

Resolution 1 of 2022

ADOPTION OF THE DECLARATION ON THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL SUMMIT ON COLLECTIVE BARGAINING HELD ON 28 – 31 MARCH 2022 AT EMPERORS PALACE CONFERENCE CENTRE, GAUTENG

1. NOTING

- 1.1 The parties to the public service summit on collective bargaining, held at Emperors Palace Conference Centre in Gauteng, from 28-31 March 2022, declared and committed to the principles, objectives and agreements set out in the declaration;
- 1.2 The parties gathered for the summit under the theme “Strengthening and defending centralised collective bargaining to advance economic development, social justice, a capable and developmental state, labour peace and the democratisation of the workplace”;
- 1.3 Parties to the Public Service Co-ordinating Bargaining Council (PSCBC) in 2009 entered into an agreement commonly referred to as “Birchwood 1”. This agreement in principle required parties to develop and/or strengthen collective bargaining as to underline the importance of the characteristics of a developmental state;
- 1.4 Parties to the PSCBC reconfirmed their support for the principles raised in the “Birchwood 1” agreement with the signing of PSCBC Resolution 6 of 2010 the “Declaration of the Public Service Summit”;

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

P.O. Box 3123, Lyttelton South, 0176

Tel: (012) 644-8100 • Fax: 086 619 7884

E-mail: info@pscbc.org.za • Website: <http://www.pscbc.org.za>

All correspondence must be addressed to the General Secretary of Council

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- 1.5 In adoption of the 2010 declaration on the public service summit, the PSCBC was required in terms of clause 4.9 of the agreement to call for a summit on collective bargaining to strengthen the PSCBC.

2. SCOPE

- 1.1. This agreement binds the parties to Council;
- 1.2. This agreement applies to the employer and those employees who:
 - 1.2.1. Are employed by the State; and
 - 1.2.2. Fall within the registered scope of the Council.

2. THE PARTIES AGREE

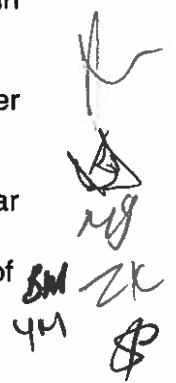
- 2.1. To adopt the Declaration on the Public Service Summit on Collective Bargaining held at Emperors Palace and Conference Centre in Kempton Park from 28-31 March 2022 and which is attached hereto as **Annexure A**;

3. 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.

4. IMPLEMENTATION OF THE AGREEMENT

- 4.1. This agreement shall come into effect on the date it enjoys majority support and shall remain in force unless terminated or amended by a written agreement between the parties;
- 4.2. In the interpretation and application of this agreement, words used in the agreement and defined within the constitution of Council will have the same meaning as defined in the constitution;
- 4.3. In the event of any conflict between a provision of this agreement and any other agreement of the Council, the provision of this agreement, takes precedence;
- 4.4. Council will with the signing of this agreement adopt an implementation plan with clear


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implementation methodologies and time frames; and




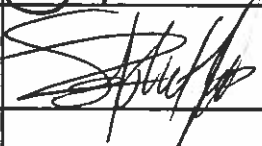



4.5. The Council will monitor the implementation of this agreement.

THIS DONE AND SIGNED AT CENTURION ON THIS 22 DAY OF June 2022

ON BEHALF OF THE EMPLOYER

	Name	Signature	Date
STATE AS EMPLOYER	Yoliswa Makhasi		10/06/22

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature	Date
DENOSA	MATAMELA IGD		18/04/2022
HOSPERSA	Susan Ntshobane		28/06/2022
NAPTOSA	S. L. Mamele		13/06/2022
NEHAWU	Zola Sephele		15/06/22
POPCRU			
PSA	J.H. Oosthuizen		22/06/22
SADTU	M.J. Maluleke		22/06/2022
SAPU	NTSIME P. NTSIME	NTSIME 	



**DECLARATION OF THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
SUMMIT ON COLLECTIVE BARGAINING HELD ON 28 – 31 MARCH 2022 AT EMPERORS
PALACE CONFERENCE CENTRE GAUTENG**

