



## RESOLUTION NO 2 OF 2005

### GOVERNANCE RULES FOR CHAMBERS OF THE GPSSBC

#### **Scope:**

This agreement binds:

the employer;

the employees of the employer who are members of the trade union parties to this agreement; and

the employees of the employer who are not members of any trade union party to this agreement, but who fall within the registered scope of Council.

#### **Purpose:**

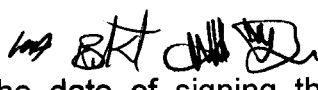
**Noting that** the Council established Provincial and National Departmental Chambers in terms of GPSSBC Resolution 3/2004.

**further noting** that the Council identified the need to develop a Governance Rules document for Chambers to ensure uniformed and effective functioning of Chambers

**and noting** that the guidelines as per GPSSBC Resolution 3/2004 need to be amended

## **AGREEMENT:**

Therefore, the Council resolves that –

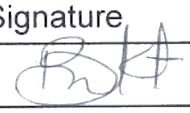
- (a) the attached Annexure to this agreement amends the guidelines for the establishment of Chambers as per Resolution 3/2004 and be adopted as the Governance Rules for Chambers of the GPSSBC.
- (b) the Governance Rules will come into effect ~~with~~ <sup>on</sup> the date of signing this agreement. 
- (c) the Executive Committee of Council will be responsible for ensuring the effective functioning of Chambers.
- (d) Council will monitor the implementation of this agreement.

## **DISPUTE RESOLUTION:**

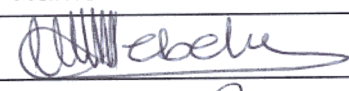
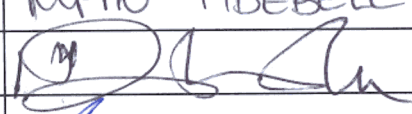
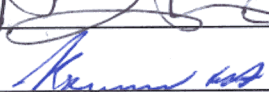
If there is a dispute about the interpretation or application of this agreement any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

THIS DONE AND SIGNED AT CENTURION OF THIS 15<sup>TH</sup> DAY  
OF APRIL 2005.

### **ON BEHALF OF THE EMPLOYER PARTY**

	Name	Signature
State as Employer	BN Nkontwana	

### **ON BEHALF OF TRADE UNION PARTIES**

Trade Union	Name	Signature
NEHAWU		MPHO NDEBELE
POPCRU	ANADHA MGINISENI	
PSA	Arnold Mokoabodi	



# GOVERNANCE RULES FOR CHAMBERS OF THE GPSSBC

  
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## 1. INTRODUCTION:

Parties to the Council concluded Resolution 3 of 2004 to institutionalize the establishment of provincial and national departmental chambers within its scope of operation. This was preceded by the development of guidelines to ensure a uniform approach in the establishment of such chambers.

## 2. PURPOSE:

- 2.1 Provide for the amendment of Annexure "A" of GPSSBC Resolution 3/2004- guidelines for the establishment of Provincial and National Departmental Chambers in as far as it is indicated in this manual;
- 2.2 Provide for an administrative procedure for Chambers;
- 2.3 Provide for an environment conducive to expedite negotiations/consultations and deliberations during meetings;
- 2.4 provide for a structured approach to meetings

## 3. DEFINITIONS:

3.1 Unless the context indicates otherwise,

**"Chamber"** means the Chamber of the Council for a given Provincial Administration or National Department established in terms of GPSSBC Resolution 3/2004

**"Secretary to Council"** means the Secretary to Council appointed in terms of clause 12 of the Constitution of Council

**"Secretary to Chamber"** means the Secretary of the relevant Chamber as appointed in terms of clause 11 of the Governance Rules of the GPSSBC.

**"Council"** means the General Public Service Sector Bargaining Council (GPSSBC)

**"GPSSBC"** means the General Public Service Sector Bargaining Council as designated in terms of Section 37 of the Labour Relations Act (66/1995 as amended)

**"Ratification"** means a process of endorsing and sanctioning.

3.2 Words used in this manual in the singular include the plural, unless the context indicates otherwise.

3.3 References in this manual to the male gender include the female gender and vice versa.

3.4 Any other expression used in this manual that is defined in the Councils Constitution shall have the same meaning as in the Constitution.



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#### 4. JURISDICTION:

4.1 A Chamber must function in the Provincial Administration or National Department, for which it has been established.

4.2 The jurisdiction of a Chamber is:

4.2.1 limited to issues upon which-

4.2.1.1 in the case of a Provincial Chamber, the Premier or the relevant Executing Authority and/or the Head of the Department at Provincial level may make a decision that binds the employer, and

4.2.1.2 in the case of a National Departmental Chamber, the Executing Authority or Head of the Department may make a decision that binds the employer.

#### 5. POWERS AND FUNCTIONS:

5.1 The powers and function of the Chamber shall be to-

5.1.1 enhance labour peace and to prevent labour disputes;

5.1.2 negotiate and conclude collective agreements on matters of mutual interest within its area of jurisdiction subject to provisions of Clause 10.4 and 10.5 of this manual.

5.1.3 Supervise and monitor the implementation of collective agreements concluded in the Chamber  
Co-ordinate, facilitate and monitor the implementation of National and Sectoral agreements.

5.1.5 Deal with matters referred to or delegated to it by the Council

5.1.6 Exercise any other power or perform any other function that may be necessary or desirable to achieve the objectives of the Chamber, as agreed to by the Council

5.2 Every Chamber-

5.2.1 shall deal with matters within its area of jurisdiction or as referred to or delegated to it by the Council;  
shall submit a copy of the approved minutes of every meeting of the Chamber, duly signed by the person who presided at such meeting together with the Secretary of the meeting, to the Secretary of the Council.

5.2.3 shall report any decision or collective agreement to the Council.

5.2.4 shall report to the Council as and when required by Council.

5.2.5 may submit proposals on issues affecting labour relations in the Provincial Administration or National Department to the Council.



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## 6 ADMISSION TO THE CHAMBER:

The Employer in the designated Provincial Administration or National Department and;  
Only Trade Union parties admitted to the GPSSBC at Sectoral Level will be admitted to a Chamber.

## 7 COMPOSITION OF THE CHAMBER:

7.1 The Chamber for a Provincial Administration shall, unless otherwise agreed to by the parties to the Chamber, consist of

- 7.1.1 authorized representatives from the Employer, and
- 7.1.2 four representatives per Trade Union admitted to the Chamber

The Chamber for a National Department shall, unless otherwise agreed to by the parties to the Chamber, consist of

- 7.2.1 two representatives per Trade Union admitted to the Chamber, and
- 7.2.2 an equivalent number of representatives from the Employer.

## 8 CHAIRPERSON OF THE CHAMBER:

Parties admitted to the Chamber shall elect a Chairperson from among the representatives of the parties admitted to the Chamber.

The appointment of a Chairperson will be without financial implication to Council.

- 8.3 The Chairperson shall serve for a period of twelve (12) months from the date of his election, unless he resign or is removed by a decision of the Chamber.
- 8.4 Where such a position is vacated before the term has expired the parties shall elect another Chairperson for the remainder of the term.
- 8.5 In the election of the Chairperson, the person receiving the highest percentage of the total votes shall be the duly elected Chairperson.
- 8.6 A person may be reelected to the position of Chairperson for a maximum of three consecutive terms as per par. 8.3
- 8.7 The Secretary to the Chamber must act as electoral officer.



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- 8.8 Should an equal number of votes be cast for two or more candidates for the position of Chairperson, the Secretary to the Chamber shall, in the presence of the meeting, write the name of each candidate on a separate piece of paper and place such papers in a suitable container and shall draw one of the papers from the container. The candidate whose name is drawn shall be deemed to have been duly elected.
- 8.9 The Chairperson must-
- 8.9.1 Preside over all meetings of the Chamber;
  - 8.9.2 Enforce order at all meetings at which he/she is present in accordance with normal meeting procedures;
  - 8.9.3 Sign the minutes of a meeting after confirmation thereof by the Chamber;
  - 8.9.4 Perform such other duties as by usage and custom pertain to the office of Chairperson

The Chairperson may not vote on any matter.

## 9 VICE- CHAIRPERSONS:

The provisions of Par. 8 read with the necessary changes, apply in respect of the election of two Vice- Chairpersons of the Chamber, one of whom must be elected by the Employer and the other by the admitted Trade Unions to the Chamber.

When the Chairperson is not available, one of the Vice- Chairpersons must alternately act as Chairperson and must exercise the powers and perform the duties of the Chairperson.

Whenever the Chairperson or the two Vice-Chairpersons are absent or unable to act at a meeting, the representatives present shall elect among themselves someone to act as Chairperson for that specific meeting.

## 10 DECISIONS AND RESOLUTIONS OF THE CHAMBER:

A decision of the Chamber requires the vote of the Employer together with a majority of votes of the Trade Unions admitted to the Chamber.

A collective agreement requires the signatures of the Employer and a number of admitted Trade Unions who represent the majority of votes on the side of labour in the Chamber.

