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PHSDSBC

Public Health and Social Development
Sectoral Bargaining Council

RESOLUTION NO 3 OF 2026

AMENDMENTS TO THE RULES FOR THE CONDUCT OF THE PROCEEDINGS BEFORE THE PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL

1. OBJECTIVE

1.1.The objective of this agreement is to effect amendments to the Rules for the conduct of the proceedings before the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC).

2. SCOPE

This agreement binds:

2.1 the State as the Employer;

2.2 the Public Health and Social Development personnel employed by the Employer who are members of the trade union parties to this agreement; and

2.3 the Public Health and Social Development personnel employed by the employer who are not members of any trade union party to this agreement, but who fall within the registered scope of the PHSDSBC.

3. AGREEMENT

The parties therefore agree that:

3.1 the amendments to the Rules for the conduct of the proceedings before the PHSDSBC be adopted;

3.2 the Rules amplify the dispute procedures encapsulated in the PHSDSBC Constitution.

3.3 where there is conflict between the Rules and any other prescript, the provisions of the LRA and the PHSDSBC Constitution shall prevail; and

3.4 the Rules will come into effect in accordance with Rule 38.

4. PROTECTION OF PERSONAL INFORMATION

The parties hereby acknowledge the application of the Protection of Personal Information Act 4 of 2013 (POPI Act). The Council shall at all times observe the provisions of the POPI Act, where applicable, and keep personal information of parties confidential, except in the execution of its duties and functions and where such information has to appear in public documents such as rulings and arbitration awards. Parties are required to treat each other's private information with care and confidentiality in accordance with the POPI Act.

5. DISPUTE RESOLUTION

Should there be a dispute about the interpretation or application of this agreement, such dispute shall be dealt with in terms of the dispute resolution procedure of the Council through conciliation and arbitration.

6. IMPLEMENTATION OF AGREEMENT

The Council will monitor the implementation of this agreement.

THIS DONE AND SIGNED AT_____ OF THIS_____ DAY OF _____2026.

ON BEHALF OF THE STATE AS EMPLOYER

	Name	Signature	Date
EMPLOYER	MABHEGO SOLOMON MAHLATJIE		13/03/2026

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature	Date
NEHAWU	CASPER NAUB		13/03/2026
DENOSA	MAHAMELA ICHEMA DANIEL		24/03/26
PSA	JOHN M PEREKENG TEFFO		18/02/2026
HOSPERSA	SEAN McGLADDERY		4/03/2026
NUPSAW	Solly Morena		30/03/2026

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PHSDSBC RULES FOR THE CONDUCT OF PROCEEDINGS

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Annexure A: Employers' addresses

Form 1

PART ONE: SERVICE AND FILING

1. Contacting the Council

(1) The addresses, telephone, telefax and fax-to-e-mail numbers of the offices of the Council are the following:

Physical Address:	Lyttelton Office Public Service Bargaining Centre (PHSDSBC)
	260 Basden Avenue
	Lyttelton
	0157
Postal Address:	PO Box 11467
	Centurion
	0046
Telephone:	(012) 7655100
E-mail:	info@phsdsbc.org.za)
Fax to e-mail:	(011 580 0447)
Online referrals:	https://www.phsdsbc.org.za/contact-us/online-referral-form/

(2) Documents must be filed with the Council at the addresses, e-mail or fax-to-email number listed in sub-rule (1). Referrals may be filed on the online platform.

2. Office hours

(1) The offices of the Council are open every day from Monday to Friday, excluding public holidays, between the hours of 07h30 and 16h00 or as determined by the Council.

(2) Documents that are hand-delivered must be filed with the Council during the hours referred to in sub-rule (1). Documents that are filed by way of registered mail must reach the offices of the Council within the hours referred to in sub-rule (1).

(3) Documents that are filed by way of fax-to-email or e-mail can be filed at any time and online referrals can be made at any time.

(4) All communications should be addressed to the Secretary of the Council.

3. Calculation of time periods in these Rules

(1) For the purpose of calculating any period of time in terms of these Rules–

(a) "day" means a calendar day, unless the context indicates otherwise; and

(b) the first day is excluded and the last day is included, subject to sub-rule (2).

(2) For purposes of sub-rule (1)(b), if the last day falls on a Sunday or public holiday, the last day will be the first working day immediately following the Sunday or public holiday.

(3) During the period 16 December to 7 January the Council continues with its daily activities, save that matters will not be enrolled for hearings and no hearings will be conducted.

4. Signing of documents

(1) A document that a party must sign in terms of the Act or these Rules must be signed by that party or by a person who is entitled to represent that party in the proceedings or by that party's legal practitioner.

(1A) If a referral form[1] has not been signed by the referring party or his/her representative or legal practitioner, the conciliation or arbitration may continue as if the referral form is not defective, provided that the referring party is present at the hearing and confirms his/her intention to continue with the matter.

(2) If proceedings are jointly instituted or opposed by more than one employee, documents must be signed by all the employees or their representative(s), unless one employee has been mandated to sign on behalf of the others, in which case proof of the mandate must be attached to the referral or other document.

(3) A list containing the names, identity numbers and contact details of each employee involved in the matter must be attached to the document.

