



FESTIVE NEWSLETTER EDITION

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Provincial Chambers Annual General Meetings (AGM's)

The Provincial Chambers of the PSCBC serve as vital platforms for dialogue, consultation, and negotiation between public service departments and trade unions at the provincial level. The PSCBC convened its Provincial Chambers' Annual General Meeting's (AGM's) across all nine provinces in November 2024. These meetings provided a platform for council parties to reflect on the year's achievements, address challenges, and strategize for the future. The proceedings were led by the PSCBC's Collective Bargaining Unit and Dispute Management Unit, emphasizing the critical relationship between collective bargaining and dispute resolution in promoting labour peace and workplace stability within the public sector.

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The sessions commenced with the Collective Bargaining team presenting a comprehensive overview of the 2023/24 financial year, including chamber management reports. Following this, the Dispute Management team underscored the importance of successfully enforcing key collective agreements. They specifically referenced; Resolution 03 of 2023, which ensures strict adherence to council-negotiated agreements and Resolution 01 of 2024, introducing updated rules for dispute resolution proceedings.

The team reported an increase in dispute referrals in the 2023/24 financial year compared to the previous period. Notably, 77% of these cases focused on the interpretation and application of collective agreements. This trend highlights the essential role of dispute management in fostering fairness and compliance.

A significant highlight of the AGMs was the introduction of the new e-Referral System and the PSCBC Portal, both of which have modernized case management. These platforms offer real-time updates, access to case documents, and prompt rulings. By improving transparency and efficiency, they empower both employers and labour representatives to resolve matters effectively.

The PSCBC team further emphasized the synergy between dispute management and collective bargaining. Together, these collaborative approaches ensure that agreements signed at the council are upheld, creating a stable and equitable work environment for all stakeholders.

Looking ahead, the PSCBC shared future plans, including; implementation of the Public Service Summit Declaration, preparations for the next salary negotiations and the expansion of training initiatives for council and chamber members.

The AGMs reaffirmed the power of collaboration and innovation in advancing the PSCBC's mandate. By embracing these principles, the public service is well-positioned to thrive in an ever-evolving labour environment.



PSCBC at Mpumalanga Provincial Chamber AGM



PSCBC at Northern Cape Provincial Chamber AGM



PSCBC at Northern Cape Provincial Chamber AGM

PSCBC & GPSSBC Celebrate PSETA Graduation Ceremony



Graduates of the PSCBC Staff Members

The PSCBC and the General Public Service Sector Bargaining Council (GPSSBC), in partnership with the Public Service Sector Education and Training Authority (PSETA) and VB Skills, proudly hosted a memorable graduation ceremony on 28 November 2024 at the Premier Hotel in Midrand.

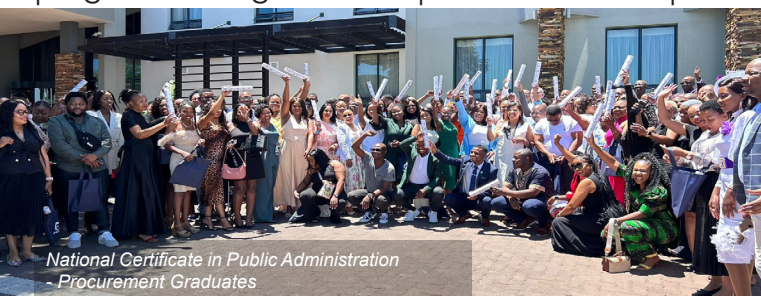
This special occasion celebrated learners who successfully completed the National Certificate in Public Administration – Procurement Skills Programme. The event was graced by distinguished guests, including the General Secretary of the PSCBC, Mr. Frikkie De Bruin, the Chairperson of the PSCBC, Ms. Ingrid Dimo, and the Vice Chairpersons of both the PSCBC and GPSSBC, Mr. Mompoti Galorale and Mr. Modise Letsatsi.

In his address, Mr. De Bruin highlighted the critical role of skills development in enhancing service delivery within the public sector. He shared remarkable findings from research conducted on the programme, revealing that 80% of participants actively apply the skills they acquired in their daily work, while 87% reported an improvement in their job performance and understanding of their roles and responsibilities. These results underscore the programme's significant impact since its inception.

Ms. Bontle Lerumo, CEO of PSETA, also spoke at the ceremony, addressing the pressing need for improved customer service skills in the public sector. She encouraged public servants to adopt and embody the Batho Pele Principles (Consultation, Service standards, Courtesy, Access, Information, Openness and transparency, dealing with complaints, Giving best value for money) to enhance service delivery and better meet the needs of citizens.