Decisions and/or Collective Agreements of the Chamber shall not take effect for a period of 30 days from the date of receipt of such by the Council.



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During the period contemplated in clause 10.3, the Council must satisfy itself that the decision and/or collective agreement of the Chamber-

- 10.4.1 falls within the jurisdiction of the Chamber;
- 10.4.2 meets the requirements for Collective Agreements as set out in the Labour Relations Act 66/1995 (as amended) and clause 14 of this manual;
- 10.4.3 is not in conflict with any legislation and or regulations governing the Public Service;
- 10.4.4 is not in conflict with any decision or collective agreement of the Council; and
- 10.4.5 is not in conflict with any decision or collective agreement of the Public Service Coordinating Bargaining Council (PSCBC)

Should it be found that a decision and/or collective agreement of the Chamber meets the criteria referred to in clause 10.4, the Council will ratify such decision or collective agreement.

- 10.6 Should it be found that a decision and/or collective agreement of the Chamber does not meet the criteria referred to in clause 10.4, the Council shall set aside or vary such decision or collective agreement.

Collective agreements ratified by Council or varied for purposes of ratification become an agreement of Council for the purposes of review and dispute resolution.

The Council may by decision of Council extend the period contemplated in clause 10.3 if it is found that the decision or collective agreement raises questions of law or other any issue that requires obtaining of an opinion, where such opinion will take longer than the period as contemplated in clause 10.3. The extended period shall not exceed 30 days unless agreed to by parties.

- 10.9 The Secretary to Council will inform the Chamber in writing of the extension of the period as contemplated in clause 10.3.
- 10.10 For the purposes of clause 10.4, a Committee comprising of the Secretary to Council and/or a Manager delegated by the Secretary and a Panelist from the panel of Conciliators and Arbitrators of Council, may consider any decision or collective agreement of a Chamber and notify Council of its finding.



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## 11 THE SECRETARY OF THE CHAMBER

- 11.1 The Council shall appoint the Secretary of the Chamber on such conditions as determined by the Council. In the case of National Departmental Chambers the secretariat services may be provided by the relevant Department.

The Council can enter into an arrangement with any other Council to share the services of a secretary.

The Secretary shall:

- 11.3.1 conduct all correspondence of the Chamber, unless the Chamber requires another person to do so.
- 11.3.2 keep originals of letters received and copies of those despatched;
- 11.3.3 attend the meetings of the Chamber and record the minutes of the meetings or, if he/she is not available, designate another person to do so;
- 11.3.4 ensure that all collective agreements concluded in the Chamber are reduced to writing, signed by all parties that support it within 21 working days of reaching agreement and, if a given agreement constitutes a collective agreement, circulate it to all parties within 5 working days of signing of the agreement;
- 11.3.5 ensure that any decision or collective agreement of Chamber is reported to Council as per clause 5.2.3;
- 11.3.6 keep books of account in accordance with general accepted accounting practices and the instructions of the Chamber;
- 11.3.7 bank all monies received on behalf of the Chamber within 3 working days upon receipt thereof;
- 11.3.8 submit statements of the financial position of the Chamber to the Chamber or to the Council whenever required to do so by the Chamber or by the Council;
- 11.3.9 submit the books of account of the Chamber to Council once every calendar year for auditing;
- 11.3.10 fulfil any other functions assigned to the Secretary in this document, or by the Chamber or Council;
- 11.3.11 Keep in safe custody-
  - (a) the approved minutes of every meeting of the Chamber duly signed by him/her and by the person who presided at such meeting;
  - (b) the original signed agreements of the Chamber; and
  - (c) the statements referred to in clause 11.3.8 and all records in relation thereto.



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## 12 ADMINISTRATIVE PROCEDURE OF THE CHAMBER:

### 12.1 Submission of agenda items:

12.1.1 Where a party to the Chamber wishes to place on the agenda an item that needs to be considered, that party shall submit its proposal in writing to the Secretary of the Chamber.

12.1.1.1 The motivation must contain where possible, but not limited to, the following:

12.1.1.1.1 **Purpose:** That is expressed in simple and clear terms.

12.1.1.1.2 **Background:** Brief reason/s or cause/s of the problem, including intervention history if any.

12.1.1.1.3 **Recommendations:** List of all possible recommendations if applicable and proposals for a way forward.

12.1.1.1.4 **Urgency:** Parties should indicate if a matter is urgent and motivate.

