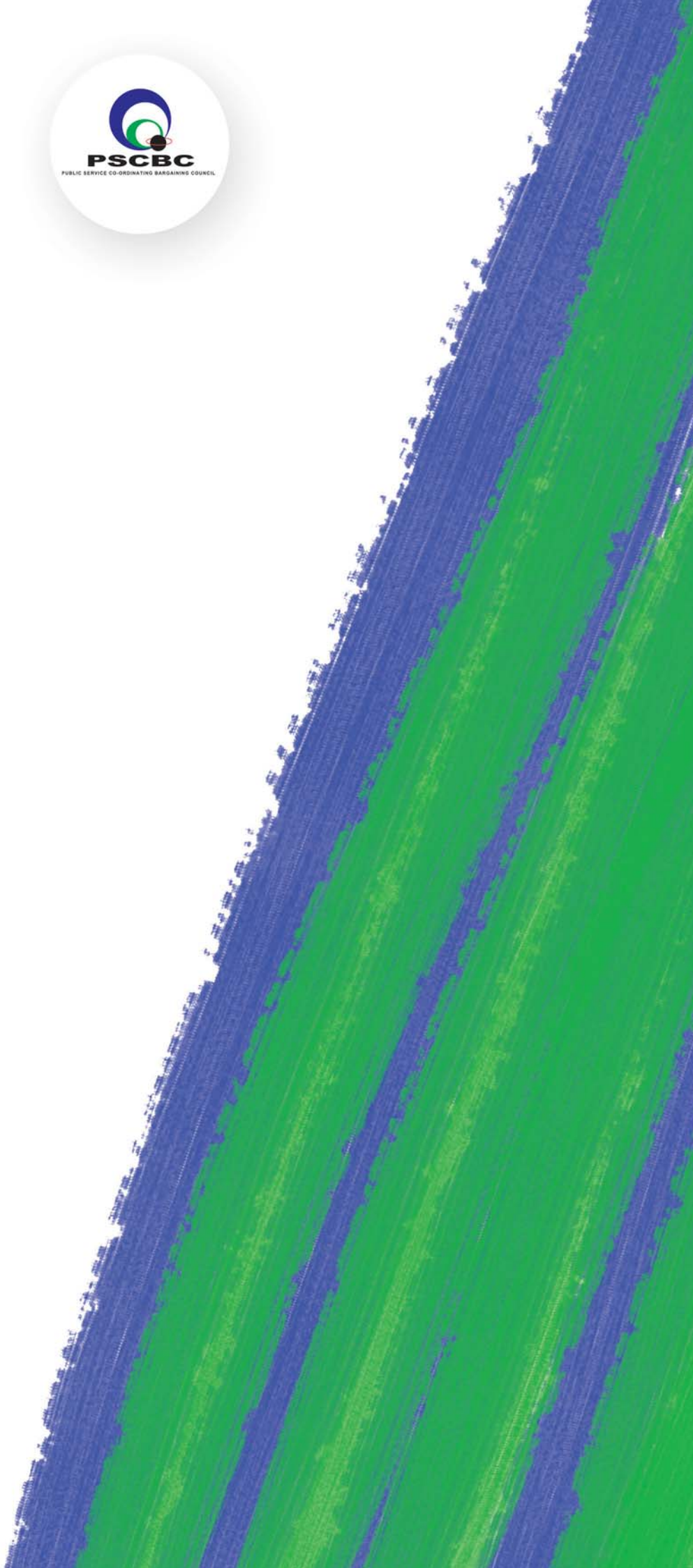




PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL

A N N U A L | R E P O R T

2009



VISION

To be a model bargaining council within the South African labour market and in the global arena.

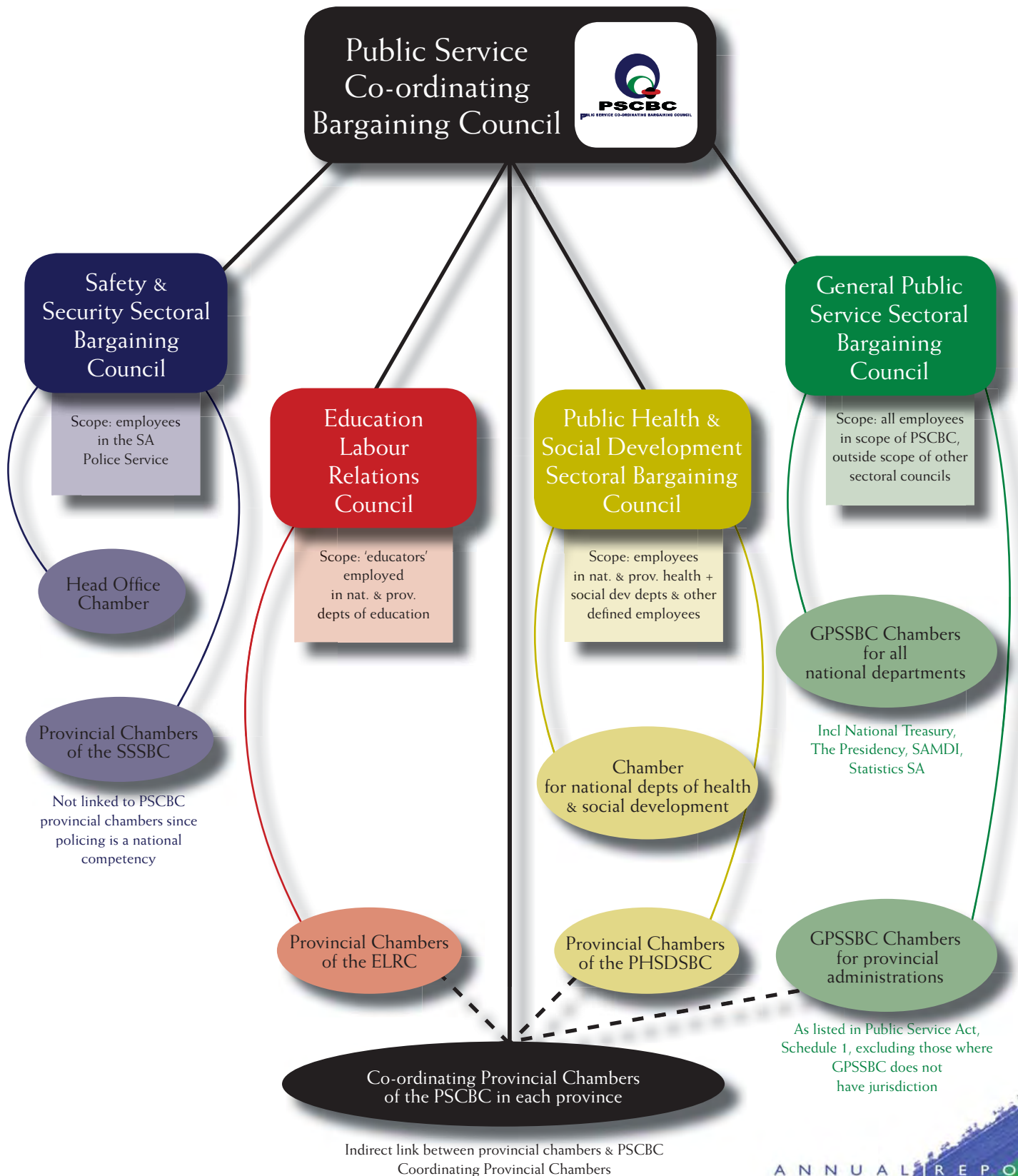
MISSION

- *To promote integrated collective bargaining at national, sectoral and provincial levels of the Public Service.*
- *To provide mechanisms to ensure labour peace and stability in the Public Service.*

VALUES

- *We aim to work together as a team, encouraging cooperation and efficiency, both from ourselves and others around us.*
- *Mutual respect, trust and value for the people we serve and with whom we work.*
- *Commitment to be fair, ethical, trustworthy and accountable in all of our work.*
- *Commitment to the collective bargaining processes and the fair resolution of disputes.*

Collective Bargaining System for PSCBC and Sectoral Bargaining Councils



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Governance Structure

1. GOVERNANCE STRUCTURE

1.1 Overview

The Public Service Co-ordinating Bargaining Council (Council), whose constitution was registered in October 1997, was established in terms of section 35 of the Labour Relations Act, No. 66 of 1995 (LRA) and was amended in October 2002 to address the new needs of Council.

In performing its function, the Council has the mandate to deal with matters that:

- (a) are regulated by uniform rules, norms and standards that apply across the public service; or
- (b) apply to terms and conditions that apply to two or more sectors; or
- (c) are assigned to the State as employer in respect of the public service that are not assigned to the State as employer in any sector.

In establishing the Council, the LRA sought to provide a platform for the social partners, – the State as the Employer, and the public service trade unions as Labour, representing approximately 1 million employees – to engage constructively over matters of mutual interest. In addition and similar to the bargaining councils in the private sector, the purpose of establishing the Council was to provide a forum, whose sole purpose is to create and maintain sound labour relations in the public service through, among others, the collective bargaining process.

This report provides an overview of the achievements of the Council from 1 April 2008 to 31 March 2009.

1.2 Objectives

In terms of its constitution, the Council has set for itself the objectives of enhancing labour peace, promoting good relations between the parties, providing a forum for the parties to engage in collective bargaining, and providing a mechanism for dispute prevention and resolution. The constitution also requires the Council to conclude, supervise and enforce collective bargaining agreements and deal with any other matters that may affect its organisational interest. The constitution also places the responsibility on the Council to promote effective communication and co-ordination between itself and the sectoral councils.

1.3 Powers and duties

The powers and duties of the Council are to:

- (a) negotiate and conclude collective agreements in respect of matters regulated by section 36(2) of the LRA, which may include negotiating minimum standards on such matters;
- (b) supervise and enforce collective agreements concluded in the Council;
- (c) prevent and resolve labour disputes;
- (d) resolve disputes between the parties to Council in terms of the LRA and the dispute resolution procedures of the Council;
- (e) resolve the disputes of parties who are not parties to the Council, but who fall within the registered scope of the Council, in terms of section 51(3) of the LRA and the dispute resolution procedures of the Council;
- (f) establish and administer a fund to be utilised for resolving disputes, collective bargaining and general administration of the Council and the sectoral councils;
- (g) develop proposals for submission to NEDLAC or any other appropriate forum on policy and legislation that may affect labour relations in the public service;
- (h) determine by collective agreement those matters which may not be an issue in dispute for strike or a lock-out;
- (i) designate sectors, vary their scope, amalgamate or disestablish sectoral councils in the public service;

- (j) co-ordinate, among the sectoral councils, and between such councils and the Council, the functions and operations of such councils, including those related to collective bargaining and administration;
- (k) determine, in consultation with sectoral councils, appropriate standards of financial control and service that such councils must maintain;
- (l) provide operational services to sectoral councils, if they contribute to efficiency or administrative convenience, and are appropriate for the sharing of skills, expertise or resources, including the following:
 - (i) providing policy and guidelines regarding the appointment, training and payment of panellists;
 - (ii) management and maintenance of case management systems and policy;
 - (iii) training of users and parties regarding the dispute resolution framework in the public service;
 - (iv) provision to the public, the parties and the sectoral councils of information services relevant to the functions of the Council;
 - (v) providing accommodation to sectoral councils, except for the ELRC;
 - (vi) formulation and maintenance of human resources policy and systems for the Council and sectoral councils, and training of their staff;
 - (vii) collection of uniform levies from employees and the employer, and proportional disbursement of such levies to sectoral councils; and
 - (viii) the determination of uniform levies by the Council and the effective date thereof.
- (m) where a sectoral council becomes dysfunctional in the view of the Council, and in consultation with such Council, provide such assistance and fulfil such functions as are required;
- (n) raise, borrow, lend, levy and invest funds; and
- (o) exercise any other power or duty that may be necessary or desirable to achieve the objectives of the Council.

1.4 Leadership Structure

The constitution provides for the election/appointment of a Chairperson and Vice-Chairpersons of Council who serve for a 24 month term.

Chairperson



Mr. M. Ravuku

Vice-Chairpersons



Dr. A. Mahapa (Labour)



Mr. E.M. Phophi (Employer)

The constitution further provides for the appointment of an independent Secretariat. Council appointed Mrs. Shamira Huluman as its independent Secretary in 1999.

General Secretary



Mrs. S. Huluman

1.4.1 Executive Committee (EXCO)

In carrying out its mandate, the Council is assisted by the Executive Committee and the Finance Committee. The following members served on the Executive Committee:

Labour

MEMBER	ORGANISATION	ALTERNATE	ORGANISATION
K Peane	SADTU	D Moreothatha	SADTU
N Jack	DENOSA	T Gumbi	DENOSA
R Monareng	POPCRU	S Mahlangu	POPCRU
L Sotaka	NEHAWU		

Employer

MEMBER	ORGANISATION	ALTERNATE	ORGANISATION
J Cornwall	DOH	Z Mhlambo	DOH
C Mtshisa	DPSA	T Siko	DPSA
S Geyer	DOE	S Ndlovu	KZN PROV
J Griesel	SAPS	B Malwane	NORTH WEST PROV

1.4.2 Finance Committee (FINCOM)

The Finance Committee comprises the following representatives:

Labour

MEMBER	ORGANISATION
A Mahapa	Vice –Chair PSCBC
C Marule	NEHAWU
S Mahlangu	POPCRU
T Gumbi	DENOSA
J Maluleke	SADTU

Employer

MEMBER	ORGANISATION
C Slabbert	SAPS
T Siko	DPSA
J Slater	DOE
A Snyman	DPSA

1.5 Message from the Chairperson



"Giving of ourselves is the way we change the world at the end of our fingertips" – Richard F. Schubert

PSCBC is growing from strength to strength each year. I say this proudly as I present to you this 11th annual report for the 2008/09 financial year. It's been a hectic year indeed as we have moved in strides to achieve our strategic goals and objectives set out in the vision and mission of the PSCBC, hence this annual report highlights all the activities of the 2008/09 financial year.

The process of negotiations for the Occupation Specific Dispensation (OSD), arising from Resolution 1 of 2007, has heightened as the sectors reached their deadline for implementation of the OSD's which was 1 March 2009. In light of this the negotiations were moved to the PSCBC, and all members involved are working tirelessly to ensure that this mandate is carried out to all public servants involved.

In July 2008 we hosted delegates from Botswana representing the Botswana Public Employees Union (BOPEU) who visited the PSCBC as part of a capacity building initiative. In return for the comradeship and the assistance rendered to the union, the PSCBC was invited to the BOPEU annual convention hosted by this organisation in Botswana during December 2008. The President of BOPEU further extended his gratitude to the secretariat and sectoral bargaining councils for the assistance and guidelines provided to the union. This reflects on the vision statement and it is initiatives similar to this one that makes the organisation grow.

As Chairperson of this organization I was honoured to welcome the Minister of Public Service and Administration to the PSCBC during his visit on 11 March 2009. Minister Masenyani Richard Baloyi addressed a full sitting of Council and expressed a vote of confidence in the bargaining councils.

Another milestone achieved by the PSCBC is the election of Shamira Huluman as a Deputy President of the Industrial Relations Organisation of South Africa (IRASA) as well as the re-election of Judge Edwin Molahlehi as President of IRASA. I would like to extend my best wishes to them as they serve in one of the most internationally-acclaimed organisations in the world of industrial relations and labour law.

During November 2008, PSCBC hosted a well organised year end function where members of Council interacted with the secretariat in a laid back environment and after discussing some issues, resorted to good conversation, food and company. The occurrence of such occasions is vital to strengthen ties with and ensure continuous, healthy working relationship with members of Council.

PSCBC mourned the tragic loss of two stalwards, Andy Miller, Chief Negotiator of SAPU, who passed away in April 2008, and comrade Pretty Singonzo-Shipung, Vice-President of POPCRU and Chairperson of the Safety and Security Sector Education and Training Authority (SASSETA) who tragically died in June 2008.

Preparations for the Public Sector Summit are well under way as the summit organising committee met to discuss logistics and other arrangements required to ensure that all preparations run smoothly for this auspicious event to take place in the next financial year.

Let me extend my sincere gratitude and thanks to all who give their all and strive to make the Public Service Coordinating Bargaining Council the success that it is and I hope that together, we will take the bargaining culture to greater heights.

MESHACK RAVUKU
CHAIRPERSON: PSCBC
31 MARCH 2009

1.6 Message from the General Secretary



"Life is a field of unlimited possibilities" – Deepak Chopra

This annual report, which is presented to the 12th Annual General Meeting of the PSCBC, encapsulates the activities of Council for the period 1 April 2008 to 31 March 2009.

While the period under review has been fraught with achievements and hurdles for PSCBC, it has also been marked by challenges for Council as we strived to conclude and implement the OSDs deriving from Resolution 1 of 2007, as well as constituting our governance structures. A period of seven (7) months had lapsed after the 2008 AGM, before Fincom and Exco were constituted. Proposals have also been made to establish a Governance Committee to develop a new governance framework for Council. In this case too, we await names from parties to constitute the committee and to take this important process forward.

This period also reveals a lot of interaction as far as the process of negotiations on the OSD's is concerned. Interaction between employer and labour has been continuous but slow in yielding any results due to the complexity of the issues and the lack of mandates. The delays in implementation of Resolution 1 of 2007 have resulted in frustrations amongst public service employees.

During the year under review the following agreements were signed: Resolution 3 of 2008 (Implementation of an OSD for legally qualified categories of employees, appointed in terms of the Public Service Act, falling outside the scope of GPSSBC), Resolution 4 of 2008 (Amendment to Resolution 1 of 2007 Extension of time frames – OSD negotiations at sectoral level), Resolution 5 of 2008 (Amendment to constitution: Secretary to General Secretary), Resolution 6 of 2008 (Amendment to Resolution 1 of 2007 Extension of time frames – OSD negotiations at sectoral level), Resolution 7 of 2008 (Amendment to Resolution 4 of 2007 Extension of time frames), Resolution 8 of 2008 (Appointment of panel of conciliators and arbitrators), Resolution 9 of 2008 (Extension of time frames – OSD negotiations at sectoral level and process to develop minimum service level agreement), Resolution 10 of 2008 (Extension of time frames on review of housing allowances) and Resolution 1 of 2009 (Extension of time frames OSD negotiations at sectoral level).

During March 2009 the PSCBC was visited by the Minister for Public Service and Administration, the Honourable Masenyani Richard Baloyi, who addressed a full sitting of Council. The Minister discussed some important issues affecting the public service and bargaining councils. The PSCBC is proud to be a leading bargaining council both nationally and internationally, and I must emphasise that the bargaining councils in South Africa have grown tremendously and have progressed very well thus far. The ILO, recognising the collective bargaining system in the public service as a benchmark, has invited the PSCBC to share the experience in a number of seminars held in the sub-region.

Our low case load in the public service is one of our success stories, 0.003% of the public service. Our pro-active dispute prevention interventions are yielding results. The high level of union organisation is also a contributing factor to the low case load. A total of 4053 cases have been referred to the Public Service Bargaining Councils. Of the 4053 cases referred, by far the most cases 1640 were referred to GPSSBC.

The PSCBC conducted national panellist workshops for all public service panellists appointed in PSCBC and sectoral bargaining councils. The aim of the workshops was to inform panellists of the latest jurisprudence and best practices with regard to dispute resolution in the public service. As part of the PSCBC dispute prevention strategy, the dispute resolution department has been conducting workshops for parties to Council. The first workshop for the Gauteng province took place during March 2009 and the remainder of the workshops will be taking place in the new financial year. With these initiatives the PSCBC intend to contribute positively towards the understanding of the PSCBC and sectoral bargaining councils as well as the effective resolution of disputes.

The past year witnessed the expansion of the PSCBC staff as we have appointed five more staff members to the PSCBC. We have the pleasure of welcoming Mr. Sithembile Lupindo (HR Administrator), Mr. Josheph Malahlela (Negotiations Support Officer), Ms. Montsheng Mallane (Negotiations Support Officer), Ms. Pearl Buthelezi (Media and Information Officer), and Ms. Yasmine Kharekar (PA to the General Secretary) in our midst.

The sudden passing of comrade Andy Miller, the Chief Negotiator of SAPU, and comrade Pretty Singonzo-Shipung, Vice-President of POPCRU and Chairperson of SASSETA, is a profound loss to the union movement and the bargaining council fraternity as a whole.

During March 2009 the staff took part in a teambuilding session that was held in Badplaas, Mpumalanga. This initiative allowed all members of secretariat to relax and let off some steam, resulting in an insightful, rewarding and enjoyable experience.

In February 2009 PSCBC (including myself, Vice-Chairperson for Employer and Vice-Chairperson for Labour) attended the World HRD Congress in India. The theme for the event was "HR shaping the future". All the teachings and information obtained from the conference will assist in shaping our own policies and strategies, thus contributing to the growth and development of the Human Resources section of the PSCBC.

As part of our community outreach programme, PSCBC participated in the 'Cell C Take a Girl Child to work' campaign during May 2008 by hosting twenty girls and two teachers from the Ribana Laka High School in Mamelodi, Pretoria. It was our vision to encourage young women to pursue careers in the field of labour relations. As Council we will continue to support this initiative on an annual basis.

In closing I would like to extend my sincere gratitude to the Chairperson, Vice Chairpersons, members of the Executive Committee, Financial Committee and all task teams for their dedicated efforts in ensuring that the Council meets its strategic objectives and fulfils its vision. Lastly, my thanks to the PSCBC staff for their tireless efforts and hard work in ensuring that PSCBC delivers efficient and effective secretariat services.

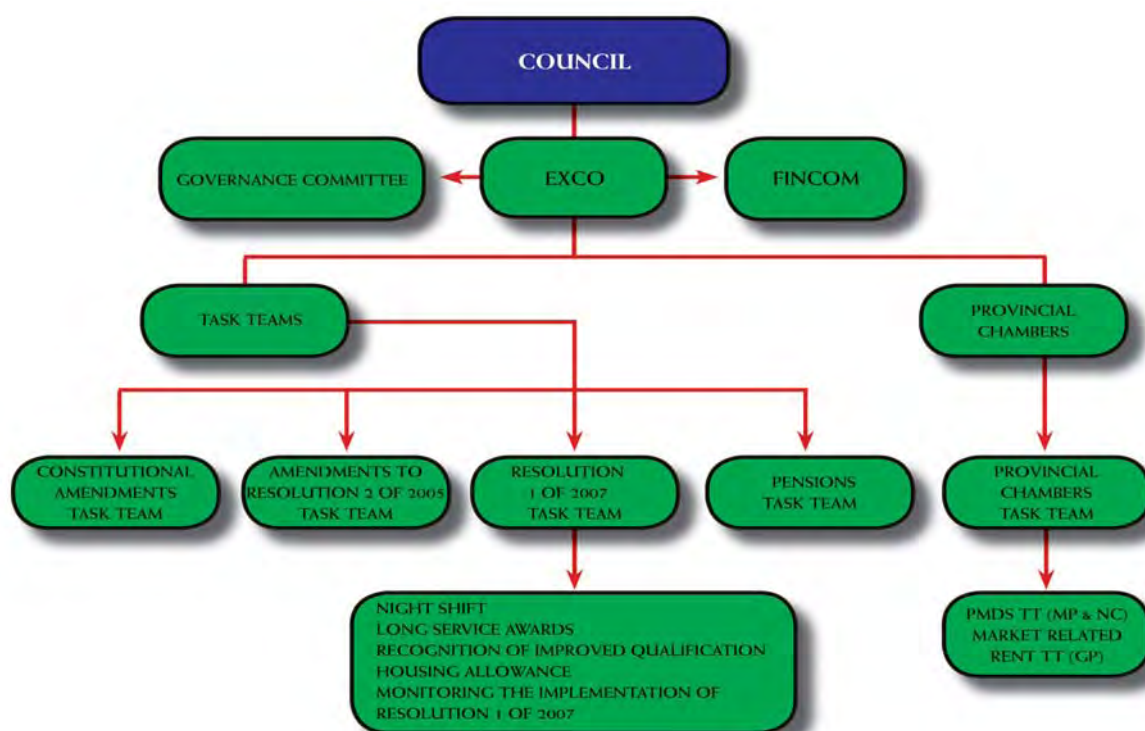
SHAMIRA HULUMAN
GENERAL SECRETARY: PSCBC
31 MARCH 2009



Collective Bargaining and Consultative Processes

2. COLLECTIVE BARGAINING AND CONSULTATIVE PROCESSES

Structure: Collective Bargaining and Consultative Processes 2008/09



2.1 Introduction

The Negotiations Support Section (NSS) offers administrative support services by arranging meetings of Council, provincial chambers, committees and task teams established by Council in order for Council to achieve its strategic objective on effective and efficient bargaining.

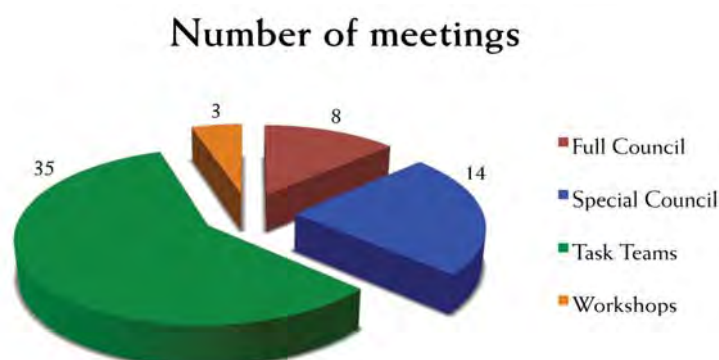
The section is also responsible for amongst others, the implementation of the provisions of the constitution, the implementation of relevant sections of the procedure manual, and to ensure optimal functioning of the various structures of Council.

2.2 Vision of Negotiations Support and Services Section

The NSS has, as its vision, the provision and high quality administrative support to the negotiations and consultative processes of the PSCBC.

2.3 Meetings and Task Teams

The following diagram illustrates the number of meetings held during the period under review:



2.4 Bargaining Matters

The Council engaged on the following matters during the period under review:

MATTER	PROCESS	PERFORMANCE RESULT/ OUTCOME
Constitutional Amendments	Council agreed to amend the constitution. A task team was established to work on the amendments and submit recommendations to Council for consideration. Mr R Lagrange was appointed to facilitate the process.	Not achieved, work in progress. To be finalized in the next financial year.
Amendments to Resolution 2 of 2005	Council agreed to amend the resolution and established a task team to work on the amendments. The task team submitted their recommendations to Council for adoption.	Not achieved, work in progress. To be finalized in the next financial year.
National and International Programme on Partnership Strategy	Council agreed to attend the 15th IIRA World Congress in Sydney, Australia from 24-27 August 2009.	The 15th IIRA World Congress to be attended in the next financial year. Attendance of IRASA events. Membership to IRASA and IIRA.
Governance Committee	Council agreed to establish a Governance Committee. The terms of reference and action plan for the Governance Committee were adopted. Labour to submit names of their representatives.	Not achieved, work in progress. To be finalized in the next financial year.
Delegation of Authority	NIA consultants were appointed to develop proposals on the delegation of authority. Council adopted NIA's consultants' report on delegation of authority and referred it to the Governance Committee.	Delegations to be considered by Governance Committee. To be finalised in the next financial year.
Replacement of IT Server: Project 2008	The Secretariat tabled a proposal on the replacement of the IT Server to FINCOM & EXCO. FINCOM and EXCO recommended to Council that the IT Server be replaced and that the project be funded from the capital budget. Business Connexion was appointed to replace the server. The IT Server was replaced.	Achieved.
Amendments to Resolution 5 of 2003	A joint workshop was convened with the sector councils, to consider items that can be relinquished to sectors in terms of Resolution 5 of 2003. Sectors to seek mandates.	Not achieved. A follow up workshop to be held in the next financial year.
Increase in Agency Fee	Labour tabled a proposal on increase in agency fee. The Secretariat to provide Council with a report on the use of agency fee by Unions.	Work in progress, to be finalized in the next financial year.