5. Service of documents

(1) A party must serve a document on the other party or parties to the proceedings –

(a) by handling a copy of the document to –

(i) a person identified in sub-rule (2);

(ii) a representative authorised in writing to accept service on behalf of a party;

(iii) a person who appears to be at least 16 years old and in charge of the person's place of residence; business or place of employment premises at the time;

(b) by leaving a copy of the document at –

(i) an address chosen by the party who has to receive service;

(ii) any premises in accordance with sub- rule (3);

(c) by faxing a copy of the document to a person identified in sub-rule (2) to his/her last-known fax number or a number chosen by the party who has to receive service;

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[1] In this context "referral form" means the forms used to refer a dispute to conciliation, a con-arb or arbitration.

(d) by sending a copy of the document by registered mail or telegram to the last-known address of the party who has to receive service or to an address chosen by that party;

(e) by sending a copy of the document by e-mail to the last-known e-mail address of the party who has to receive service or to an email address chosen by that party;

(2) A document must be served –

(a) in the case of the employer –

(i) on a responsible employee of the employer at the workplace where the employee(s) involved in the dispute ordinarily work or worked, or

(ii) if the employee(s) involved in the dispute ordinarily work or worked in a provincial office, on the nominated employer representative at the provincial office of the province where the employee(s) involved in the dispute ordinarily work or worked at any of the addresses specified in Annexure B; or

(iii) if the employee(s) involved in the dispute ordinarily work or worked in a national department, on the nominated employer representative of that national department at any of the addresses specified in Annexure B; or

(iv) a legal practitioner, in accordance with sub-rule (4); and

(v) in the event of collective bargaining disputes, on the chief negotiator.

(b) in the case of an employee or a trade union, on the employee or an official at the trade union's regional or head office.

(3) If no person identified in sub-rule (2) is willing or able to accept service, service may be effected by affixing a copy of the document to –

(a) the main door of the premises concerned or;

(b) if access to the main door is not possible, another place to which the public has access or to a post-box.

(4) If an attorney is on record as the representative of a party or if a party has informed the Council and the other party that he/she is represented by a legal practitioner and has provided the Council and the other party with the name,

address and contact details of the legal practitioner, all documents must be served on the legal practitioner.

(5) The Council must serve all notices, other documents and correspondence on a party in the same manner as described in this Rule, with the specific proviso that service on the employer must be effected –

(a) at the provincial office of the employer at the address specified in Annexure B where the employee party was situated at the time of the referral, unless the matter clearly involves a national department, in which case service has to be effected on the relevant national department; and

(b) if it appears that any referral or other document was served on the employer at an office other than the prescribed office, service must also be effected at the prescribed office.

(6) The Council or a panellist may order service in a manner other than prescribed in this Rule.

6. Proof of service of documents

(1) A party must prove to the Council or a panellist that a document was served on the other party in terms of these Rules by providing the Council or the panellist with:

(a) a copy of the e-mail that was sent to the other party, including proof of any documents that were attached to the e-mail;

(b) the registered slip if a document was sent by registered mail to the other party;

(c) a copy of the telegram or telex communicating the document to the other party;

(d) a copy of the fax transmission report, indicating the successful transmission to the other party of the whole document; or

(e) If a document was served by hand –

(i) a copy of a receipt signed by, or on behalf of the other party clearly indicating the name and designation of the recipient and the place, time and date of service; or

(ii) an affidavit confirming service, signed by the person who delivered a copy of the document to the other party in any manner allowed for in these Rules.

(2) If proof of a service in accordance with sub-rule (1) is provided, it is presumed until the contrary is proved, that the party on whom the document was served has knowledge of the contents of the document.

(3) The Council or a Panellistmay accept proof of service in a manner other than prescribed in this Rule.

7. Filing documents with the Council

(1) A party must file documents with the Council:

(a) by handing the document to the office of the General Secretary at the address listed in Rule 1;

(b) by sending a copy of the document by registered post to the office of the General Secretary at the address listed in Rule 1;

(c) by faxing or e-mailing the document to the office of the General Secretary at a number or e-mail address listed in Rule 1; or

(d) if it is a referral, by submitting the referral on the online referral portal of the Council.

(2) A party must file the original of a document that was faxed or e-mailed to the Council if requested to do so by General Secretary or a panellist within seven (7) days of the request.

8. Documents sent by registered mail, fax or e-mail

(1) Any document or notice sent by registered mail by a party or the Council is presumed, until the contrary is proved, to have been received by the person to whom it was sent seven (7) days after it was posted.

(2) Any document or notice sent by fax (fax-to-email) is presumed to have been received at the time of successful transmission of the whole document.

(3) Any document or notice sent by e-mail is presumed to have been received in accordance with the relevant provisions of the Electronic Communications and Transactions Act 25 of 2002.

9. Condonation

(1) This Rule applies to all referral documents, applications and other documents delivered outside of the applicable time periods prescribed in the Act, any other employment law, these Rules or the dispute resolution procedures of the Council.

(2) A party who files a referral, application or other document outside the relevant prescribed time period must apply for condonation, in accordance with Rule 30, at the same time as said filing or as soon as possible after becoming aware that condonation is necessary.

(3) An application for condonation must set out the grounds for seeking condonation and must include details of the following:

(a) the degree of lateness;

(b) the reasons for lateness;

(c) the applicant's prospects of success in the referral or main application, including the relief sought from the other party;

(d) any prejudice to the other party; and

(e) any other relevant factors.

(4) The General Secretary may assist a party to comply with this Rule.

(5) A panellist appointed by the Council for this purpose may condone, on good cause shown, any failure to comply with any relevant prescribed time period provided for in the Act, in any employment law or these Rules.

(6) In deciding whether or not to grant condonation, the panellist may act in such a manner as is deemed expedient in the circumstances in order to achieve the objectives of the Act. In doing so, regard shall be had to substance rather than form.