Keynote speakers congratulated the graduates, emphasizing that their newly earned certification marks a milestone in their personal and professional journeys. They noted that the qualification not only opens doors to new opportunities and potential promotions but also lays a foundation for further studies. The speakers commended the graduates for their dedication to continuous learning, a cornerstone for excellence in public service.

The graduation ceremony was a testament to the success of partnerships between key public service institutions and their commitment to fostering skills development for a more efficient and responsive public sector.



National Certificate in Public Administration - Procurement Graduates



Graduate Programme Leadership and Facilitators

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Joint PSCBC and Sector Bargaining Councils Sports Day Promotes Mental Wellness

On 11 October 2024, the PSCBC, in collaboration with the General Public Service Sector Bargaining Council (GPSSBC), Safety and Security Sectoral Bargaining Council (SSSBC), and Public Health and Social Development Sectoral Bargaining Council (PHSDSBC), hosted a Joint Sports Day at Lyttleton Sport Park.

The event was held in honor of Mental Health Awareness Month, with the primary objective of promoting mental well-being, physical activity, and social engagement among staff members. Designed to foster a sense of community and encourage healthy lifestyles, the day brought together staff from the participating councils in a spirit of camaraderie and collaboration.

A variety of sporting activities, including netball, soccer, and tennis, took center stage as council staff members competed energetically for trophies in their respective sporting codes. The day's activities served not only as a platform for friendly rivalry but also as a celebration of solidarity, teamwork, and shared goals among colleagues.

The Sports Day was a resounding success, providing an opportunity for staff to connect, unwind, and reflect on the importance of maintaining a healthy work-life balance. It also underscored the critical role of physical activity in supporting overall mental health and wellness.

By combining fun, fitness, and a strong message of unity, the event reinforced the value of prioritizing mental well-being in the workplace, leaving participants motivated and inspired to pursue healthier lifestyles.



Sports Day 2024



Sports Day 2024: Winning Netball Team



Sports Day 2024: Winning Soccer Team

PSCBC Showcases Commitment at POPCRU 2024 Central Executive Committee



Delegates Attending POPCRU CEC

Police and Prisons Civil Rights Union (POPCRU) hosted its Central Executive Committee (CEC) from 5–7 November 2024 at the Birchwood Hotel in Boksburg. The PSCBC proudly participated in this significant event which marked POPCRU's 35 years of championing the rights and struggles of workers and brought together key stakeholders under the theme: "Building a Sustainable Organization in Defence of Collective Bargaining."

The proceedings began with a powerful keynote address by Mr. Thulani Ngwenya, President of POPCRU, who reflected on the union's journey and the challenges it faces within an ever-changing political landscape. Mr. Ngwenya reaffirmed POPCRU's unwavering commitment to its theme, emphasizing the need to build sustainable organizational structures as a unifying force during the current term of office.

He underscored the pivotal role of collective bargaining in ensuring fair treatment, addressing workplace injustices, and fostering democracy. In the context of South Africa's criminal justice cluster, Mr. Ngwenya stressed that without collective bargaining, workers remain vulnerable to exploitation and poor working conditions.

As the event progressed, Mr. Ngwenya advocated for greater collaboration among stakeholders in the safety and security sector to combat crime and better support police officers. He proposed long-term strategies for crime prevention and policy development, urging the SAPS Secretariat to craft policies informed by the vision of the Minister of Police.

The CEC was further enriched by the presence of Honourable Thembi Simelane, former Minister of Justice, who highlighted the importance of effective policy implementation. She encouraged collaboration in enforcing criminal procedures, better budget management to improve workers' salaries, and the adoption of digital systems for financial reconciliation.

The PSCBC took pride in hosting an exhibition stand at the event, where it actively engaged with attendees and reaffirmed its dedication to strengthening labour relations. The platform allowed the PSCBC to share insights into its work and explore potential solutions to the challenges highlighted during the CEC.

The event proved to be an invaluable opportunity for fostering dialogue, understanding the evolving dynamics of the labour sector, and reaffirming the shared commitment to improving the working conditions and lives of workers across South Africa.