Implementation of Resolution 1 of 2007

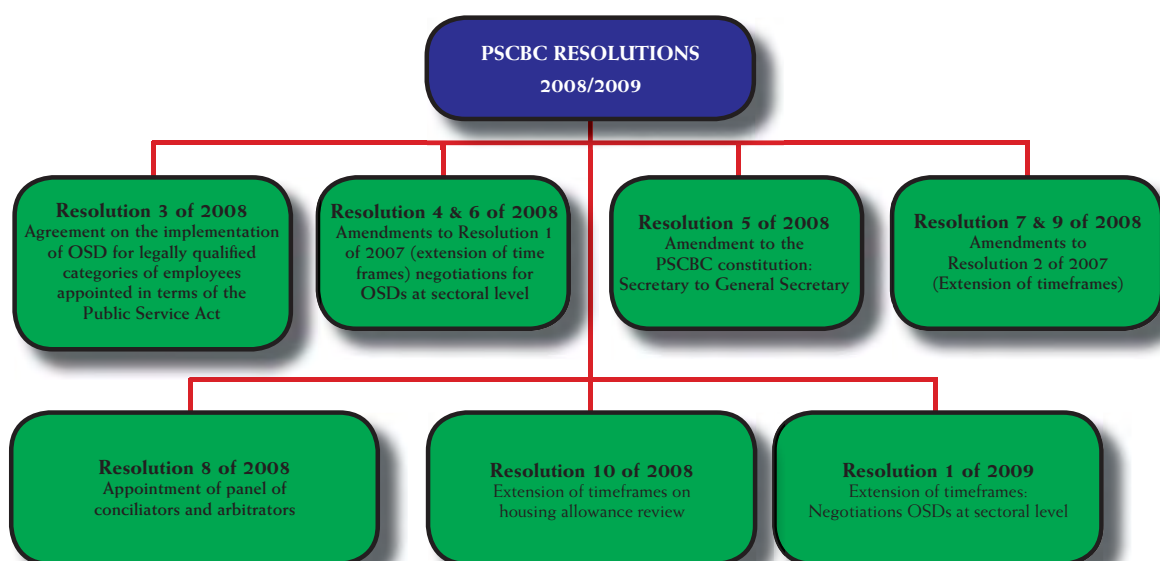
Resolution on conditions of service was signed by majority of parties. Council adopted action plan on implementation of Resolution 1 of 2007.

Medical Aid assistance for public service – sharing of implementation problems	Parties met informally with GEMS representatives, on a quarterly basis, to share the problems experienced by GEMS in terms of implementation. Meetings were held under the auspices of PSCBC.	Ongoing. Quarterly meetings between PSCBC parties and GEMS.
Filling of funded vacant posts	The Employer to present quarterly reports.	Not achieved. Work in progress.
JTWG: Process to Develop Minimum Service Level Agreement for Public Service	Council appointed a facilitator, Mr Mohamed Dollie to facilitate the meetings on developing a Framework Agreement on Minimum Service Level Agreement. Parties agreed to consider areas of disagreement.	Not achieved, to be finalized in the next financial year.
Public Sector Summit 2008 (Clause 15 of Resolution 1 of 2007)	The Secretariat presented a draft business plan to Council. Council agreed on the draft business plan. Labour proposed a postponement of the Summit.	Not achieved, to be finalized in the next financial year.
Clause 3.6 – Budget	Consultative meetings to be held at the level of PSCBC. COSATU unions indicated that the matter will be dealt with at a political level.	Not achieved, to be finalized in the next financial year.
Clause 4.14.1.3 – Medical Officer, Medical Specialist, Dentist, Dental Specialist, Pharmacologist, Pharmacist and Emergency care Practitioners	Council referred the matter to PHSDSBC for negotiations. Council agreed to extend the time frame to enable the sector to finalize the negotiations on the matter by 1 March 2009. The matter was elevated to the PSCBC due to the sector not being able to finalize the negotiations. Marathon meetings were convened from 17-19 March 2009 to deal the matter.	Not achieved, to be finalized in the next financial year.
Clause 4.14.1.5 – Social Workers	Council referred the matter to PHSDSBC for negotiations. Negotiations were concluded at the sector. Resolution pending signatures by some of the Labour parties at sectoral level.	PHSDSBC awaits labour parties to sign the resolution at sector level.
Clause 4.14.2.3 – Educators Specialist – Counsellors, Therapists and Psychologist	Council referred the matter to ELRC for negotiations. Council agreed to extend the time frame to enable the sector to finalize the negotiations on the matter by 1 March 2009. The matter was elevated to the PSCBC due to the sector not being able to finalize the negotiations. Marathon meetings were convened from 17-19 March 2009 to deal the matter.	Not achieved, to be finalized in the next financial year.

MATTER	PROCESS	PERFORMANCE RESULT/ OUTCOME
Clause 4.14.3.4 – Correctional Officials	Council referred the matter to GPSSBC for negotiations. Council agreed to extend the time frame to enable the sector to finalize negotiations on the matter by 1 March 2009. A deadlock was reached by the parties at sectoral level. The matter was elevated to the PSCBC due to the sector not being able to finalize the negotiations. Marathon meetings were convened from 17-19 March 2009 to deal the matter.	Not achieved, to be finalized in the next financial year.
Clause 5 – Pay Progression	Marathon meetings were convened from 17-19 March 2009 to deal the matter.	Not achieved, to be finalized in the next financial year.
Danger Allowance	Labour tabled a proposal on payment of danger allowance to identified categories of emergency service personnel.	Not achieved, to be finalized in the next financial year.
Housing Allowance Review	Council appointed a service provider to conduct research on housing allowance. Zamukulungisa was appointed as service provider.	Not achieved, to be finalized in the next financial year.
Long Service Awards	A task team was established to deal with the matter. Parties agreed to deal with the matter at Council level, after the task team were unable to conclude on the matter.	Not achieved, to be finalized in the next financial year.
Recognition of improved qualifications	A task team was established to deal with the matter. Parties agreed to deal with the matter at Council level, after the task team were unable to conclude on the matter.	Not achieved, to be finalized in the next financial year.
Night shift Allowance	A task team was established to deal with the matter. Parties agreed to deal with the matter at Council level, after the task team were unable to conclude on the matter.	Not achieved, to be finalized in the next financial year.
Monitoring the implementation of Resolution 1 of 2007	A task team was established to deal with the matter. Parties agreed to deal with the matter at Council level, after the task team were unable to conclude on the matter.	Not achieved, to be finalized in the next financial year.

2.5 Resolutions 2008/09

The following resolutions were concluded during the period under review:



2.6 Task Teams

The task teams established in terms of clause 18 of the Council constitution were intended to assist and provide support to the collective bargaining process. In this regard, task teams provided better-informed and more constructive engagement in dealing with complex and often highly technical tasks facing Council.

Some task teams were established to implement aspects of agreements of Council, while others carry out specific tasks for Council.

2.6.1 The following task teams were established in terms of the Resolution 7 of 1998 and Resolution 12 of 2002:

- *Pensions Restructuring Task Team*

During the period under review the task team dealt with the process to recognise non-pensionable services as pensionable years of service for public servants affected by past discriminatory practices. A national workshop was held, whereby Chairpersons and Vice-Chairpersons of the provincial and national chambers were trained on the roll out process. Further workshops to train provincial and national chamber task teams on the roll out process will be held during the next financial year.

2.6.2 The following task teams were established in terms of the Resolution 1 of 2007:

During the period under review the following task teams could not conclude their mandates. The different matters were elevated to Council level.

- Nightshift Allowance
- Recognition of improved qualifications
- Long Service Awards
- Monitoring and Implementation of Resolution 1 of 2007



Housing Review Allowance Task Team

During the period under review the task team accomplished its mandate. Council adopted the Housing Review Allowance task team's recommendation to appoint a service provider to conduct research on housing allowance. A tender committee was established to deal with the appointment of the possible service provider and Zamukulungisa Consultancy Services was recommended.

The task team completed its work.

Realignment of Cross Boundaries Task Team

During the year under review the task team accomplished its mandate. The task team tabled its recommendation to Council that the matter should be dealt with by the provinces and that the task team should be abolished.

Constitutional Amendments Task Team

During the year under review the Employer and Secretariat submitted inputs on the constitutional amendments. Council appointed Mr. R. Lagrange to facilitate the process. The task team could not conclude on its mandate. The matter is to be finalized in the next financial year.

Amendments to Resolution 2 of 2005 Task Team

During the year under review the task team accomplished its mandate. It tabled its recommendations on amendments to Resolution 2 of 2005 to Council. The proposed amendments are now subject to negotiations at the level of Council.



PSCBC Provincial Co-ordinating Chambers

3. PROVINCIAL CO-ORDINATING CHAMBERS OF THE COUNCIL

3.1 Background

The Provincial Co-ordinating Chambers of the Council were established during April - June 2004 in all nine provinces in terms of Resolution 9 of 2003 as amended by Resolution 2 of 2005. Resolution 2 of 2005 provides clarity on the functioning of the Council provincial chambers.

During the period under review, the Council provided secretariat services to the following provinces: Gauteng, North West, Northern Cape, KwaZulu-Natal, Eastern Cape, Western Cape and Mpumalanga.

The Employer provides secretariat services to the following provinces: Free State and Limpopo.

3.2 Office-Bearers of the Provincial Chambers

The office-bearers of the provincial chambers who are responsible for co-ordination at the provincial levels are:

Province	Management Committee Members
Eastern Cape	Chairperson: M. Machemba Vice-Chairperson: B. Pityi (Employer) Vice-Chairperson: T. Koya (Labour) Secretary: D. Rambau (PSCBC)
Free State	Chairperson: D. Theron Vice-Chairperson: M. Sani (Employer) Vice-Chairperson: L. Strydom (Labour). Secretary: R. Thurston (Seconded by Employer)
Gauteng	Chairperson: A. Monyela Vice-Chairperson: S. Moteme (Employer) Vice-Chairperson: Vacant (Labour) Secretary: S. April/M. Sono (PSCBC)
KwaZulu-Natal	Chairperson: P. Maphumulo Vice-Chairperson: C. Chilli (Employer) Vice-Chairperson: A. van Schalkwyk (Labour) Secretary: M. Sono (PSCBC)
Limpopo	Chairperson: M. Chilwane Vice-Chairperson: S. Ntwampe (Employer) Vice-Chairperson: F. Lello (Labour) Secretary: I. Kutama (Seconded by Employer)
Mpumalanga	Chairperson: D. Mahlangu Vice-Chairperson: M. Mogoboya (Employer) Vice-Chairperson: C. Nkambule (Labour). Secretary: D. Rambau (PSCBC)
North West	Chairperson: E. Moeng/ N. Molemi Vice-Chairperson: L. Olota (Employer) Vice-Chairperson: L. Modise (Labour) Secretary: M. Sono (PSCBC)
Northern Cape	Chairperson: E. Snyders Vice-Chairperson: T. Seetelo (Employer) Vice-Chairperson: R. Strydom (Labour). Secretary: D. Rambau (PSCBC)

Province	Management Committee Members
Western Cape	Chairperson: D. Jacobs/ Acting: D. Appolis Vice-Chairperson: S. Faker (Employer) Vice-Chairperson: B. Lose (Labour) Secretary: M. Sono (PSCBC)

3.3 Matters for Bargaining/Consultation

The period under review covers the activities, operations and functioning of the provincial chambers. While some provincial chambers engaged in several negotiations and consultative processes, other chambers were faced with fundamental challenges, such as not being able to finalise items that have been on the agendas for a long time and failure to reach consensus on the matters.

The matters considered during the period under review by the various provincial chambers appear in the table below:

Eastern Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Provincial PMDS	The Employer tabled the PMDS Policy and requested inputs from labour. Labour submitted their inputs.	Achieved.
HROPT/Judge Browde White Commission	The item has been on the agenda since 2004. The Commission of enquiry was assigned to review any appointment or promotion, award of any terms or conditions of service or benefits which occurred between April 1993 and September 1994. The department embarked on an extensive audit and provided their inputs on the HROPT/ Judge White Commission's report.	Not achieved, to be finalized in the next financial year.
Recognition of Pensionable Services for Casual/General Assistants	Labour raised a concern about the outstanding payments for the General/ Casual Assistants. A task team was established to deal with the matter.	Not achieved, to be finalized in the next financial year.
Integrated Employees Wellness Policy Framework	The Employer tabled the Integrated Employees Wellness policy to the chamber and requested inputs from Labour.	Achieved.
Code of Ethics for the Public Service	The Employer tabled the Code of Ethics for the public service.	Achieved.
Leave Policy	The policy was tabled by the employer at the chamber for inputs from Labour.	Not achieved, to be finalized in the next year financial year.
Implementation of Resolution 1 of 2007	Labour raised a concern with regard to the implementation of Resolution 1 of 2007.	Not achieved, to be finalized in the next year financial year.

Free State Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
PDMS	The Employer tabled the item. The Employer informed Labour that amended PDMS Policy was approved by EXCO – distributed it to Labour.	Labour formally declared a dispute regarding this matter.
Request for Job Evaluation in cases where the rank/leg promotions were abolished	The item was submitted by Labour to request Employer to intervene on the abolishment of rank/leg system which resulted in officials having the same job descriptions and being remunerated on different levels within the same environment.	Not achieved, to be finalized in the next year financial year.
Interpretation and implementation of the provisions of PSCBC Resolution 1 of 2007	Labour identified a need to have the same understanding as the Employer on certain clauses of PSCBC Resolution 1 of 2007 as there are those clauses that could be interpreted differently in terms of the implementation. Labour proposed 2 to 3 hour sessions with the Employer in view of reaching consensus on the matter. The Employer indicated that a circular was sent out by the Minister of Public Service and Administration on how the agreement should be implemented. The issue concerning the filling of vacancies was however discussed at a special CCPFSP meeting on 10/03/08.	Achieved. PSA declared a dispute.
Non-compliance with Act 56 of 2001 - Act on the Regulation of the Private Security Industry	The item was submitted by Labour to ensure that the Employer complies with the Act. The matter is currently the subject of litigation at the Constitutional Court. The issue raised in court is the very question whether in house security officers need to be registered with PSIRA.	Not achieved, pending the outcome of the court case.
Year calendar CCPFSP: 2008 & 2009	Acting Secretary tabled the year planner to the chamber for consideration and adoption.	Achieved.
Provincial Task Team on Pensions restructuring	The Acting Secretary tabled the item. The Acting Secretary reported that the PSCBC took a decision that the pensions task teams at provincial level should be revived. Task teams should comprise of 1 representative per union and equal representation from the Employer. The Chairperson and the two Vice-Chairpersons attended a national workshop on pensions restructuring in Pretoria on 20 January 2009.	Achieved.

Matters on the Agenda	Process	Performance Result/ Outcome
Election of Chairperson and Vice-Chairpersons	The Acting Secretary tabled the item. It was reported that the term of office of the Chairperson and Vice-Chairpersons had expired. The Chairperson and Vice-chairpersons were elected.	Achieved.
PSCBC Resolution 1 of 2007 – Clause 11, Contract Employees	Labour requested clarity on the interpretation and application of paragraph 11 of PSCBC Resolution 1 of 2007 on contract employees. SADTU elaborated on some of the problems being experienced. The Employer requested specific details in taking the matter further.	Item was removed from the agenda. The item is being discussed at the ELRC.
Amendment of PMDS to accommodate disabled employees	Labour raised a concern with regard to the evaluation of employees with disabilities. The Employer argued that it is incumbent upon the official to inform his/her manager whether he/she can carry out certain tasks based on his/her disability.	Item was removed from the agenda.
Approval of annual leave: Absent from the workplace	Labour raised a concern with regard to the approval of annual leave. Labour requested that the function be delegated by the HOD to supervisor level. The Employer indicated that it is a management issue, and cannot take the matter further in terms of discussing delegation of powers in the chamber.	Item was removed from the agenda.
Designated employees appointed to handle grievances	Labour raised a concern with regard to employees being designated to handle grievances. The Employer was requested to continually update the chamber on the changes.	Achieved.

Gauteng Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Pension Task Team Report	The chamber requested to be appraised on the progress of the PSCBC Pensions task team.	Progress report was tabled to the chamber on the status of the PSCBC Pensions Restructuring task team.
Operational Planning	The chamber to embark on an Operational Planning session in line with the strategic plan of Council.	Not achieved. To take place after amendments to Resolution 2 of 2005 have been finalised.
Market related rent	The Employer developed criteria with regard to the occupation of state housing and Labour was requested to submit inputs. Consultations between Labour and the Employer are still taking place.	Not achieved, to be finalized in the next year financial year.

KwaZulu-Natal Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Cross border transfers of Municipalities	The Employer tabled a progress report on the matter.	Not achieved, to be finalized in the next year financial year.
Training of Job Evaluation panellists	The Employer requested Labour to submit names of representatives to be trained as Job Evaluation panellists.	Not achieved, to be finalized in the next year financial year.
Organisational rights agreement	Labour raised a concern about their members not being given permission to attend union activities. Parties agreed that Labour should engage with the departments concerned and if there is no solution to the matter, then Labour should approach the Office of the Premier on the matter.	Not achieved, to be finalized in the next year financial year.
Draft Security Policy	The Employer tabled a draft Security Policy for consultation purposes.	Achieved. Policy adopted.
Overview on agenda items	A concern was raised regarding the issues discussed at chamber level. Parties agreed that they will look at their mandates regarding matters to be discussed by the chamber and the obligations placed on the chamber as prescribed by the constitution.	Achieved. Policy adopted.
Provincial Policy Framework on Overtime	The Employer tabled the Provincial Policy Framework on overtime for consultation.	Achieved. Policy adopted.
Provincial Policy Framework on Occupational Relocation and Resettlement	The Employer tabled the Provincial Policy Framework on Occupational Relocation and Resettlement for consultation.	Achieved. Policy adopted.
Provincial Policy Framework on Recruitment and Selection	The Employer tabled the Provincial Policy Framework on Recruitment and Selection for consultation.	Achieved. Policy adopted.
Provincial Policy Framework on Subsistence and Travelling allowance	The Employer tabled the Provincial Policy Framework on Subsistence and Travelling Allowance for consultation.	Achieved. Policy adopted.
Provincial Policy Framework on Special Leave	The Employer tabled the Provincial Policy Framework on Special Leave for consultation.	Achieved. Policy adopted.

Limpopo Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Draft Provincial Test Driving Competency Policy	The Employer tabled a draft policy on provincial driving competency and requested Labour to submit inputs on the matter.	Achieved.
Sexual Harassment Policy	The Employer tabled a draft policy on sexual harassment and requested Labour to submit inputs on the matter.	Achieved.
Leave of Absence Policy	The Employer tabled the policy on leave of absence and requested Labour to submit inputs on the matter.	Not achieved, to be finalized in the next year financial year.
CCPLP inputs to Resolution 2 of 2005	The PSCBC requested Provincial Chambers to make inputs on Resolution 2 of 2005. The CCPLP met and submitted their input as requested.	Achieved.
Provincial Labour Relations Policy	The Employer tabled the policy on Provincial Labour Relations and requested Labour to submit inputs.	Not achieved. Item was removed from the agenda.
Pensions	The CCPLP Pension task team was revived. The Chairperson and the two Vice-Chairpersons attended a workshop on pensions restructuring in Pretoria on 20 January 2009.	Achieved.
Payment of Parking bays	NEHAWU and the PSA tabled the matter for resolution by the CCPLP. A circular from Provincial Treasury dated 23/03/2009 was implemented.	Achieved.
Shared Legal Services	NEHAWU tabled the matter for resolution by the CCPLP.	Achieved.

Mpumalanga Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Provincial PMDS	The Employer tabled a resolution on the PMDS Policy for consultation and requested Labour to submit inputs. Parties agreed to sign the resolution with the understanding that the Employer will forward the necessary Annexures.	Resolution to be ratified by PSCBC after the submission of the necessary Annexures by the chamber.
Provincial Parking Policy	The Employer tabled the parking policy to the chamber and requested inputs from Labour.	Not achieved, to be finalized in the next financial year.
Pension Restructuring	Item was tabled by Labour requesting the Employer to investigate reasons for delay in paying employees who are exiting the public services in Mpumalanga province.	After the intervention by GEPE, parties agreed to remove the item from the agenda.
Cross Boundary Transfer	Item was submitted by labour with the intention of ensuring that employees are transferred within parameters of the LRA and Public Service Act. A task team was established to deal with the matter.	Achieved.

North West Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Organisational Rights	Labour proposed that the current document on organisational rights be revised. An Organisational Rights Agreement was concluded. However, SADTU withdrew from the agreement. Therefore the agreement is no longer in force.	Item was removed from the agenda.
Department of Education: Realignment Policy	The Employer tabled the realignment policy and requested Labour to submit inputs. After consultations between parties, Labour indicated their dissatisfaction with the content of the policy and therefore did not accept the policy. The parties agreed that the Employer will revise the policy.	Not achieved, to be finalized in the next financial year.

Northern Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Policies on Employment Equity	Labour raised a concern with regard to the Employment Equity policy. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.
Policies on Recruitment and Selection	Labour raised a concern with regard to the policy on Recruitment and Selection. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.
Policies on Sexual Harassment	Labour raised a concern with regard to the policy on Sexual Harassment. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.
Policies on Staff Retentions	Labour raised a concern with regard to the policy on Staff Retentions. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.
Policies on Settlement Cost	Labour raised a concern with regard to the policy on Settlement Costs. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.
Standby Policy	Labour raised a concern with regard to the Standby policy. The Employer requested Labour to submit their inputs.	Not achieved, to be finalized in the next financial year.

Western Cape Chamber:

Matters on the Agenda	Process	Performance Result/ Outcome
Inconsistency amongst Government Employees relating to salary grading	The Employer tabled a progress report on job descriptions and evaluations.	Not achieved, to be finalized in the next financial year.
Guidelines for Non-monetary rewards in recognition of good performance	The Employer presented the non-monetary rewards policy as an alternative to financial reward. The Employer requested Labour to submit inputs on Guidelines for non-monetary rewards in recognition of good performance.	Item was removed from the agenda.
Positions of Officials in posts where such posts have been graded lower as a result of restructuring	Labour raised a concern with regard to certain employees being given higher notches but after the restructuring they were graded lower. Parties agreed Labour should raise the matter at the level of PSCBC.	Item was removed from the agenda.
Retention Policy/ Strategy	Employer made a presentation on the Retention Policy/Strategy, highlighting the environmental, HR trend analysis, benchmarkings, objective of the retention policy strategy as well as the nature of the gaps that have been identified and how to address such gaps. Labour to submit inputs.	Achieved.
Implementation of Resolution 1 of 2007	Labour raised concerns on implementation of Resolution 1 of 2007. Parties agreed that the matter is being dealt with at the PSCBC level.	Item was removed from the agenda.



Meeting Procedure Manual

4. MEETING PROCEDURE MANUAL

4.1 Foreword

This Procedure Manual is not intended to replace measures in the PSCBC's constitution or any agreement concluded by the PSCBC on meeting procedures or the functioning of structures, but to ensure that meetings are conducted in the most effective and efficient manner.

The purpose of the manual is also to:

- provide for a procedure for placing a proposal on the agenda of Council in terms of clause 16.1 of the PSCBC's constitution;
- provide for an environment conducive to expedite negotiations and deliberations during meetings;
- provide for a structural approach to meetings;
- facilitate and expedite resolution of matters presented to Council and its structures;
- provide guidelines for the functioning of committees/ task teams established by Council; and
- provide for a code of good practice for bargaining.

4.2 Procedure prior to meetings

4.2.1 Submission of agenda items

- 4.2.1.1 Where a party to Council wishes to place on the agenda of a Council meeting an item that needs to be considered by Council, that party shall submit its proposal in writing to the General Secretary of the Council.
- 4.2.1.2 The proposal shall contain where possible, but not be limited to the following:
- Problem statement. That is expressed in simple and unambiguous terms.
 - Brief reason/s or cause/s of the problem, including intervention history if any.
 - If applicable statement describing the interaction with the other side and its response if applicable, including history of negotiations.
 - If possible what are the cost implications in dealing with issue/s problem/s.
 - List of all possible recommendations if applicable and proposals for a way forward.
 - A motivation on matters that the party requires to be dealt with on an urgent basis.
 - Indication of whether or not there would be time required for presentation.
- 4.2.1.3 The General Secretary shall arrange that the proposal be circulated to all members of the Executive Committee (EXCO) and shall further arrange that the proposal be placed as an item on the agenda of the EXCO meeting.
- 4.2.1.4 The proposal shall be submitted to the General Secretary a week before the meeting of EXCO and shall be circulated to EXCO members at least three days before their meeting.
- 4.2.1.5 The General Secretary and the Chairperson may convene a meeting to consider any of the proposals and if necessary call for further particulars on any proposal before it being presented to EXCO.
- 4.2.1.6 EXCO shall prepare an agenda, which shall be circulated to all council members one week before the meeting.
- 4.2.1.7 EXCO shall in its report to Council list those items not placed on the agenda with reasons.
- 4.2.1.8 Council shall hold its ordinary meeting once a month and EXCO shall set time limits for the meeting.

4.2.1.9 If a matter/issue arises between the agenda being circulated and the meeting of Council, Council shall consider the issue and take an appropriate decision.

4.2.1.10 Based on the urgency of a request, the Chairperson may on his/ her own initiative, or must at the request of a party to the Council, call a meeting of the Council to deal with an urgent matter, if the employer plus a number of admitted trade unions representing a majority of the votes on the side of labour consent thereto.

4.2.2 Notices of meetings

4.2.2.1 The General Secretary must serve on the parties to Council a written notice of a meeting showing the date, time and the business to be transacted, at least 5 working days before the date of such a meeting or in the case of clause 4.2.1.10 above, as the Chairperson determines before the date of such a meeting.

4.3 Procedure during meetings

4.3.1 Quorum at meetings/ starting time of meetings

4.3.1.1 All Council meetings shall start promptly on the scheduled time.

4.3.1.2 The employer plus the number of admitted trade unions representing a majority of the votes on the side of labour constitute a quorum at any duly constituted meeting of the Council.

4.3.1.3 If, after 30 minutes of the time fixed for any meeting, a quorum is not present, the meeting stands adjourned to such other date, time and place to be determined by the Chairperson after consultation with the parties present, on condition that the General Secretary notifies all the parties of the new date, time and venue for the re-convened meeting.

4.3.1.4 At such a reconvened meeting the parties present will form a quorum. The date and time for such re-convened meeting shall not be later than 10 working days after the date of the original meeting.