10. Referring a dispute to the Council

(1) A dispute must be referred to the Council for conciliation, con-arb or arbitration by completing the prescribed referral form or completing the referral on the Council's online portal for referrals.

(2) The referring party must –

(a) sign the referral form in accordance with Rule 4;

(b) attach to the referral form written proof, in accordance with Rule 6, that the referral form was served on the other party or parties to the dispute;

(c) if a referral is filed out of time, attach an application for condonation in accordance with Rule 9.

(3) The Council will refuse to accept a referral until sub-rules (1) and (2) have been complied with.

(4) Where a referral does not comply with this Rule and the Council has by mistake or omission accepted the referral and enrolled the matter for a hearing, the conciliating or arbitrating panellist may continue with the hearing if the referring party appears at the hearing in person and confirms that he/she intends to pursue the matter.

PART TWO: CONCILIATION OF DISPUTES

11. Notice of conciliation

The Council must give the parties at least fourteen (14) days' written notice of a conciliation hearing, unless the parties agree to a shorter period of notice.

12. Pre-conciliation

The Council or a panellist may contact the parties by telephone or other means, prior to the commencement of the conciliation, in order to seek to resolve the dispute.

13. Jurisdiction of Council to conciliate a dispute

(1) If a jurisdictional issue is raised during the conciliation proceedings the panellist must require the referring party to prove that the Council has jurisdiction to conciliate the dispute, provided that if any jurisdictional challenge requires evidence, the conciliation must be stayed and the jurisdictional challenge must be enrolled for an *in limine* hearing.

(2) A panellist's ruling on jurisdiction must be issued to the parties in writing within 14 days after the completion of the hearing at which jurisdiction was dealt with.

14. Certificate of outcome

(1) A certificate of outcome, issued in terms of section 135(5) of the Act, that the dispute has or has not been resolved must identify the parties to the dispute, as well as the nature of the dispute as described in the referral document or as identified by the panellist in consultation with the parties during the conciliation proceedings;

(2) If a dispute that has been referred to the Council for conciliation has not been enrolled for conciliation within the 30-day conciliation period, as envisaged in section 135(2) of the Act, a certificate of non-resolution must be issued after expiry of said 30-day period in accordance with section 135(5) of the Act.

15. Conciliation proceedings are confidential

(1) Conciliation proceedings are private and confidential and are conducted on a without prejudice basis. No person may refer to anything said at conciliation proceedings during any subsequent proceedings, unless the parties agree in writing.

(2) No person, including a panellist, may be called as a witness during any subsequent proceedings in the Council or in any court of law to give evidence about what transpired during conciliation, unless the parties and/or the Panellistagrees thereto in writing.

(3) Notwithstanding the provision of sub-rules (1) and (2), parties may submit evidence and call witnesses as to what transpired during conciliation –

(a) for the purpose of proving or disproving the existence of a settlement agreement concluded during the conciliation proceedings; or

(b) in the case of an application for a review in terms of section 145 or 158 of the Act, where the ground for review include allegations about the conduct of the panellist.

PART THREE: CON-ARB IN TERMS OF SECTION 191(5A)

16. Conduct of con-arb in terms of section 191(5A)

(1) The Council must give the parties at least 14 (fourteen) days' notice in writing that a matter has been scheduled for a con-arb in terms of section 191(5A) of the Act.

(2) A party who intends to object to a dispute being dealt with in terms of this section must deliver a written notice of objection to the General Secretary and the other party.

(3) Sub-rule (2) does not apply to a dispute concerning the dismissal of an employee for any reason related to probation or an unfair labour practice relating to probation.

(4) If a party fails to appear or be represented at a hearing scheduled in terms of sub-rule (1), the panellist must continue with the conciliation and the Rules pertaining to conciliations in general, and specifically including Rules 14 and 29, apply.

(5) Sub-rule (4) applies irrespective of whether a party has lodged a notice of objection in terms of sub-rule (2).

(6) Representation of parties in con-arb proceedings is the same as representation at conciliation and arbitration respectively in Rule 24.

(7) The provisions of the Act and these Rules that are applicable to conciliation and arbitration respectively apply, with the changes required by the context, to con-arb proceedings.

(8) If the arbitration is not conducted or is not concluded on the date specified in the notice referred to in sub-rule (1), and where neither party has objected in terms of sub-rule (2), the General Secretary must schedule the matter for arbitration by issuing a notice in terms of Rule 20 or as agreed to by the parties.

PART FOUR: ARBITRATIONS

17. Enrolling a matter for arbitration

The Council must set a matter down for arbitration on a date that falls within 60 (sixty) days from the date the Council received a request for arbitration from a party.

18. Statement of case

(1) The Council or a panellist may direct –
(a) the referring party in an arbitration to deliver a statement of case; and
(b) the other parties to deliver an answering statement.

(2) A statement in terms of sub-rule (1) must –
(a) set out the material facts upon which the party relies and the legal issues that arise from the material facts; and
(b) be delivered within the time period specified by the panellist or the Council.

(3) The panellist has a discretion to continue with the arbitration despite non-compliance with a directive to deliver a statement of case or answering statement, but any non-compliance must be taken into account when considering costs at the conclusion of the arbitration hearing.

19. Pre-arbitration conference

(1) The parties to an arbitration must conduct a pre-arbitration conference, dealing with the matters in sub-rule (2), before the arbitration date.

