of performance related incentives on those departments that do not comply with the requirements of the

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PMDS until such time that the system is effectively implemented by not later than **30 April 2010**.

4. Inculcate a culture of performance in the Public Service as part of accelerating quality public services.
5. Ensure that the PMDS policy is applied uniformly in the entire public service. In addition, there is a need to be able to measure performance of all employees.
6. Identify issues to be measured and these should be accompanied by standards. These standards should be understood by all parties. In addition, these standards must be supported by the creation of a conducive working environment.
7. Recognise that if the system fails for one or other reason blame for non-delivery of services in a sector or department should not be apportioned to everybody.
8. Strengthen accountability for results.
9. Introduce flexible working hours taking cognisance of the needs of employees and the recipients of service. The modalities of introducing and implementing the flexible working arrangements should be dealt with by the sectoral councils by **30 April 2010**.
10. Recognise that there is a need to introduce flexible working arrangements so that services could be provided to society throughout the working hours of a department, by no later than **30 April 2010**.
11. Managers, supervisors and employees should be provided with training and development interventions to ensure that the PMDS and other performance management system applicable in the public service are properly implemented.
12. Therefore, all the proposed measures to improve productivity and service delivery needs to be supported by an effective public transport system.
13. Develop proper knowledge management systems to enhance productivity by ensuring that institutional memory and experience is retained for improved service delivery.

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14. There is a need to ensure that ongoing skills and capacity development should be undertaken as part of improving public service productivity and delivery.

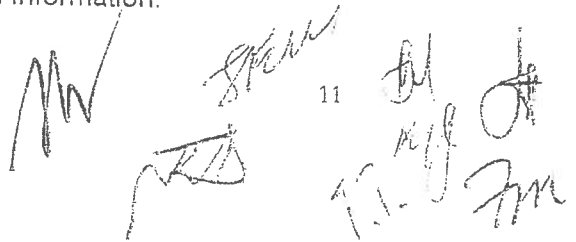
4. Work environment

Noting that:

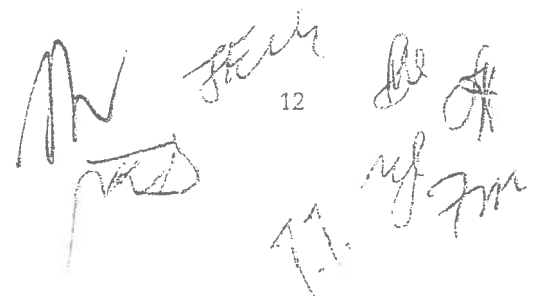
1. The issue of moonlighting by nurses need to be highlighted as it threatens the lives of patients and standards of service delivery.
2. An in-principle agreement to fully, resource schools, hospitals and similar state institutions technologically.
3. Decentralisation of procurement for the provision of services at the local level (especially hospitals).
4. A decent job is a job with benefits. A conducive workplace environment needs equal pay for jobs of equal value.
5. An action plan needs to be agreed to, in order to absorb all temporary workers who are employed by government and its agencies in the true spirit to end casualisation.
6. The process of right-sizing, downgrading must be stopped.
7. Equal pay for equal work must be entrenched.
8. Conducting of job-evaluations to be centralised at DPSA.
9. A practical human resource development plan to be implemented.
10. An audit of infrastructure and resources need to be undertaken (libraries, personnel, laboratories, etc) in order to deliver quality services.

Parties hereby resolve on the following:

1. Conduct health risk assessments.
2. Create a single health information system for employees in the public service and guarantee the confidentiality of such information.

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3. Address the plight of women, through child care facilities and provision of Early Childhood Development (ECD).
4. Expand occupational health service.
5. Explore the issue of the proposed Rail Accident Fund in other fora as it has implications broader than the work environment itself.
6. Investigate and put plans in place to reduce all areas of overcrowding in government institutions, in particular, schools and prisons.
7. Improve facilities and equipment to ensure both the physical and psychological well being and safety of employees.
8. Improve the work environment for people with disabilities to make it fully accessible and user-friendly.
9. Recognise that the issue of public transport infrastructure impacts on the work environment.
10. To give effect to these resolutions, the parties further agree to the following actions to be undertaken-
 - 10.1. Development of an overall workplace environment improvement plan;
 - 10.2. Implementation of the Employee Health and Wellness Strategic Framework with joint steering committees between labour and government;
 - 10.3. Conducting an integrated health risk assessment;
 - 10.4. Supporting both the implementation of the ILO recommendations and implementation of South African National Plan on HIV and Aids;
 - 10.5. Establishing child care support facilities with access to ECD at government departments;
 - 10.6. Supporting the National Health Insurance (NHI) and other social security schemes;



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- 10.7. Ensuring that consistent application of all relevant legislation is adhered to;
- 10.8. Conducting an audit of all funded and vacant posts and these posts to be filled as a matter of urgency; and
- 10.9. Tabling the issue of public transport infrastructure at NEDLAC.