4.3.2 Attendance

4.3.2.1 Every meeting of Council will be conducted in private, unless otherwise agreed to by Council.

4.3.2.2 The attendance of representatives per party to the Council will be in accordance with their representation in Council. No observers will be allowed, unless agreed to by Council.

4.3.2.3 If a situation arises where a party exceeds its representation in Council, the Chairperson shall request the additional representatives to leave the meeting and shall deem the proceedings suspended until such individuals have left.

4.3.3 General Rules/ Protocol

4.3.3.1 Each delegation shall as far as possible designate amongst its ranks a chief spokesperson, per topic.

4.3.3.2 A point of order shall only be called during a meeting if a member is of the opinion that the speaker has deviated from the rule of order. If a point of order has been called, the Chairperson shall conclude the point of order before proceeding with the meeting. The finding of the Chairperson in this regard shall be final and shall not be amended or questioned by the meeting.

- 4.3.3.3 A point of order shall only be in the form of a question directed to the Chairperson and the latter shall under no circumstances allow a discussion to take place on the matter. The Chairperson may in his/her discretion also determine whether a point of order called is itself out of order and should he/she deliberate it as such, he/she shall inform the meeting that the call is out of order and that the previous speaker may continue.
- 4.3.3.4 The Chairperson shall recognize members indicating that they want to speak and shall announce their turn in order of such indication. No person shall speak unless recognized by the Chairperson.
- 4.3.3.5 Voting in any meeting of Council will take place in accordance with the PSCBC's constitution. Once voting has occurred, the Chairperson shall indicate for purposes of the minutes how many votes against the proposal were recorded.
- 4.3.3.6 Rulings of the Chairperson shall be final and binding and in accordance with the provisions of the constitution.
- 4.3.3.7 Rowdy or rude behaviour (including disrespect towards others) will not be tolerated and any person making herself/ himself guilty of such conduct must excuse herself/himself when requested to do so by the Chairperson.
- 4.3.3.8 The operations of cellular phones are prohibited while meetings are in progress, except by prior agreement with the Chairperson.

4.3.4 Procedure to be followed when third parties are invited to make presentations at Council meetings.

- 4.3.4.1 Requests for presentation by a third party at Council meeting should be approved by EXCO and Council should be informed accordingly, prior to the presentation.

4.4 Procedure after meetings

4.4.1 Minutes of meetings

- 4.4.1.1 Copies of the minutes of the meeting held immediately prior to the relevant meeting, must be made available to the parties concerned at least 5 working days prior to the said meeting, and must, after confirmation by the meeting, be signed by the General Secretary and the person who chaired the relevant meeting.
- 4.4.1.2 Subject to clause 4.1.1.1, copies of the minutes of all meetings must be forwarded by the General Secretary to all parties concerned within a period of 21 working days subsequent to a meeting, unless the Council determines a shorter period at such meeting.

4.5. Postponement of meetings

- 4.5.1 Requests for postponement of a meeting by a party should be done in writing with reasons to the General Secretary.
- 4.5.2 Should circumstances arise which require the postponement of a meeting the General Secretary shall obtain the view of each individual party to Council before such a postponement is made.
- 4.5.3 A postponement can only be granted upon the approval of the majority of parties to the Council and in the case where a party has requested the meeting, the consent of that party.
- 4.5.4 The General Secretary shall inform parties immediately on the postponement of a meeting.

4.6. Guidelines on the functioning of Task Teams/Committees

- 4.6.1 Council or EXCO may refer any agenda item to a task team/ committee, either to a standing task team or to a special task team, established by the relevant structure.
- 4.6.2 All items referred to a task team/ committee shall:
- Remain on the agenda of Council or EXCO, as the case may be, unless otherwise agreed to;
 - Have clearly stated time frames, including report backs;
 - Have unambiguously stated terms of reference; and
 - Indicate the composition of the team in the case of special task teams.
- 4.6.3 The period during which the item is being discussed in a task team/ committee shall be considered as being part of the negotiation process.
- 4.6.4 Decisions of task teams/ committees must first be endorsed by EXCO/ Council before it is executed, unless it falls within the mandate of the task team/ committee.
- 4.6.5 All parties to Council still retain the right to place before Council a proposal on any matter referred to a task team/ Committee, if the party is of the view that the task team/ committee process is not taking the matter forward.
- 4.6.6 A task team/ committee may place on the agenda of Council via EXCO a matter arising out of its work.
- 4.6.7 Task teams/ committees will report directly to EXCO on a monthly basis, but on substantial matters that are standing items on the agenda of Council they will report directly to Council.
- 4.6.8 The Chairperson/ Vice Chairperson must chair meetings of task teams/committees and must report to Council on its work.
- 4.6.9 The PSCBC Secretariat must provide secretariat support to the task teams/committees and compile reports of such meetings.

4.7. PSCBC Code of Good Practice for Bargaining

The parties to the PSCBC have committed themselves to a mutual gains approach to bargaining. The following ground rules for engagement, which will assist in developing trust between the parties, apply to PSCBC and the co-ordinating chambers:

4.7.1 Personal conduct

- No personal attacks
- Focus on the issue not the person
- Punctuality and attendance at meetings
- Mutual respect for each other
- Active listening

4.7.2. Media/ Communication

- Avoid negotiating through the media, and pre-empting outcomes through media
- Preferably joint statements
- Develop guidelines on dealing with the media

4.7.3. Disclosure of Information

- Information sharing session prior to negotiations (pre-negotiations meeting)
 - To identify and share needs, interests, priorities, constraints, fears (joint identification)
 - Deeper understanding of issues
 - To share information that will allow parties to develop proposals

4.7.4. Timeframes

- Harmonize negotiating process with budgetary process
- More time allocated to pre-negotiation meetings
- Negotiation process must be completed within 30 days, unless agreed otherwise

4.7.5. Participation

- Full participation of parties at all levels
- Involvement of all parties at the initial stage when developing proposals in order to build trust and facilitate negotiations
- Continuity and consistency of negotiating teams

4.7.6. Compliance with agreements

- Agreements reached should be complied with
- It is also accepted that agreements may be reviewed
- Parties shall at all times act in good faith

4.7.7. Mandates

- Parties must come to the negotiating process with clear mandates

4.7.8. Alternative deadlock mechanism

- Parties will endeavour to reach a negotiated settlement
- In the event of deadlock, the parties will endeavour to reach consensus on alternative dispute resolution mechanisms



Dispute Resolution

5. DISPUTE MANAGEMENT

5.1 Introduction

The PSCBC strategic objective of providing effective and efficient dispute resolution and prevention underpins the key areas that the dispute resolution department should accomplish in order to achieve the organisations goals. These business strategies are:

1. Regular review and effective use of dispute resolution procedures and systems;
2. Effective, efficient and competent panellists;
3. Dispute prevention initiatives; and
4. Compilation and distribution of data and information.

5.2 CCMA Accreditation

Accreditation has been granted for a period of one year ending 31 January 2010. During this period the CCMA will monitor and re-evaluate Council's performance in terms of the objective measures contained in the criteria in accordance with section 127(4) of the Act. The Councils are further required to provide quarterly reports on all the efficiencies as set out by the CCMA in order to monitor and ensure improvement in the settlement rate, non-compliance with 30 day-period and late awards.

The CCMA was alerted to the fact that it will not always be realistic to expect the same outcomes for dispute resolution bodies in the private sector and those in the public sector, as there are different dynamics that impacts on the processes and efficiencies that public sector bargaining councils cannot control. Several meetings were held with the CCMA to discuss the accreditation requirements as well as to set achievable targets in order to ensure that the accreditation period is extended.

5.3 Dispute Resolution Procedure and Rules for the Conduct of Proceedings

The PSCBC is in a process of amending the dispute resolution procedures and rules for the conduct of proceedings which is currently contained in Resolution 4 and 5 of 2005 to ensure that it meets the evolving needs of the parties and adhere to new principles laid down in jurisprudence as well as to refine processes and procedures to render it more efficiently and user-friendly.

5.4 CCMA Subsidy

The CCMA has finally approved the payment of subsidies to the public service bargaining councils. This process will be implemented from 1 April 2009.

5.5 Case Management System (CMS)

During the year under review the PSCBC and sectoral councils experienced numerous technical problems with regard to the Case Management System (CMS) which resulted in interruptions on the daily operations of the dispute resolution departments.

According to the CCMA this was due to the problem in the method of exchange of data (replication) between the PSCBC CMS server and the CCMA server as a result the capacity of the diginet line that runs between the PSCBC and the CCMA was increased to a 256k in order to prevent data corruption.

However, some critical technical challenges still remain to be addressed and it is imperative that these challenges are resolved to ensure effective utilisation of the CMS.

Furthermore it is envisaged that once the web enabled project is implemented by the CCMA, CMS problems will be eradicated. The web version will no longer require a server at the PSCBC and will run directly from the

CCMA server. According to the CCMA this process will also drastically reduce the CMS licensing fees that the councils are currently obliged to pay.

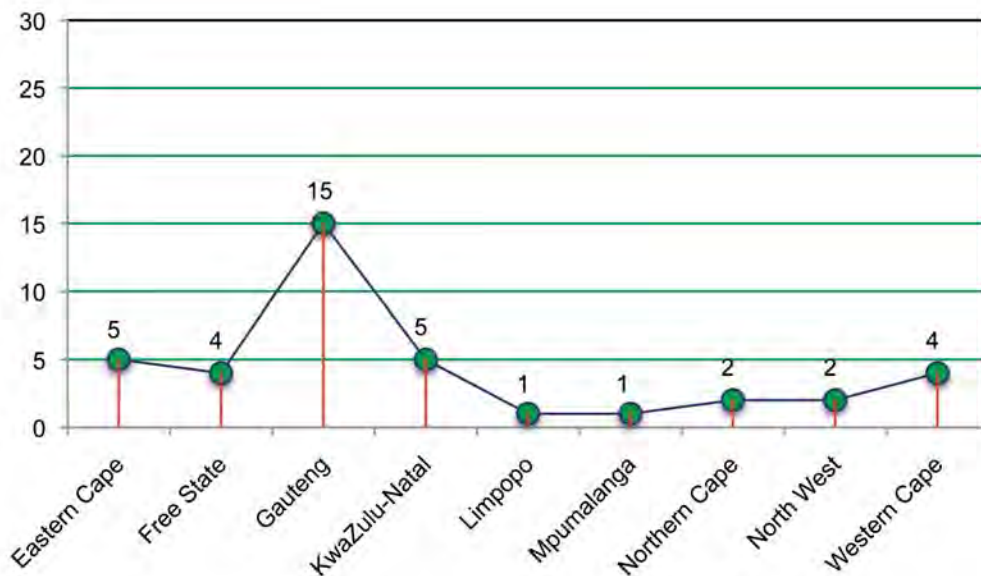
5.6 Panel of conciliators and arbitrators

For the first time since its inception the PSCBC extended the contractual term for its panellists from 1 to 2 years. Of the 41 panellists who were appointed at the AGM on 30 July 2008, only 39 signed their contracts, to be on the PSCBC panel of conciliators and arbitrators for the period 1 August 2008 to 31 March 2010.

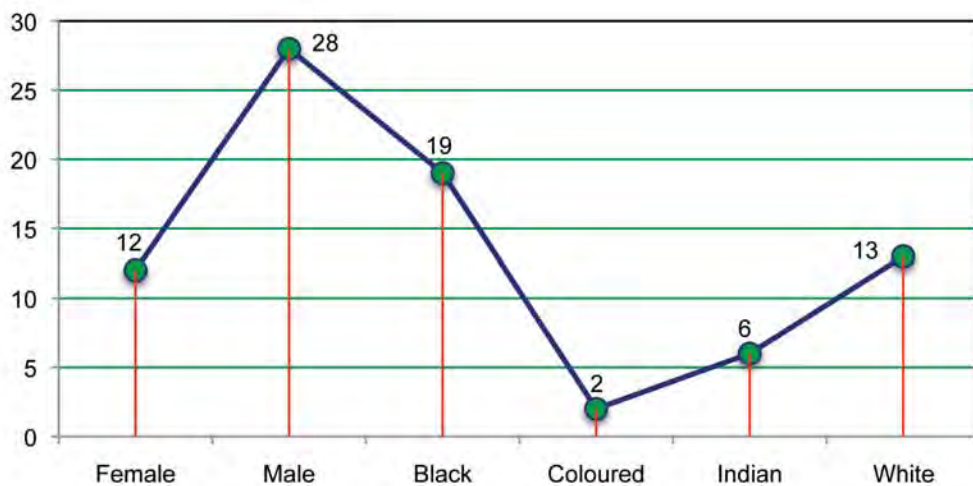
This new arrangement will alleviate the administrative burden that re-appointment on an annual basis places on the PSCBC, and will also ensure better continuity with regard to issues such as panellist training and relationship building. The panellist training is also scheduled for every two years, and this will ensure that new panellists always have the benefit of a training session in the same year as their appointment.

The panellist profile for the period 2008/2010 is illustrated below:

Panellists per province



Panellists gender and racial profile



5.7 Panellist Workshops 2008

National panellist workshops were held during October to November 2008 in line with the strategic objective of Councils. In this phase the workshop focussed on developing best practices. Consequently, a manual that seeks to assist panellists was developed and presented at the workshop.

The main objective of the manual is to provide a practical, informative and user-friendly guide to the PSCBC and Sector panellists, to ensure the rendering of professional and consistent awards and rulings of good quality that are 'review-proof'. The manual contains reference to legislation, councils' rules and case law and further provide standards in terms of which public sector panellists may be measured.

Ongoing consultation with panellists is of fundamental importance to improve communication between the panellists and the Councils and to keep panellist abreast of trends and latest developments. The recently developed panellist forum on the PSCBC website will assist in promoting panellist interaction and encourage information sharing.

The workshops dynamically contributed towards the understanding of the PSCBC and sectoral structures and knowing how best to apply the law. The objectives of the workshops were undoubtedly met.

5.8 Panellist tax deductions

There appeared to be different opinions on whether Councils are entitled to withhold tax from the panellists in accordance with the Income Tax Act 58 of 1962.

Information was therefore obtained from the Fourth Schedule of the Income Tax Act 58 of 1962, Interpretation Note 17- Employees Tax on Independent Contractors and the discussion of Independent Contractors by SAICA to determine if PSCBC panellists are independent contractors or employees as defined by the South African Revenue Service (SARS). An opinion had to be formed based on the definition of "labour broker", "employee", and "remuneration" as defined in the Fourth Schedule and the Statutory and Dominant Impression tests provided for in the Income Tax Act. These tests determine if labour brokers are in fact independent contractors or employee.

The contract of the PSCBC panellists further states in Clause 2.1 that "The Panellist is an independent contractor, not an employee of the PSCBC. Consequently, to the extent that the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997 and other laws that regulate the employer-employee relationship shall not apply to the contract".

The indicators as provided in the Fourth Schedule of the Income Tax Act 58 of 1962 are not present in the case of PSCBC panellists and consequently PSCBC panellists are deemed to be independent contractors / labour brokers.

5.9 Panellist fee adjustment

A need was identified to adjust the current panellist fee and this will be implemented once the PSCBC and Sector Councils have finalised the process of jointly reviewing the panellist fee.

5.10 Workshops for parties to Council

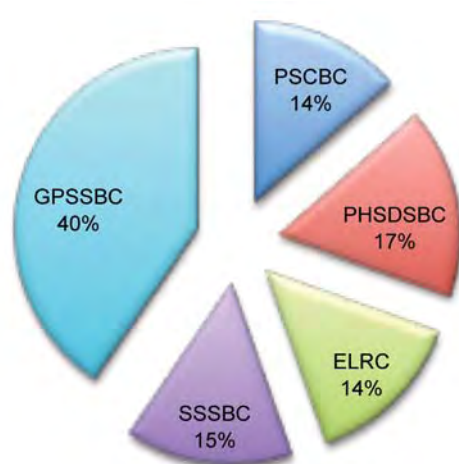
As part of the PSCBC dispute prevention strategy, the PSCBC is embarking on empowering initiatives and has been conducting national workshops for labour relations practitioners throughout the public sector. These workshops have been scheduled to continue until the next financial year.

5.11 Operational Report

(Note: Statistics used in this report reflect the position as per the CMS report as provided by the CCMA as well as the information obtained from the annual reports for the current review period as provided by the SSSBC, PHSDSBC GPSSBC and the ELRC)

The PSCBC and sector Councils (GPSSBC, SSSBC, PHSDSBC and the ELRC) received a total of 4053 referrals (including not properly referred and out of jurisdiction cases) for the period 1 April 2008 to 31 March 2009. This signifies an overall caseload decrease of 4% in the number of disputes referred in the public sector compared to that of the same period in the 2007/2008 financial year. This could be attributed to the declining caseload in the ELRC, SSSBC as well as the PHSDSBC. The PSCBC and the GPSSBC on the other hand have experienced a caseload increase in the period under review.

The number of cases received by the various public service bargaining Councils in relation to the total number of cases received by all the Councils is illustrated below:



Cases referred			
Councils	2007/08	2008/09	Variance
PSCBC	524	549	5% increase
GPSSBC	1410	1640	14% increase
PHSDSBC	687	686	0.5% decrease
SSSBC	637	603	5% decrease
ELRC	955	575	40% decrease
Total	4213	4053	4% decrease

5.12 Overview of disputes referred per national and provincial departments

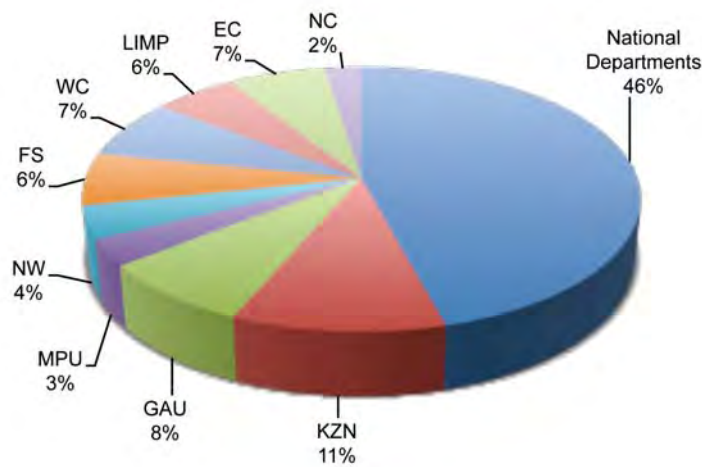
A total of 1858 disputes were referred against the national departments. Despite the decrease in the number of cases referred in the SSSBC for the period under review SAPS still appears to have the highest referral rate followed by the Department of Correctional Services, Department of Justice and Department of Home Affairs, whereas in the provincial departments the Department of Health as well as the Department of Education still feature the most prominent throughout the provinces.

The graphs reflect the same pattern as that of the previous financial years. There is a strong consistency in the sequence of disputes referred per National and Provincial Departments however, this could be attributed to the fact that the aforementioned departments cover a large workforce in the entire public sector.

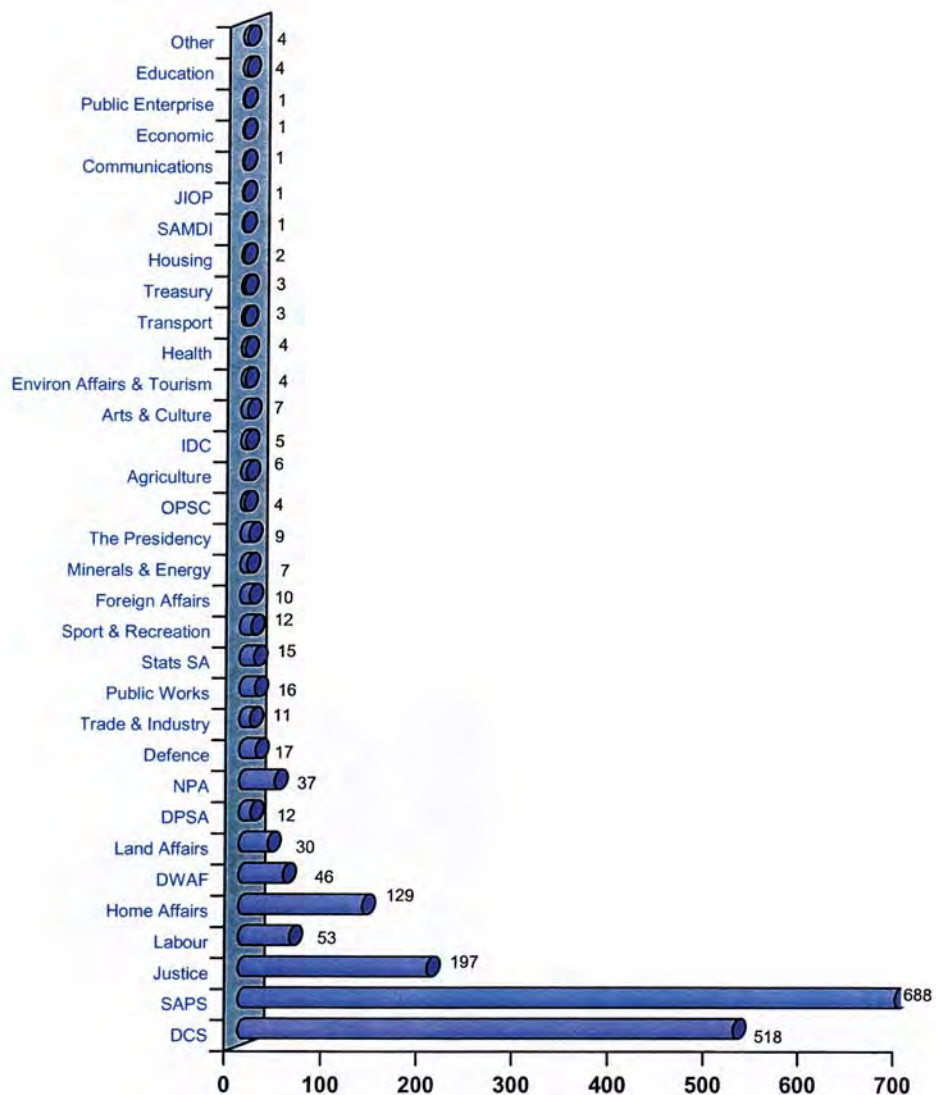
Of the 2195 disputes referred against the provincial departments 325 were referred in Gauteng; 434 in KwaZulu-Natal; 265 in Eastern Cape; 259 in Free State; 227 in Limpopo; 130 in Mpumalanga; 101 in Northern Cape; 162 in North West; and 295 in Western Cape.

The percentages and breakdown of disputes referred against the National Departments versus the number of disputes referred against Provincial Departments is indicated in the graphs below:

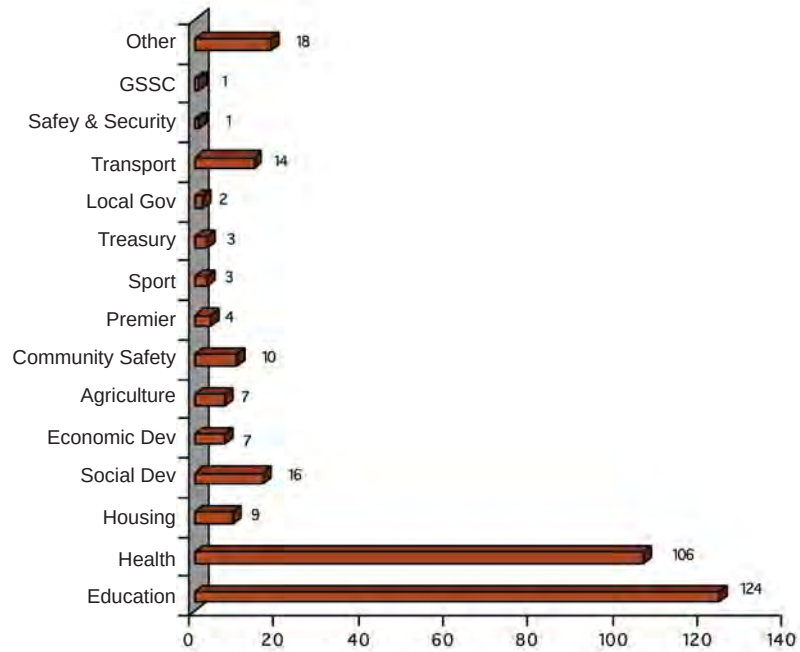
National vs Provincial Departments



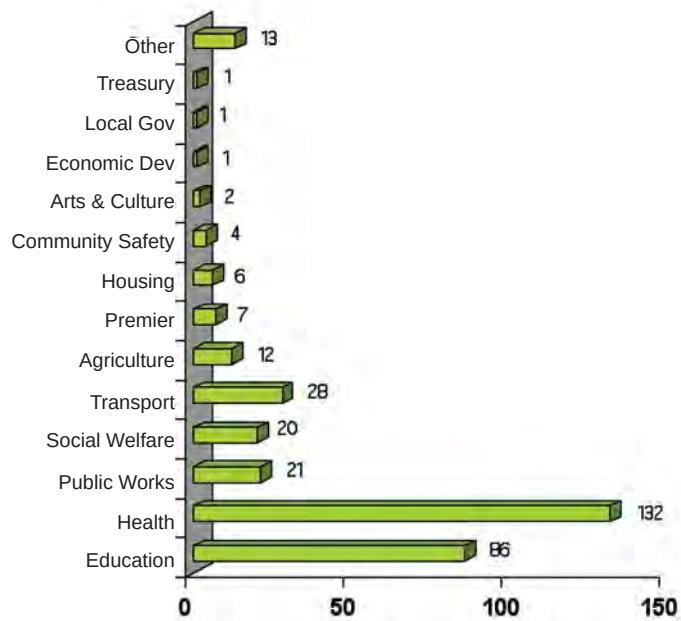
Disputes referred by National Departments



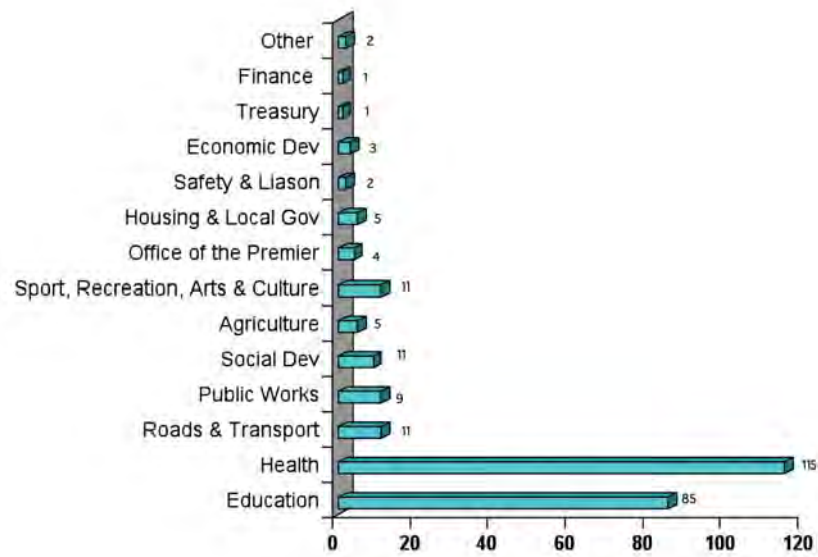
Disputes referred against Provincial Departments: Gauteng