(2) When parties conduct a pre-arbitration conference they must deal with and endeavor to reach consensus on the following matters –

(a) any means by which the dispute may be settled;

(b) facts that are agreed between the parties;

(c) facts that are in dispute;

(d) the issues that the arbitrating panellist is required to decide;

(e) the relief claimed and if compensation is claimed, the amount of the compensation and how it is calculated;

(f) the sharing and exchange of relevant documents and the preparation of bundles of documents in chronological order with each page numbered;

(g) the manner in which documentary evidence is to be dealt with, including any agreement on the status of documents and whether documents, or parts of documents, will serve as evidence;

(h) whether evidence on affidavit will be admitted with or without the deponent of the affidavit testifying and the other party cross-examining him or her;

(i) which party must begin;

(j) the necessity for any *in loco* inspection;

(k) securing the presence of any witness at the venue appointed by the Council;

(l) the raising and/or resolution of any preliminary points that are intended to be taken;

(m) the exchange of witness statements;

(n) expert evidence;

(o) any other means by which the proceedings may be expedited;

(p) an estimate of the time required for the hearing;

(q) the right of representation;

(r) whether an interpreter is required and, if so, for how long and for which of the official South African languages; and

(s) any other matter the parties wish to discuss and include. .

(3) Unless a dispute is settled, the parties must draw up and sign a minute, setting out the issues referred to in sub-rule (2) and indicating their agreement or disagreement on those issues.

(4) The referring party must ensure that a copy of the pre-arbitration conference minute is filed with the Council and the appointed panellist within five (5) working days of the conclusion of the pre-arbitration conference or as directed by the Council or panelist.

(5) The Council or panellist may, after receiving a pre-arbitration minute –

(a) enroll the matter for arbitration;

(b) direct the parties to hold a further pre-arbitration conference; or

(c) issue any other directive to the parties concerning the conduct of the arbitration.

(6) Parties may conduct their pre-arbitration conference in writing.

20. Notice of arbitration hearing

The Council must give the parties at least 14 (fourteen) days' written notice of an arbitration hearing, unless the parties agree to a shorter period.

21. Jurisdictional issues at arbitration

(1) If, during the arbitration proceedings, it appears that a jurisdictional issue has not been determined, the arbitrating panellist must require the referring party to prove that the Council has jurisdiction to arbitrate the dispute, in which case the parties may be invited to deliver evidence and/or argument.

(2) After hearing both parties, the panellist must issue a written ruling within 14 (days), determining whether the Council has jurisdiction to arbitrate the matter.

PART FIVE: RULES APPLYING TO ALL PROCEEDINGS

22. Postponements

(1) An arbitration may be postponed –

(a) by agreement between the parties in accordance with sub-rule (2) or

(b) on application and on notice to the other parties in accordance with sub-rule (3).

(2) The Council may postpone a hearing without the parties appearing if –

(a) all the parties to the dispute agree in writing to the postponement, as provided for in sub-rule (1)(a); and

(b) the written agreement for a postponement is received by the Council at least seven (7) days prior to the scheduled date of the arbitration.

(3) If the parties do not agree to a postponement or if they fail to comply with sub-rule (2), any party to the dispute may apply for a postponement in writing at least fourteen (14) days before the date of the arbitration by filing an application with the Council and serving a copy thereof on the other party. The application must be in the same format as all other applications regulated by Rule 30, but the time periods in Rule 30 do not apply to applications for postponements.

(4) A party who wishes to oppose an application for postponement must file opposing papers within five (5) days after receipt of the application for postponement.

(5) The party applying for postponement may file a reply within three (3) days from receiving the opposing papers.

(6) The Council or a panellist appointed for this purpose will consider the application for postponement and any opposition and/or reply, decide whether or not to postpone the matter and advise the parties accordingly.

(7) When an application for postponement is filed, the parties must not assume that, because an application has been filed, the matter is automatically postponed. The arbitration will stand to proceed until such time as the parties have been notified by the Council that a postponement has been granted.

(8) If a postponement is granted, the party who has brought the application must bear the wasted costs of the Council in respect of the day or days the matter is postponed, unless good cause is shown, which will be considered and determined by the General Secretary.

23. Venue for proceedings

(1) A conciliation, arbitration or any hearing in relation to a dispute must be heard in the province where the cause of action arose, unless otherwise directed by the General Secretary.

(2) The proceedings shall be held at a venue determined by the General Secretary.

(3) The parties may agree to have a hearing on an online platform or any party may request that the dispute be heard on an online platform, in which case the General Secretary will call for representations from the other party, consider the request and then determine whether or not the hearing will be online.

24. Representation

(1) In conciliation proceedings a party to the dispute must appear in person or be represented by a co-employee, a member, office bearer or official of that party's trade union or by an employee of the national department or provincial administration.

(2) Despite sub-rule (1), a panellist must during conciliation allow a legal practitioner to argue matters of jurisdiction.

(3) In any arbitration proceedings a party to the dispute may appear in person or be represented by a co-employee, a member, official or office bearer of that party's trade union or an employee of the national department or provincial administration or a legal practitioner.

(4) If the dispute being arbitrated is about the fairness of a dismissal and a party has alleged that the reason for dismissal relates to the employee's conduct or capacity, the parties are, despite sub-rule (3), not entitled to be represented by legal practitioner in the proceedings unless –

(a) the panellist and all the other parties consent;

(b) the panellist concludes that it is unreasonable to expect a party to deal with the dispute without legal representation after considering

(i) the nature of the questions of law raised by the dispute;
(ii) the complexity of the dispute;
(iii) the public interest; and
(iv) the comparative ability of the opposing parties or their representatives to deal with the dispute;

(5) A party seeking to be represented by a legal practitioner at the arbitration as in sub-rule (4) must bring an application in accordance with Rule 30.