12.1.1.2 The Secretary of the Chamber shall circulate the proposal to all parties of the Chamber.

12.1.1.3 The proposal shall be submitted to the Secretary of the Chamber at least ten (10) working days before the meeting of the Chamber and shall be circulated to the parties at least five (5) working days before their meeting.

12.1.1.4 If a matter/issue arises between the agenda being circulated and the meeting of the Chamber, the Chamber shall at the start of the meeting decide on the issue.

12.1.1.5 Based on the urgency of a request, the Chairperson and/or the Secretary to the Chamber may on his/her own initiative, or may at the request of a party to the Chamber, call a special meeting of the Chamber to deal with an urgent matter.

12.1.1.6 The Employer plus a number of admitted Trade Unions representing a majority of the votes on the side of labour must consent to a meeting as contemplated in clause 12.1.1.5



Notices of meetings:

- 12.2.1 The Secretary must serve on the parties to the Chamber a written notice of a meeting showing the date, time, venue and the business to be transacted, at least 5 working days before the date of such a meeting. In the case of clause 12.1.1.5 these provisions may not be applicable and the Chairperson may make a determination on the time frame.
- 12.2.2 The Secretary must also compile a bundle of documents, including the agenda, minutes of previous meetings, the proposals/ motivations on each agenda item; reports etc. and distribute these to parties at least 3 working days before the scheduled meeting.

Quorum at meetings/ starting time of meetings:

- 12.3.1 All Chamber meetings shall start promptly on the scheduled time.
- 12.3.2 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 constituted meeting of the Chamber.
- 12.3.3 If, within 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 and the Secretary to the Chamber, on condition that the Secretary notifies all the relevant parties accordingly.
- 12.3.4 At such a reconvened meeting the parties present will form a quorum.
- 12.4 Attendance:
- 12.4.1 Every meeting of the Chamber will be conducted in private, unless otherwise agreed to by the Chamber.
- 12.4.2 The attendance of representatives per party to the Chamber will be in accordance with the provisions of Clause 7 of this document. Observers will be allowed by agreement of Chamber.
- 12.5 General Rules/ Protocol:
- 12.5.1 Each delegation shall designate amongst its ranks a chief spokesperson.



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- 12.5.2 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 matter under discussion.
- 12.5.3 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.
- 12.5.4 If a point of order has been called, the Chairperson shall conclude the point of order before proceeding with the meeting.
- 12.5.5 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.
- 12.5.6 Procedural rulings of the Chairperson shall be final.
- 12.5.7 Voting in any meeting of the Chamber will take place by the show of hands by the chief spokesperson of each party who shall carry the votes of the party.
- 12.5.8 Rowdy or rude behavior (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.
- 12.5.9 The operations of cellular phones are prohibited while meetings are in progress, except by prior agreement with the Chairperson.

#### Minutes of meetings:

- 12.6.1 The Secretary shall forward to all parties copies of the minutes of the meeting within a period of ten (10) working days following a meeting, unless the Chamber decides otherwise.
- 12.6.2 The minutes must be duly adopted in the next meeting of the Chamber.
- 12.6.3 All meetings of the Chamber must be mechanically recorded
- 12.6.4 The Secretary to the Chamber will keep safe the original minute and mechanical recording of the meeting.

#### Postponement of meetings:

- 12.7.1 Requests for postponement of a meeting by a party should be done in writing with reasons to the Secretary.



- 12.7.2 A postponement must be granted by the Chairperson or the Secretary to the Chamber upon the agreement of the employer and a number of admitted Trade Unions representing a majority of the votes on the side of Labour admitted to the Chamber.
- 12.7.3 The Secretary shall inform parties immediately on the postponement of a meeting.
- 12.7.4 If parties can not agree to the postponement the party requesting such postponement may request the Secretary to Council to postpone such meeting. The request must be submitted in writing with reasons/motivation for the request.
- 12.7.5 The party objecting to the postponement must forward a written submission indicating the reasons for objecting to the requested postponement.
- 12.7.6 The Secretary to Council will consider all submissions and make a ruling in this regard. The Secretary to Council will communicate his/her decision in writing to all the parties.

### 13 COMMITTEES AND TASK TEAMS:

The Chamber may refer by decision of the Chamber any agenda item to a task team/ committee, either to a standing committee or to a special/ task team.

All items referred to a task team/ committee shall:

- 13.2.1 Remain on the agenda of the Chamber unless otherwise agreed to;
- 13.2.2 Have clearly stated time frames, including report backs;
- 13.2.3 Have clear stated terms of reference; and
- 13.2.4 Indicate the composition of the task team/ committee.

The period during which the item is being discussed in a task team/ committee shall be considered as being part of the negotiation process.