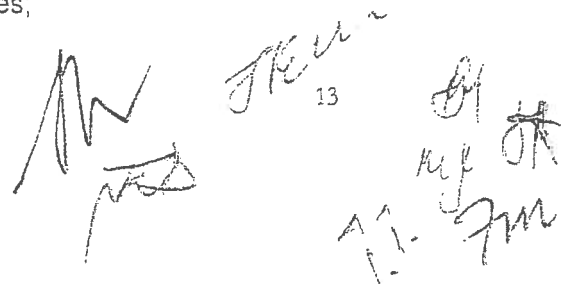
5. Remuneration policy and strengthening collective bargaining

Noting that:

1. The process of discussion on this area follows substantive engagements on the 11 June 2009 and 15-16 October 2009 at PSCBC Workshops held at the Birchwood Conference Centre.

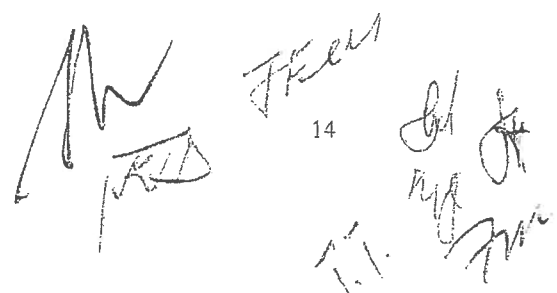
Parties hereby resolve on the following:

1. Conduct a comprehensive review of remuneration policy based on Resolution 5 of 2009, Clause 3.4 reached at the PSCBC.
2. That the following be used as a basis for the terms of reference:
 - 2.1. Downgrading must be put on hold and a process of discussions implemented;
 - 2.2. Entrenching the principle of equal pay for work of same value;
 - 2.3. Streamlining of allowances;
 - 2.4. Better remuneration structure for specialist employees;
 - 2.5. Centralisation of job evaluation within DPSA for all departments;
 - 2.6. Recognition of qualification in appointments and promotion;
 - 2.7. Practical Human Resource Development (HRD) programme to promote career pathing as envisaged in the OSDs;
 - 2.8. Defragmented and inconsistent application of remuneration policy within departments and provinces;



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- 2.9. Impact of implementation of the Occupational Specific Dispensation (OSD) on remuneration;
 - 2.10. Impact of the Executive Authorities power on the implementation of the remuneration policy;
 - 2.11. Salary levels; and
 - 2.12. Impact of the implementation of PMDS on remuneration policy.
3. To commit to reaching agreement on the terms of reference and the action plan through a resolution of the PSCBC, before the **end of March 2010**.
 4. Reaffirm their support for the declaration referred to as Birchwood 1, which committed the parties to the following:
 - 4.1. Mandating process must be reviewed to be more efficient.
 - 4.2. Parties must act within and respect the principal's mandate.
 - 4.3. The PSCBC resolutions must be respected and implemented by the parties monitored by DPSA in consultation with PSCBC. PSCBC explanatory notes, directives should be attached to the resolution to supplement implementation programmes.
 - 4.4. Centralised bargaining remains a key feature and need to be strengthened by aligning constitutions of the sector councils to that of the PSCBC.
 - 4.5. The need for the alignment of processes between budgeting and collective bargaining. Parties should consider concluding negotiations prior to the determination of the budget.
 - 4.6. PSCBC must concretise a Code of Conduct and manual for procedure on negotiations and this must be observed by all parties.
 - 4.7. DPSA must take responsibility to ensure implementation of resolutions by all departments and monitor compliance.



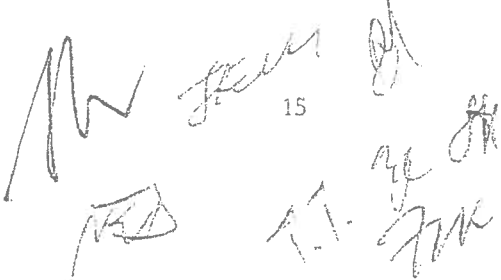
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- 4.8. Capacity building programmes must be identified for party representatives to be trained and to enhance their skills.
- 4.9. Summit on collective bargaining should be arranged to strengthen the PSCBC.
- 4.10. Parties should enter into proper assessment and review of the current bargaining structures and develop new ones suitable for the contours of the Public Service.

6. Implementation

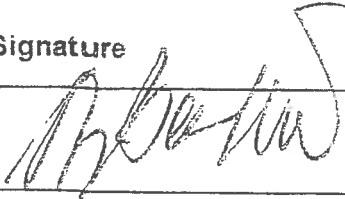
The parties agree:

1. That the political leadership of both government and labour collectively commit to give effect to the declaration through the development of an implementation plan.

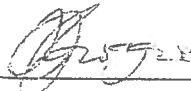
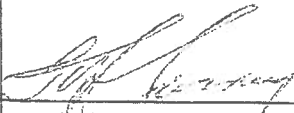

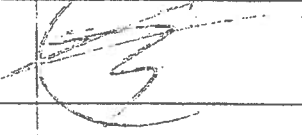

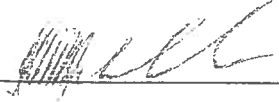

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THIS DONE AND SIGNED AT DURBAN ON THIS 13th DAY OF
MARCH 2010.

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	M. A. Dlamini	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
DENOSA	Thembele Gwizwe	
HOSPERSA/NUPSAW/ NATU	J. P. T. MURRAY	
NAPTOSA	Harry Hendricks	
NEHAWU		Thabo Majola
POPCRU	NIKOSINANI MABHINA	
PSA		
SADTU	Mogwena Mkhutle	
SAPU	J. M. Dikobe	