(6) A party to a dispute who challenges the right of appearance of a representative must furnish reasons why the representative does not have the right of appearance.

(7) The panellist must call upon the representative whose right of appearance is being challenged to furnish reasons why he/she should be permitted to appear.

(8) If so requested by the panellist, a representative whose right of appearance is being challenged must provide any documents, including but not limited to constitutions, pay slips, contracts of employment, documents and forms, recognition agreements and proof of membership of a trade union in order to prove his/her right of appearance.

25. Joinder or substitution of parties

(1) The Council or a panellist may make an order joining any number of persons as parties to the proceedings if the relief depends on substantially the same question of law or fact or if the party to be joined has a substantial interest in the proceedings.

(2) The Council or a Panellistmay make an order in terms of sub-rule (1) –

(a) of his/her own accord;
(b) on application by a party; or
(c) where a person entitled to join the proceedings applies at any time during the proceedings to be joined as a party.

(3) An application in terms of this Rule must be made in accordance with Rule 30.

(4) When making an order in terms of sub-rule (1), a panellist may –

(a) make an order joining a party with interest in the matter; or

(b) give appropriate directions as to the further procedure in the proceedings; and

(c) make an order as to costs in accordance with these Rules.

(5) If in any proceedings it becomes necessary to substitute a party for an existing party, any party to the proceedings may at any time before the conclusion of the proceedings apply for an order substituting that party for an existing party in accordance with Rule 30.

(6) In making an order in terms of sub-rule (4) the Panellistmay –

(a) make an order substituting a party with another; or

(b) give such appropriate directions as to the further procedure in the proceedings.

(7) Any application for joinder or substitution must be accompanied by copies of all documents previously delivered in the proceedings, unless the person to be joined or the person who takes the place of a party in a substitution or his/her representative is already in possession of all the documents.

(8) Subject to any order made in terms of sub-rules (4) and (6), a joinder or substitution in terms of this Rule does not affect any steps already taken in the proceedings.

26. Correction of citation

If a party to any proceedings has been incorrectly or defectively cited, the Council or a panellist may of its/his/her own accord, by consent of the parties or on application and notice to the other party correct the error or defect.

27. Consolidation of disputes

The Council or a panellist may, of its/his/her own accord after consultation with parties or on application, consolidate more than one dispute so that the disputes may be dealt with in the same proceedings, provided the Council has jurisdiction over all the disputes to be consolidated.

28. Disclosure of documents and evidence

(1) At any time after the request for arbitration has been delivered either party may apply, in accordance with Rule 30, for an order as to the disclosure of relevant documents or other evidence.

(2) The parties may agree to the discovery of documents or other relevant evidence.

(3) Documents and/or other evidence to be discovered in terms of sub-rules (1) and (2) must be disclosed before the scheduled hearing date.

(4) This Rule does not apply to a trade union seeking the disclosure of information for any negotiation purposes, unless it is for the purpose of negotiating a settlement of a dispute that has already been referred to arbitration.

29. Failure to attend proceedings

(1) If both the referring party and his or her representative fail to attend conciliation proceedings, the panellist must conclude the proceedings by issuing a certificate to the effect that a dispute remains unresolved.

(2) If the party opposing the dispute and its representative fail to attend the conciliation proceedings, the panellist must issue a certificate to the effect that the dispute remains unresolved.

(3) If the referring party and his/her representative fail to attend an arbitration hearing or any other proceedings before the Council other than conciliation, the panellist may dismiss the matter, unless the referring party or his/her

representative has provided, before the commencement of the proceedings, justifiable and acceptable reasons for not attending the proceedings.

(4) If the party opposing the dispute that has been referred to arbitration or opposing any issue that has been referred to the Council for proceedings other than conciliation fails to attend, the panellist may continue with the proceedings in the absence of the opposing party and his/her representative or may, on good cause shown, postpone the proceedings to a later date.

(5 Any postponement or dismissal of a matter in terms of this Rule must be confirmed by the panellist in writing and the written ruling must be served by the Council on the parties within 14 (fourteen) days.

PART SIX: APPLICATIONS

30. Bringing an application

(1) This Rule applies to all –

(a) applications for condonation, joinder, substitution, variation, rescission, postponement (subject to sub-rule (2)), consolidation of disputes, correction of citation and discovery of documents;

(b) applications in a jurisdictional dispute; and

(c) other preliminary or interlocutory applications.

(2) This Rule applies to applications for postponement, save that the time periods in this Rule do not apply, and the time periods in Rule 22 apply to applications for postponement.

(3) An application must be brought on notice to all persons who have an interest in the application 14 (fourteen) days prior to the hearing. Such notice is to be served in accordance with Rule 5.

(4) The party bringing the application must sign the notice of application in accordance with Rule 4 and must state –

(a) the title of the matter;

(b) the case number assigned to the matter by the Council;

(c) the relief sought;

(d) the address at which the party delivering the documents will accept delivery of all documents in the proceedings;

(e) that any party who intends to oppose the matter is required to deliver a notice of opposition and an answering affidavit within seven (7) days from the date the application was served or, if delivered by registered mail, within fourteen (14) days;

(f) that the application may be heard in the absence of a party who does not oppose the application or fails to comply with sub-paragraph (e); and

(g) that a schedule is included, listing the documents that are material and relevant to the application.