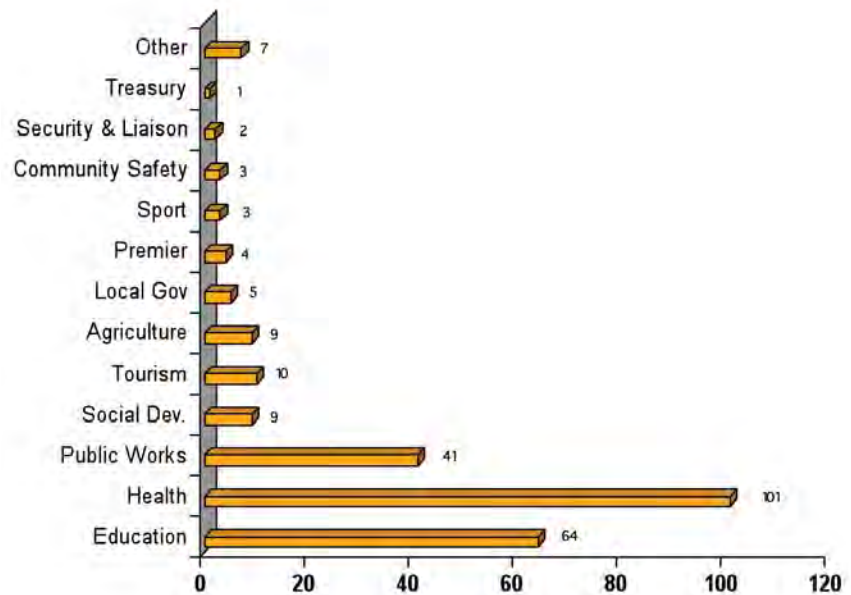
KwaZulu-Natal



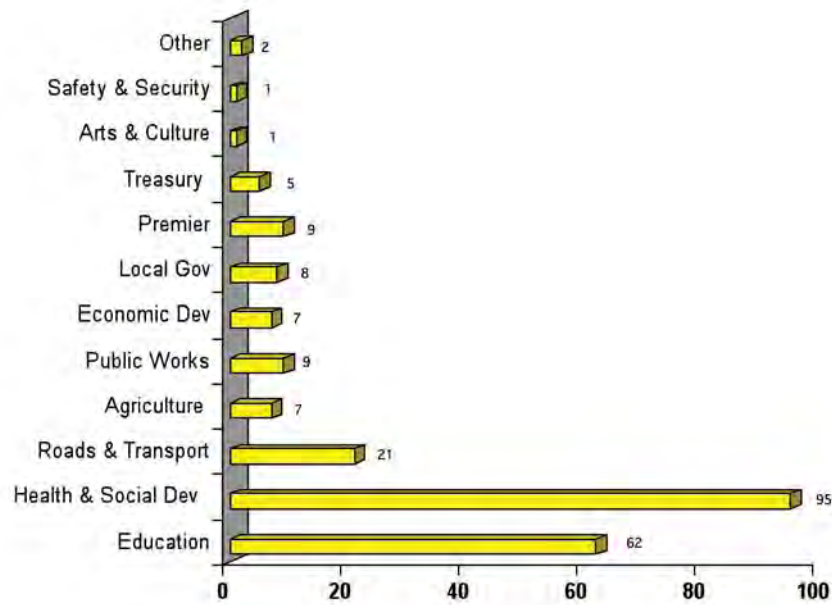
Eastern Cape



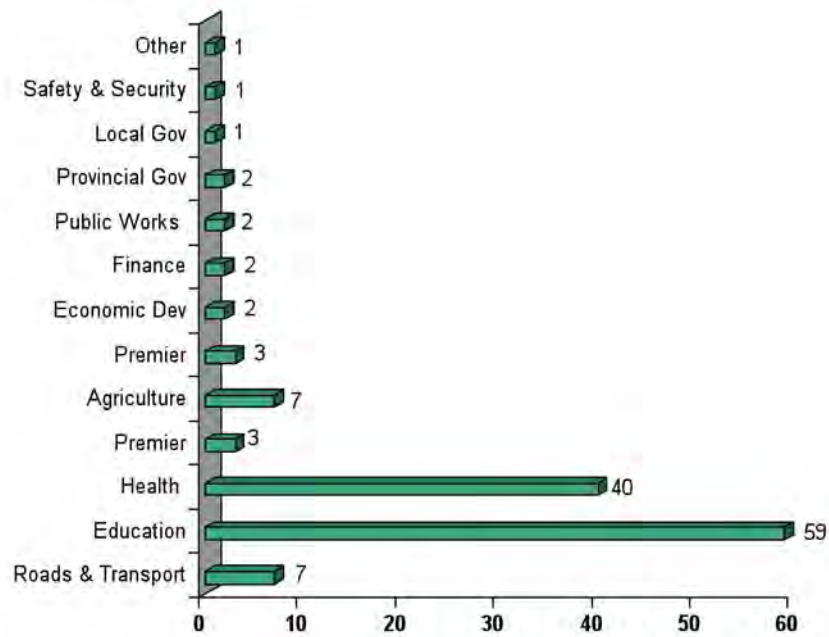
Free State



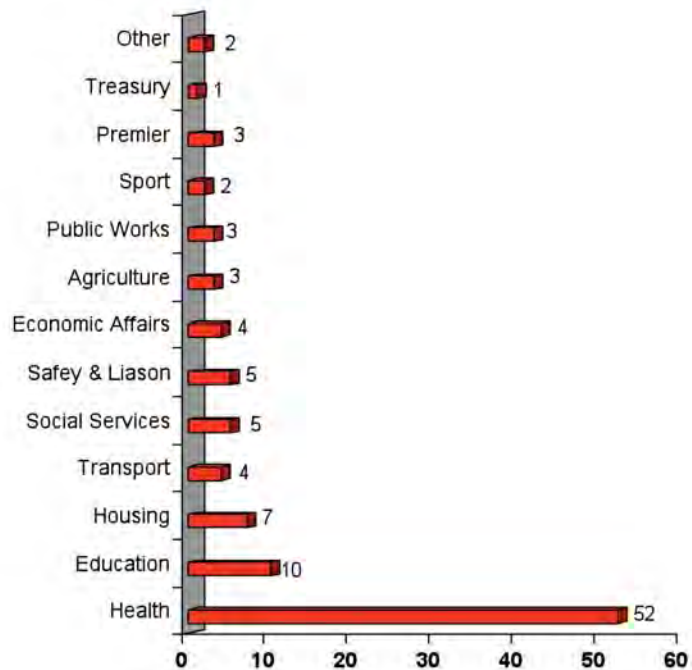
Limpopo



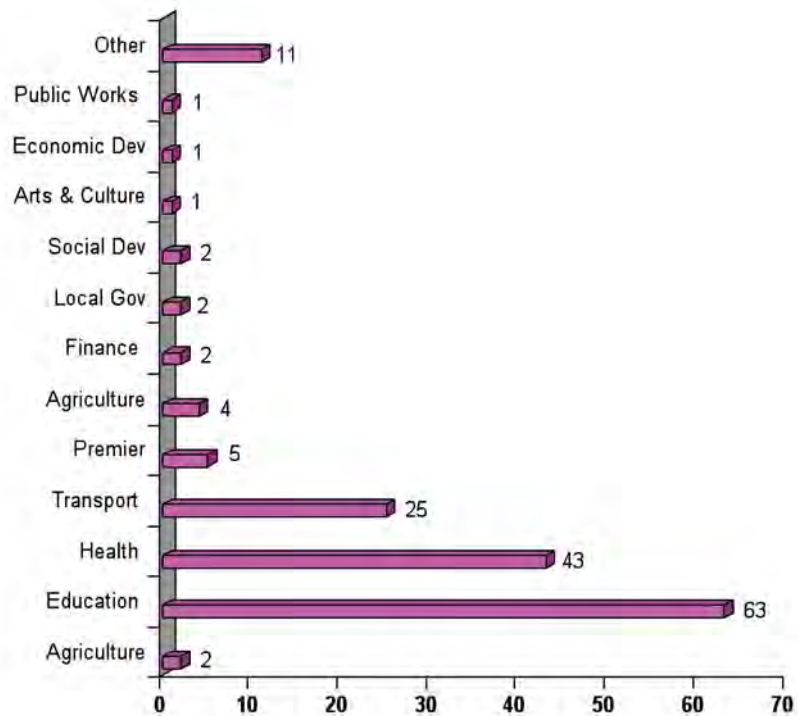
Mpumalanga



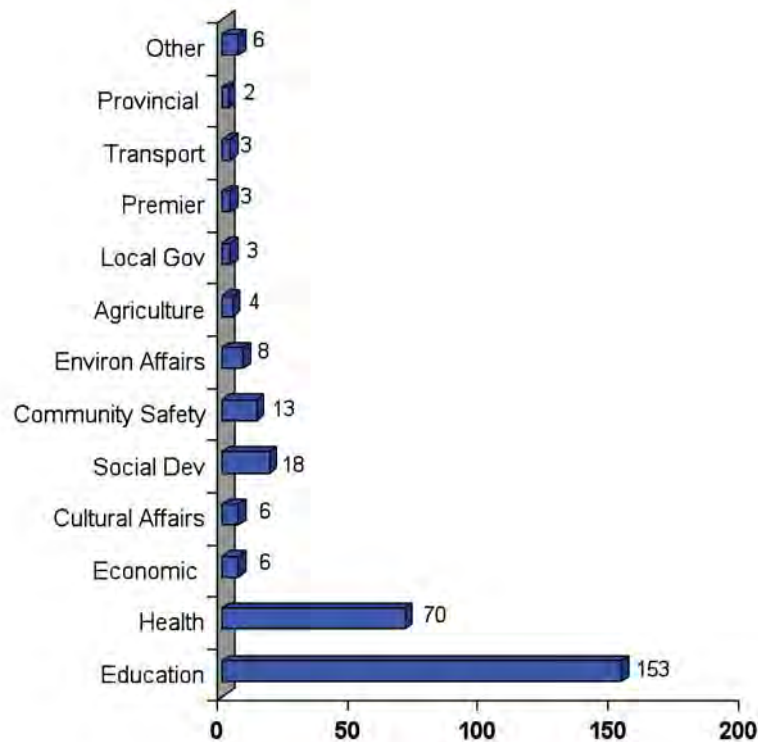
Northern Cape



North West



Western Cape



5.13 Classification of disputes

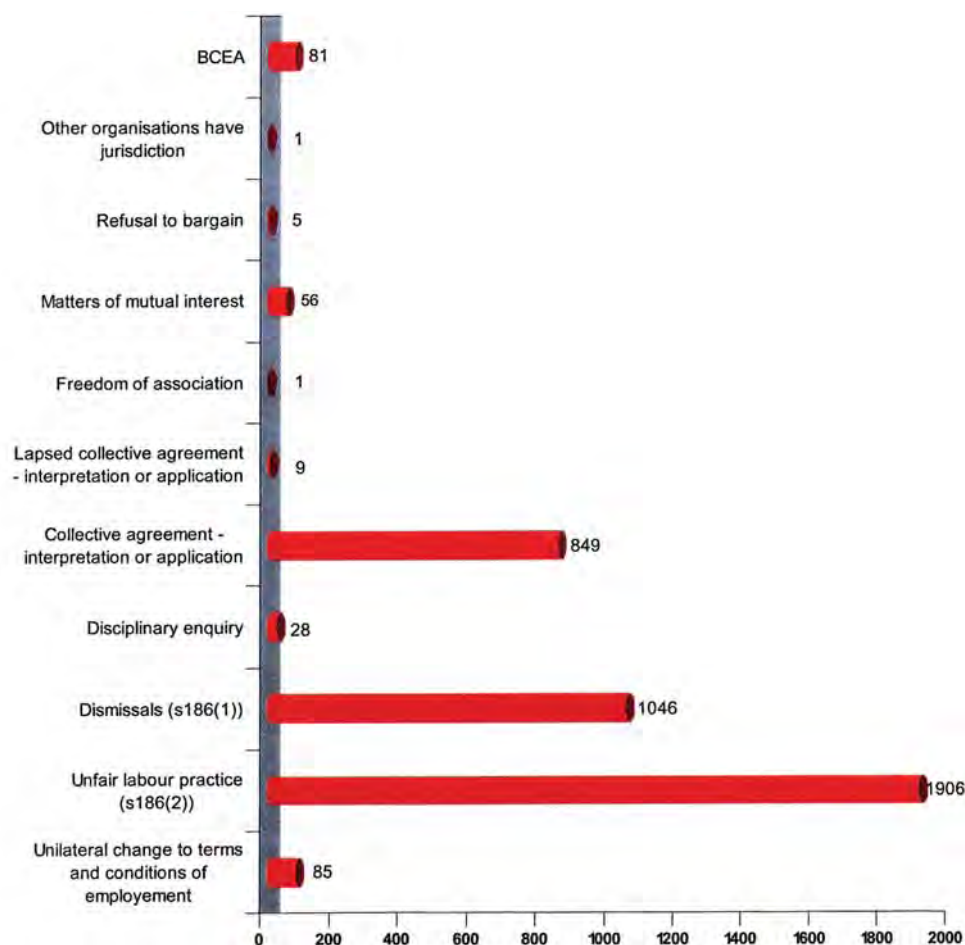
In so far as the type of disputes is concerned unfair labour practice disputes still remain a prominent feature followed by dismissals. These comprises of all the categories of disputes as defined in section 186 of the LRA.

In terms of the graph below unfair labour practice disputes account to a substantial referral rate of 47% and unfair dismissal disputes at 25% whilst disputes about unilateral change to terms and conditions of employment are relatively low at 2% and mutual interest at 1.4%.

Notable is the astronomical increase in the referral rate of disputes pertaining to the interpretation / application of collective agreements which soared from 12% to 21% in comparison with the financial period 2007/2008. A substantial number of these disputes pertain to individual disputes referred to the PSCBC in terms of section 24 of the LRA. The most common of which are disputes regarding the interpretation or application of collective agreements relating to the grievance procedure (PSCBC Resolution 14 of 2002) which accounts to 41% and incapacity leave (PSCBC Resolution 7 of 2000) which accounts to 25%.

The types of disputes referred is represented in the graph below:

(The information in the following graph is based on the classification of disputes as depicted by the CMS report provided by the CCMA and as per the ELRC annual report. Note: BCEA matters are only applicable to the ELRC)



5.14 Hearing processes per Councils

It has been a general practice that processes such as *In Limine*, Rescissions and Variations as well as Condonations are conducted on the basis of the submissions by the parties as a result such processes are not necessarily captured as hearings on CMS.

The number of hearings conducted per Council is illustrated in the table below:

(Note: The ELRC is not included in the following table)

Hearings						
	Conciliations	Arbitrations	Con/Arbs	In Limine	Rescissions / Variations	Reviews
PSCBC	131	109	—	6	1	3
GPSSBC	1225	1656	4	13	1	106
PHSDSBC	252	233	5	48	3	12
SSSBC	—	—	964	—	55	77
Total	869	941	973	58	57	92

The percentage of Conciliations, Arbitrations and Con/Arbs processes is presented graphically below:
(Note: The ELRC is not included in the following graph)



The following table covers a range of outcomes of different processes in the individual Councils:

Outcomes					
	PSCBC	GPSSBC	PHSDSBC	SSSBC	ELRC
Not settled and completed	53	227	57	–	368
Not settled and completed non-attendance	–	5	2	–	–
Out of jurisdiction	90	336	107	16	75
Settled	35	13	25	21	35
Settled by parties	6	82	16	–	–
Postponements (incl postponed sine die)	27	8	38	185	75
Withdrawals	222	65	35	72	39
Arbitration awards rendered	23	125	335	268	40
Default awards	3	–	–	–	–
Settlement agreement made an arbitration award	1	–	–	–	–
Dismissed due non attendance	1	14	2	21	12
Other (unrecorded)	86	590	388	–	–

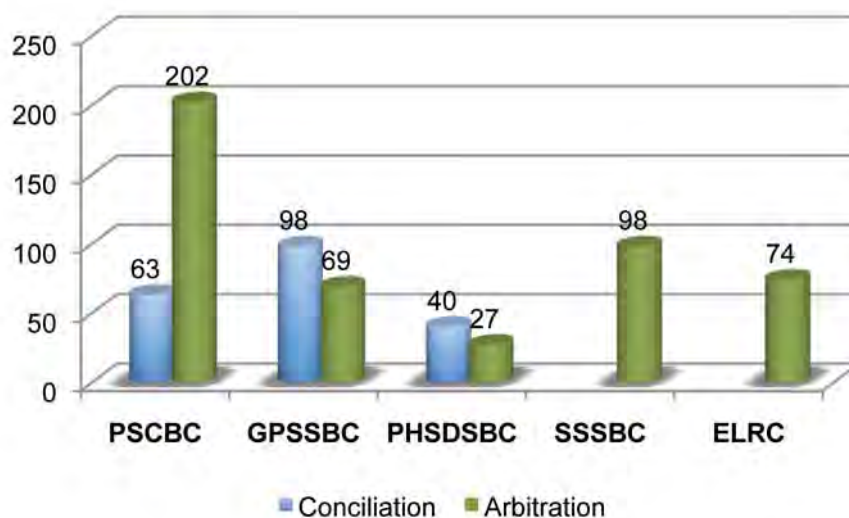
5.15 Settlement rate per Council

Of the total number of hearings held in the public sector during the period under review only 22% of the disputes were settled. This represents a drop of 10% settlement rate across the Councils.

The questions that needs to be addressed is whether the low settlement rate is due to the fact that the parties and the panellists do not exhaust and use the conciliation process to its optimal effect or is it just not practicable to settle disputes given the rate of awards issued in favour of the employer.

The number of disputes settled at conciliation and arbitration per sector is represented graphically below:

(Note: the SSSBC does not schedule conciliation hearings separately and only make use of the Con\Arb process. Whilst the ELRC made no comparison between disputes settled at conciliation vs arbitration)





Media and Information

6. MEDIA AND INFORMATION

6.1 Year under review

The Media and Information section was established by Council to ensure compliance with its constitutional objective of promoting effective communication to Council and sector bargaining councils designated in terms of Clause 21.3 of the PSCBC constitution. The year under review has once again been a very challenging and exciting one.

6.2 Policies and strategies

During the period under review, several policies and strategies, regulating the various functions performed by the media and information section, have been finalised.

6.3 Communications and Marketing

- One of the highlights of the year was the participation of PSCBC in Cell C's "Take a Girl Child to Work" programme by hosting twenty grade 10, 11 and 12 girls from the Ribane Laka High School in Mamelodi, Pretoria. The aim of the initiative was to encourage, motivate and introduce young women to the numerous possibilities of what the working environment has to offer. The girl children were treated in true bargaining council fashion, and the girls and their teachers were invited to share in the activities of Council by attending one of Council's sessions.
- The media and information section further assisted the PSCBC Pensions Restructuring Task Team in developing a communications and marketing strategy by creating the necessary awareness through communicating and marketing the opportunity to potential beneficiaries.
- During 2008 the media and information section published yet another successful PSCBC annual report for the 2007/08 financial year.

6.4 Publications

One of the major achievements for the PSCBC was the publication of the first PSCBC Newsletter in May 2008. During the period under review, the PSCBC successfully published four newsletters and has received very good feedback from parties to Council and other stakeholders on the professional layout and quality of the content published in the newsletter.

6.5 Events

- During March 2008 the PSCBC was honoured by a visit from the Minister of Public Service and Administration, the Honourable Mr. Masenyani Richard Baloyi, during which he addressed a full sitting of Council.
- The media and information section has also been busy with preparations for the Public Sector Summit and the 2nd Biennial Labour Relations Conference for the Public Service which will take place during the next financial year.

6.6 Measuring of Customer satisfaction

During the year under review the PSCBC has been undertaking a client satisfaction survey in order to measure the level of client satisfaction with regard to the effectiveness of the Council's processes in carrying out its statutory mandate. The purpose of the survey is to provide the Council with current and reliable information on the degree of satisfaction of our stakeholders with the services rendered by the PSCBC. This will further provide Council with useful insight on the improvement that must be made in order to achieve the ultimate goal of the organisation. The information obtained from this survey will be communicated to EXCO and Council in the next financial year.

6.7 Website

The media and information section successfully managed the websites for PSCBC and PHSDSBC by updating information on a daily basis. The unique search facility, created for both websites has been designed to make it easier for users to have immediate access to information such as constitutions, agreements, awards, dispute resolution procedures and rules, annual reports, images, etc.

According to website statistics for the PSCBC and PHSDSBC (regarding the usage of the websites), it is evident that both websites remain very popular.

6.8 Information and resource centre

The PSCBC library holds more than 460 items in its collection, the majority of which are books, magazines, journals and electronic material in the following categories: labour relations, labour law, collective bargaining, leadership, human resources, communications, marketing, and finance.

The library has also subscribed to several new books, magazines and databases during this financial year, such as:

- SA e-Publications, SA Media, Netlaw, SA Gazette index;
- IRNetwork; and
- Juta Labour Law library.

During the year under review the media and information section has been used extensively by parties to Council, labour relations officials, legal professionals, bargaining council panellists, and other stakeholders and a number of research/information requests were received.

The media and information section aspires to be a leading specialist library and information provider that is recognised as a facility that provides quality and up-to-date information to all our users. As a leading media and information section, the section is constantly building the professional image of Council through effective communication and marketing initiatives. We strive to assist with any bargaining council related research and information needs, and to contribute in improving the knowledge and usage of the library's collection and services by its users.





Information Technology

7. INFORMATION TECHNOLOGY

7.1 Year under Review

The financial year 2008/09 may rightly be described as the most challenging period for the Information Technology (IT) section.

The vision of the IT section is to ensure the establishment of sound information management systems in order to achieve the organizations strategic objectives. The mission is to provide efficient and effective technological support services to the Council and the sector councils.

7.2 Activities

During the period under review, the IT section was involved in a large IT project – the replacement of servers and related networking equipment. Even though it was a large project, the roll out was smooth and systematic.

The following new equipment was installed during the project:

7.2.1 Domain controller

Domain controller is a server that responds to security authentication requests (logging in, checking permissions, etc.) within the Windows Server environment.

7.2.2 Back up domain controller

This device runs concurrently with the domain controller server so that if the main sever fails, the secondary server kicks in, preventing down time.

7.2.3 Windows Servers software upgraded

The operating systems software for all servers was updated to latest versions.

7.2.4 Backup tape changer

This is a device to backup all data on the network.

7.2.5 Microsoft Exchange Server

The new Exchange server gives users and administrators much more functionality, replacing the Linux software, with its outdated limited functionality, to control the email system.

7.2.6 ACS (Access control server)

Cisco Secure Access Control Server (ACS) is an access policy control platform. This device controls access to the network.

7.2.7 ISA (Internet Security and Acceleration Server)

ISA Server provides the two basic services of a secondary enterprise firewall and a Web proxy/cache server

7.2.8 Telephone server

Logs all telephone calls made by the PSCBC and the sectors.

7.2.9 Swing frame cabinet

The cabinet provides housing for the servers.

7.2.10 Network related hardware

This refers to the replacement of all network equipment, routers, switches and firewalls. (physical network devices).

7.2.11 Helpdesk system

The HEAT Helpdesk system has been installed and ensures that all calls are resolved speedily.

7.2.12 Installation of new anti-virus software

New anti-virus software was also installed during the server project. All incoming and outgoing mail is scanned with a triple layer anti-virus system preventing any malicious content from filtering through to the network, or exiting the network. Anti-virus software is installed on all servers and workstations. The pattern files are configured to automatically update on a daily basis. Online scanners continuously scan all PC's for possible viruses. Microsoft updates are configured to run automatically. All PC's are physically swept for any worms, Trojans and similar spyware, or any other malicious ware on a continuous basis

7.2.13 Web Server

The website links are operational at all times. The new web server is in the process of being installed. There was no downtime on the previous web server.

The above ensures that the IT infrastructure has latest, up-to-date technology, giving IT administrators and users maximum use and functionality. There was no/minimal downtime on any of the servers during the installation process.

During this financial year, the IT infrastructure was well managed. The network was stable and all links operational at all times. The LAN and WAN was secure, and there were no virus outbreaks or related problems.

The IT policy was developed and adopted by Council. Users were workshopped on the Policy and compliance with this Policy was emphasised. Users are monitored to ensure that there are no policy violations.





Conferences and Seminars

8. CONFERENCES & SEMINARS

During the period under review, the PSCBC, in fulfilling one of its strategic objectives (Partnership Strategy), took a decision to honour an invitation to attend the official opening of the Botswana Public Employee Union's (BOPEU) 2nd Annual Convention as well as the World HRD Congress.

8.1 The 2nd Annual Convention of the Botswana Public Employees Union (BOPEU) – St Francis Town, Botswana: 2 December 2008

Council agreed to send five representatives to the official opening of the Botswana Public Employees Union (BOPEU) convention that took place on the 2nd of December 2008 in St Francis Town, Botswana. The delegation comprised four members of Council and one member of the Secretariat.

Theme of the convention: "Effective Labour representation; key to a productive Public Service".

Opening

The convention was officially opened by the Honorable Minister of Presidential Affairs and Public Administration, Mr. D K Kwalagobe. In his keynote address, the Minister emphasised the importance of the relationship established between Botswana and South Africa in terms of collective bargaining. He expressed his gratitude in terms of the assistance, information and support that the delegation from Botswana received during their visit to PSCBC in July 2008.

The President of BOPEU, Mr. Andrew Motsamai, also thanked the PSCBC and sector bargaining councils for the assistance and support received during their visit to South Africa in 2008.

The PSCBC Secretariat delivered a message of support on behalf of Council and its structures at the convention.

Conclusion

The PSCBC is proud to be associated with international organisations and strive to be a role model and leader in the field of labour relations in the SADC region.



8.2 The World HRD Congress - Taj Lands End, Mumbai, India: 5 – 7 February 2009

Theme of the congress: "HR Shaping the Future"

Overview

India hosted the World HRD Congress in Taj Lands End, Mumbai from 5 – 7 February 2009.

The World HRD Congress 2009 attracted leaders, experts, practitioners and professionals from over 64 countries.

Sub Themes:

- Strategies and Perspective in Talent Management
- Employer Branding
- Leadership and Development
- Learning and Talent Development
- Strategic Human Resources Management

Key Features:

- 81 Speakers
- 3 Plenary Sessions
- 6 Master Classes
- 17 Concurrent Sessions

Prof. Noel Tichy conducted a day long workshop on the theme "*Judgment: How winning leaders make great calls and its impact on HR*".