1. Preamble

- 1.1 The parties to the public service summit on collective bargaining, held at Emperors Palace Conference Centre in Gauteng, from 28-31 March 2022, hereby declare and commit to the principles, objectives and agreements set out in this declaration;
- 1.2 The parties gathered for this summit under the theme “Strengthening and defending centralised collective bargaining to advance economic development, social justice, a capable and developmental state, labour peace and the democratisation of the workplace”;
- 1.3 Parties to the Public Service Co-ordinating Bargaining Council (PSCBC) in 2009 entered into an agreement commonly referred to as “Birchwood 1”. This agreement in principle required parties to develop and/or strengthen collective bargaining as to underline the importance of the characteristics of a developmental state;
- 1.4 Parties reconfirmed their support for the principles raised in the “Birchwood 1” agreement with the signing of PSCBC Resolution 6 of 2010 the “Declaration of the Public Service Summit”;
- 1.5 In adoption of the 2010 declaration on the public service summit, the PSCBC was required in terms of clause 4.9 of the agreement to call for a summit on collective bargaining to strengthen the PSCBC; and

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- 1.6 The parties to this summit seek to give effect to the collective agreements signed in the past and not yet implemented, further reviewing of past performance and future ventures in defending, enhancing and strengthening centralised collective bargaining in the public sector.

2. Acknowledgement

Parties to the summit acknowledge;

- 2.1 The need to resource the public service and reaffirm the commitment made in PSCBC Resolution 6 of 2010;
- 2.2 That they are not opposed to the reconfiguration of Government where such reconfiguration will result in job security, improved conditions of work and improvement of service delivery initiatives to the citizenry;
- 2.3 The dire implication of the systemic corruption within government and supports measures to strengthen anti-corruption legislation and initiatives including the full implementation of the relevant provisions of labour legislation;
- 2.4 A deep concern with the developmental challenges and the plight of communities that they serve and are committed to fighting poverty, disease, corruption, inequality and unemployment; and
- 2.5 The need to avoid any attack on collective bargaining, agree to jealously guard, and entrench the principles of centralised collective bargaining.

3. Parties to this summit note the following PSCBC agreements, that form the basis for discussions in this summit:

- 3.1 PSCBC Resolution 1 of 2007- Filling of Vacant Posts;
- 3.2 PSCBC Resolution 2 of 2009 – Birchwood 2;
- 3.3 PSCBC Resolution 6 of 2010- Public Service Summit Declaration;
- 3.4 PSCBC Resolution 1 of 2013- The Public Service Charter;
- 3.5 PSCBC Resolution 1 of 2015- Outsourcing, Agentisation of the Public Service and Decent Work;
- 3.6 PSCBC Resolution 7 of 2015- Framework Agreement on the GEHS;
- 3.7 PSCBC Resolution 4 of 2017- Review of the GEMS;

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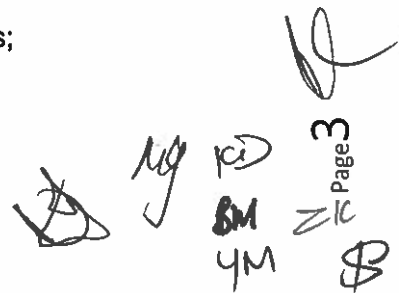
- 3.8 Chapter 3 of the NDP; and
- 3.9 Section 195 of the Constitution of the Country (RSA)

4. Declaration

- 4.1 We the Parties to the Public Service Summit held at Emperors Palace Convention Centre in Gauteng, from 28-31 March 2022, gathered under the theme “Strengthening and defending centralised collective bargaining to advance economic development, social justice, a capable and developmental state, labour peace and the democratisation of the workplace”, hereby pronounce on the principles and objectives set out in this declaration.
- 4.2 **On creating a framework to strengthen and defend centralised collective bargaining and agreeing on the implementation of outstanding agreements within Council resolutions**

Parties resolve as follows:

- 4.2.1 The PSCBC should review the collective bargaining structures in the public service through a collaborative venture with the ILO as to be guided by international best practices;
- 4.2.2 The review to be undertaken in clause 4.2.1 should give due consideration to the public sector in general which includes public administration, state agencies, entities and non-commercial parastatals and a methodology to overcome legislative challenges that may arise;
- 4.2.3 The Council should give effect to PSCBC Resolution 6 of 2010 by convening a public sector summit in the 2024/2025 FY. The summit must be inclusive of the three spheres of Government, state agencies, entities and non-commercial parastatals;
- 4.2.4 The PSCBC must without delay establish a task team that will audit all collective agreements since 2010 to identify areas of non-implementation and agree on a clear process for the implementation of the outstanding areas linked to a time frame for completion of the proposed implementation strategies;

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- 4.2.5 The PSCBC as the coordinating Council must, through the monitoring and evaluation unit, conduct a compliance audit on the implementation of signed collective agreements across all the sectoral councils;
- 4.2.6 The PSCBC must conclude the implementation of its enforcement procedures and should ensure that constitutions of sector councils have provisions for effective and efficient enforcement of collective agreements;
- 4.2.7 The PSCBC must define the concept of issues regulated by uniform rules, norms and standards that apply across the public service, as given in the Labour Relations Act, 66 of 1995. This will assist the sector councils in understanding and defining their role in strengthening centralised collective bargaining;
- 4.2.8 The PSCBC must review its constitution to reinforce the principles of centralised collective bargaining. Sectors must buy in to a process of amending their constitutions as to ensure it subscribes to the concept of centralised collective bargaining in line with the reviewed PSCBC constitution;
- 4.2.9 The PSCBC should set up a cross sectoral task team to consult sectors where applicable in the processes as outlined in clause 4.2.7- 4.2.9;
- 4.2.10 There should be a reversing of the fragmentation of the public service occasioned by the privatization and outsourcing of service delivery functions, parties therefore agree that;
- 4.2.10.1 Government should conduct a spending review on the costs of at least three selected agencies vis-à-vis departmental divisions and a further spending review of at least three selected large outsourcing contracts where outsourced functions could be insourced. One such assessment must be a Private Public Partnership initiatives;
- 4.2.10.2 The outcomes must be tabled in the PSCBC for discussion;
- 4.2.10.3 Government should consider not to undertake any new outsourcing or creation of agencies where the functions of such could be linked to the socio economic service delivery initiatives until the case studies above has been completed and discussed in the PSCBC;

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- 4.2.11 There is a need to upskill negotiators in the PSCBC through grooming of new teams of negotiators to prepare for the future. The PSCBC should approach institutions like the ILO and the National School of Government to assist with capacity building initiatives;
- 4.2.12 Parties expressed their concern with the slow implementation of the GEHS that directly impacts on the human dignity of Public Servants. The PSCBC Committee on GEHS should develop and implement a roadmap on the GEHS within 6 months from the date of this declaration;
- 4.2.13 The PSCBC Committee on GEHS will approach the GEPF and PIC to conduct a feasibility study on a funding model for affordable and accessible housing products for public servants;
- 4.2.14 Parties must ensure the full implementation of PSCBC Resolution 4 of 2017 giving effect to the transformation of GEMS allowing the board to reflect the demographics of the membership of the scheme. This transformation should also enhance and expedite the provisions for the implementation of the NHI;
- 4.2.15 Product development in GEMS must improve the health care benefits of its members and funding for those benefits should be prioritised from the savings incurred by the scheme;
- 4.2.16 Parties mandate GEMS to undertake a study on sufficiently resourcing itself to insource the administrative functions that would result in more effective administration and lead to cost savings for the scheme;
- 4.2.17 Parties agree that the employer would present to the PSCBC a document on the review and strengthening of the mandating process, alignment of role and responsibilities of MPSA, MOF, Cabinet and Ministers in the mandating committee;
- 4.2.18 For future negotiations, the employer will be required to issue a certificate of compliance to guarantee that all legal process has been followed and that sufficient funding would be available for the implementation of collective agreements; and
- 4.2.19 Parties agree to work practically towards the alignment of the PSCBC wage negotiations process to that of the annual budgetary processes of Government to ensure that the final budget reflects the signed council's wage agreements; Parties should strive to achieve this with the inception of the 2024/2025 FY going forward.