(5) The application must be supported by an affidavit. The affidavit must clearly and concisely set out –

(a) the names, description and addresses of the parties;

(b) a statement of the material facts, in chronological order, on which the application is based in sufficient detail to enable any person opposing the application to respond to the facts;

(c) a statement of legal issues that arises from the material facts, in sufficient detail to enable any party to respond to the issues;

(d) if the application is filed outside the relevant time period, grounds for condonation in accordance with Rule 9; and

(e) if the application is brought urgently, the circumstances why the matter is urgent and the reasons why it cannot be dealt with in accordance with the time frames prescribed in this Rule.

(6) (a) Any party opposing the application must deliver a notice of opposition and an answering affidavit within seven (7) days from the day on which the application was served or, if it was served by registered mail, within fourteen (14) days.

(b) A notice of opposition and an answering affidavit must contain, with the changes required by the context, the same information as is required in sub-rules (3) and (4).

(7) (a) The party bringing the application may deliver a replying affidavit within five (5) days from the date on which the notice of opposition and answering

affidavit were served or, if it was served by registered mail, within ten (10) days.

(b) The replying affidavit must address only issues raised in the answering affidavit and may not introduce new issues of fact or law.

(8) A panellist may, if compelling circumstances exist, permit the affidavits referred to in this Rule to be substituted by written statements.

(9) In an urgent application a panellist –

(a) may dispense with the requirements of this Rule; and

(b) may only grant an order against a party who has had reasonable notice of the application.

(10) Once the replying affidavit has been delivered or, if not delivered, once the time period for delivering the replying affidavit has lapsed, the Council must—

(a) allocate a date for the hearing of the application, which may be on a motion roll; and

(b) notify the parties of the date, time and venue of the hearing;

(c) or the Council may appoint a panellist to deal with the application on the papers.

(11) Despite this Rule, the panellist may determine an application in any manner deemed appropriate, provided that the Council or the panellist inform the parties of how the process will be conducted and giving the parties an opportunity to be heard.

31. Variation and rescission of rulings and arbitration awards

(1) An application for the variation or rescission of an arbitration award or a ruling must be made within fourteen (14) days of the date on which the applicant became aware of the award or ruling.

(2) Variation or rescission of an arbitration award or ruling can be sought on only the following grounds –

(a) erroneously sought or erroneously made in the absence of any party affected by that award or ruling;

(b) in which there is an ambiguity or an obvious error or omission, but only to the extent of that ambiguity, error or omission ;

(c) granted as a result of a mistake common to the parties to the proceedings; or

(d) made in the absence of any party on good cause shown.

(3) A ruling made by a panellist which has the effect of a final order will be regarded as a ruling for the purposes of this Rule.

PART SEVEN: SECTION 188A INQUIRY

32. Inquiry by arbitrator in terms of section 188A

(1) An employer requesting the Council to conduct an inquiry in terms of section 188A of the Act must do so by filing a completed LRA Form 7.19 to the Council.

(2) The employee must sign the LRA Form 7.19 to indicate his or her consent to an inquiry by an arbitrator, unless –

(a) the employee earns more than the amount determined by the Minister in terms of section 6(3) of the Basic Conditions of Employment Act (BCEA) and has consented in terms of section 188A(4) of the Act to the inquiry in his or her contract of employment, in which case a copy of the contract must be attached to LRA Form 7.19; or

(b) the employee is bound by a collective agreement that provides for a section 188A inquiry, in which case a copy of the collective agreement must be attached to LRA Form 7.19.

(3) When filing the LRA Form 7.19 the employer must pay to the Council an arbitration fee as contained in the Council's fee policy for panellists in respect of each day the inquiry is likely to be scheduled by way of electronic transfer into the banking account of the Council.

(4) Within seven (7) days of receipt of a completed LRA Form 7.19 which complies with sub-rule (2) and payment of the prescribed fee in terms of sub-rule (3), the Council must notify the parties of the date, time and venue of the inquiry.

(5) Unless the parties agree otherwise, the Council must give the parties at least seven (7) days' notice of the inquiry.

(6) The Council will be required to refund a fee paid in terms of sub-rule (3) only if the Council is notified of the resolution of the matter prior to enrolling the matter for an inquiry and issuing a notice to the parties in terms of sub-rule (4).

PART EIGHT: GENERAL

33. Record of proceedings

(1) A panellist must keep a record of all proceedings, save conciliation proceedings, in digital recording format and in legible hand-written or typed notes.

(2) The record must capture the entire proceedings, including all evidence, testimonies and arguments given by the parties.

(3) Upon conclusion of the proceedings the panellist must file the entire and full record with the Council and the Council shall keep the record in safe-keeping.

(4) Any party to the proceedings may request a copy of the record or a portion thereof upon payment of the costs as prescribed by the Council.

34. Subpoenas

(1) A panellist who has been appointed to resolve a dispute may, in terms of section 142(1) of the Act, subpoena any person, including an expert, whose evidence is required to testify and/or to produce any relevant document(s) or other relevant evidence during any proceedings.

(2) Any party who requires the Council or a panellist to subpoena a person in terms of section 142(1) of the Act must file a completed PHSDSBC Rules Form 1, together with a written motivation, setting out why the evidence of the person to be subpoenaed is necessary, as well as proof of payment of the witness fees, where applicable.