Decisions of task teams/ committees must first be endorsed by the Chamber before it is executed.

The Chamber may ratify, set aside or vary such decisions.

All parties to the Chamber still retain the right to place before the Chamber 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.



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- 13.7 The Chairperson/ Vice Chairperson may chair meetings of task teams/ committees. If the Chairperson/ Vice Chairperson are not available to chair such meetings the task team must elect from among themselves a Chairperson.

The Chamber must appoint a coordinator from amongst the members of the parties admitted to the Chamber to provide secretariat support to the task teams/ committees and compile reports of such meetings for submission to the Secretary of the Chamber for inclusion in the bundle of documents of the Chamber.

- 13.9 The task team must comprise of an equal number of representatives of both the employer and labour in the Chamber. Members to the task team must be conversant with the issues to be dealt with by the task team/committee.
- 13.10 In the case of a Provincial Administration one of the representatives on the task team from the employer delegation must be from the Office of the Premier.

#### 14 COLLECTIVE AGREEMENTS:

Collective agreements of the Chamber must comply to the criteria in clause 10.4 of this document

- 14.2 Collective agreements must also contain the following minimum requirements, but is not limited to:

14.2.1 **Scope:** A scope indicating the applicability/ binding effect of the collective agreement

14.2.2 **Agreement:** A clear and unambiguous outline of the agreement reached

14.2.3 **Time Frame:** A clause indicating the date of implementation of the agreement and may stipulate a review date if necessary.

14.2.4 **Dispute Resolution:** A clause indicating the dispute resolution path applicable for the specific agreement

14.2.5 **Date:** Clear indication of the date and place of signing of the agreement

14.2.6 **Signatures:** Surname, initials and signature of the representatives signing the agreement.

- 14.3 Collective agreements signed in a Chamber must be forwarded by the Secretary to the Chamber to the Secretary to Council within five (5) working days of signing the agreement, for purposes of ratification in terms of clause 10 of this document.



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## 15 GENERAL PROVISIONS:

### Vote weights:

- 15.1.1 The vote weight of a Trade Union in the Chamber shall be determined on the basis of its actual membership within the area of jurisdiction of the Chamber (as reflected by PERSAL figures) in proportion to the membership of all the trade unions admitted to the Chamber.
- 15.1.2 The employer has an equal number of votes to that of the trade unions admitted to the Chamber collectively.
- 15.1.3 Vote Weights for Chambers is determined by the Secretary to Council.
- 15.1.4 Vote Weights is determined on an annual basis and must be done after the Annual General Meeting of Council adopted the vote determination on a National basis.

### Meetings:

- 15.2.1 A Chamber meets as and when needed, but must meet at least 4 times per annum.
- 15.2.2 One(1) of the meetings as per clause 15.2.1 must be the AGM of the Chamber for purposes of the election of Chairperson, Vice- Chairpersons and determination of Vote Weights
- 15.2.3 The Secretary of the Chamber will determine unless otherwise agreed to, the date, time and venue of the meeting of the Chamber.
- 15.2.4 The provisions as per clauses 12.1.1.5 and 12.1.1.6 of this document will determine the calling of Special Meetings of the Chamber.
- 15.2.5 The Secretary to Chamber will provide parties with an annual program of meeting dates. Such must be adopted by the Chamber. After adoption of the dates a copy must be forwarded to the Secretary to Council.

### 15.3 Media/ Communication:

- 15.3.1 Parties should avoid negotiating through the media, and pre-empting outcomes through the media
- 15.3.2 The Chamber should wherever possible issue joint statements
- 15.3.3 The Chamber may develop guidelines on dealing with the media





Disclosure of Information:

15.4.1 Parties should endeavor to have information sharing session prior to negotiations (pre-negotiations meeting)

15.4.2 The purpose of these meetings should be to identify and share needs, interests, priorities, constraints, fears (joint identification)

15.4.3 Parties should share information that will allow the development of proposals to resolve matters

15.5 Mandates:

Representatives should have clear mandates whenever they enter into collective bargaining.

**16 DISPUTE RESOLUTION:**

If a dispute arises during the negotiating process in a Chamber that cannot be settled parties may approach the Secretary to Council and/or the Council for intervention.

If the intervention as contemplated in clause 16.1 fails or the Chamber decides not to utilize such, any party may refer the matter for conciliation in terms of the Dispute Resolution Procedures and/or Rules of the Council.

If the matter is not resolved during the conciliation process, parties to the Chamber may exercise their rights in terms of the Labour Relations Act, 66/1995 (as amended)



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