Key Topics:

- The Return on Investment in Talent Development
- Tough Times for Talent
- Getting it Right! Using the Power of Data and Analytics to Boost your Return on Talent Investment
- Managing Talent to build the Leadership Brand
- Building the Leadership Brand
- Workplace Learning: Online Learning Solutions that Produce Business Results
- Managing Talent in a Difficult Economy
- Delivering Business Results through HR - Using analytics based insight to boost your "Return on Talent Investment"
- Getting it Right! Using the Power of Data and Analytics to Boost your Return on Talent Investment
- (Newer) Challenges to HR in a Hyperactive Environment
- Talent Management in Turbulent Times
- Global Talent Management: Recruitment, Retention & Development Strategies for the future
- HR Execution in the Turbulence Period
- Thomson Reuters' Best Practice
- A best practice in solidifying relationships with HQ & other global HR partners via an annual China Immersion
- Managing People Risk for a Global Workforce - Duty of Care
- Leadership as a dimension of culture
- Designing a Strategic Plan for Human Resources
- Partnership as union Strategy - Does it work in Asia?
- Talent Transformation (skill building based on a competency model) in the Services industry

- The Future of Learning in a Web 2.0 World
- Preparing TELCON for Growth
- DNA of Talent: Findings from a study of Talent in 21 countries
- Talent Acquisition & emerging practices
- Myth of ROI in HR
- Bringing efficiencies through the Next Generation of Recruitment practices
- World Series Paper 3 Human Capital; Competitive Edge and The Credit Crunch: "Global Challenges Ahead"
- Retaining Talent for Long Term Performance - Getting and Keeping Employees Engaged
- HR - Business Value Creation
- HRD SCORE CARD™ 2500
- Using Humour for Change
- Human Capital Development and Management: The Next Generation of Virtual Integration Across the Extended Enterprise
- Creating Sustainable People Advantage / How to Address HR Challenges Worldwide Through 2015
- Developing Key Talent – A Business Imperative for Survival
- How Global financial meltdown shapes the future HR?
- Leadership Development – Strengths and Weaknesses Early in a Career
- Building the True HR
- Building the business case for HRD
- Weathering the Storm: Strategic talent management in unprecedented times
- Leadership & Development
- Developing Talent in racially diverse workplaces: A South African Perspective
- The art of 21st century change: creative engagement and the creation of meaning
- Strategic HR – Architecting your Organization compelling place to work
- Strategies & Perspective in Talent Management
- Young & Impatient – Engaging the Millennials
- Strategic human resources management
- Revisiting HR Role – 6 C Model

8.3 Visit by Minister from Public Service and Administration (MPSA)

On 11 March 2009 the PSCBC was honoured by a visit from the Minister of Public Service and Administration, the Honourable Mr. Masenyani Richard Baloyi. Dignitaries from various government departments and trade unions were present at this auspicious occasion.

Minister Baloyi served in various leadership roles and became a Member of Parliament in 1999. During 2007, he acted as Chairperson for the Portfolio Committee on Public Service and Administration before he was appointed as Chairperson in March 2008. In September 2008, he was appointed as Minister for Public Service and Administration, following in the footsteps of Ms. Geraldine Fraser-Moleketi.

The PSCBC Chairperson gave a brief overview of the PSCBC and its functions. The General Secretary presented a status overview of the PSCBC, including an overview of the 2007 wage negotiations process, highlights of the progress made by the PSCBC since its inception in 1997, and some of the key challenges facing the PSCBC in the next few years such as the impact of a single public service in South Africa.

The Minister addressed a full sitting of Council attended by employer and labour parties, and responded to questions posed by labour regarding OSDs (occupational specific dispensations), where he emphasized that the involvement of the DPSA in this regard will be crucial. He further raised the importance of independent institutions, such as the PSCBC, to evaluate bargaining processes in the public service. Other popular topics that were raised included issues such as the quality of collective agreements and the implementation of resolutions.

In conclusion, the Minister extended a word of encouragement to the PSCBC saying that 'together we're getting there.'



8.4 Visit by other Countries

During the year under review the PSCBC was visited by a delegation from Botswana and Southern Sudan.

8.4.1 Delegation from Botswana

The PSCBC hosted a delegation from Botswana from 21 – 31 July 2008 as part of a capacity building exercise.

The Botswana delegation consisted of 10 delegates, representing both the Employer and Labour. The members included, among others, representatives from the Directorate of Public Service Management, as well as members from the Botswana Public Employees Union (BOPEU).

Over a period of nine days, the delegation met with the PSCBC General Secretary, parties to Council and members of the Secretariat. They were further hosted by the different sector bargaining councils (ELRC, PHSDSBC, SSSBC and GPSSBC). Presentations by the various representatives were made and delegates were given the opportunity to interact with the different departments within the PSCBC and sector bargaining councils on matters such as collective bargaining, dispute resolution, finance, IT, as well as media and information. The delegation was also afforded the opportunity to attend a Council session as observers.

8.4.2 Delegation from Southern Sudan

The delegation visited the PSCBC on 2 March 2009 and the following presentations were made:

- History of Labour Relations in South Africa;
- Collective Bargaining systems in the Public Service; and
- Dispute Resolution in the Public Service.

8.5 Visit by the Girl Children from Ribane Laka High School – Mamelodi

On 29 May 2008, the PSCBC participated in a very successful Cell C “Take a Girl Child to Work” event by hosting twenty grade 10, 11 and 12 girls and their teachers from Ribane Laka High School in Mamelodi, Pretoria. This magnificent campaign was the 6th annual event hosted and co-ordinated by Cell C.

The theme for this event was ‘Choice Empowers’. As role models and caring citizens, it is our duty not only to educate our girl children about the choices available to them, but to actively guide them to make empowering choices that will lead them to prosperity.

The “Take a Girl Child to Work” day has the ability to change the lives of these young girls as it provides them with an opportunity to gain a glimpse into the world of work, a place they would need to step into in the future, confident of leaving their mark for others to follow. The essence of the programme can be best summarised by one of the participants who stated: “The campaign showed me there are different career opportunities for girls, not just being a teacher or a social worker. There are also different opportunities in both private and public sector. Some women come from a similar background to mine and they are now important women in their respective institutions. This makes me believe I can be the same – as a young woman I can make a difference in the working world out there.”

The central point of the initiative was to encourage, motivate and introduce young women to the numerous possibilities of what the working environment has to offer, and there is nothing more enlightening than to have a young working woman to relate to and look up to. It was quite easy to engage with the girls because, in some way, one could easily relate to how they feel about issues such as studies, exams, relationships, technology, etc.

The girl children from Ribane Laka High School were treated in true bargaining council fashion. The day was marked by exposing the girls to a council meeting in session, different departments within the PSCBC, as well as motivational messages received from different managers and staff of PSCBC and the respective sector councils. This opportunity has been really inspiring to the girls and something that will be remembered by them for a long time to come. The girls were also spoiled with some wonderful gifts to take home. From the feedback received, the girls and their teachers could not stop talking about their experience and expressed their sincere appreciation and gratitude for having been given the opportunity to share in the activities of Council and sector bargaining councils.

It was indeed a great honour for the PSCBC and its sector councils to have spent such a day filled with laughter, love and festivities with the girls and their teachers from Ribane Laka High School. The PSCBC would like to wish them and their school all the best with their future endeavours.





Trade Union Membership to Council

9. TRADE UNION MEMBERSHIP TO COUNCIL

9.1 Clause 7.1 & 7.2 of PSCBC Constitution

"7.1 Any single trade union party may apply for admission to the Council if it:

- (a) meets the threshold requirement of 50 000 members; and
- (b) is admitted to a Sectoral Council.

7.2 Any two or more trade unions acting together as a single party (referred to as a combined trade union party), may apply for admission to the Council if:

- (a) their combined membership meets the threshold requirement of 50 000 members; and
- (b) each constituent party of the combined trade union party, on its own or acting together (as a single party), is admitted to a sectoral council."

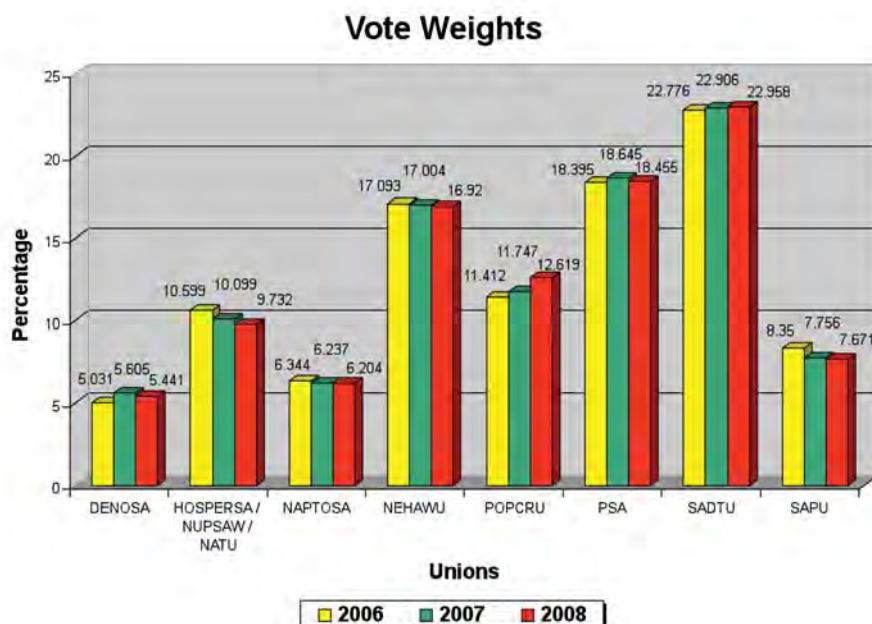
9.2 Admitted Unions to Council

In terms of the annual review of membership, the following trade unions were admitted to Council in terms of Clause 7 and 8 of PSCBC constitution for the period June 2008 to July 2009:

- DENOSA acting together with SAMA, as DENOSA;
- HOSPERSA, NUPSAW and NATU acting together as HOSPERSA/NUPSAW/NATU;
- NAPTOSA acting together with SAOU, as NAPTOSA (as of 1 November 2006);
- NEHAWU acting together with PAWUSA, as NEHAWU;
- POPCRU acting together with SASAWU and SADNU, as POPCRU;
- PSA acting together with UNIPSA and NPSWU, as PSA;
- SADTU acting together with CTPA, as SADTU; and
- SAPU acting together with PEU, as SAPU.

9.3 PSCBC Vote Weights and Membership

The following graph reflects the percentage of national vote weights per union for the period 2006 – 2008:



During the period July 2008 to June 2009, the following trade unions were admitted to the PSCBC:

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – NATIONAL
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		50,510	411	1	25	50,947		
SAMA	34	5,686	2		1	5,723		
TOTAL	34	56,196	413	1	26	56,670	5.441%	3
HOSPERSA*	6	42,029	3,804		3,684	49,523		
NATU					27,494	27,494		
NUPSAW	314	11,135	11,939	3	946	24,337		
TOTAL	320	53,164	15,743	3	32,124	101,354	9.732%	5
NAPTOSA					42,565	42,565		
SAOU					22,047	22,047		
TOTAL	0	0	0	0	64,612	64,612	6.204%	3
NEHAWU	3,638	84,975	70,006	42	1,269	159,930		
PAWUSA	1,009	5,928	9,064	3	278	16,282		
TOTAL	4,647	90,903	79,070	45	1,547	176,212	16.920%	5
POPCRUI		197	32,790	79,714	1,284	113,985		
SASAWU	137	2,424	5,120	2	392	8,075		
SADNU		9,304	11		49	9,364		
TOTAL	137	11,925	37,921	79,716	1,725	131,424	12.619%	5
PSA	6917	48,476	100,892	11,555	13,048	180,888		
UNIPSAWU		795	1,967		35	2,797		
NPSWU		7,183	1,293		37	8,513		
TOTAL	6,917	56,454	104,152	11,555	13,120	192,198	18.455%	5
SADTU					233,974	233,974		
CTPA					5,121	5,121		
TOTAL	0	0	0	0	239,095	239,095	22.958%	5
SAPU		58	669	60,869	1,081	62,677		
PEU					17,218	17,218		
TOTAL	0	58	669	60,869	18,299	79,895	7.671%	4
GRAND TOTAL	12,055	268,700	237,968	152,189	370,548	1,041,460	100.000%	35

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

9.4 PSCBC Provincial Vote Weights and Membership

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL MEMBERSHIP STATISTICS – GAUTENG AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		10,326	8		2	10,336		
SAMA		1,630				1,630		
TOTAL	0	11,956	8	0	2	11,966	11.140%	
HOSPERSA*		8,419	181		30	8,630		
NATU					568	568		
NUPSAW		1,208	446		44	1,698		
TOTAL	0	9,627	627	0	642	10,896	10.144%	
NAPTOSA					9,903	9,903		
SAOU					6,724	6,724		
TOTAL	0	0	0	0	16,627	16,627	15.480%	
NEHAWU		15,722	6,864		22	22,608		
PAWUSA		103	324		19	446		
TOTAL	0	15,825	7,188	0	41	23,054	21.463%	
POPCRU		46	452		6	504		
SASAWU		120	434		27	581		
SADNU		901				901		
TOTAL	0	1,067	886	0	33	1,986	1.849%	
PSA		4,943	9,047		756	14,746		
UNIPSAWU		1				1		
NPSWU								
TOTAL	0	4,944	9,047	0	756	14,747	13.729%	
SADTU					24,605	24,605		
CTPA					29	29		
TOTAL	0	0	0	0	24,634	24,634	22.934%	
SAPU		8	11		3	22		
PEU					3,481	3,481		
TOTAL	0	8	11	0	3,484	3,503	3.261%	
GRAND TOTAL	0	43,427	17,767	-	46,219	107,413	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – NORTH WEST
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		3,457	5			3,462		
SAMA		244				244		
TOTAL	0	3,701	5	0	0	3,706	6.761%	
HOSPERSA*		1,822	44		7	1,873		
NATU					1	1		
NUPSAW		500	528		50	1,078		
TOTAL	0	2,322	572	0	58	2,952	5.386%	
NAPTOSA					3,453	3,453		
SAOU					2,146	2,146		
TOTAL	0	0	0	0	5,599	5,599	10.215%	
NEHAWU		7,222	4,568		34	11,824		
PAWUSA		49	214		3	266		
TOTAL	0	7,271	4,782	0	37	12,090	22.058%	
POPCRUI		9	250		3	262		
SASAWU		17	522		13	552		
SADNU		653				653		
TOTAL	0	679	772	0	16	1,467	2.676%	
PSA		2,545	6,038		426	9,009		
UNIPSAWU								
NPSWU								
TOTAL	0	2,545	6,038	0	426	9,009	16.436%	
SADTU					18,479	18,479		
CTPA					14	14		
TOTAL	0	0	0	0	18,493	18,493	33.740%	
SAPU		4	5		1	10		
PEU					1,485	1,485		
TOTAL	0	4	5	0	1,486	1,495	2.728%	
GRAND TOTAL	0	16,522	12,174	-	26,115	54,811	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – NORTHERN CAPE
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		1,254	1		13	1,268		
SAMA		126				126		
TOTAL	0	1,380	1	0	13	1,394	6.578%	
HOSPERSA*		1,215	33		3	1,251		
NATU						-		
NUPSAW		62	48		1	111		
TOTAL	0	1,277	81	0	4	1,362	6.427%	
NAPTOSA					783	783		
SAOU					1,264	1,264		
TOTAL	0	0	0	0	2,047	2,047	9.659%	
NEHAWU		2,044	1,662		100	3,806		
PAWUSA		810	859		28	1,697		
TOTAL	0	2,854	2,521	0	128	5,503	25.967%	
POPCRUI		8	114		1	123		
SASAWU		21	68			89		
SADNU		275	1		32	308		
TOTAL	0	304	183	0	33	520	2.454%	
PSA		1,438	2,503		242	4,183		
UNIPSAWU								
NPSWU								
TOTAL	0	1,438	2,503	0	242	4,183	19.739%	
SADTU					5,456	5,456		
CTPA					683	683		
TOTAL	0	0	0	0	6,139	6,139	28.968%	
SAPU			5			5		
PEU					39	39		
TOTAL	0	0	5	0	39	44	0.208%	
GRAND TOTAL	0	7,253	5,294	-	8,645	21,192	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – MPUMALANGA
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		3,139	1			3,140		
SAMA		266				266		
TOTAL	0	3,405	1	0	0	3,406	5.475%	
HOSPERSA*		2,528	30		5	2,563		
NATU					1,218	1,218		
NUPSAW		285	149		5	439		
TOTAL	0	2,813	179	0	1,228	4,220	6.783%	
NAPTOSA					2,646	2,646		
SAOU					1,931	1,931		
TOTAL	0	0	0	0	4,577	4,577	7.357%	
NEHAWU		6,701	9,007		18	15,726		
PAWUSA		6	70			76		
TOTAL	0	6,707	9,077	0	18	15,802	25.399%	
POPCRU		6	463		2	471		
SASAWU		17	116		15	148		
SADNU		454	1			455		
TOTAL	0	477	580	0	17	1,074	1.726%	
PSA		2,407	4,829		561	7,797		
UNIPSAWU		76	181		4	261		
NPSWU						-		
TOTAL	0	2,483	5,010	0	565	8,058	12.952%	
SADTU					22,666	22,666		
CTPA					3	3		
TOTAL	0	0	0	0	22,669	22,669	36.437%	
SAPU			21		1	22		
PEU					2,387	2,387		
TOTAL	0	0	21	0	2388	2,409	3.872%	
GRAND TOTAL	0	15,885	14,868	-	31,462	62,215	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – LIMPOPO
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		6,818	8			6,826		
SAMA					369	369		
TOTAL	0	6,818	8	0	369	7,195	7.025%	
HOSPERSA*		5,071	36		7	5,114		
NATU					30	30		
NUPSAW		699	975		14	1,688		
TOTAL	0	5,770	1,011	0	51	6,832	6.670%	
NAPTOSA					613	613		
SAOU					1,139	1,139		
TOTAL	0	0	0	0	1,752	1,752	1.711%	
NEHAWU		11,092	8,370		95	19,557		
PAWUSA		42	181		7	230		
TOTAL	0	11,134	8,551	0	102	19,787	19.319%	
POPCRUI		11	407		6	424		
SASAWU		39	17		6	62		
SADNU		1,077				1,077		
TOTAL	0	1,127	424	0	12	1,563	1.526%	
PSA		4,502	7,782		413	12,697		
UNIPSAWU		659	1,180		21	1,860		
NPSWU						-		
TOTAL	0	5,161	8,962	0	434	14,557	14.212%	
SADTU					40,825	40,825		
CTPA						-		
TOTAL	0	0	0	0	40,825	40,825	39.859%	
SAPU			307			307		
PEU					9,606	9,606		
TOTAL	0	0	307	0	9,606	9,913	9.678%	
GRAND TOTAL	0	30,010	19,263	-	53,151	102,424	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – EASTERN CAPE
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		7,405	6		3	7,414		
SAMA		477			1	478		
TOTAL	0	7,882	6	0	4	7,892	6.458%	
HOSPERSA*		4,944	291		1,681	6,916		
NATU					421	421		
NUPSAW		322	610		38	970		
TOTAL	0	5,266	901	0	2,140	8,307	6.797%	
NAPTOSA					8,788	8,788		
SAOU					1,385	1,385		
TOTAL	0	0	0	0	10,173	10,173	8.324%	
NEHAWU		11,427	8,282		225	19,934		
PAWUSA		1,353	1,025		60	2,438		
TOTAL	0	12,780	9,307	0	285	22,372	18.306%	
POPCRU		19	273		1	293		
SASAWU		1,818	1,983		87	3,888		
SADNU		2,874			16	2,890		
TOTAL	0	4,711	2,256	0	104	7,071	5.786%	
PSA		6,064	7,175		4,310	17,549		
UNIPSAWU						-		
NPSWU						-		
TOTAL	0	6,064	7,175	0	4,310	17,549	14.360%	
SADTU					47,784	47,784		
CTPA					1,009	1,009		
TOTAL	0	0	0	0	48,793	48,793	39.925%	
SAPU		3	1			4		
PEU					50	50		
TOTAL	0	3	1	0	50	54	0.044%	
GRAND TOTAL	0	36,706	19,646	-	65,859	122,211	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – FREE STATE
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		2,239	9			2,248		
SAMA		333				333		
TOTAL	0	2,572	9	0	0	2,581	4.654%	
HOSPERSA*		1,993	272		524	2,789		
NATU					116	116		
NUPSAW		10	10			20		
TOTAL	0	2,003	282	0	640	2,925	5.274%	
NAPTOSA					4,700	4,700		
SAOU					3,680	3,680		
TOTAL	0	0	0	0	8,380	8,380	15.109%	
NEHAWU		6,135	5,533		18	11,686		
PAWUSA		203	330		5	538		
TOTAL	0	6,338	5,863	0	23	12,224	22.040%	
POPCRU		24	441		2	467		
SASAWU		118	269		79	466		
SADNU		1,335				1,335		
TOTAL	0	1,477	710	0	81	2,268	4.089%	
PSA		5,510	6,263		909	12,682		
UNIPSAWU								
NPSWU								
TOTAL	0	5,510	6263	0	909	12,682	22.866%	
SADTU					14,157	14,157		
CTPA					224	224		
TOTAL	0	0	0	0	14,381	14,381	25.929%	
SAPU		9	4		1	14		
PEU					7	7		
TOTAL	0	9	4	0	8	21	0.038%	
GRAND TOTAL	0	17,909	13,131	-	24,422	55,462	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – KWAZULU-NATAL
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		10,851	6		4	10,861		
SAMA		1,313				1,313		
TOTAL	0	12,164	6	0	4	12,174	7.353%	
HOSPERSA*		10,885	2,081		1,276	14,242		
NATU					25,138	25,138		
NUPSAW		5,550	4,417		303	10,270		
TOTAL	0	16,435	6,498	0	26,717	49,650	29.990%	
NAPTOSA					5,746	5,746		
SAOU					908	908		
TOTAL	0	0	0	0	6,654	6,654	4.019%	
NEHAWU		16,792	4,314		114	21,220		
PAWUSA		203	734		11	948		
TOTAL	0	16,995	5,048	0	125	22,168	13.390%	
POPCRUI		32	201		9	242		
SASAWU		9	78		127	214		
SADNU		1,689			1	1,690		
TOTAL	0	1,730	279	0	137	2,146	1.296%	
PSA		12,768	8,504		4,343	25,615		
UNIPSAWU								
NPSWU								
TOTAL	0	12,768	8504	0	4,343	25,615	15.472%	
SADTU					46,967	46,967		
CTPA								
TOTAL	0	0	0	0	46,967	46,967	28.369%	
SAPU		13	10			23		
PEU					160	160		
TOTAL	0	13	10	0	160	183	0.111%	
GRAND TOTAL	0	60,105	20,345	-	85,107	165,557	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL
MEMBERSHIP STATISTICS – WESTERN CAPE
AS AT 31 DECEMBER 2007

TRADE UNION	MEMBERSHIP CLAUSE 10						VOTE WEIGHT CLAUSE 11	REPS CLAUSE 12
	GPSSBC	PHSDSBC	GPSSBC	SSSBC	ELRC	TOTAL		
	SANDF							
DENOSA		5,000	14		2	5,016		
SAMA		920				920		
TOTAL	0	5,920	14	0	2	5,936	9.409%	
HOSPERSA*		4,981	386		149	5,516		
NATU					1	1		
NUPSAW		2,099	92		443	2,634		
TOTAL	0	7,080	478	0	593	8,151	12.920%	
NAPTOSA					5,920	5,920		
SAOU					2,864	2,864		
TOTAL	0	0	0	0	8,784	8,784	13.923%	
NEHAWU		4,770	2,621		47	7,438		
PAWUSA		2,998	3,464		84	6,546		
TOTAL	0	7,768	6,085	0	131	13,984	22.165%	
POPCRUI		16	164		2	182		
SASAWU		2	5		1	8		
SADNU		43				43		
TOTAL	0	61	169	0	3	233	0.369%	
PSA		4,979	4,542		337	9,858		
UNIPSAWU								
NPSWU								
TOTAL	0	4,979	4,542	0	337	9,858	15.625%	
SADTU					12,978	12,978		
CTPA					3,156	3,156		
TOTAL	0	0	0	0	16,134	16,134	25.573%	
SAPU		8	2			10		
PEU						-		
TOTAL	0	8	2	0	0	10	0.016%	
GRAND TOTAL	0	25,816	11,290	-	25,984	63,090	100.000%	0

* NAME - HOSPERSA/ NUPSAW/ NATU - IN TERMS OF ACTING TOGETHER AGREEMENT



Annual Financial Statements

for the year ended 31 March 2009

10.ANNUAL FINANCIAL STATEMENTS

The reports and statements set out below comprise the annual financial statements presented to the members:

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10.1 Councils' Responsibility Statement

Council is responsible for the maintenance of adequate accounting records and the preparation and integrity of the financial statements and related financial information included in this report. It is their responsibility to ensure that the financial statements fairly present the state of affairs of the Public Service Co-ordinating Bargaining Council (PSCBC) as at the end of the financial year and the results of its operations and cash flows for the period then ended, in conformity with South African Statements of Generally Accepted Accounting Practice. The external auditors are engaged to express an independent opinion on the financial statements.

The financial statements are prepared in accordance with South African Statements of Generally Accepted Accounting Practice and are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgments and estimates.

The Council acknowledges that they are ultimately responsible for the system of internal financial control established by the Council and places considerable importance on maintaining a strong control environment. To enable the Council to meet these responsibilities, the sets standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the Council and all employees are required to maintain the highest ethical standards in ensuring the Council's business is conducted in a manner that in all reasonable circumstances is above reproach. The focus of risk management in the Council is on identifying, assessing, managing and monitoring all known forms of risk across the Council. While operating risk cannot be fully eliminated, the Council endeavors to minimize it by ensuring that appropriate infrastructure, controls, systems and ethical behavior are applied and managed within predetermined procedures and constraints.

Council is of the opinion, based on the information and explanations given by management that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss.

Council have reviewed the PSCBC's cash flow forecast for the year to 31 March 2009 and, in the light of this review and the current financial position, they are satisfied that the Council has or has access to adequate resources to continue in operational existence for the foreseeable future.

Although they are primarily responsible for the financial affairs of the Council, they are supported by the Council's external auditors.

The external auditors are responsible for independently reviewing and reporting on the Council's financial statements. The financial statements have been examined by the Council's external auditors and their report is presented on page 81.

The financial statements set out on pages 82 to 95, which have been prepared on the going concern basis, were approved by the Executive Committee on 25/05/09 and were signed on its behalf by:



General secretary
04/06/09



Chairperson
04/06/09

10.2 Independent Auditor's Report

To the Members of the Public Service Co-ordinating Bargaining Council

We have audited the annual financial statements of the Public Service Co-ordinating Bargaining Council, which comprise the balance sheet as at 31 March 2009, and the income statement, statement of changes in equity and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, and the Councils' report, as set out on pages 82 to 95.

Council's Responsibility for the Financial Statements

Council is responsible for the preparation and fair presentation of these financial statements in accordance with South African Generally Accepted Accounting Practice and in the manner required by the Companies Act of South Africa. This responsibility includes: designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with International Standards on Auditing. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Council as of 31 March 2009, and its financial performance and its cash flows for the year then ended in accordance with South African Statements of Generally Accepted Accounting Practice, and in the manner required by the bargaining council's constitution.

Supplementary information

The supplementary information set out on page 96 does not form part of the annual financial statements and is prepared as additional information. We have not audited this schedule and accordingly do not express an opinion on it.