(3) A party requesting the Council to waive the requirement of paying witness fees in terms of section 142(7)(c) of the Act must set out the reasons for the request in writing at the time of requesting the subpoena. The Council's decision to waive or not waive the witness fees must be provided in writing to the party who requested the waiver before the subpoena is served on the person to be subpoenaed.

(4) An application in terms of sub-rule (1) must be filed with the Council at least fourteen (14) days prior to the scheduled date of the proceedings or as directed by the panellist seized with the matter.

(5) The Council must refuse to issue a subpoena if –

(a) the party requesting the subpoena does not establish why the evidence of the person is necessary;

(b) the witness who is being subpoenaed does or will not receive the subpoena at least seven (7) days prior to the scheduled date of the proceedings;

(c) not satisfied that the party requesting the subpoena has paid the prescribed witness fees and reasonable travel costs and subsistence expenses of the person subpoenaed, unless the witness fees has been waived by the Council in terms of sub-rule (3).

(6) A subpoena must be served on the witness –

(a) by the person who has requested the issuing of the subpoena or by the Sheriff or by the Council at least seven (7) days prior to the scheduled date of the proceedings; and

(b) must be accompanied by proof of payment of the prescribed witness fees, where applicable, for at least one day.

35. Witness fees

(1) A witness who has been subpoenaed in any proceedings before the Council must be paid a witness fee in accordance with the tariff of allowances published by notice in the Government Gazette in terms of section 142(7) of the Act, provided that if such witness is an employee of the State he/she shall not be paid a witness fee.

(2) In addition to the witness fee as in sub-rule (1), the witness must be reimbursed for reasonable travel and subsistence expenses, which expenses must be submitted, with supporting documentation, to the presiding Panellistfor determination.

(3) The witness fee must be paid by –

(a) the party who requested the Council to issue the subpoena; or

(b) the Council if the issuing of the subpoena was not requested by a party but by a panellist in accordance with sub-rule (1) or if the Council has waived the requirement to pay witness fees in terms of section 142(7)(c) of the Act.

(4) Despite sub-rule (1), the Council or a panellist may, in appropriate circumstances, order that a witness receive no fee or only part of the prescribed fee.

36. Costs

(1) In any arbitration proceedings or proceedings arising out of or in the course of an arbitration, the panellist may make an order for the payment of costs according to the requirements of law and fairness and, in doing so, should have regard to –

(a) the measure of success that the parties achieved;

(b) considerations of fairness that weigh in favour of or against granting a costs order;

(c) any with prejudice offers that were made with a view to settling the dispute;

(d) whether a party or his/her representative acted in a frivolous and vexatious manner by proceeding with or defending the dispute in the arbitration or in its conduct during the proceedings;

(e) the effect that a costs order may have on the continued employment relationship of the parties;

(f) any agreement concluded between the parties to the arbitration concerning the basis on which costs should be awarded;

(g) the importance to the parties and the labour community at large of the issues raised;

(h) any other relevant factor.

(2) Costs may be awarded in the form of either disbursement or legal costs, not both.

(3) An order as to costs, in the form of disbursements, may be made where not all parties are legally represented during the proceedings. Where such costs are ordered, costs may be ordered for only those disbursements the panellist deems reasonable in the circumstances.

(4) In proceedings where all parties are not legally represented, the party seeking costs in the form of disbursements must do so during the course of the proceedings and must itemise each claim with supporting documentation. The other party or parties must be afforded an opportunity to respond to the claims.

(5) Where the panellist orders costs in the form of disbursements in proceedings in which not all parties are legally represented, he/she must in the order specify each item that has been allowed, together with the amount in respect of each item.

(6) An order as to costs in the form of legal costs may be ordered only if both or all the parties to the proceedings are legally represented and such costs are fixed at a rate of R7 000-00 (seven thousand rand) in respect of the first day of the proceedings and R4 700-00 (four thousand seven hundred rand) for each additional day of the proceedings. Said amounts are inclusive of VAT.

37. Definitions

Any expression in these rules that is defined in the Labour Relations Act 66 of 1995 has the same meaning as in that Act except that, if such expression is defined in the Constitution or the dispute resolution procedure of the Council, it shall have the meaning as in the Constitution or such dispute procedure.

In addition, the following words shall have the meaning as indicated below:

"Act"	means the Labour Relations Act 66 of 1995 (LRA) and includes any regulation made in terms of the Act;
"association"	means any unincorporated body of persons;
"con-arb"	means proceedings held in terms of section 191(5A) of the Act;

"Council" means the Public Health and Social Development Sectoral Bargaining Council established in terms of section 37 of the Act;

"deliver" means serve on other parties and file with the Council;

"file" means to lodge with the Council in terms of rule 7;

"General Secretary" means the General Secretary of the Council and includes any person delegated by the General Secretary to perform any of the functions of the General Secretary;

"Labour Court" means the Labour Court established by section 151 of the Act and includes any judge of the Labour Court;

"Legal practitioner" means any person admitted to practice as an advocate or an attorney in the Republic;

"panellist" means a person appointed by the Council to deal with disputes as a conciliator or arbitrator;

"party" means any party to proceedings before the Council and may be organisations and / or individuals;

"public holiday" means a public holiday referred to in section 1 of the Public Holidays Act, 1994 (Act No. 36 of 1994);

"rules" means these Rules and includes any footnote to a rule;

"serve" means to serve in accordance with rule 5 and "service" has a corresponding meaning,

38. Transitional arrangements

These Rules become applicable on the date of their publication in the Government Gazette, or on any date determined by the Minister of Employment and Labour, and shall apply to all matters that are referred to the Council on or after said date. Any matter that was referred before the coming into operation of these Rules will be dealt with in terms of the Rules as they were before the amendments of 2025.

