

RESOLUTION NO. 3 OF 2010

**ADOPTION OF DECLARATION ON CLOSURE OF OCCUPATIONAL SPECIFIC
DISPENSATIONS & PROCESS OF 2010/2011 SALARY NEGOTIATIONS AS
AGREED TO AT WORKSHOP HELD ON 15 & 16 OCTOBER 2009 AT BIRCHWOOD
HOTEL IN BOKSBURG**

Agreement

1. The parties to the PSCBC agree to adopt the Declaration on closure of Occupational Specific Dispensation (OSDs) and process of 2010/2011 Salary Negotiations, as agreed to at the Workshop held on 15 and 16 October 2009 at Birchwood Hotel in Boksburg, as a resolution of Council, attached as Annexure A to this agreement.

Scope

2. This agreement binds,
 - (a) the employer,
 - (b) the employees of the employer who are members of the trade union parties to this agreement; and
 - (c) the employees of the employer who are not members of any trade union parties to this agreement, but who fall within the registered scope of Council.
3. This agreement shall come into effect from the date of signing.
4. The Council will monitor the implementation of this agreement.

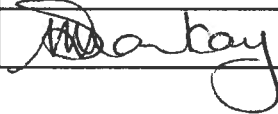
Dispute Resolution

5. If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

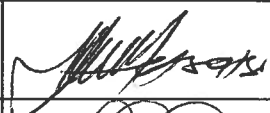
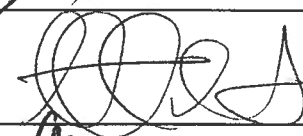
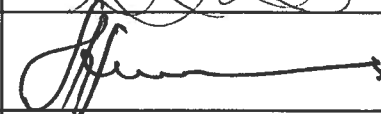
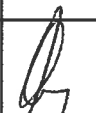
THIS DONE AND SIGNED AT CENTURION OF THIS

05 DAY OF MAY 2010.

ON BEHALF OF THE EMPLOYER

	Name	Signature
State as Employer	m. ntshukela	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
DENOSA	Modise Letsame	
HOSPERSA/NUPSAW/NATU	Susan Mtshali	
NAPTOSA	Henry Hendricks	
NEHAWU	Clement Marule	
POPCRU	Lebogang Mphahlele	
PSA		
SADTU	Nkosana Dabisi	
SAPU		

**DRAFT DECLARATION OF BIRCHWOOD 2 WORKSHOP ON CLOSURE OF
OSDS AND PROCESS OF SALARY NEGOTIATIONS (yet to be adopted by
Council)**

**We, as the parties to PSCBC gathered at Birchwood Conference Centre on 15
and 16 October 2009:**

PREAMBLE

The parties to the PSCBC met to review the progress made in respect of the Birchwood Declaration entered into on 11 June 2009. The report reflects that the PSCBC has fulfilled its mandate as instructed by Birchwood 1. The parties have espoused the principles adopted and allowed these to guide engagements within the PSCBC. These have yielded what can only be described as watershed results.

The parties reflected on the goals achieved in the past 15 years and what was required to ensure that these gains were protected. It was agreed that in order to achieve and sustain good governance public servants needed to be guided by the constitutional principles on public administration. It was emphasized that this required a mind shift from public servants thereby creating a renewed attitude towards service delivery. A resultant need to revive talks on public service transformation was accordingly expressed.

Parties further reflected of the economic crisis engulfing the globe and that this would place tremendous pressure on future negotiations, which were impacted by these realities. There were however indications that these difficult times could be managed in a stable political environment where the relations between employer and labour were characterized by trust and mutual respect for one another's interests. Parties were also conscious to set themselves realistic timeframes for achieving resolution in negotiations since these had the potential to create unnecessary tensions in the bargaining environment.

The Minister quoted from the first historic State of the Nation address by former President Nelson Mandela in 1994 which reaffirmed the importance and involvement of civil society in shaping policy through building participatory democracy. He further reaffirmed Labour as an important resource and strategic partner to be invested through education and training with a view to raise productivity of workers to meet the challenges of a modern economy.

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LP *MD*

The Minister called on the parties:

To appreciate that we are in a global recession, and that there are limited resources, which need to be distributed equitably amongst the priorities of government in responding to poverty and unemployment.

To see themselves as being on a common journey of good governance thereby ensuring that the PSCBC operate efficiently, deliver quality services, be responsive, accountable, transparent, and professional to achieve its objectives and concrete outcomes.

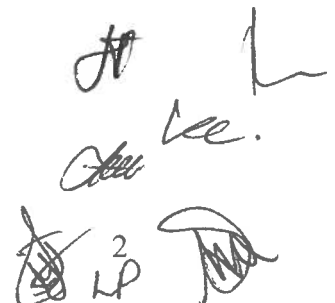
To recognise the sound platform that has been laid to consolidate the partnership with labour albeit flowing from the difficulties experienced with the implementation of the Occupational Specific Dispensation (OSD) but which have resulted in a greater degree of cooperation and understanding which should inform our approach to the next round for 2010/2011.