Xabiso CA Inc

Xabiso Chartered Accountants Inc.
Registered Auditors
Chartered Accountants (SA)
Per L Dhlamini RA CA(SA): Director
Date: 05 June 2009

10.3 Report of the Council

The Council has pleasure in presenting their annual report on the activities of the Council for the year ended 31 March 2009.

Nature of business

The Public Service Co-ordinating Bargaining Council (PSCBC) has been registered in terms of Section 35 and 36 of the Labour Relations Act, 1995, as amended.

The objectives of the Council, within its registered scope, are to -

- (a) Generally enhance labour peace in the public service;
- (b) Promote a sound relationship between the employer and its employees;
- (c) In terms of the Act and this constitution, negotiate and bargain collectively to reach agreement on matters of mutual interest to the employer and employees represented by admitted trade unions in the Council;
- (d) Provide mechanisms for the prevention and resolution of disputes between –
 - (i) The employer and trade unions admitted to the Council;
 - (ii) The employer and trade unions not admitted to the Council; and
 - (iii) The employer and employees, where the employer has the requisite authority to resolve such disputes;
- (e) Conclude, supervise and enforce collective agreements;
- (f) Comply with its powers and duties in terms of the Act and this constitution;
- (g) Consider and deal with such other matters as may affect the interests of the parties to the Council; and
- (h) Promote effective communication and co-ordination between the Council and sectors.

Council

The following persons acted on the leadership structure of the Council during the year under review:

Members	Date appointed
Mrs. Shamira Nanalal Huluman (General Secretary)	01 January 1999
Mr. Tshivhidzo Meshack Ravuku (Chairperson)	18 July 2007
Mr. Mpfariseni Erasmus Phophi (Vice Chairperson Employer)	18 July 2007
Dr. Alex Lesiba Mahapa (Vice Chairperson Labour)	18 July 2007

All Executive Committee members receive regular information about the Council in order to equip themselves to actively participate in the meetings. Members have access to management and Council Secretary for any further information they require. The Executive Committee meets monthly and retains full and effective control over the Council's business and monitors executive management through a structured approach to reporting and accountability. The non-executive members bring independence judgment to bear on issues of strategy, performance and resources.

Country of Registration

South Africa

Registered Office

PSCBC Offices, Building A
260 Basden Avenue
Lyttelton, Centurion 0176

Postal Address

PO Box 3123
Lyttelton South 0176

Auditors

Xabiso Chartered Accountants Incorporated
The Woodlands Office Park
1st Floor Building 22B
20 Woodlands Drive
Woodmead 2191

Subsequent events

There have been no material subsequent events that occurred between year-end and the date of this report.

Tangible assets

The nature and policy relating to the use of the tangible assets remained unchanged during the year under review.

10.4 Balance Sheet for the year ended 31 March 2009

	Notes	2009 R	Restated 2008 R
ASSETS			
Non-current assets			
Property, plant and equipment	2	1,833,488	1,240,671
Current Assets			
Trade and other receivables	3	588,897	317,121
Cash and cash equivalents	4	41,770,493	41,443,865
Total assets		44,192,878	43,001,657
EQUITY AND LIABILITIES			
Capital and reserves			
Accumulated funds		16,151,779	15,502,511
Non-current liabilities			
Special projects funds	5	3,122,395	4,256,881
Current liabilities			
Trade and other payables	6	1,396,062	949,445
Trade unions funds	7	23,522,642	22,292,820
Total equity and liabilities		44,192,878	43,001,657

10.5 Income Statement for the year ended 31 March 2009

	Notes	2009 R	Restated 2008 R
Levies received		13,746,573	13,334,807
Other income	8	488,087	430,101
Operating expenses		(15,340,637)	(13,431,250)
Operating (deficit)/surplus	9	(1,105,977)	333,658
Investment income	10	1,755,245	1,841,361
Surplus for the year		649,268	2,175,019

10.6 Statement of Changes in Equity for the year ended 31 March 2009

	Accumulated Funds R
Balance at 01 April 2007	13,327,492
Surplus for the year as restated	2,175,019
Balance at 31 March 2008	15,502,511
Surplus for the year	649,268
Balance at 31 March 2009	16,151,779

10.7 Cash Flow Statement for the year ended 31 March 2009

		2009 R	Restated 2008 R
Cash flow from operating activities			
Cash (utilised in)/generated from operations	13	(197,513)	1,283,630
Interest received		1,755,245	1,841,360
<i>Net cash inflow from operating activities</i>		1,557,732	3,124,990
Cash flow from investing activities			
Additions to property, plant and equipment		(1,326,440)	(198,429)
<i>Net cash outflow from investing activities</i>		(1,326,440)	(198,429)
Cash flow from financing activities			
Decrease in special projects funds		(1,134,486)	(6,280,213)
Increase in trade union funds		1,229,822	2,889,912
<i>Net cash outflow from financing activities</i>		95,336	(3,390,301)
Net increase/(decrease) in cash and cash equivalents		326,628	463,740
Cash and cash equivalents at beginning of period		41,443,865	41,907,605
Cash and cash equivalents at the end of period	4	41,770,493	41,443,865

1. ACCOUNTING POLICIES

1.1 Basis of preparation

The financial statements set out on page 82 to 95 are prepared in accordance with, and in compliance with South African Generally Accepted Accounting principles. The financial statements are prepared in accordance with going concern principle under the historical cost basis, except for items carried at fair value.

1.2 Accounting Pronouncements not yet adopted

- IAS 24 *Related Party Disclosures* (revised)
- IAS 39 *Financial Instruments: Recognition and Measurement* (revised)
- IAS 17 *Leases* (revised)
- IAS 16 *Property, Plant and Equipment* (revised)

1.3 Significant Accounting Policies and Estimates

The preparation of financial statements requires the use of estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of financial statements and the reported amounts of revenue and expenses during the reported periods. Although these estimates are based on management's best knowledge of current events and actions that the Council may undertake in the future, actual results ultimately may differ from those estimates.

The presentation of results of operations, financial position and cash flows in the financial statements of the Council is dependent upon and sensitive to the accounting policies, assumptions and estimates that are used as a basis for the preparation of these financial statements. Management has made certain judgements in the process of applying the Council's accounting policies. These, together with the key assumptions concerning the future, and other key sources of estimation uncertainty at the balance sheet, as discussed as follows.

a) *Impairment*

Where an asset is being impaired the value in use should be calculated taking into account the estimate of future cash flows the Council expects to derive from the asset, expectations about possible variations in the amount or timing of future cash flows, the time value of money, the price bearing the uncertainty inherent in the asset and other factors that market participants would reflect in pricing the future cash flows the entity expects to derive from the asset.

b) *Financial instruments*

Where the fair value of a financial instrument cannot be determined through an active market, the Council establishes the fair value using valuation techniques which includes using recent arm's length market transactions between knowledgeable, willing parties if available, reference to the current fair value of another instrument that is substantially the same, discounted cash flow analysis and option pricing models.

c) *Impairment and uncollectability of financial assets*

At each balance sheet date, the Council must assess at each balance sheet date, whether there is any objective evidence that a financial asset is impaired. If such evidence exists, the financial asset should be impaired. Where there is no objective evidence, the amount of the loss is measured as the difference between the asset's carrying amount and the present value of estimated future cash flows discounted at the financial asset's original effective interest.

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

d) Provisions and contingencies

The amount recognised as a provision is using the best estimate of the expenditure required to settle the present obligation at the balance sheet date. The estimate of outcome and financial effect are determined by the judgement of the entity, supplemented by experience of similar transactions and, in some cases, reports from independent experts. The evidence considered includes any additional evidence provided by events after the balance sheet date.

1.4 Revenue

Levies are recognised to the extent that it is probable that the economic benefits will flow to the Council and levies can be reliably measured. Levies are measured at the fair value of the consideration received or receivable.

The following specific criteria must also be met before revenue is recognised.

Telephone income-sectors

PSCBC recovers the cost of calls made by the other sectors (i.e. GPSSBC, PHSDSBC and SSSBC) as it provides them with the telecommunications system on which they can make calls.

Interest income

Interest income is recognised on a time proportion basis using the effective interest rate method.

1.5 Property, plant and equipment

All property, plant and equipment assets are stated at cost less accumulated depreciation.

Depreciation of property, plant and equipment is provided to write off the gross carrying value, less residual value, on a straight line basis over their estimated useful lives as follows:

- | | |
|--|---------|
| • Motor vehicles | 5 years |
| • Computer equipment, server and network | 3 years |
| • Computer software | 2 years |
| • Furniture and equipment | 5 years |

Residual values, remaining useful lives and depreciation methods are reviewed annually and adjusted if appropriate.

Gains or losses on disposal are included in the income statement.

1.6 Impairment of assets

The Council makes an assessment at each balance sheet date whether there is any indication that any of its assets have been impaired. If such indication exists, the asset's recoverable amount is estimated and compared to its carrying value.

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

1.7 Financial instruments

The Council classifies financial instruments on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement.

Financial instruments are recognised on the balance sheet at fair value when the Council becomes a party to the contractual provisions of the instrument at trade date. Transaction costs are included in the initial carrying value of the financial instrument except in the case of financial instruments classified at fair value through profit and loss, in which case the transaction costs are expensed as they are incurred.

1.7.1 Trade and loans receivable

Trade and loans receivables are subsequently measured at amortised cost using the effective interest rate method and reduced by appropriate allowances for estimated irrecoverable amounts.

The Council makes an assessment at each reporting date whether there is any objective evidence that trade and other receivables are impaired. Where objective evidence exists as a result of the occurrence of one or more events that occurred subsequent to the initial recognition of the receivable, the amount of the impairment is determined by estimating the impact of these loss events on the future cash flows expected to be generated from the receivable.

1.7.2 Trade and loans payable

Trade payables are subsequently measured at their amortised cost using the effective interest rate method.

1.8 Operating leases

Payments made under operating leases are recognised in the income statement on a straight line basis over the term of the lease. Benefits received as an incentive to sign a lease, whatever form they may take, are credited to the income statement on a straight-line basis over the lease term.

1.9 Provisions

Provisions are recognised in the balance sheet when there is a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation.

Where the effect of the time value of money is considered to be material, provisions are recognised at the present value of the expenditure expected to be required to settle the obligation.

1.10 Cash and cash equivalents

For the purpose of cash flow statement cash and cash equivalents comprise cash on hand, deposits held on call with banks net of bank overdrafts, all of which are available for the use by the Council unless otherwise stated.

1.11 Significant Accounting judgements and estimates

There are no significant judgements and estimates made by management other than those disclosed.

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

2. PROPERTY, PLANT AND EQUIPMENT

	Motor Vehicle R	Computer Equipment, Server and Network R	Computer Software R	Office Furniture and Equipment R	Total R
2009					
Beginning of the year					
Cost	179,152	1,102,190	815,405	1,777,894	3,874,640
Accumulated depreciation	(107,491)	(861,709)	(711,666)	(953,104)	(2,633,970)
Net carrying value	71,661	240,481	103,739	824,790	1,240,670
Additions	–	1, 177,263	87,110	62,067	1,326,440
Depreciation	(35,831)	(244,066)	(65,010)	(254,354)	(599,261)
Loss on scrapping of assets	–	(65,777)	(64,279)	(4,306)	(134,362)
Balance at year end	35,830	1,107,901	61,560	628,197	1,833,488
Made up as follows:					
Cost	179,152	1,647,244	450,094	1,799,553	4,076,042
Accumulated depreciation	(143,322)	(539,343)	(388,534)	(1,171,356)	(2,242,554)
Net carrying value	35,830	1,107,901	61,560	628,197	1,833,488
Restated 2008					
Beginning of the year					
Cost	179,152	1,014,332	770,192	1,712,535	3,676,211
Accumulated depreciation	(71,661)	(783,664)	(671,161)	(727,273)	(2,253,759)
Net carrying value	107,491	230,668	99,031	985,262	1,422,452
Additions	–	87,857	45,213	65,358	198,428
Depreciation	(35,830)	(78,044)	(40,505)	(225,830)	(380,209)
Balance at year	71,661	240,481	103,739	824,791	1,240,671
Made up as follows:					
Cost	179,152	1,102,190	815,405	1,777,894	3,874,641
Accumulated depreciation	(107,491)	(861,709)	(711,666)	(953,104)	(2,633,970)
Net carrying value	71,661	240,481	103,739	824,790	1,240,671

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

3. TRADE AND OTHER RECEIVABLES

	2009 R	Restated 2008 R
Deposits	53,643	53,643
Study loans	3,092	57,241
Staff loans and advances	3,333	8,965
Provident fund control	—	8,618
Accrued income	—	6,000
Medical aid control account	—	24,422
Inter-banking account	53,351	95,812
SARS control account	38,840	62,420
Sundry debtors	48,679	—
Prepaid expenses	387,959	—
	588,897	317,121

4. CASH AND CASH EQUIVALENTS

Bank – Levy account	15,125,455	16,494,162
Bank – Projects account	3,122,396	2,656,882
Bank – Agency account	23,522,642	22,292,821
Cash and cash equivalents	41,770,493	41,443,865

5. SPECIAL PROJECTS

Opening balance	(4,256,881)	(9,714,327)
Interest (received)/paid	(402,388)	(426,669)
Bank Charges	1,335	1,343
Research Study tours (Nordic, Mexico & USA)	(24,467)	3,997,455
Research: Resolution 1 of 2007	322,838	64,040
Regional and world congress (IIRA/IRASA, India & Cape Town)	161,513	961,683
Capacity Building Programmes	428,223	59,784
Partnership strategy (Botswana delegation)	2,440	3,409
10th Year Celebration	—	723,776
Inter-banking accounts	210,564	72,625
Public Sector Summit (Venue deposit)	547,835	—
Accrued income	9,093	—
Accrued expenses	(122,500)	—
	(3,122,395)	(4,256,881)

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

6. TRADE AND OTHER PAYABLES

	2009 R	Restated 2008 R
Accrued expense	238,135	610,142
Salary control	—	40,524
Retirement annuity control	—	34,055
Nedbank credit card	—	4,838
Provident fund control	49,198	—
Supplier control account	140,776	—
Staff bursaries	4,558	8,840
Inter-banking accounts	210,564	67,787
Workmen's compensation fund control account	34,104	2,652
Provision for leave	278,080	180,607
Provision for bonus	286,447	—
Provision for panellist control/RA contribution	150,000	—
Social fund control	4,200	—
	1,396,062	949,445

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

7. TRADE UNIONS

	2009 R	Restated 2008 R
Opening Balance / Suspense Account (Agency)	(22,292,820)	(19,402,908)
Agency Fee Income (Agency)	(94,560,317)	(85,023,797)
Interest Received (Agency)	(2,083,906)	(2,102,088)
Bank Charges (Agency)	10,353	9,595
Interest Paid	616,427	635,664
Legal Fees Paid/(Recovered)	305	(160,630)
Admin fees paid	7,200	7,200
Inter-banking accounts	(11,777)	(11,766)
Sundry Suppliers	—	(6,000)
Received and Allocated	(96,021,715)	(86,651,822)
SADTU	21,743,475	19,143,182
PSA	17,570,079	15,532,233
NEHAWU	14,641,616	12,987,731
POPCRU	11,618,918	9,724,406
HOSPERSA	9,370,535	8,632,943
NAPTOSA	5,894,346	5,261,729
SAPU	5,667,932	5,111,801
DENOSA	4,697,883	4,036,576
PEU	1,635,611	1,588,919
PAWUSA	1,429,107	1,284,802
SAMA	522,391	457,588
Distributions made during the year	94,791,893	83,761,910
Closing balance	23,522,642	22,292,820

8. OTHER INCOME

Telephone Income sectors	394,453	422,901
Donation	86,434	—
Admin Fee	7,200	7,200
	488,087	430,101

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

9. OPERATING (DEFICIT)/SURPLUS FOR THE YEAR

Operating (deficit)/surplus for the year is stated after the following:

	2009 R	Restated 2008 R
Staff costs	5,619,436	5,072,846
Depreciation	599,261	380,211
Audit remuneration: – current audit fees	120,000	84,531
– other services	62,665	–
– prior year under provision	52,438	–
Operating lease expenses		
Premises	2,385,148	2,069,178
Equipment	174,094	411,618

10. INVESTMENT INCOME

Interest received – Levy account

1,755,245	1,841,361
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11. PRIOR PERIOD ERROR

The prior period error arose due to the reallocation of interest received to levy account incorrectly included in the special project account in prior year, expenses incorrectly accrued for at 31 March 2008 and prior year expenses not accounted for at 31 March 2008. The financial statements of 31 March 2008 have been restated to correct these errors. The effect of the restatement on those financial statements is summarised below. There is no effect in 31 March 2009.

	Effect on 2008
Increase in interest received	570,502
Decrease in expenses	32,435
Increase in profit	602,937
Decrease in liability	602,937
Increase in equity	602,937

10.8 Notes to the Annual Financial Statements for the year ended 31 March 2009 (Cont.)

12. COMMITMENTS

The future minimum lease payments under non-cancellable operating leases are as follows:

Not later than 1 year

Later than 1 year and not later than 5 years

2009 R	Restated 2008 R
2,224,600	2,098,984
5,040,916	7,265,516
7,265,516	9,368,500

13. RECONCILIATION OF CASH GENERATED FROM OPERATING ACTIVITIES

Surplus for the year

Adjusted for non cash items:

Loss on scrapping of assets

Depreciation

Movements in provision

Adjusted for items disclosed elsewhere in the cash flow statement:

Interest received

Adjusted for changes in working capital balances:

Increase in trade and other receivables

(Decrease)/increase in trade and other payables

Cash (utilised in)/generated by operations

649,268	2,175,019
134,362	—
599,261	380,211
533,920	(41,943)
(1,755,245)	(1,841,361)
(271,776)	(116,937)
(87,302)	728,641
(197,513)	1,283,630

10.9 Detailed Income Statement for the year ended 31 March 2009

DETAILED INCOME STATEMENT

	2009 R	2008 R
DETAILED INCOME STATEMENT	15,989,905	15,606,268
Levies	13,746,573	13,334,807
Admin fees received	7,200	7,200
Telephone income sectors	394,453	422,901
Interest received	1,755,245	1,841,361
Donations	86,434	—
EXPENSES	15,340,637	13,431,250
Advertising and recruitment	37,445	93,567
Arbitration and conciliation costs	582,799	367,962
Auditor's remunerations	235,103	84,531
Bank charges	34,010	33,202
Case management fees	143,500	368,271
Chairperson's Fees	90,035	51,088
Cleaning	69,436	99,856
Condolence fund	7,191	4,684
Consulting fees	207,341	129,686
Depreciation	599,261	380,211
Electricity	140,001	87,390
Insurance	106,051	77,956
IT expenses	740,379	608,982
Lease rentals	2,641,284	2,468,968
Legal fees	—	18,810
Media and resource centre	520,502	225,737
Meetings, conferences, workshops and seminars	764,879	1,090,150
Motor vehicles expenses	23,559	23,004
Postage and courier services	21,500	11,352
Printing and stationery	326,671	221,958
Provincial Chambers	351,423	255,670
Refreshments	29,420	17,342
Repairs and maintenance	574,414	418,405
Salaries	5,619,436	5,072,846
Security	27,007	18,606
Staff training	317,669	248,066
Telephone and fax	450,280	463,525
Training parties	367,288	254,130
Team building	104,967	165,198
Travel - secretariat	35,368	24,682
Subscriptions	5,655	7,972
Sector expenses	—	37,443
Expenses written off	32,401	—
Loss on scrapping of assets	134,362	—
Surplus for the year	649,268	2,175,019

10.10 Departmental Report

10.10.1 Terms of reference of the Financial Committee

The following duties are assigned to the Financial Committee:

- Formulate financial policies and procedures;
- Recommend practical ways of implementing these policies;
- Review budgets and recommend to Council;
- Review financial statements and ensure that financial policies and procedures are adhered to;
- Discuss the audited financial statements and management report with the auditors;
- Consider and recommend the acquisition of capital expenditure items within the budget;
- Discuss and manage the expenditure of special projects; and
- Cash flow management (including treasury functions).

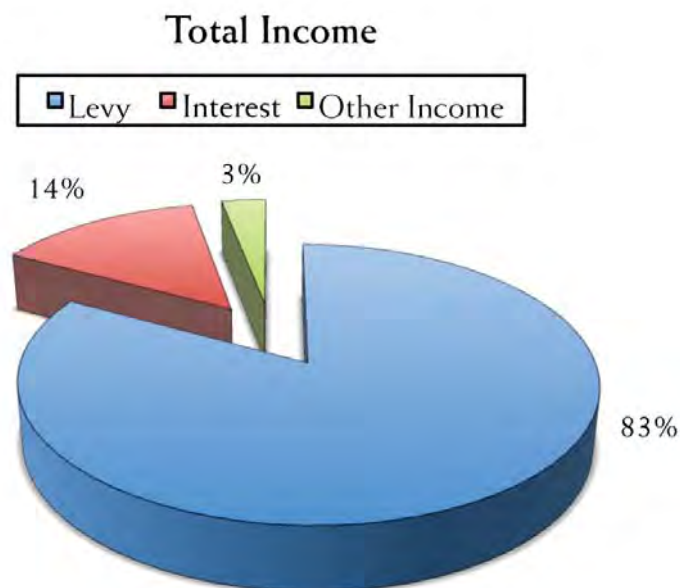
10.10.2 Financial analysis

a. Total income – Levy Account

The overall income for the Council during the 2008/09 financial year was R15 989 905 of which:

- 86% is generated out of the levies from the public service as per the PSCBC Levy Agreement (Resolution 5 of 2003);
- 11% is generated from interest earned on those levies; and
- 3% is generated from other income.

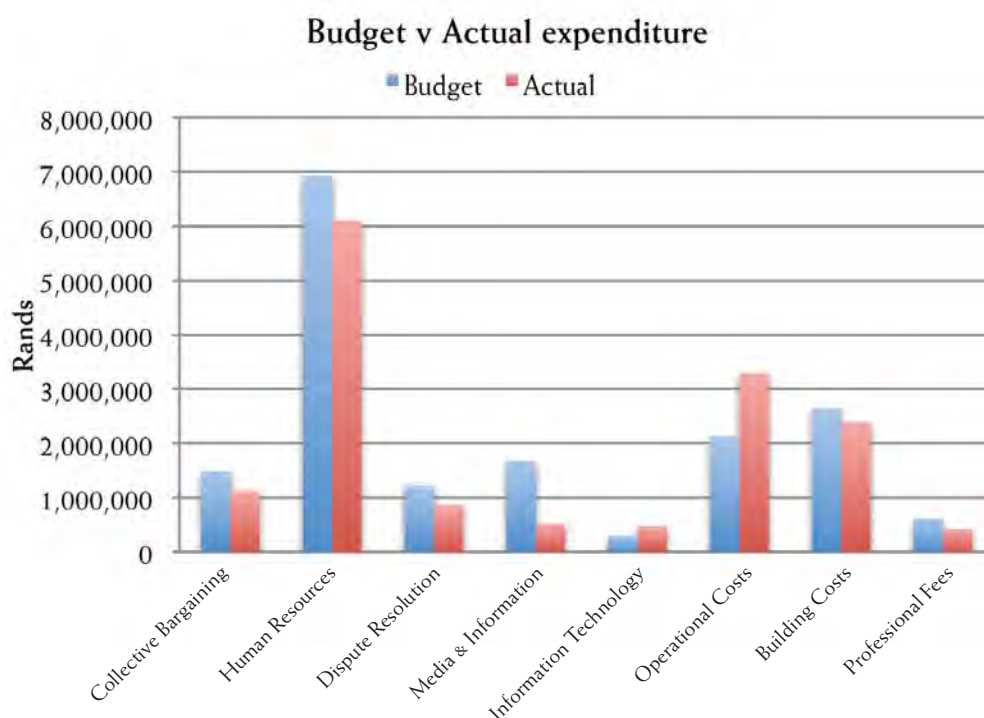
The amount of R13 746 573 in respect of levies received is less than the projected income of R14 072 580 for the year, leaving the Council with a projected income short-fall of R326 007.



b. Total expenditure – Levy Account

The overall expenditure for the Council during the 2008/09 financial year amounts to R15 340 637 which is below the projected expenditure of R17 841 497.

The graph below depicts the departmental expenditures:



Council recorded a net surplus of R649 268 for the 2008/09 financial year. This surplus is due largely to the interest earned on the investment account, while the remaining portion is the telephone income from sectors, administration fees, donations and monies recovered.

Had the Council not received other income including the interest, the levies for the year of R13 746 573 would not have covered the expenses of R15 340 637 and the deficit would have had to be funded from the call account. Funding the deficit from the call account is a short-term solution as both the interest and the funds available would be depleted, which indicates the need for a levy increase to sustain the operations of the Council.

c. *Special Projects Account*

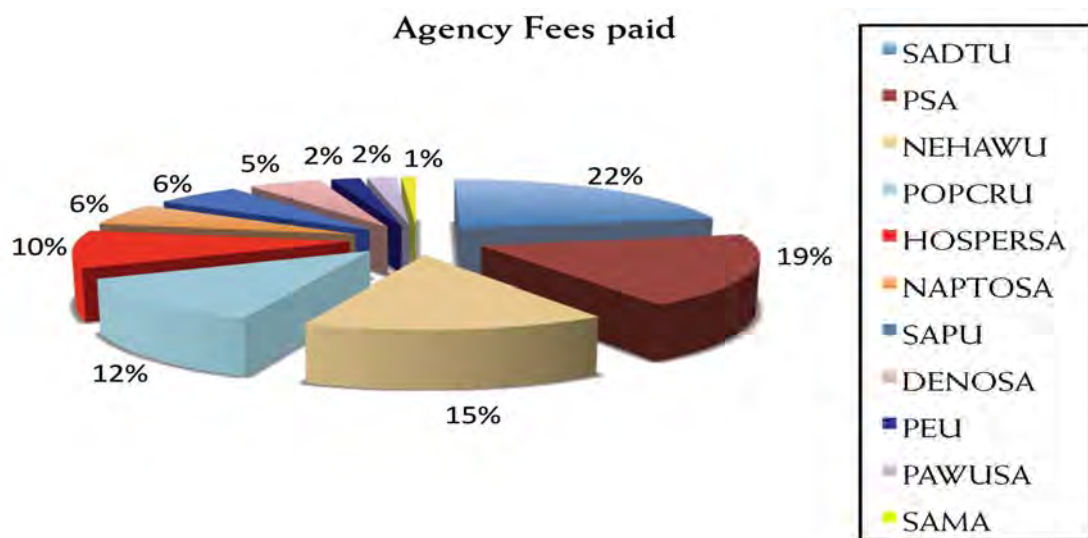
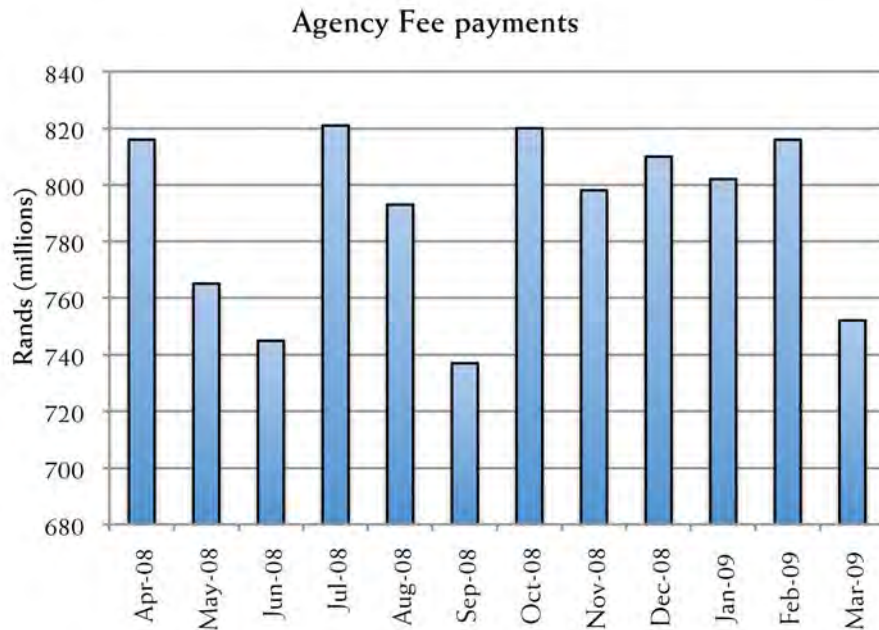
The Special Projects Account was created by Council to provide funding for projects related to research, training and development, implementation of partnerships and international relations.