ANNEXURE A

EMPLOYERS' ADDRESSES FOR SERVICE

The designation of the nominated employer representative and their nominated addresses to be used for service on the employer in terms of Rule 5(5) are as follows:

National and regional departments of Health

(a) For the National Department of Health:

1112 Voortrekker Road

Pretoria Townlands 351 -JR

Email address: Mashego.mahlatjie@health.gov.za

Tel No. (012) 395 8000

(b) For the Province of Eastern Cape:
Global Life Building

Independence Avenue

BISHO

5605

Email address: Bongani.Lose@echealth.gov.za

Tel No. 060 559 8070

(c) For the Province of Free State:
Private Bag X20616

BLOEMFONTEIN

9300

Email address: MaqinaDP@fshealth.gov.za

Tel No. (051) 408 1355

(d) For the Province of Gauteng:
Liberty Life Building – Johannesburg

45 Commissioner Street

JOHANNESBURG

Email address: Giyani.makamu@gauteng.gov.za

Tel No. (011) 355 3185

(e) For the Province of Kwa-Zulu Natal:
Private Bag X9051

PIETERMARITZBURG

3200

Fax No. (033) 395 3220

Tel No. (033) 395 2763

(f) For the Province of Limpopo:
18 College Street

Old Capricorn Building

Office D16, Ground Floor

POLOKWANE

Email address: Jameson.maseleme@dhsd.limpopo.gov.za

Tel No. (015) 293 6000

(g) For the Province of Mpumalanga:
Private Bag X11285

MBOMBELA

1200

Fax No. (013) 766 3428

Tel No. (013) 766 3458

(h) For the Province of Northern Cape:
Private Bag X5049

KIMBERLEY

8300

Fax No. (053) 830 2649

Tel No. (053) 830 2153

(i) For the Province of North West:
Private Bag X2068

MMABATHO

2735

Fax No. (086) 636 9290

Tel No. (018) 391 4345

(j) For the province of Western Cape:
Block A

Metro East Nursing Campus

Stikland Hospital

Email address: Khanyisa.Kala@westerncape.gov.za

Tel No. (021) 831 5852

(k) For the National Department of Social Development:
134 Pretorius Street
HSRC Building

PRETORIA

Email address: KoosS@dsd.gov.za

Tel No. (012) 312 7000

(l) For the Province of Eastern Cape:
Private Bag X0039

BISHO

5605

Email address: Mzimkhulu.Machemba@ecdsd.go.za

Tel No. 082 414 7770

(m) For the Province of Free State:
Private Bag X20616

BLOEMFONTEIN

9300

Email address: Freddy.finger@fssocdev.gov.za/

Motshidisi.Botsime@fssocdev.gov

Tel No. (051) 409 0569/0579

(n) For the Province of Gauteng:
Perm building

1st Floor small building

69 Commissioner Street

JOHANNESBURG

Email address: Ayanda.ngubeni@gauteng.gov.za

Tel No. (011) 355 7930

(o) For the Province of Kwa-Zulu Natal:
Private Bag X9144

PIETERMARITZBURG

Fax No. (033) 353 7950

Tel No. (033) 264 2017 / 2094

(p) For the Province of Limpopo:
Corner Biccard and Rabie Street

POLOKWANE

Email address: MahloT@dsd.limpopo.gov.za

Tel NO. (015) 230 4300

(q) For the Province of Mpumalanga:
Private Bag X11213

Mbombela

1200

Fax No. (013) 766 3456/3457

Tel No. (013) 766 3128

(r) For the province of Northern Cape:
Private Bag X5042

Latlhi -Mabilo Complex

Barkley Road

KIMBERLEY

8301

Fax No. (053) 871 3611

Tel No. (053) 874 9300

(s) For the province of Nort West:
Private Bag X8

MMABATHO

2735

Fax No. (018) 384 5967

Tel No. (018) 388 2043/ 1668

(t) For the Province of Western Cape:
Union House

14 Queen Victoria Street

CAPE Town

Fax No. (021) 483 3083

Tel No. (021) 483 4783

FORMS IN TERMS OF PHSDSBC RULES

Form 1: SUBPOENA

Note: study PHSDSBC Rule 34 before completing this form.

To: .....

(Name of person being subpoenaed)

.....

(Organisation of person being subpoenaed)

.....

(Address of person being subpoenaed)

Panellist ..... (*name of Panellist*) has been appointed to resolve the dispute between:

Name of Applicant: .....

Name of Respondent: .....

The issue in dispute is: ... .

You are required in terms of section 142 of the Labour Relations Act of 1995 to appear before the Panellist to give evidence and/or to produce evidence in the hearing between the parties. The evidence to be produced is .....

.....
(*name documents/books/other evidence to be produced*).

The hearing will be held:

at .....

(*address where hearing will be held*)

on ..... (*date of hearing*)

time: .....

TO THE PHSDSBC: the reasons why the above mentioned person is required to be a witness in the hearing are: .....

.....

.....

TO THE WITNESS: the party requesting the subpoena is required to pay to the witness the prescribed witness fee, together with reasonable subsistence and travel expenses, in respect of the first day of the hearing and to furnish proof of such payment to the Council. (N*ote: government employees are not entitled to witness fees.)*

.....	.....	.....
(Signed obo the PHSDSBC]	(Date)	(Place)