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- 4.3 Considering the professionalisation of the public service through the implementation of the public service charter and a commitment to the resourcing of the public service to allow public servants to deliver effective services to the citizenry.**
- 4.3.1 Every public service employee must individually and severally embrace values that include loyalty, neutrality, transparency, diligence, punctuality, effectiveness and impartiality;
- 4.3.2 The concept of public values and ethics should be introduced as part of school and tertiary curriculum to build a cohort of citizens and public servants who are ethical, selfless and values driven;
- 4.3.3 Parties must engage on forging a career pathing system that supports upskilling and reskilling of public servants for impartial opportunities of recruitment and promotion;
- 4.3.4 Introduction of a pre-employment training and development exam for all aspiring public servants at managerial level and in relevant professional occupations, similar to aspirant attorneys first passing the attorneys board exams before they are allowed to practice;
- 4.3.5 Promotions into leadership positions in the Public Service should be grounded on principles of technical competence (qualifications plus proven effective experience), integrity, responsibility, accountability, transparency and commitment to the eradication of poverty, unemployment and inequality. Therefore, recruitment and selection instruments should be broadened to address the different elements of professionalism;
- 4.3.6 Ethics training is necessary to inculcate ethical decision-making into the organisational culture and to reinforce ethical choices and accountability;
- 4.3.7 The Code of Conduct should be supported with a framework to deal with corrective action;
- 4.3.8 Public Service occupations should be mapped/catalogued (career pathing) in order to identify the well established and emerging professions that exist in the Public Service as well as the levels and benefits of external professionalisation linkages;

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- 4.3.9 Consider a continuous professional development (CPD) points system through the different SETAs to further studies and create a culture of lifelong learning;
- 4.3.10 Encourage association with professional bodies linked to specific occupational classes such as, but not limited to; Psychological Society of South Africa (PsySSA), South African Council for Educators (SACE), South African Communications Association (SACOMM), Association of Chartered Certified Accountants (ACCA) and professional communities such as South African Institute of Chartered Accountants (SAICA) ;Engineering Council (engineers and project management); Bar Council; South African Nursing Council (SANC); Institute of Public Finance and Auditing; Health Professions Council of South Africa (HPCSA); Various associations of Public Administration and Management;
- 4.3.11 In reducing overlapping functions organizational structures of departments must be reviewed to ensure adherence to the mandate and to ensure that public servants will be able to deliver services;
- 4.3.12 The State must as an enabler, ensure proper service delivery by filling vacant posts/ positions in the public service, prioritising frontline services;
- 4.3.13 The State must resource public servants with adequate tools of trade that will allow the delivery of services;
- 4.3.14 Parties agree to build the capacity of supervisors to enable them to better manage discipline in the public service and accountability;
- 4.3.15 In delivering a professional service, public servants must distance themselves from doing business with the state;
- 4.3.16 The PSCBC to undertake an empirical study on key frontline public services, comparing the levels of pay between equivalent professional occupations in the public and private sectors, with a view to close the gaps, to retain experienced personnel and attract suitably qualified professionals into the public service;
- 4.3.17 Recognising that over the past decade, consolidated spending by government on Goods and Services has been in excess of the average economic growth rate and average inflation rate, which means that there is no spending ceiling and it's unaffordable.

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Also taking into account of the fact that corruption, fruitless and wasteful expenditure in departments and entities significantly occur through the channel of tenders and outsourcing under the budget item of Goods and Services. Parties agree;

4.3.17.1 The National Treasury is mandated to undertake a review on consolidated government spending on Goods and Service, including on large outsourcing contracts in which the public service functions can be insourced and where existing internal capacity could be utilised;

4.3.17.2 This exercise is intended to ensure value for money, prevent corruption, fruitless and wasteful expenditure and to make resources available to relieve the burden of the Treasury's fiscal consolidation on the wages of public servants under the PSCBC; and

4.3.18 The DPSA must review and advise on the macro configuration of the State including the alignment of compensation of employee's budgets across the public sector.

4.4 Enhancing the public service through optimal use of the 4th Industrial Revolution and digitalisation in the public service.

