

**RESOLUTION NO. \_\_\_\_ OF 2009**

**ADOPTION OF DECLARATION ON OCCUPATIONAL SPECIFIC DISPENSATIONS  
AS AGREED TO AT WORKSHOP HELD ON 11 JUNE 2009 AT BIRCHWOOD HOTEL  
IN BOKSBURG**

**Agreement**

1. The parties to the PSCBC agree to adopt the Declaration on Occupational Specific Dispensation and other matters, as agreed to at the Workshop held on 11 June 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 \_\_\_\_\_ OF THIS  
 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009.

**ON BEHALF OF THE EMPLOYER**

	Name	Signature
State as Employer		

**ON BEHALF OF TRADE UNION PARTIES**

Trade Union	Name	Signature
DENOSA		
HOSPERSA/NUPSAW/NATU		
NAPTOSA		
NEHAWU		
POPCRU		
PSA		
SADTU		
SAPU		

## **ANNEXURE A**

### **DECLARATION ON OCCUPATIONAL SPECIFIC DISPENSATIONS AND OTHER MATTERS**

We as the parties to PSCBC gathered at Birchwood Conference Centre on 11 June 2009.

#### **Noting that:**

1. Resolution 1 of 2007 has not been implemented as envisaged and agreed to by the parties to the PSCBC especially in relation to OSDs;
2. The capacity of negotiators have an impact on the quality of the negotiation processes;
3. While the need for sectoral interests to be addressed in sector specific fora is accepted and recognized, centralised collective bargaining in the public service remains an imperative;
4. The budget process is not always needs driven in order to achieve the developmental goals set for this administration;
5. Collective bargaining is currently characterized by mistrust and animosity;
6. There is a need to develop and/or strengthen a bargaining approach that will underline the importance of the characteristics of a developmental state

#### **Having discussed the issues below as follows:**

##### **OSD**

The OSDs seeks to find dispensations which respond to the needs of a developmental state and having identified the skills required to deliver services, the State as Employer has an obligation to create an environment that is conducive and able to motivate public servants into action. General programmes of reviewing conditions of service will continue but at this juncture we need a focused approach in relation to priority programmes in government. The OSD must be a tailor made dispensation to attract and retain skilled and experienced staff within the public service. Accordingly we need to identify the challenges at play and find workable solutions that resolve the current impasse.

## **CONDUCT AND PROCEDURE IN NEGOTIATIONS**

It is necessary for the parties to Council to reflect on the processes related to collective bargaining. There is a lack of commitment at the level of negotiators. Deadlines are not observed by the PSCBC as would be expected. Issues of discipline and the conduct of negotiators have also been highlighted. A solution lies in identifying the generic factors that comprise a qualitative process and outcome. Parties to the bargaining process need each other and there is therefore no doubt that the resolution to these problems must be found through engagement and dialogue.

The quality of collective agreements needs to be interrogated so that disputes are minimized at the interpretation and implementation phase. The quality of these agreements is determined by the degree to which they are implementable. Instruments that have a bearing on agreements need to be referred to if they have a bearing on its interpretation.

In conclusion we need to realize that operating within a political environment requires a respect for these processes. Parties need to ensure that principals are respected and mandates are effected as directed. These are imperatives which cannot be negotiated.

## **WAGE NEGOTIATIONS**

There is a need to consider a new comprehensive remuneration policy for the public service. Discussion on the principles which need to inform collective agreements are necessary to ensure outcomes that are found to be beneficial to both Labour and Employer.

## **MONITORING AND EVALUATION**

There are no monitoring and evaluation system in place in relation to the implementation of resolutions taken at the level of the PSCBC. These processes need to be developed and implemented.

## **BUDGETARY PROCESSES**

There are problems with the alignment between the bargaining processes at the level of the PSCBC and the budgetary processes. In order to meet the needs of a developmental state the budget must be informed by these needs. Budgeting should follow a process of agreement on outcomes which are based on planning and prioritizing and not the other way round. Accordingly there should be alignment of negotiations with the budgetary processes and parties should consider concluding negotiations prior to the determination of the budget. It is also very important that accurate data be maintained as this informs costing and impacts on the funding and consequently implementation. To this extent the employer commits itself to clean up data which is relied on and necessary for proper planning and implementation.

### **Hereby resolve:**

1. Operation Co-ordinate - That the negotiations of the outstanding OSDs, as well as Clause 5 captured in PSCBC Resolution 1 of 2007 need to be finalized at the level of the respective sectors. A coherent implementation plan must be developed and implemented by the PSCBC with effect from 15 June 2009 regarding all outstanding OSDs. Sectors are required to give progress reports to the PSCBC on a weekly basis. Any problems experienced at sector level will be elevated to the PSCBC for resolution. These processes must be finalized on or before 30 June 2009 i.e. collective agreements on each of the outstanding OSDs must obtain majority signature by 30 June 2009.
  - With specific reference to Health – That a joint task team be established to resolve problems in nurses implementation. Labour undertake that this be considered a conciliatory measure. On 15 June 2009, the task team convenes and deals with all the issues raised within the sector.
  - Justice matters must be discussed and unpacked in a task team at the PSCBC.
  - Education has to finalise the outstanding areas identified in the resolution concluded in the ELRC.
  
2. Establish team to review OSDs for future negotiation cycles.

3. Mandating processes must be reviewed to ensure efficiency in the bargaining process.
4. The Remuneration policy and tools need to be analysed and discussed so that a common understanding exists which informs proposals tabled in respect of the public service. Require engagement on remuneration policy as a tool which is sustainable and assists in the achievement of progress.
5. PSCBC need to create a framework that deals with the issue of centralized bargaining and outlines the modus operandi of sectors in a way that these processes do not undermine one another. In this regard a platform should be established to deal with sectoral problems in relation to centralized bargaining.
6. The DPSA is central in the negotiation and implementation of all agreements concluded at the level of the PSCBC. The Employer (departments and provinces) is the leading party in the implementation process. It therefore needs to be accountable in the process of monitoring and facilitating proper implementation processes. Deal with issues of performance.
7. Negotiators are to respect their principals and accordingly mandates given to negotiators are to be implemented.
8. The budgetary process needs to be realigned to accord with the future needs identified. Deal with the costing of proposals prior to conclusion of agreements in order to harmonize the implementation process. Accordingly there should be alignment of negotiations with the budgetary processes and parties should consider concluding negotiations prior to the determination of the budget.
9. Summit on collective bargaining should be arranged- Strengthen PSCBC by giving framework for negotiation process for the PSCBC and its sectors. Strengthen capacity of negotiators through the implementation of joint training programmes which are pitched at a level which enhance these skills. These programmes must be identified and implemented. Training is an ongoing process and thus needs to be contained in the plans of the PSCBC. In this regard the

- employer commits itself to capacitate its negotiating team and improve the implementation of resolutions. The PSCBC must identify training programmes and ensure that the bargaining environment adheres to ethics and professionalism.
10. Resolutions must be implementable. In this regard the parties commit themselves to ensuring that joint implementation programmes are instituted by the PSCBC, any directives or explanatory memoranda are attached to or referred to in the resolution.
  11. Relate expenditure to the quality of the products/services that these render. The process must be developmental and the needs of this imperative need to inform the budgeting processes.
  12. The PSCBC must concretize a code of conduct and procedure manual for negotiations and this needs to be observed by all parties.
  13. This is the beginning of new era, an era of renewal and rebuilding of partnerships.