Labour congratulated government on its willingness to engage and the commitment shown to finding solutions to problems experienced by workers. Labour expressed encouragement for the resilience of Government to deliver on its manifesto despite the budgetary constraints currently being experienced. The view was however expressed that sight should not be lost of the growing pressure on public servants to provide financial assistance to unemployed relatives created by the wide scale retrenchments within the private sector and parties were accordingly urged to be circumspect on all government spending as opposed to focusing solely on the State's wage bill.

Labour leadership broadly endorsed the call made by the Minister and reaffirmed the need for the employer to implement on an ongoing basis of the conditions of Employees in the Public Service. They also invested to allow Public Servants to deliver qualitative services. They also expressed hope that the challenges experienced during the implementation of OSD's should not in future hamper Collective Bargaining processes.

Noting that:

1. At Birchwood 1 held on 11 June 2009, parties resolved to complete the negotiations of all OSDs and certain outstanding matters arising from PSCBC Resolution 1 of 2007, by 30 June 2009.

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2. PSCBC Resolution 2 of 2009 set a new era for collective bargaining and parties agreed to strengthen the bargaining approach that will underline the importance of the characteristics of a developmental state.
3. Negotiations on OSDs have been finalised in the PSCBC and respective Sector bargaining councils, and agreements on all OSDs have been signed with the exception of the OSD on Medical Therapeutic Support Services and FET Sector.
4. Salary Negotiations for the Financial Year 2009/2010 has been finalised culminating in PSCBC Resolution 5 of 2009.
5. PSCBC Resolution 5 of 2009 set a process and time frame for the completion of salary negotiations for the Financial Year 2010/2011 by 30 October 2009, with a view to influence Government's MTEF budgetary processes.
6. There is a need for strategic engagement between parties on:
 - 6.1 A shared understanding of the environment within which bargaining takes place.
 - 6.2 Developing an appreciation for each other's positions and dynamics.
 - 6.3 Seeking a common understanding on broad principles that govern the bargaining arena.
 - 6.4 Identifying key goals to be achieved and the areas of difference.
7. The need to align the collective bargaining process with government's budgetary process remains a key objective.
8. There is a need to review the working environment and conditions in the Public Service.
9. There is a need to look at the management styles and skills of managers.
10. There is a need to develop a Code of 'Non-negotiables' for service delivery and to define the characteristics of a New Public Servant that meets the needs of a developmental state.

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11. There is a need for effective co-ordination of bargaining at Sectoral level.
12. There is a need for effective co-ordination and co-operation between DPSA, Sectors, departments and provinces.

Noting further that:

13. The Minister of Public Service and Administration emphasized the principles of good governance in bargaining and the conditions for engagement.
14. Parties have reached a level of maturity that will allow for a negotiated settlement despite the difficult economic circumstances which prevail globally.

Parties resolve as follows:

NEGOTIATIONS APPROACH

15. To engage in a mutual gains approach, both constructively and expeditiously.
16. To ensure efficiency, credibility and trust in the bargaining process.
17. To enhance and maintain positive relationships between parties.
18. To develop a proactive approach to bargaining with proper preparation, sharing of information, and commitment to implement negotiated settlements.

CLOSURE ON OSDs

19. That all OSDs, including the Medical Therapeutic Support Services and Education (including FET), are finalized and fully implemented in line with the provisions of the respective collective agreements.

OUTSTANDING MATTERS FROM RESOLUTION 1 OF 2007

20. All outstanding matters listed in the resolution be finalized i.e.:
 - 20.1 Minimum Service Agreements
 - 20.2 Housing Allowance Review
 - 20.3 Recognition of improved qualifications and long service awards
 - 20.4 Night shift allowance
 - 20.5 Reports on filling of vacancies in the Public Service

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20.6 The Public Sector Summit be hosted in March 2010.

PROCESS FOR SALARY NEGOTIATIONS 2010/2011

21. To set reasonable timeframes for negotiations and agree to finalise the salary negotiations for the Financial Year 2010/ 2011 by 30 November 2009.

CONCLUSION

22. A new era in collective bargaining has commenced which is characterized by a pre-defined bargaining agenda. To achieve the objectives set will require a nurturing of the tenuous relations between labour and employer. While the next round of negotiations is envisaged to be difficult, amicable solutions are possible with the continuation of the new *modus operandi* within the bargaining environment. This will require a display of respect, commitment and continued engagement at all levels of the bargaining arrangement which serve to foster trust between the parties.

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