At the end of the financial year, the closing balance of this account was R3.1 million. The loan of R1.6 million made to the PSCBC Levy Account in 2004 was repaid during the current financial year. The Public Sector Summit, the capacity building projects and the World IIRA Congress to be held in Australia in 2009 will be paid from the Special Projects Account, which will then deplete the funds in the coming financial year.

d. *Agency Shop Fee Account – Disbursements to Admitted Trade Unions*

The allocations for the period under review was R96 021 715.

The graph below illustrates the total amount distributed to unions per month in terms of the Resolution 1 of 2005.



PSCBC requires unions to submit audited financial statements of the separate agency fee accounts by June of each year. Those unions which do not meet the deadline are entitled to request an extension until the end of September. Should unions not submit such reports, a penalty of withholding of agency fee payments is imposed, until such reports are submitted to Council.

These statements are submitted to Council's auditors to monitor compliance with the requirements of the collective agreement and the provisions of the Labour Relations Act, with regard to the usage of the funds.

e. *Investment Call Account*

Council has invested surplus funds into a Call Account. A balance of R13.2 million is reflected in the account as at the end of the financial year. Decisions have been taken by the Council to utilise these funds to fund the deficits in the budget until a decision to increase the levies.

The account will decrease dramatically in the next year due to the funding of the deficits and the loss of interest as the balance reduces.

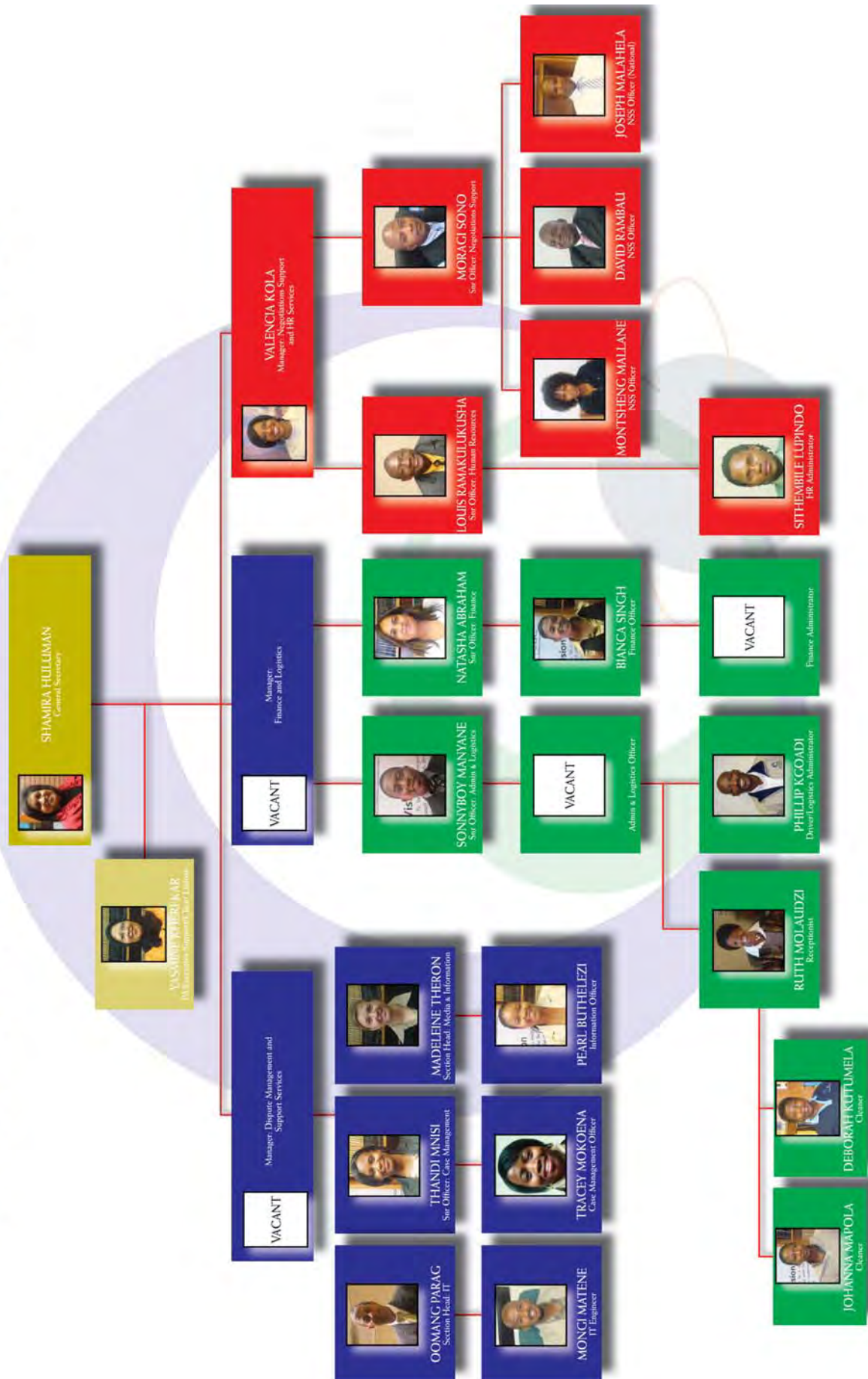


Secretariat Profile

11. SECRETARIAT PROFILE 2008/09

11.1 Organogram

PSCBC Organogram: – 1 April 2008 to 31 March 2009



11.2 Representivity Profiles

Race

Race	%
African	75%
Coloured	5%
Indian	15%
White	5%

Gender

Gender	%
Male	41%
Female	59%

11.3 Staff movement

10.3.1 Dismissals

One employee was dismissed for misconduct subsequent to a disciplinary enquiry.

10.3.2 Mutual Separation Agreement

One contract was terminated as result of a mutual separation agreement.

10.3.3 Resignations

Three employees resigned during this financial year for better career prospects.

11.4 Appointments

The following posts were filled during the period under review:

Position	Name of employee	Date of appointment
Negotiations Support Services Officer	Montsheng Mallane	13 October 2008
Negotiations Support Services Officer	Joseph Malahlela	1 November 2008
Media and Information Officer	Pearl Buthelezi	1 December 2008
Human Resources Administrator	Sithembile Lupindo	2 October 2008
PA to the General Secretary	Yasmine Kherekar	1 March 2009

Employees with disabilities

The PSCBC has succeeded in attracting people with disabilities in some categories of employment during this financial year.

11.5 Vacancies

The following vacancies exist in PSCBC and will be filled in the next financial year:

- Manager: Dispute Resolution and Support Services;
- Manager: Finance and Logistics;
- Finance Administrator; and
- Admin and Logistics Officer.

11.6 Bursaries and Study loans awarded

During the 2008/09 financial year, the following bursaries and study loans were awarded to staff members:

Bursary/study loan awarded	Employee
BCompt	Natasha Abraham
B-Tech: Labour Relations Management	Thandi Minisi
M-Tech: Human Resources Management	Louis Ramakulukusha
Records Management	Sonnyboy Manyane
MCSE	Mongi Matene
Certificate in Human Resources Management	Johanna Mapola
Bookkeeping	Bianca Singh
Post Graduate Diploma in Labour Law	Moragi Sono



Reports of Sectoral Bargaining Councils

12. REPORTS OF SECTORAL BARGAINING COUNCILS

12.1 Education Labour Relations Council (ELRC)

12.1.1 Introduction

This is not an audited performance report, but rather, highlights from the Accounting Officer's report. An audited performance report, in terms of the PFMA, will be tabled at the ELRC AGM on 18 August 2009.

This report highlights key activities of the ELRC for the financial year 1 April 2008 to 31 March 2009.

12.1.1.2 The Council

The Education Labour Relations Council (ELRC) derives its authority from the Labour Relations Act (LRA) as amended and its constitution and is a registered public entity that complies with the Public Finance Management Act (PFMA) of 1999, and Treasury Regulations.

The overriding aim of the ELRC is to provide labour relations services to its key stakeholders, in their pursuit of providing quality services in public education.

The core business of the Council is:

1. To provide an independent and impartial forum for the resolution of disputes in the sector; and
2. To provide a forum for negotiations and consultations in matters of mutual interest in the sector at both national and provincial level.

12.1.1.3 15 Years of Excellence

The ELRC was established in 1994 as an effective platform for negotiations between educators in public education and the employer, the Department of Education (DoE). The operations of the ELRC have created a high degree of stability in employer-employee relations in public education and it has played a major role in maintaining labour peace in public education

The ELRC established nine provincial offices in 1995 to assist in the processes and forums in the provincial sector. The establishment of provincial chambers led to greater accessibility of all parties of the ELRC.

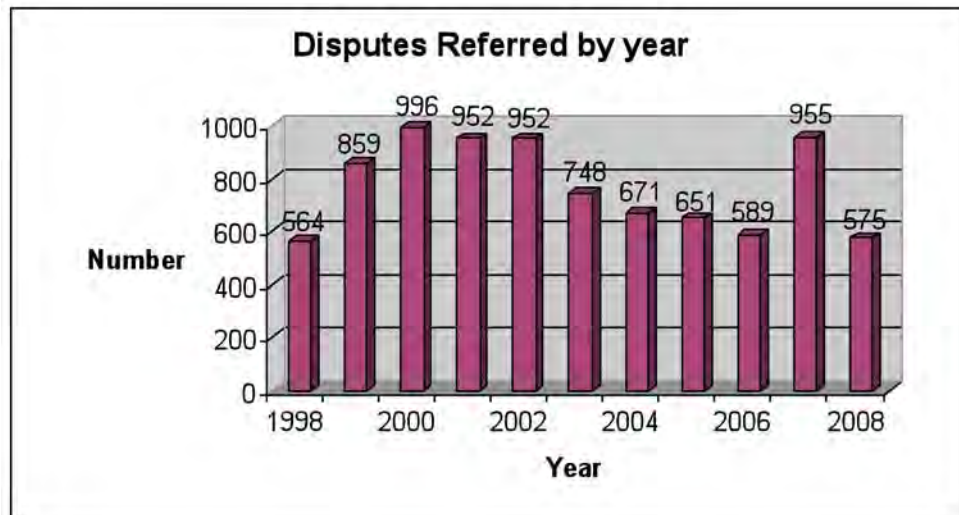
Some of the ELRC's major achievements include:

- The new leave distribution for educators;
- The appointment of full-time shop stewards;
- Focus on conditions of employment for educators;
- The ELRC was instrumental in forming the South African Council for Educators (SACE), a body that was mandated with the responsibility of developing a code of ethics for educators;
- In 2008 the ELRC expanded the scope of its constitution to include bargaining and dispute resolution for the FET sector; and
- The Council also finalised an agreement that would pave the way for fair compensation in the education sector. The framework for an Occupation Specific Dispensation (OSD) for educators was signed on 03 April 2008.

The ELRC has made a significant contribution to labour peace in education. It is in the field of dispute resolution and prevention that the ELRC has its core business and in which the greatest successes of the Council can be found.

The success achieved by the ELRC from its inception in 1994 to date can be attributed to the high value that the Council places on professionalism. The ELRC has defined the standard for all bargaining councils in the country and will continue to be an agent of transformation in the public education sector.

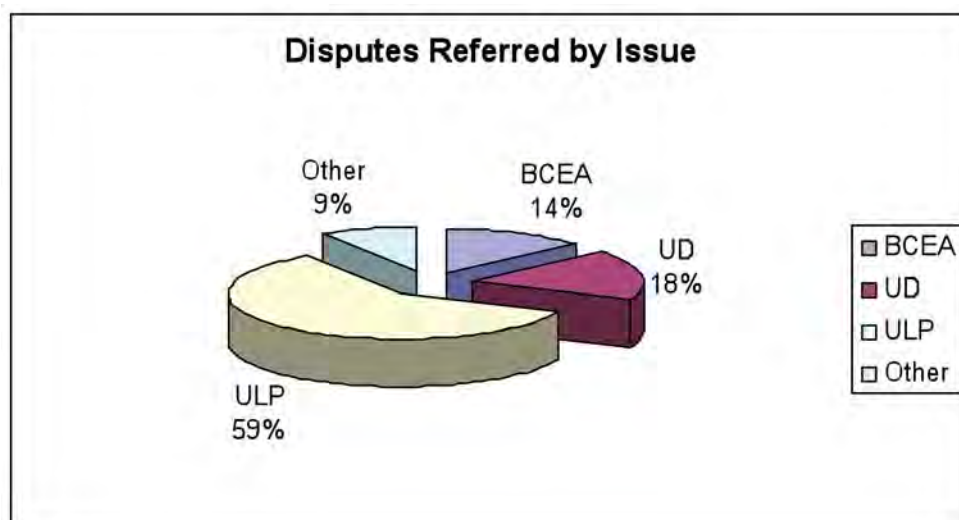
12.1.2 Dispute Resolution and Support Services



12.1.2.1 Background

Looking back ten years on the rate of referral to the ELRC, it is evident that in the years 1999 to 2002, the ELRC experienced an increase in its caseload. However, from 2003 a definite trend can be observed of a declining caseload at the ELRC. The exception in the trend was experienced during the 2007 financial year when an unusually high number of referrals were received concerning the non-payment of salary which emanated from the teachers strike in that financial year. This high rate of referral was the exception due to a specific event. By 2008 it is visible that the downward trend of disputes referred can be observed as a total of 575 disputes were referred to the Council for the period under review.

12.1.2.2 Disputes referred by Issue



Disputes referred to the Council:

BCEA	14%
Other Unfair Labour Practices	59%
Unfair Dismissal Disputes	18%
Interpretation & Application of Collective Agreement Disputes	9%

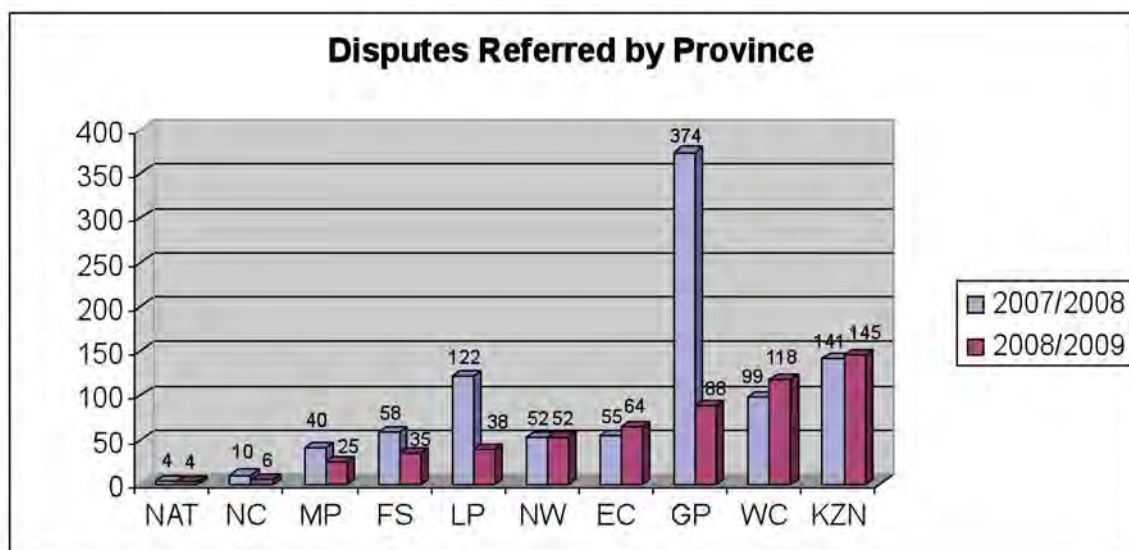
Of the disputes referred, unfair labour practice disputes accounted for 59% of all disputes, whilst Unfair Dismissals and BCEA matters accounted for 18% and 14% respectively. Other disputes (Mutual Interest, Interpretation & application of Collective agreement, Unilateral changes to terms & conditions of employment etc) accounted for 9% of disputes referred.

Of the 59% unfair labour practice disputes that were referred, almost 80% related to promotion and appointment. The remaining 20% dealt with other unfair labour practices (benefits, suspension, disciplinary action short of dismissal etc). Unfair labour practices relating to promotion and appointment retains the trend of being the predominant dispute dealt with at the ELRC.

Unfair dismissal disputes account for 18% of all disputes referred. These disputes relate mainly dismissal for alleged misconduct or to the termination of fixed term or temporary contracts. Of the disputes referred for the period under review, 87% were found to be jurisdictional and 13% were found to be out of jurisdiction.

12.1.2.3 Disputes referred by Province

The highest referring provinces for the period under review were KwaZulu-Natal, Western Cape and Gauteng with a dispute referral rate of 145, 118 and 88 respectively. This was followed by Eastern Cape, North West, Limpopo and Free State with a referral rate of 64, 52, 38 and 35 respectively. The lowest referring provinces were Mpumalanga and Northern Cape with a referral rate of 25 and 6 respectively. There were 4 disputes that were referred against the National Department of Education.



Caseload breakdown per province:

KwaZulu-Natal	25%
Western Cape	20%
Gauteng	15%
Limpopo	6%
Eastern Cape	11%
Free State	6%
North West	9%
Mpumalanga	4%
Northern Cape	1%
National (DoE)	0.6%

12.1.2.4 Disputes Referred by Process Conducted

Of the disputes that were scheduled for a hearing, 37% were scheduled for pre-arbitration, 32% for conciliation, 23% for arbitration and 8% were scheduled for condonation.

12.1.2.5 Disputes by Outcome

It is evident from the outcomes of the disputes referred that most of the disputes referred (64%) within the period under review are still in process and have to be finalised. This is due to the knock on effect of the backlog that was carried forward from the previous financial year. A total of 2% disputes were dismissed and further 2% had condonation pending. A total of 7% of disputes were withdrawn by the applicant, whilst awards were rendered in 7% of the disputes referred.

12.1.2.6 Training and Development

In order to improve the quality within the Dispute Resolution Processes, the ELRC engaged in numerous Training and Development initiatives during the period under review. This includes the training of Dispute Resolution Practitioners on dispute resolution procedures, Law of Evidence and the effective preparation and representation at arbitration.

Panellist training included ongoing training workshops on recent and relevant case law, training on the ELRC Dispute Resolution Procedures and writing quality awards.

12.1.3 Negotiations Support Services

Activities of Council during the period under review continued to concentrate on Occupation Specific Dispensation by way of task teams. Some of the task teams had presented their recommendations to Council. In the period under review, the Council recorded significant gains in terms of collective bargaining.

12.1.3.1 National

The following collective agreements were concluded:

- Collective Agreement No. 3 of 2008: Vote Weights for Trade Unions that are Parties to Council
- Collective Agreement No. 4 of 2008: Amendment of the ELRC Constitution as Certified by the Registrar of Labour on 25 April 2007 as ratified by Collective Agreement No. 6 of 2007
- Collective Agreement No. 5 of 2008: Further Education and Training Colleges Sector Bargaining Unit
- Collective Agreement No. 1 of 2009: Further Amendment of the ELRC Constitution as certified by the Registrar of Labour on 25 April 2007 as ratified by Collective Agreement No. 6 of 2007

12.1.3.2 Provincial

The following Provincial collective agreements were ratified:

- Collective Agreement No. 1 of 2008 of Eastern Cape – Permanent Appointment of Temporary Educators in Vacant Substantive Posts
- Collective Agreement No. 1 of 2008 of KwaZulu-Natal – The Grievance Procedure for Handling School-Based Promotion Grievances
- Collective Agreement No. 2 of 2008 of KwaZulu-Natal – Procedure for Dealing with Institution-Based Educators who have been Displaced as a Result of Work Related Violence or Intimidation
- Collective Agreement No. 1 of 2008 of Mpumalanga – Permanent Appointment of Temporary Educators on Vacant Substantive Posts

12.1.3.3 Further Education and Training Sector

In terms of Collective agreement No. 5 of 2007, a FETC bargaining unit had to be established within the ELRC as a transitional measure to deal with issues of mutual interest. To this end, the Constitution of the ELRC was amended to make provision for the inclusion of an FETC Bargaining Unit in the ELRC.

In order to ensure that we have a responsive and flexible FET College sector, it is imperative that an appropriate remuneration and reward system be developed and implemented for the sector. In responding to these challenges, the State as the old employer, the representatives of the College Employers' Organisation, as well as the Combined Trade Unions, "CTU-SAOU" and "CTU-SADTU", have begun exploratory discussions to craft a new College dispensation.

To this end a FETC-Task Team has been established to, *amongst others*:

- Develop a framework of a new salary dispensation for lecturers;
- Develop a new career path for lecturers;
- Develop measures for improvement of lecturer qualifications through training and development; and
- Develop new performance management and reward system for lecturers.

The framework will not only address remuneration structures for lecturers, but also focus on the retention of these vital lecturing skills in the sector.

At a bargaining meeting on the 16th of September 2008, parties to the ELRC further unanimously adopted *Collective Agreement 5 of 2008: Further Education and Training Colleges Sector Bargaining Unit* where parties agreed to the following:

1. That the negotiating forum in Annexure A of the ELRC constitution, as certified by the Registrar of Labour Relations, shall be deemed to be the General Bargaining Unit of the ELRC;
2. That Annexure B of the ELRC constitution shall be applicable to the FETC Bargaining Unit as established by this collective agreement; and
3. That the FETC Bargaining Unit of the ELRC is established as per "Annexure A" of this collective agreement.

12.1.4 Support Services

12.1.4.1 ELRC parties speaking out against xenophobic attacks

The international image of South Africa was tarnished by violent attacks on foreign nationals in 2008. The Education Sector condemned the xenophobic attacks and felt obliged to support actions addressing these violent attacks.

The ELRC on behalf of the seven teacher unions; CTPA, NAPTOSA, NATU, PEU, PSA, SADTU and SAOU, who all donated R10 000 each, together with the Department of Education, demonstrated their commitment by donating a sum of R70 000 to the 'Gift of the Givers Foundation' who administered the funds in support of those affected by the attacks.

12.1.4.2 Quality Learning and Teaching Campaign (QLTC)

The African National Congress launched a health and education campaign on Friday, 15 August 2008 at Walter Sisulu Square in Kliptown. A decision was made at the ANC's Polokwane Conference that health and education should be at the centre of the ANC's social transformation programme for the next five years.

The Quality Learning and Teaching Campaign (QLTC) grew out of this campaign and its aim is to put education at the heart of social transformation and involve all education stakeholders in this process. The national campaign was launched at Ikusasa Combined School in Tembisa on 09 October 2008. The former Minister of Education, Naledi Pandor, made it clear at the launch of the campaign that quality in education could only be achieved through the collective cooperation of department officials, school principals, learners and community members.

The ELRC attended the launch of the QLTC and made a firm commitment to the 'Code for Quality Education'. The Council contributed to the overall success of the QLTC with a monetary contribution of R1.5-million.

12.1.4.3 Teacher Development Summit (TDS)

A meeting on 03 September 2008 between education stakeholders and the former Minister of Education, Ms Naledi Pandor, sparked the need for a summit to address teacher development and training. All parties agreed that there was a dire need for teacher training and development as current strategies do not clearly outline the roles and responsibilities of educators.

The former Minister requested the DoE and teacher unions to develop a concept paper on teacher development in South Africa. The concept paper would be an examination of the pertinent legislation, policies and other relevant documentation, initiatives and processes as well as their efficacy, and make recommendations for developing coherence for teacher development within the system.

The preparation work for the Summit started during the 2008/09 financial period. The Council worked jointly with key stakeholders in education to successfully convene the Teacher Development Roundtable that was held at the beginning of the next financial period, on the 7th April 2009. These deliberations culminated in the Teacher Development Summit in July 2009. This is an ongoing process that will ultimately lead to sustainable improvement in the quality of teaching and learning in South African schools.

12.1.4.4 Teacher Laptop Initiative

The Teacher Laptop Initiative, spearheaded by the Department of Education (DoE), addresses South Africa's need for a quality education system and forms part of the cohesive plan by the DoE and other stakeholders in education to improve the overall quality of education by making resources available to learners and educators in the public education sector.

The initiative forms part of the DoE's objective to improve Information and Communications Technology (ICT) in teaching and learning. The initial phase of the project will start with the most senior teachers. Provincial Education Departments will implement the project and inform teachers about the venture.

The ICT package will consist of appropriate hardware and software, as well as internet connectivity, with all prescribed minimum specifications. A monthly allowance will be paid to qualifying teachers for a period of 5 years, renewable every 5 years, upon proof of acquiring the computer. The allowance is meant to assist the educator in their learning and teaching experience as well as the administration of their learning and teaching.

The DoE consulted with the combined teacher unions in the ELRC (CTU-SADTU and CTU-SAOU) to establish a special task team to drive this initiative forward. The ELRC was tasked with investigating models to provide simple, cost effective mechanisms for educators to obtain their own laptop computers over a period of 3 – 5 years.

12.1.4.5 ELRC – HIV/AIDS Intervention Programme

The Prevention Care and Treatment Access (PCTA) Project was initiated as a result of a comprehensive study that the ELRC commissioned in 2004 on the impact of HIV/AIDS on educators in public schools. The main goal of the ELRC-PCTA project is to reduce the number of new infections among educators and their families by expanding access to Voluntary Counselling and Testing (VCT), anti retroviral therapy and care and support for those living with and affected by HIV/AIDS.

In its mandate to transform the education sector and enhance the quality of education, the ELRC, through its HIV/AIDS Intervention Programme, identified the need to expand the ELRC-PCTA Project to accommodate more teacher unions for a wider reach.

2008/09 – the second year of the project, provided a greater base for awareness to be created with two additional unions joining the project namely: The Cape Teachers' Professional Association (CTPA) and Professional Educators' Union (PEU).

CTPA is based in the Western Cape and predominantly serves the coloured teacher population with a total membership of 65,000. PEU is based in Gauteng, and serves a predominantly black teacher population of 18,850 members. The total number of unions participating in the project is now 5: NAPTOSA, NATU, SAOU, PEU and CTPA.