4.4.1 Government must strengthen systems and processes as well as internal infrastructure resources;

4.4.2 Government must re-engineer departmental capabilities to ensure consistent production of reliable, factual, timely information outputs, such as having data and information assets readily available for quick and sound decision making allowing the public sector institutions to be proactive in solving service delivery challenges and assists in finding feasible, sustainable, and innovative public service delivery solutions;

4.4.3 Invest in research, development, and innovation (RD&I) activities, programmes, and projects that can be utilized as steppingstones to the development and foundation of strategic public (spatial data infrastructure "SDI") policies, frameworks, and models;

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- 4.4.4 New digital technologies would incrementally change the size, shape and skill composition of the personnel in the public service. Amidst the prevalent excitement with new digital technologies, there has been sporadic and ill-advised procurement of services in a number of departments and entities that have led to corruption, fruitless and wasteful expenditure. As a custodian of the public service, the DPSA must work with Treasury to develop a regulatory framework for the procurement process on digital technologies that are above a determined threshold of rand value, requiring a standardised business case justifying spending on such procurement and supported by SITA's technical evaluation. Where such technological advancement have negative implications for the workforce, organised labour must be consulted and the department or entity concern must attach a skill upgrade plan and/or redeployment plan to the business case;
- 4.4.5 Leverage multi-stakeholder partnerships, e-participation, and e- governance, skills development, access to infrastructure, research and development, entrepreneurship and localization, labour market restructuring, and reducing the high cost of access to services;
- 4.4.6 Council must establish a task team to guide on the implementation of the principles raised in clauses 4.4.3 – 4.4.5;
- 4.4.7 For workers to remain relevant, the upskilling and reskilling of the workforce on the 4th IR is not an option, but a necessity;
- 4.4.8 Considering the future of work there is a need to relook the norms and standards, the basic conditions of service and the developing of guidelines for the measuring of performance, rewards, and incentives.

5. Recognising the role of women, youth and people with disabilities in the workplace, providing the necessary support to allow for equal opportunities and eradicating of practices of discrimination, harassment and victimisation. Furthermore to recognise the role of women in being the primary care giver of their families through the implementation of a basic childcare policy

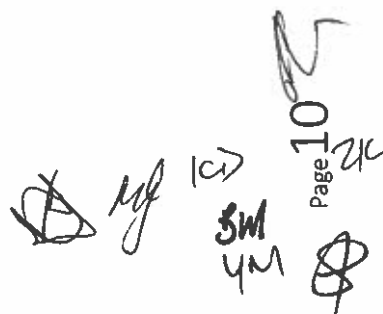
- 5.1 The summit recognises that the ILO Convention on Violence and Harassment (No. 190), that states amongst other the following;
- 5.1.1 **Recognizing the right of everyone to a world of work free from violence and harassment, including gender-based violence and harassment, and**

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- 5.1.2 **Recognizing that** violence and harassment in the world of work can constitute a human rights violation or abuse, and that violence and harassment is a threat to equal opportunities, is unacceptable and incompatible with decent work, and
- 5.1.3 **Recognizing the** importance of a work culture based on mutual respect and dignity of the human being to prevent violence and harassment.
- 5.2 The summit resolves to undertake a collaborative process amongst stakeholders as to ensure compliance to ILO Convention 190, specifically those areas relevant to the public service;
- 5.3 Allowing for a fair representation of women, persons with disability and youth in the structures of Council inclusive of Provincial Chambers and Governance structures;
- 5.4 Developing women, persons with disability and the youth to allow them to occupy roles and positions that will enhance the overall recognition of these individuals;
- 5.5 Develop training and capacity building programmes to address how matters related to mental health and psychosocial issues are dealt with in the workplace;
- 5.6 Parties commit to develop and implement a program aimed at strengthening the role of women negotiators- a leadership development, coaching and mentoring program to be implemented in the 2022/2023 FY

In concluding the summit, parties reaffirm the principles and agreements recorded in the declaration, they further commit to heighten the fight against all forms of corruption and maladministration in the public service. These practices have a direct impact on the ability of the state and public servants to deliver services that will allow a developmental state. Those who are found guilty of corruption must face the full might of the law.

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