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PSCBC staff exhibiting at POPCRU CEC



Delegates attending POPCRU CEC

SAPU: 8th Central Executive Committee Meeting

PSCBC General Secretary Mr Frikkie De Bruin



The South African Policing Union (SAPU) successfully hosted its 8th Central Executive Committee (CEC) meeting from 20–21 November 2024 at the Sun City Convention Centre in the North West. Themed “Advocating for Servant Leadership: Collaborating with Stakeholders to Promote PEELIA (Professionalism, Education, Efficiency, Loyalty, Integrity, and Accountability) in Serving Our Members,” the gathering brought together approximately 200 delegates to address critical issues impacting its members.

The agenda was guided by eight commissions, each focused on vital topics such as constitutional amendments, member benefits, and the promotion of the PEELIA principles. These discussions reaffirmed SAPU’s unwavering commitment to servant leadership and its mission to enhance professionalism, efficiency, and integrity within the police service.

The event featured powerful messages from key stakeholders. Mr. Frikkie De Bruin, General Secretary of the PSCBC, emphasized the value of unity, stating; “Together, we are more than the sum of our parts. Together, we can achieve what may seem impossible alone. As we move forward, let us carry this spirit of unity, knowing that in solidarity, we can and will make a difference.”

General Masemola, National Commissioner of the South African Police Service (SAPS), echoed this sentiment, extending his support to SAPU. He assured delegates: “SAPS wishes you well, and as management of SAPS, we want you to know that you have our unreserved support in all your endeavours. We appreciate that SAPU has our members’ best interests at heart.”

The PSCBC actively participated in the event, hosting an exhibition stand that provided SAPU members with a platform to engage directly with the council. This interaction facilitated meaningful dialogue on workers’ rights and welfare, underscoring the importance of collaboration between unions and stakeholders.

SAPU’s 8th CEC was a resounding success, marking yet another milestone in the union’s journey to advocate for servant leadership and champion the interests of its members. By embracing the PEELIA principles, SAPU continues to demonstrate its dedication to fostering a professional, accountable, and integrity-driven police service in South Africa.



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Mandela Commemoration at Little Rose Centre, Eldorado Park

Mandela Commemoration at Little Rose Centre



In honour of Nelson Mandela's enduring legacy and as part of its Corporate Social Responsibility (CSR) program, the Public Service Coordinating Bargaining Council (PSCBC) commemorated Mandela's memory on December 5, 2024, through a heartfelt initiative supporting the Little Rose Centre in Kliptown, Soweto. This initiative was a testament to the values of unity, compassion, and service that Nelson Mandela championed throughout his life.

The Little Rose Centre, a non-profit organisation dedicated to meeting the basic needs of children in and around Kliptown, shares a mission to uplift vulnerable children and families an ethos that resonates closely with PSCBC's vision of creating meaningful, sustainable change in underserved communities.

The day was brimming with purpose and joy as PSCBC staff worked hand in hand to bring hope and happiness to the children at the Centre. A warm and nourishing meal was prepared and served to 200 children, a gesture of care that encapsulated the spirit of the day. Each child also received a party pack, sparking smiles and adding excitement to the celebration. Adding to the festivities were the children's energetic dance performances, a vivid reminder of the resilience and vibrancy of the community and the power of togetherness.

A highlight of the day was a message of support delivered by Senior Manager for ICT, Mr. Oomang Parag, on behalf of the General Secretary of the PSCBC, Mr. Frikke de Bruin. Mr. Parag expressed the Council's deep honour in participating in this meaningful occasion and reflected on the importance of service, unity, and compassion values embodied by Nelson Mandela and echoed in the PSCBC's ongoing commitment to community upliftment.

As the PSCBC continues its journey of impactful engagement, it remains dedicated to investing in initiatives that create meaningful change. By supporting organisations like the Little Rose Centre, the PSCBC reaffirms its commitment to building a brighter, more inclusive future for all.



Batho Pele Excellence Awards: Celebrating Innovation and Service Excellence



The Department of Public Service and Administration (DPSA) hosted its prestigious Batho Pele Excellence Awards on 27th November 2024 in Ekurhuleni. For the first time, this grand celebration combined the Batho Pele Excellence Awards with the Public Sector Innovation Awards, showcasing the achievements of individuals and teams dedicated to exceptional public service and innovation.

The event brought together distinguished officials, including Honourable Minister for the Public Service and Administration (MPSA) Inkosi Mzamo Buthelezi, Deputy Minister Pinky Kekana, and Director General Yoliswa Makhasi. Leading the ceremony, Minister Buthelezi emphasized the transformative role of innovation in enhancing public service delivery. He urged attendees to continue embracing creative approaches to build a more responsive and efficient public sector.

The evening's success was underscored by the Chairperson of the Batho Pele Adjudication Committee, Mr. Oomang Parag, Senior Manager for ICT at the PSCBC, who ensured a rigorous and fair selection process. Through extensive evaluations, field visits, and comprehensive reviews, the adjudication process highlighted the dedication and resilience of South Africa's public servants.

Mr. Parag shared inspiring stories of selflessness from officials patrolling communities at night to those using personal funds for critical supplies embodying the Batho Pele ethos of "Putting People First."

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Ms. Ntshadi Mothusi, Chairperson of the CPSI Innovation Awards, further reinforced the importance of continuous improvement and digital transformation to address service delivery challenges. Both speakers reminded attendees of the collective responsibility to promote inclusive growth and bridge gaps within the public sector.

The Batho Pele Excellence Awards not only celebrated remarkable achievements but also served as a powerful call to action. Public servants were encouraged to innovate, serve with dedication, and uphold the highest standards of integrity. The event was a poignant reminder that excellence in public service remains the cornerstone of building a stronger, more resilient South Africa.

Senior Manager for ICT Mr Oomang Parag and Ms Ntshadi Mothusi at the Batho Pele Excellence Awards



Minister Inkosi Mzamo Buthelezi and Senior Manager for ICT Mr Oomang Parag



Farewell to PEU General Secretary Ben Machipi



Former General Secretary of PEU
Mr Ben Machipi

The Professional Educators' Union (PEU) recently bid farewell to its long-serving General Secretary, Ben Machipi, who retired after a distinguished career dedicated to advancing education and labour relations in public service. Mr. Machipi leaves behind a legacy of unwavering commitment to educators, learners, and the broader education sector, with contributions spanning decades of impactful service.

Mr. Machipi began his illustrious career in education in 1988 as a science teacher, where his passion for learning and leadership quickly became evident. He progressed through various key leadership roles, including Acting Head of Department and Principal of Pipa Primary School. In 2010, he joined the PEU full-time, marking the beginning of a new chapter as an advocate for educators' rights and a pioneer of innovative union management practices.

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During his tenure, Mr. Machipi led the PEU through critical national conversations on education policy. Notably, he played a significant role in addressing the challenges brought on by the COVID-19 pandemic, ensuring schools implemented safety measures while balancing the needs of learners and educators. He was equally vocal about systemic issues such as overcrowding in classrooms, advocating tirelessly for fairness, quality, and excellence in education delivery.

Beyond his role in the union, Mr. Machipi's work resonated across the broader public service community. His thoughtful leadership and steady resolve earned him widespread respect, making a lasting impact on policies and practices aimed at improving the lives of educators and learners alike.

As Mr. Machipi embarks on a well-deserved retirement, the PSCBC and the entire public service sector extend heartfelt gratitude for his tireless service. His remarkable career has set a high standard, leaving behind a solid foundation that will continue to inspire future generations of educators and union leaders. We wish Mr. Machipi a retirement filled with joy, fulfilment, and precious time spent with family and friends. His legacy of dedication and excellence will be remembered for years to come.

PSCBC Case Law Webinar: Exploring Labour Court Judgement on Section 24 of the LRA



The event featured two interactive sessions in the morning and afternoon welcoming public servants, trade union officials, bargaining council representatives, commissioners, and members of the public. This platform provided attendees with an opportunity to unpack the judgment's implications for public sector labour relations and dispute resolution mechanisms.

The PSCBC General Secretary, Mr. Frikkie De Bruin, and Resident Panellist, Advocate Manus Netshifhefhe, delivered an in-depth overview of the case, examining the Labour Court's interpretation of Section 24 of the LRA. The session emphasized how the ruling impacts collective agreements and the rights of employees, balancing individual, and collective interests within the labour framework. Participants actively engaged through a dynamic chat-based Q&A session, posing thought-provoking questions on the interplay between individual disputes and collective agreements. The discussion provided much-needed clarity on Section 24's limits and protections while underscoring its role in maintaining the integrity of collective bargaining.

An engaging and informative webinar was hosted by the PSCBC on 25 November 2024, shedding light on a significant Labour Court judgement in Skulpad and Another v Department of Health (EC) & Others PR139/21. Delivered on 30 October 2024, the judgment addressed a pivotal question: Does Section 24 of the Labour Relations Act (LRA) strip employees of the right to independently refer a dispute outside of a trade union party to the collective agreement?

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The webinar highlighted this judgment as a milestone in defining the rights of employees and unions within the collective bargaining structure. It reinforced the PSCBC's commitment to fostering workplace democracy and labour peace by empowering stakeholders with valuable insights and tools to navigate evolving challenges in modern labour relations.

By hosting such platforms, the PSCBC continues to solidify its role as a thought leader in public sector labour relations, equipping stakeholders to address complex legal and practical challenges in the workplace.

PSCBC WEBINAR

SKULPAD AND ANOTHER V DEPARTMENT OF HEALTH EASTERN CAPE AND OTHERS PR139/21

TOPIC OF DISCUSSION:
Does section 24 of the LRA strip the employee's right to independently refer a dispute outside of a trade union party to the collective agreement?

SPEAKERS:
Mr Frickie De Bruin - General Secretary PSCBC
Adv Manus Netshifhefhe - Resident Panelist

DATE:
Monday, 25 November 2024

TIME:
Session one: 9h00-11h00
Session two: 16h00-18h00

PSCBC

SOCIAL MEDIA: Facebook, X, YouTube, Instagram, LinkedIn

Case Law: Skulpad and Another V Department of Health Eastern Cape and others (PR139/21) [2024] ZALCPE 45

A recent case brought clarity to a contentious issue surrounding Section 24 of the Labour Relations Act (LRA), which governs the resolution of disputes over the interpretation and application of collective agreements. The case arose when Ms. Skulpad referred a dispute to the Public Service Coordinating Bargaining Council (PSCBC) regarding the interpretation of Temporary Incapacity Leave (TIL). However, an arbitrator ruled that Ms. Skulpad lacked legal standing (*locus standi*) to refer the dispute, relying on the precedent set in *Arends v SALGBC*. The *Arends* judgment established that employees are mere beneficiaries of collective agreements and, as such, cannot independently refer disputes about their interpretation or application. This effectively limited the right to refer such disputes to unions or parties to the collective agreement.

Judicial Review Challenges *Arends* Precedent:

Judge Kroon rejected the *Arends* interpretation, arguing that it unfairly disadvantages employees who are non-union members or whose unions are not signatories to the collective agreement. This exclusion creates unequal access to remedies, leaving employees dependent on their unions to act on their behalf.

Kroon identified several flaws in the *Arends* ruling, asserting that it:

- Contradicts Section 24 of the LRA, which does not limit who can refer disputes.
- Unjustifiably denies employees their rights to legal recourse.

- Produces inequitable outcomes, favouring unionized employees.
- Violates constitutional rights, including access to justice, freedom of association, and equality.
- Conflicts with the LRA's objectives of promoting effective dispute resolution.
- Runs counter to established legal principles and precedents.

Constitutional and Legislative Considerations:

The judge emphasised that limiting access to dispute resolution mechanisms erodes constitutional protections under Section 34 (access to courts), Section 18 (freedom of association), and Section 9(1) (equality). He argued that employees whose interests are directly affected by the application of a collective agreement should have the right to refer disputes independently, regardless of union membership. Kroon's interpretation aligns with the LRA's purpose of fostering effective and equitable resolution of labour disputes. By distinguishing between "parties to the collective agreement" and "parties to the dispute," Section 24 permits affected employees to refer disputes without resulting in absurd or unjust outcomes.

Implications of the Ruling:

Judge Kroon set aside the arbitrator's jurisdictional ruling, affirming that Section 24 does not strip employees of the right to challenge the interpretation and application of collective agreements. The decision safeguards employees' ability to seek justice through the CCMA or bargaining councils, regardless of their union affiliation. This ruling has significant implications for labour relations, reinforcing the principle that all employees, whether unionized or not, have equal access to legal remedies for disputes arising under collective agreements. It ensures that no employee is left without recourse due to union inaction or exclusion from the agreement, advancing fairness and equality in workplace dispute resolution.



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VISION

"Ensuring workplace democratization, economic development, social justice and labour peace for the public service"

MISSION

"Embracing the future of work by advancing and protecting centralised collective bargaining, ensuring effective dispute management and good governance, empowering women, persons with disabilities and youth"

VALUES

Integrity Efficiency Accountability Good
governance Equity

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WISHING YOU A MERRY
CHRISTMAS AND A HAPPY NEW
YEAR!

**Please note the PSCBC offices will be officially
closed from the 24 December 2024 and open on 2
January 2024.**

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