The project has trained at least 120 master trainers and more than 2,500 peer educators. These trained educators are responsible for communicating prevention messages to teachers in schools as well as during union events to help prevent the spread of HIV/AIDS. More than 60 master trainers have been trained as lay counsellors to provide psycho-social support to educators infected and affected by HIV/AIDS.

The project has reached out to at least 4,829 educators with prevention messages, exceeding the set target of 4000 for year 2. A total of 1040 educators have been tested for HIV. Tshepang Trust continues to provide testing, care, treatment and support to educators through the ELRC-PCTA project.

12.1.5 Financial and Management Accountability

The ELRC in complying with the PFMA, Treasury Regulations and other Treasury prescripts, is audited by the Auditor-General. The ELRC's financial and management reporting is in accordance with Generally Recognised Accounting Practices (GRAP).

The Auditor-General performs a total audit, including a review of the performance information of the Council. The Auditor Committee, an independent committee appointed by the Council, draws its authority from the Audit Committee Charter. It ensures financial and management compliance and accountability.

The Accounting Officer and the Chief Financial Officer of the ELRC presented the Council's Annual Report to the Education Portfolio Committee of the National Assembly in Parliament on 21st October 2008, in its Three-Year Strategic Plan in 13th May 2008.

The sole source of income of the Council is the levy collected from the employer and employees (equal on both sides).

Once again, Parliament was satisfied with the excellent planning and reporting of the ELRC and its contributions to public education in South Africa in particular and Africa in general.



12.2 General Public Service Sectoral Bargaining Council (GPSSBC)

12.2.1 Overview

The General Public Service Sectoral Bargaining Council (GPSSBC) was designated in terms of the PSCBC Resolution 10 of 1999 as a bargaining council of the general public sector. The GPSSBC was registered with the Registrar of Labour Relations on 28 July 1999, and subsequently inaugurated on 7 September 1999. The Council commenced its dispute resolution functions on 1 June 2000.

In terms of Sections 52 and 127 of the Labour Relations Act No. 66 of 1995, as amended, the GPSSBC is vested with statutory powers to resolve labour disputes. The Council is accredited by the Governing Body of the Commission for Conciliation, Mediation and Arbitration (CCMA) to perform the dispute resolution functions listed in Section 51 of the Labour Relations Act.

Scope

Clause 3 of the constitution of the GPSSBC describes the scope of the Council as follows: "The State, as employer, and its employees who fall within the scope of the PSCBC, and do not fall within the registered scope of the:

- a) Education Labour Relations Council;
- b) Public Health and Social Development Sectoral Bargaining Council; and
- c) Safety and Security Sectoral Bargaining Council.

The constitution stipulates the legal mandate of the GPSSBC in the form of the following objectives:

- a) Promote labour peace within its scope of operation;
- b) Promote and maintain sound relationships between the employer and its employees;
- c) Negotiate and bargain collectively to reach agreement on matters of mutual interest to the employer and employees represented by admitted trade unions in the Council;
- d) Provide mechanisms for the prevention, effective and expeditious resolution of disputes;
- e) Conclude, supervise and enforce collective agreements;
- f) Comply with its powers and duties in terms of the Act and constitution;
- g) Consider and deal with such other matters as may affect the interests of the parties to the Council;
- h) Promote the effective delivery of services to the community; and
- i) Promote effective communication between the employer, its employees and trade unions in the general public service sector.

The GPSSBC is governed by duly elected members to Council, acting as parties to the Council, representing the employer and all trade unions admitted to the Council. Subject to the direction and control of the Council, the Executive Committee may exercise and perform the powers, functions and duties of the Council relating to the supervision and control of the day-to-day management and administration of the Council in terms of Clause 14.4 of the constitution.

The composition of the Executive Committee is as follows in terms of Clause 14.1 of the constitution:

- Chairperson and two Vice-Chairpersons;
- Three (3) representatives appointed/elected by the employer; and
- Three (3) representatives appointed/elected by the admitted trade unions.

The area and scope of operation of the GPSSBC is national, with provincial and national chambers. The Secretary acts as a full-time Accounting Officer of the GPSSBC with full oversight and authority over internal operations and staff. The core function of collective bargaining is a national competency influenced by the provincial and national chambers. The function of dispute resolution is centralised and in-sourced within the organisation with a wholly outsourced panel of conciliators and arbitrators.

Furthermore, in terms of Clause 5 of the constitution, the GPSSBC has powers to engage in the following activities, amongst others, in the execution of its core operations:

- Conclude and enforce collective agreements;
- Prevent and resolve labour disputes;
- Perform dispute resolution functions referred to in Section 51 of the Act;
- Establish and administer a fund to be used for dispute resolution; and
- Create an environment conducive to the provision of operational services by the PSCBC.

The practical result of the diverse scope of the GPSSBC is that the scope spans

- 9 Provincial Governments;
- 93 Provincial Departments;
- 29 National Departments;
- 263 000 Employees; and
- Comprising 86% of Public Service Departments and 27% of employees employed in the public service.

The Parties to Council include the State as the Employer, NEHAWU (National Education, Health and Allied Workers Union), POPCRU (Police and Prisons Civil Rights Union) and PSA (Public Servants Association).

Vision

"To be the leading Sectoral Bargaining Council in the Public Service."

Mission

"To promote sound labour relations and to ensure industrial stability within the sector through effective collective bargaining, dispute management and good governance."

GPSSBC Values

Integrity:

- Honesty
- Effective Service Delivery

Efficiency:

- Productivity
- Best work methods, practices, procedures and systems to achieve set goals
- Excellent services

Accountability:

- Desire to perform well
- Accepting accountability for own behavior
- Commitment

Equity:

- No unfair discrimination
- Gender equality
- Integration of disability issues
- Affirmative action

12.2.2 Strategic Objectives of Council

- Create an enabling environment for collective bargaining
- Promote effective and expeditious dispute resolution and prevention
- Create and maintain effective and efficient administration
- Promote good Governance and effectively manage risk
- Develop an effective communication strategy
- Optimize relationship with the PSCBC
- Engage in strategic conversation through partnerships

12.2.3 Operational Overview 2008/09

12.2.3.1 Collective Bargaining

The constitution of the GPSSC provides the basis for collective bargaining within the sector. It is an objective of the Council in terms of the Labour Relations Act and its constitution to negotiate and bargain collectively to reach agreement on matters of mutual interest. The Negotiations Support Unit within the GPSSBC aims to provide an environment conducive to the promotion of this objective.

Further to this important task, the unit strives to ensure sound administration and good reporting.

During the period under review the Executive Committee held 11 meetings and the Council engaged in 17 meetings. Further to these meetings the task teams of the Council met 7 times.

The Council did not conclude on any collective agreements during this period however the Chamber for the Department of Environmental Affairs and Tourism concluded an agreement for a Sea Going Allowance which was ratified as an agreement of the GPSSBC.

12.2.3.2 Case Management

The GPSSBC derives its statutory power to resolve disputes from section 52 and section 127 of the Labour Relations Act 66/1995 (as amended). In terms of the aforementioned sections, the Governing Body of the CCMA accredits the Council to perform the dispute resolution functions listed in section 51 of the Labour Relations Act. These functions are further limited and / or restricted to parties within the scope of the Council.

The following disputes are not dealt with by the Council but, must, in terms of the provisions of the Labour Relations Act, be dealt with by the CCMA:

- Disclosure of information - sections 16 and 89 of the Act
- Organisational rights - chapter III part A of the Act
- Agency shop disputes - section 25 of the Act
- Closed shop disputes - section 26 of the Act
- Interpretation or application of collective bargaining provisions - section 63(1) of the Act
- Picketing disputes - section 69 of the Act
- Workplace forum disputes - sections 86 and 94 of the Act

Council furthermore derives powers and jurisdiction from the constitution and GPSSBC Resolution 4 of 2004 that governs the rules for conduct of proceedings. Council started its dispute resolution function on the 1st June 2000.

The Case Management Unit is the principal driver of the legal mandate of the organization. During the reporting period, the unit faced many challenges in order to merge the strategic objectives of the Council with the values of integrity, efficiency, accountability and equity, whilst maintaining the overall mission statement of the Council.

12.2.4 Conclusion

The GPSSBC is always evolving and reinventing itself with the view to improve service delivery and increase productivity. The commitment of the stakeholders and staff is augmented by the successful implementation of the Electronic Correspondence Management System and the subsequent automation of the organisation, all of which makes the GPSSBC a sophisticated, well-oiled machinery, poised to execute its mandate.

The forthcoming year will see many more ground-breaking initiatives being implemented to ensure that the GPSSBC remains relevant to those it serves.



12.3 Public Health and Social Development Sectoral Bargaining Council (PHSDSBC)

12.3.1 Scope

The Scope of PHSDSBC covers:

The state as employer and employees employed in:

- the Department of Health in the national sphere of Government;
- the nine departments of health in the provincial sphere of Government;
- the Department of Social Development in the national sphere of Government;
- the nine departments of social development in the provincial sphere of Government;
- all other employees who are employed in health and welfare facilities under the Public Service Act and the Correctional Services Act and their employers; and
- other health and welfare workers as defined in schedule 1 of the PHSDSBC's constitution and employed under the Public Service Act and their employers.

12.3.2 The Council

Union	Number of members as at 31 December 2007	Vote weight as at 31 December 2007	Number of representatives
NEHAWU (PAWUSA)	86 079 5 397 91 476	34.40%	5
DENOSA (SADNU) (SAMA)	50 894 9 352 5 525 65 771	24.74%	5
PSA (NPSWU)	48 942 7 407 52 377	21.09%	5
HOSPERSA	41 481	15.83%	4
NUPSAW	10 088	3.94%	3
TOTAL	265 880	100	22

12.3.3 Collective Bargaining and consultative processes

The following number of meetings was held:

- Eight (8) Council meetings were held between April 2008 to February 2009;
- Ten (10) EXCO meetings were held between March 2008 to March 2009;
- Ten (10) Special Council meetings were held between June 2008 to March 2009; and
- Three (3) Special EXCO meetings were held between May to September 2008.

The Council held a total of 31 meetings which culminated in the signing and adoption of the following resolutions:

Name of Resolution	Purpose
Resolution 1 of 2008	The objective of this agreement is to amend the fee structure applicable to the administration of pre-dismissal arbitration hearings in terms of the PHSDSBC Resolution 2 of 2005, by increasing the daily fee payable to panellists.
Resolution 2 of 2008	Amendment to Resolution 1 of 2003 (Agreement on the appointment of Full Time Shop Stewards). In terms of clause 9 of Resolution 1 of 2003 i.e. Agreement on the appointment of Full Time Shop Stewards, the agreement must be reviewed after a period of three years from the date of signing. However, while parties have commenced with discussions in respect of the review of the agreement, to date, the review process has not yet been finalised.
Resolution 3 of 2008	Amendment to Resolution 2 of 2005 on Uniform Allowance. In terms of clause 4.8 of Resolution 2 of 2005, the agreement must be reviewed within 36 months from the date of implementation. Parties in Council agreed that the agreement will continue to be in force until the review process has been completed and at such time that an amended agreement is entered into.
Resolution 4 of 2008	The objective of this agreement is to amend Resolution 1 of 2007 (constitution of PHSDSBC), in order to align the references made to the State as Employer in the entire constitution with the definition as set out in the definition paragraph.

Inspired by the breakthrough on the afore-mentioned, the collective bargaining component continues to look for sustainable solutions on the following challenges:

- **Minimum Service Agreement**

Parties to Council agreed that the PSCBC process regarding the negotiation of Minimum Service Agreement emanates from Resolution 1 of 2007. The Sector therefore needed to formalize the finalization of processes as the process at the level of PSCBC has an impact on Council. Correspondence was written to the PSCBC on the process of Minimum Service Agreement at Council.

At the time of the report, Labour had withdrawn the dispute. PSCBC responded by indicating that the process was being handled at the level of PSCBC and the matter was removed from the agenda of Council.

- **Occupational Specific Dispensation (OSD) for Nurses**

PSCBC Resolution 1 of 2007 provides for an improvement in salaries and other conditions of service. This resolution further provides for the negotiation and implementation of occupational specific salary structures for identified categories of health professionals.

Subsequent to the signing of the Resolution 3 of 2007 – the implementation of an occupational specific dispensation (OSD) for Nurses – a task team was established to visit the provinces to establish progress.

- **Occupational Specific Dispensation (OSD) for Social Services Professions**

One of the professional health categories identified in PSCBC Resolution 1 of 2007 was the social services profession, for which negotiations on the OSD were required and held at sectoral level. After extensive negotiations, the matter remained unresolved after the conciliation process. With a view to attempt to break the deadlock that prevailed, the Employer retracted their final offer that had been signed on 13 August 2008 and replaced it with a revised final offer, notwithstanding, that the matter was still in dispute.

At the time of reporting, Labour in response to the Employer's revised proposal, would obtain mandates and provide the Employer with feedback.

- **Amendment to Full Time Shop Stewards Agreement**

Clause 9 of Resolution 1 of 2003 regarding full-time shop stewards (FTSS) makes provision for a review of the agreement and hence, pursuant to this clause, a task team was established to handle the review. Amendments to the full-time shop stewards agreement was discussed extensively in the task team, and a special resolution was developed, extending the lifespan of the agreement up until the review is finalized as there were certain aspects to consider. The agreement was ultimately signed.

Parties to Council resolved that Labour should ensure that all the released FTSS were released in compliance with the agreement, and that the unions should inform the respective departments, in writing and on time, on those FTSS who qualify for the annual renewal within the three-year cycle of the agreement, and intend to continue serving as FTSS.

At the time of the report, parties to Council resolved that a task team should be resuscitated to resume with the review process. The task team should provide a recommendation to Council.

- **Development of an Agreement on the co-ordination of caucuses**

A need was identified to clarify the role of secretariat in the facilitation of the Employer and Labour caucuses. In view of this, a draft resolution was developed and concluded. The draft resolution was finalised and presented to Council for signing.

At the time of reporting, the parties signed the said agreement.

- **Review of Uniform Allowance Agreement**

The review period was extended by twelve months and in the interim, the status quo will remain.

An amended agreement extending the lifespan of the current agreement up until the review process had been concluded and signed.

- **Constitutional Amendments**

The Department of Labour requested parties to Council to affect the proposed resolutions on the constitution itself and sign it.

At the time of the report, the agreement was signed. The task team was also in the process of amending the constitution.

- **Danger Allowance Emergency Service Personnel**

DENOSA introduced the matter and the Employer requested further motivation.

At the time of reporting no motivation was provided.

- **Nursing Strategy of South Africa**

The Employer introduced the Nursing Strategy to the Council in an attempt to highlight the following key strategies for nursing:

- Nursing Education and Training
- Nursing Leadership
- Nursing Regulation
- Social Positioning of Nursing
- Resources for Nursing

In order to involve Labour in the process of rolling out the Nursing Strategy at a provincial level, the parties resolved that another session, in the form of a multi-lateral meeting should be held to discuss the Nursing Strategy at length.

At the time of the report, the Employer indicated that it would reflect on this in terms of cascading the process down to the provincial chambers. The Employer reported that there was a different process that would be followed for dealing with that, but, that process would also involve the necessary consultation which was the point when provinces would be approached to make presentations to those chambers as it was contemplating developing provincial nursing strategies.

During the period under review 8 committees/task teams were operative.

12.3.4 Performance by Chambers

Chambers have consolidated on the improvements made in the preceding calendar period 2007/08. Majority of the meetings scheduled for 2008/09 were quorate, and a culture of consultation is taking root.

These successes are attributed largely to the continued skilled and committed representation of both the Employer and Labour, the recognition by the parties that engagements should yield results that markedly improves service delivery in the Public Health and Social Development Sector, the constructive guidance provided by the chamber Secretaries, and the administrative support of the Secretariat.

The consolidated highlights for chambers during the period under review have been:

- positive participation from parties;
- increased and constructive level of debate ;
- regular and well facilitated meetings;
- commitment by the chamber Chairperson and Vice-Chairpersons;
- sustainable quality of minutes; and
- regular and consistent representation from parties.

The challenges (some challenges have been carried through from the last reporting period) for chambers during the period under review have been as follows:

- items remained on the agenda for long periods;
- lack of provincial Labour and Employer caucuses prior to meetings;
- lack of commitment to reporting timeframes as agreed upon in meetings, resulting in items taking longer to resolve;
- lack of progress in respect of national issues, e.g. minimum service level agreement and finalization of the occupation specific dispensations (OSDs) for all public service professional categories, etc.

Dispute Management

The Dispute Management Department managed the following disputes during the period under review.

DISPUTES MANAGED DURING THE PERIOD 2008/09	
Nature of dispute	Number of Referrals
Unfair Labour Practice	375
Unfair Dismissal	209
Unilateral Change to Terms and Conditions	26
Interpretation or Application of Collective Agreements	76
Total	686

12.4 Safety and Security Sectoral Bargaining Council (SSSBC)

The Safety and Security Sectoral Bargaining Council (SSSBC) was established in terms of Resolution 12 of 1998 of the PSCBC. The SSSBC is a result of the amalgamation of the National Negotiating Forum (NNF) and the Department of Safety and Security Departmental Bargaining Council.

12.4.1 Scope

The state as employer and its employees employed in the South African Police Service in terms of:

- The South African Police Service Act; and
- The Public Service Act.

Admission Threshold: *Thirty Thousand (30 000)*

12.4.2 Parties to Council

- South African Police Services (SAPS);
- South African Police Union (SAPU); and
- Police & Prisons Civil Rights Union (POPCRU).

12.4.3 Accomplishments 2008/09

- **Provincial Chambers**

The SSSBC continued to provide guidance and support to the provincial chambers in order to enhance their functioning. Many achievements were recorded and the provincial chambers have undertaken to strengthen their commitment in the coming year to improve the quality of engagement. They have also pledged to address matters of mutual interest within the province with maturity and integrity, with a view towards improving labour peace across the sector.

Three chamber officers were appointed to deal with the administration of the provincial chambers. They are based at the Council offices. Independent Chairpersons have also been appointed for the Chambers and have entered into a two-year contract with the Council.

National Workshop

Clause 15.6 (d) of the SSSBC constitution makes provision for provincial chambers to establish lower consultation/bargaining forums in terms of National Guidelines.

A national workshop was held in February 2009 in KwaZulu-Natal, whereby the chambers made presentations on their lower bargaining/consultation structures, and in those cases where there were none, made proposals on the establishment of these forums.

The National SSSBC drafted the guidelines, and chambers were requested to make their input. The National SSSBC will consolidate the recommendations made by the chambers and compile a final document on the guidelines for the establishment of lower bargaining/consultation structures.

- **Collective Bargaining**

During 2008/09, the parties continued to engage in collective bargaining over several issues of mutual interest. In addition, two important collective agreements were concluded, namely:

Agreement 2 of 2008: Amendments to Agreement 1 of 2005: Adoption of Dispute-Resolution Rules

With effect from 1 April 2008, the parties to the bargaining council adopted new Dispute Resolution Rules to bring the rules in line with the earlier adoption of a new constitution and dispute procedure. The new rules have succeeded in streamlining procedures, and are set out in a more methodical manner. For instance, all applications are now provided for in a comprehensive Part Five, which accommodates applications in general and applications for condonation; applications for joinder and substitution; applications for variation and/or rescission; and applications to make settlement agreements arbitration awards in terms of section 142A of the Labour Relations Act 66 of 1995, all in a single rule (rule 15).

Of importance are the amendments to office hours, with a newly inserted rule 2(5) providing that the offices of the Council will close for the Christmas break between 24 December and 2 January every year. Linked to this is the amendment to the calculation of time periods in rule 3, which specifically provides for the exclusion of the period from 16 December to 16 January from the calculation of time periods for purposes of the rules. The Easter break, from Good Friday to the Monday nine days later, is no longer excluded from the calculation of time periods.

Service of documents by e-mail and telegram are not recognised methods of service in terms of the new rules 5 and 6. The provisions relating to conciliations before the Council (old rules 11 to 15); con-arbs and arbitrations (old rules 17 to 20 and 23); jurisdiction (old rule 21); postponements (old rule 22); representation (old rule 24), and witness fees (old rule 36) have been removed from the rules as they are comprehensively dealt with in the dispute procedure.

Rule 15, the rule consolidating existing procedures relating to applications, stipulates in a new rule 15(j) that a panellist to whom an application has been allocated must decide the application within five working days of receiving the application and answering affidavits, or within seven working days of the hearing of oral evidence. However, in applications for condonation (rule 15.1) the panellist is enjoined to decide whether to grant an application for condonation within five working days of receiving the application and answering affidavits, or within five working days of the hearing of oral evidence. The other provisions on condonation, which were formerly found in clause 7 of the dispute procedure, are now incorporated in rule 15.1. Rule 15.2, relating to joinder applications, has added a new subrule (h) providing specifically for the joinder of the successful candidate/s in promotion disputes. Rule 15.2(h) compels the applicant to join the successful candidate/s and to provide full contact details of such candidate/s as well as proof that the referral form and application for joinder have been served on the candidate/s. Detailed procedures relating to applications for variation and/or rescission, originally part of clause 10 of the dispute procedure, are found in rule 15.3. In terms of the newly introduced rule 15.4 a panellist may, by agreement between the parties or on application by a party, make any settlement agreement an arbitration award in respect of a dispute referred to the Council.

Part Six (rule 16) governing pre-dismissal arbitrations remains substantially the same as the old rule 32, but reduces the time periods within which the Secretary must notify the parties of the pre-dismissal hearing. It also provides in rule 16(2) that the employer must sign the consent to pre-dismissal arbitration form together with the employee.

In Part Seven, rule 18(5) no longer provides for the service of subpoenas by the sheriff. Regarding the taxation of bills of costs, formerly contained in clause 6 of the dispute procedure, rule 19 now sets out the procedure to be followed by a party requesting the taxation of a bill, and the ensuing obligations of the Secretary and the Taxing Officer. Annexure A to the rules, which was originally an annexure to the dispute procedure, contains the allowable fees and disbursements relating to bills of costs. These fees have been increased to match reasonable fees currently charged in proceedings before similar bodies to the Council. The fees and disbursements are no longer claimable by legal practitioners only, with all representatives now able to render bills of costs for the same fees and disbursements.

Agreement 3 of 2008: Amendments to the SSSBC Constitution

Clause 16.2 of the SSSBC constitution, adopted early in 2008, provided for an executive committee consisting of a chairperson, vice-chairpersons, four employer representatives and four trade union representatives. On 6 November 2008, clause 16.4 was amended to bring it in line with clause 16.2. Clause 16.4 now stipulates that, at the annual general meeting, the Council must appoint four employer and four trade union members, as opposed to the three members each party was entitled to before the amendment.

- **Transformation Projects**

- ➡ **Joint Labour Relations training:**

- Postgraduate Diploma In Labour Law*

- In an effort to capacitate members in labour relations, parties to the Council were requested to nominate members for enrolment in Labour Law courses. Twenty members were enrolled in the Postgraduate Diploma in Labour Law course at the University of Johannesburg.

As part of the curriculum, students had to attend two labour relations workshops. The first was held from 15 to 17 May 2008 and the second from 21 to 23 August 2008, during which students were given the relevant course material. The course content was presented by Prof. M Olivier, Prof. N Smith, Prof. M Nyenti and Prof. van Niekerk.

Project Management Programme

The aim of this course is to capacitate members and improve their understanding of project management within the SAPS. Those members who have been trained will be utilised in the implementation of strategies and projects.

Twenty members were enrolled in the 20-day Project Management Programme offered by the University of Pretoria.

The programme comprises the following modules:

- Project Management: Principles, Practices and Scheduling
- Project Risk Management
- Project Procurement and Contract Management
- Project Quality Management
- The People Side of Project Management
- Legal Aspects for Project Managers
- Financial Principles and Project Cost Management
- Project Management in the Business Context

- **Library**

The library boasts a growing collection of journals and other publications dealing mainly with labour relations, review of case and employment law, as well as the analysis thereof. The number of requests for information from the library is steadily increasing. The library keeps a display of information such as grievance procedures, SAPS regulations and collages of study tours undertaken by Council members.

The library collection comprises the following:

- o **Reference books:** Statutes, dictionaries, public service law acts and regulations
- o **Non-fiction:** Labour relations, criminal law, employment discrimination, mediation, arbitration, auditing, accounting, biographies
- o **Annual Reports:** All SSSBC annual reports as well as those of other Councils
- o **Pamphlets:** Mainly from the International Labour Organisation (ILO)
- o **Conferences:** Conferences forming part of the collection include ILO, Juta and LexisNexis
- o **Journal Collection:** The library keeps a collection of journals. These include:
 - Industrial Law Journal
 - Butterworths Law Reports (Labour Law)
 - Butterworths Law Reports (Arbitration Awards)
 - The South African Law Journal
 - South African Labour Bulletin
 - Employment Law

Butterworths Law and Arbitration has also supplied the library with a cumulative index of awards dating from 1994.

There is currently a combined list of 155 journals in the library dealing mainly with labour relations, and review of case law and employment law. The journals form an important part of the collection because they supply the library with up-to-date information, especially on recently completed case law and its analysis.

Subscriptions

IR Network

The IR Network keeps information such as legislation, case law and weekly comments on important case law with critical analysis of the chosen cases.

IR Network daily updates makes it possible for the library to supply Council members with information on labour and other related issues on a daily basis.

Juta Labour Library

A CD-ROM which includes a cumulative list of case law, the latest regulations and acts, and amendments to existing acts, is received on quarterly basis.

- **Regional and International Relations**

Public Service Reform

Beyond our borders, the Council was invited by the ILO to send a delegation to attend a course on Public Service Reform. The course was held in Turin, Italy, and the 15-member delegation later visited London on a study tour to gain experience in the practical implementation of Public Service Reform. The delegation comprised representatives from labour, management and the Council Secretariat.

Visit by Kenyan Police Delegation

Following the participation of the SSSBC in the ILO Sub-Regional Seminar on Enhancing Management–Trade Union relations in the police services of East Africa, the Council received a request from the ILO to host a high-level delegation from the Kenyan Police and trade unions for a study visit. The delegation went home satisfied with what they had learnt and observed, and the visit was deemed a resounding success by all parties. More details are contained in the report.

Namibian Workshop

The Council also received an invitation from the National Union of Namibian Workers (NUNW) to attend and make a presentation at their national consultative workshop on the Police and Correctional Services Labour Relations in Namibia. The main aim of the workshop was to interrogate the possibilities of establishing a trade union organisation for the Namibian Police Force and the Prison and Correctional Services. SAPS and POPCRU gave presentations at the workshop.

- **Tributes**

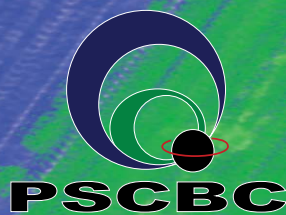
Sadly, we bade farewell to two stalwarts last year. Andy Miller, chief negotiator of SAPU passed away in April 2008. Andy was the co-founder and first President of SAPU, and added immense value to the SSSBC over the years. Pretty Nomhle Singonzo-Shuping, who held various senior positions within the Labour movement, died in June 2008. She was a tireless fighter for workers' and gender rights, and made a significant contribution through her various roles in the labour movement. Both Andy and Pretty will be missed and we extend our heartfelt condolences to their bereaved families.





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