



PHSDSBC

**PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL**

**PRESENTATION TO THE PSCBC 20TH ANNIVERSARY ROUNDTABLES
“ENHANCING LABOUR PEACE THROUGH THE PROCESS OF COLLECTIVE
BARGAINING”**

30 JULY 2017

BACKGROUND

- ✓ The Constitution, Chapter 2, s23, provides that “Everyone has a right to fair labour practices and the Labour Relations Act (LRA) takes the step further to amongst others, promote orderly collective bargaining including at the sectoral level.
- ✓ It was established in terms of the Labour Relations Act (LRA) 66 of 1995, as amended, s27(1) (a) and (b) sets the criteria for the establishment of a bargaining councils. Also through the PSCBC collective agreement Resolution 9 of 1998 and got registered by the Department of Labour in 1999.



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

- ✓ The Public Health and Social Development Sectoral Bargaining Council was formerly called The Public Health and Welfare Sectoral Bargaining Council.
- ✓ The two (2) main functions of a bargaining council are collectively bargaining and disputes management.



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

COLLECTIVE AGREEMENTS

- The Council has concluded fifty six (56) collective agreements since it was designated.
- Some of the prominent collective agreements are as follows:
 - The PHSDSBC Resolution 3 of 2007-Agreement on the implementation of an Occupational Specific Dispensation(OSD) for Nurses
 - The PHSDSBC Resolution 1 of 2009-Agreement on implementation of an OSD for Social Services professions and Occupations



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

- The PHSDSBC Resolution 3 of 2009-OSD for Medical Officers, Medical Specialists, Dentists, Dental Specialists, Pharmacologists, Pharmacists and Emergency Care Practitioners
- The PHSDSBC Resolution 2 of 2010-OSD for Therapeutic, Diagnostic and Related Allied Health Professionals



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

OCCUPATIONAL SPECIFIC DISPENSATION (OSD)

- Over the years South Africa was faced with the huge challenges regarding migration (brain drain) of critical and scarce skills. As a result it lost highly experienced practitioners particularly nurses, medical doctors and dentists. This phenomenon was not only peculiar to our country but developing countries at large.



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

- The health and social development practitioners were moving from the public sector to private sector and abroad. Amongst other reasons advanced for this migration was the issue of poor remuneration and lack of appreciation. The need increased for a remuneration system that was to take into consideration the scarcity of skills, relevant experience including the supply and demand for these practitioners.



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

- ❑ It was against this backdrop that the new remuneration system, namely the Occupational Specific Dispensation (OSD) in the Public Service was introduced. **The Public Service Coordinating Bargaining Council (PSCBC) Resolution 1 of 2007 - the agreement on the salary increase and improvement in working conditions.**



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

- ❑ This collective agreement contained the OSD frame work for sectoral councils to develop their own agreements according to their scopes as contained in their constitutions.



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

❑ In keeping with the above the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) had to conclude resolutions for the following four (4) clusters:

1. Nursing Cluster – Professional Nurses, Enrolled (Staff) Nurses including Nursing Assistants (Auxiliary) – **Resolution 3 of 2007.**



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

2. Social Services Cluster – Social Workers, Social Auxiliary Workers, Child & Youth Care Workers Community Developers – **Resolution 1 & 2 of 2009.**

3. Medical Cluster – Doctors and Dentists, Pharmacists and Pharmacists Assistants (Basic and Post Basic) including all categories of Emergency Medical Personnel – **Resolution 3 of 2009 & Resolution 1 of 2010 (Addendum).**



PHSDSBC

PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

4. Allied Health Cluster – 56 categories - e.g. Professionals, Assistants and Technicians for the following occupational groups: Physiotherapists, Occupational Therapists, Radiographers, Speech Therapists, Audiology Therapists, Dieticians Included were the following:
Psychologists, Psychometrics, Nutritionists, Medical Control Officers, Medical Physicists, Radiation Scientists – **Resolution 2 of 2013.**



PHSDSBC

PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

N/B - There are other two (2) agreements that are covering some employees in the sector that were concluded by the General Public Service Sectoral Bargaining Council (GPSSBC) i.e. Engineering and Legal clusters that were being extended to other sectors for implementation purpose, e.g. **Resolution 2 of 2012.**



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

INDUSTRIAL ACTIONS IN THE SECTOR

1. Social Service Professionals

Labour tabled the following matters of mutual interest for engagement at the Council:

- Resolution 2 of 2004-Amendment to Rural Allowance
- Amendment to the PHSDSBC Resolution 1 of 2009(OSD)
- Rural Allowance for Social Services Professions

Subsequently, parties did not agree and a dispute was declared on the matters of mutual interest (Refusal to bargain).



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

The matter was conciliated and a certificate of non resolution in terms of section 64 of the Labour Relations Act No.64 of 1995 was issued.

Labour took its demands to the street in a form of a strike.

The Council concluded the PHSDSBC Resolution 2 of 2017 (Framework agreement on payment of rural allowance and amendment of the OSD for social service professionals and occupations).

An arbitration process was convened and a settlement agreement was reached to resume negotiations on one outstanding matter (Resolution 2 of 2004-Amendment to Rural Allowance).



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Cont..

2. Forensic Pathology Officers (FPO's)

- Following the spiralling effect of the strike by the Forensic Pathology Officers throughout the Country, the Council concluded the PHSDSBC Resolution 4 of 2017 (Agreement on the payment of special allowance and a danger allowance).



PHSDSBC
PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL

Conclusion

THANK YOU



PHSDSBC

PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL