



**RESOLUTION 4 OF 2008 OF THE PUBLIC HEALTH
AND SOCIAL DEVELOPMENT SECTORAL
BARGAINING COUNCIL**

R. J. M. M. J.
J. *S. C. M.*
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Collective agreement entered into in the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) between the following:

THE STATE AS EMPLOYER

AND

TRADE UNION PARTIES ADMITTED TO THE PHSDSBC

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AMENDMENT OF RESOLUTION 1 OF 2007: CONSTITUTION OF THE PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING COUNCIL

1. NOTING

1.1 That the PHSDSBC is a statutory collective bargaining entity established in terms of the Labour Relations Act, 106 of 1995;

1.2 That the parties that constitute the PHSDSBC are the State as Employer, and the admitted trade union parties;

2. OBJECTIVE

The objective of this collective agreement is to amend Resolution 1 of 2007 of the PHSDSBC: Constitution of the Public Health and Social Development Sectoral Bargaining Council (hereafter referred to as "the Constitution"), in order to align the references made to the State as Employer in the entire Constitution with the definition as set out in the definition paragraph.

3. AGREEMENT

3.1 Parties therefore agree that clauses that will be affected by the amendments are the following:

3.2.1. CLAUSES 12.1 APPOINTMENT OF REPRESENTATIVES AND ALTERNATES

"12.1 The employer shall be represented in the Council by authorised representatives [appointed by each of the executing authorities representing the employers that fall within the jurisdiction of the Council, subject to the total number of authorised representatives being equal to the number of trade union representatives as determined in clause 12.2]."

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“12.1 The employer shall be represented in the Council by authorised representatives.”

3.2.2. CLAUSES 12.4 APPOINTMENT OF REPRESENTATIVES AND ALTERNATES

“12.4 The employer and trade unions may appoint a number of alternate representatives, [**not exceeding the number of representatives determined in clause 12,**] to act as representatives in the absence of authorised representatives.”

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3.2.3. CLAUSE 13.5 DETERMINATION OF VOTING WEIGHTS OF TRADE UNIONS

“13.5 The employer’s vote shall always be equal to that of the admitted trade unions [**jointly, irrespective of the number of representatives of the employer and the number of representatives of the trade unions respectively attending any meeting of Council] collectively.”**

“13.5 The employer’s vote shall always be equal to that of the admitted trade unions collectively.”

3.2.4. CLAUSE 17.1.13 EXECUTIVE COMMITTEE

“17.1 The Council must appoint the Executive Committee at the Annual General Meeting, which will be accountable to the Council and will have the following responsibilities:

...



"17.1.13 to facilitate bilateral meetings between the [various] employer [structures], admitted trade unions and Sectoral Chambers;"

"17.1.13 to facilitate bilateral meetings between the employer, admitted trade unions and Sectoral Chambers;"

3.2.5. CLAUSE 17.5 EXECUTIVE COMMITTEE

"17.5 Half of the members of the Executive Committee, as well as their alternates, must be appointed by the employer [representatives in the Council], whilst the other half of the members, as well as their alternates must be appointed by the trade unions in the Council."

"17.5 Half of the members of the Executive Committee, as well as their alternates, must be appointed by the employer, whilst the other half of the members, as well as their alternates must be appointed by the trade unions in the Council."

3.2.6. CLAUSE 17.9.1 EXECUTIVE COMMITTEE

"17.9 If the seat of a member of the Executive Committee becomes vacant, the Council must fill the vacancy [from the number of] with a candidate [s nominated for that purpose] appointed by-

...

17.9.1 the employer [representatives] in the Council, if that seat had been held by a member representing the employer[s];"

"17.9 If the seat of a member of the Executive Committee becomes vacant, the Council must fill the vacancy with a candidate appointed by-

...

17.9.1 the employer in the Council, if that seat had been held by a member representing the employer;"

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3.2.7. CLAUSE 17.13.2 EXECUTIVE COMMITTEE

"17.13 A special meeting of the Executive Committee-

...

17.13.2 must be called by the Chairperson within 10 days of receiving a request from **[an] the** employer or **a** trade union party to dispose of urgent business, specifying the nature of the urgent business in question."

17.13.2 must be called by the Chairperson within 10 days of receiving a request from the employer or a trade union party to dispose of urgent business, specifying the nature of the urgent business in question."

3.2.8. CLAUSE 17.16 EXECUTIVE COMMITTEE

"17.16 At least half of the members of the Executive Committee representing **the** employer**[s]** and half of the members of that Committee representing employees form a quorum and must be present before a meeting may begin or continue."

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3.2.9. CLAUSE 17.19 EXECUTIVE COMMITTEE

"17.19 **[For the purposes of clause 17.18, consensus exists if [no less than two-thirds of] the employer representatives and two-thirds simple majority of the trade unions at the meeting vote in favour of a decision.] If consensus cannot be reached, the matter must be referred to the Council for decision.**"

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"17.19 If consensus cannot be reached, the matter must be referred to the Council for decision."

3.2.10. CLAUSE 18.5.8 ANNUAL GENERAL MEETING

"18.5. The following matters shall be dealt with at the annual general meeting:

...

"18.5.8 a report as to the number of votes held by **[the employer party to the Council and the voting weight of] the admitted [respective] trade unions to the Council, as determined by the General Secretary in accordance with clause 13.2; [and]**"

"18.5.8 a report as to the number of votes held by the admitted trade unions to the Council, as determined by the General Secretary in accordance with clause 13.2;"

3.2.11 CLAUSE 18.6 SPECIAL MEETINGS OF COUNCIL

"18.6 The Chairperson, **[on his or her own initiative, or]** at the request of a party to the Council, must **[,]** call a meeting of the Council to deal with an urgent matter, provided that **the employer [at least half the employer representatives]** and trade unions **[,]** which hold at least half the trade unions' voting weight in the Council, consent thereto **[,]**; **Further provided that the Chairperson may call such meeting on his or her own initiative.**

"18.6 The Chairperson, at the request of a party to the Council, must call a meeting of the Council to deal with an urgent matter, provided that the employer and trade unions which hold at least half the trade unions' voting weight in the Council, consent thereto; Further provided that the Chairperson may call such meeting on his or her own initiative.

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3.2.12 CLAUSE 18.9 QUORUM

"18.9 **[At least half the employer representatives]** The employer, on the one side, plus the number of the trade unions **[which represent employees affected by the subject matter concerned, and]** which hold at least half of the trade unions voting weight, in the Council, on the other side, shall constitute a quorum at any duly constituted meeting of the Council."

"18.9 The employer, on the one side, plus the number of the trade unions which hold at least half of the trade unions voting weight in the Council, on the other side, shall constitute a quorum at any duly constituted meeting of the Council."

3.2.13. CLAUSE 19.1 DECISIONS OF COUNCIL

"19.1 Subject to the Act and this Constitution, all matters that form the subject of a proposal shall be decided by **[more than half of the employer representatives]** the employer, on the one side, and the trade unions who hold more than half the trade unions' voting weight of the trade unions represented at that meeting, on the other side."

"19.1 Subject to the Act and this Constitution, all matters that form the subject of a proposal shall be decided by the employer, on the one side, and the trade unions who hold more than half the trade unions' voting weight of the trade unions represented at that meeting, on the other side."

3.2.14. CLAUSE 19.4 DECISIONS OF COUNCIL

"19.4 **[The parties having the right to vote at a meeting shall decide any]** Any procedural matters that are not regulated in this Constitution **[by way of a majority of votes of the representatives on the employer side]** shall be decided by the vote of the employer, on the one side, and the trade unions representatives who hold a majority **[of trade**

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unions'] voting weight of the trade unions represented at that meeting, on the other side."

"19.4 Any procedural matters that are not regulated in this Constitution shall be decided by the vote of the employer, on the one side, and the trade unions representatives who hold a majority voting weight of the trade unions represented at that meeting, on the other side."

3.2.15. CLAUSE 19.6 DECISIONS OF COUNCIL

"19.6 If any issue which the General Secretary considers to be extremely urgent arises between the meetings of the Council, and it is possible to answer the question by a simple 'Yes' or 'No', the General Secretary in consultation with the Chairperson may cause a vote of representatives **[on] in** the Council to be taken by the telefax. A proposal subjected to a telefax vote may be adopted only if supported by **[at least two-thirds of the employer representatives] the employer** and by trade unions holding two thirds of the unions' voting weight in the Council **[respectively]**. Any decision made by a telefax vote of the Council must be ratified in a Council meeting."

"19.6 If any issue which the General Secretary considers to be extremely urgent arises between the meetings of the Council, and it is possible to answer the question by a simple 'Yes' or 'No', the General Secretary in consultation with the Chairperson may cause a vote of representatives in the Council to be taken by the telefax. A proposal subjected to a telefax vote may be adopted only if supported by the employer and by trade unions holding two thirds of the unions' voting weight in the Council. Any decision made by a telefax vote of the Council must be ratified in a Council meeting."

J. R. J. M. N.
J. C. W.
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3.2.16. CLAUSE 22.1 EXEMPTION PROCEDURE

"22.1 In the event of [an] the employer or employee seeking exemption from a provision in a collective agreement, an application must be submitted in writing to the Council and must at least contain the following information: ..."

"22.1 In the event of the employer or employee seeking exemption from a provision in a collective agreement, an application must be submitted in writing to the Council and must at least contain the following information: ..."

3.2.17. CLAUSE 24.2 AMENDMENT OF THE CONSTITUTION OF COUNCIL

"24.2 Subject to the provisions of section 30 of the Act, all other clauses, with the exception of clause [19.1] 24.1 in this Constitution, may be amended by way of a decision of the Council provided that **[two-thirds of the employer representatives] the employer** on the one side, and trade unions holding two-thirds of the trade unions' voting weight **[on] in** the Council, on the other, vote in favour of amending the Constitution."

"24.2 Subject to the provisions of section 30 of the Act, all other clauses, with the exception of clause 24.1 in this Constitution, may be amended by way of a decision of the Council provided that the employer on the one side, and trade unions holding two-thirds of the trade unions' voting weight in the Council, on the other, vote in favour of amending the Constitution."

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B.C.W.
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2.2.13. CLAUSE 25.1 WINDING UP

“25.1 The Council may be wound up if it has been so resolved by a vote of the trade unions holding a majority of the unions’ voting weight on the employee side and **[a majority of employer representatives]** the employer, at a meeting specially called for the purpose of winding up the Council. The General Secretary shall, as soon as possible after such resolution had been taken, apply to the Labour Court for an order giving effect to the said resolution.”

“25.1 The Council may be wound up if it has been so resolved by a vote of the trade unions holding a majority of the unions’ voting weight on the employee side and the employer, at a meeting specially called for the purpose of winding up the Council. The General Secretary shall, as soon as possible after such resolution had been taken, apply to the Labour Court for an order giving effect to the said resolution.”

2.2.14 CLAUSE 2 DEFINITIONS

Insertion of the definition of “**authorised representative**” as follows:

“**authorised representative**” means the Chief Negotiator appointed by a party to the Council.’

4. SCOPE

This agreement binds the following:

- 4.1 The Sate as Employer;
- 4.2 The trade union parties admitted to the PHSDSBC; and
- 4.3 All employees who fall within the registered scope of the PHSDSBC.

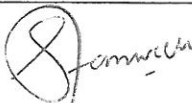
5. DISPUTE RESOLUTION

Any party falling under the registered scope of the PHSDSBC may declare a dispute in accordance with the dispute procedure of the PHSDSBC.

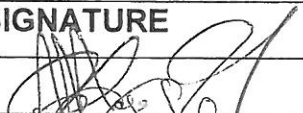

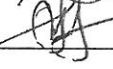

Handwritten signatures and initials:
J.C.M.
A.
R.I.N.S.

SIGNATORIES

THIS SIGNED AT CENTURION ON THIS THE __ DAY OF AUGUST 2008:

	NAME	SIGNATURE
FOR STATE AS EMPLOYER	JAMES T. CORNWALL	

FOR TRADE UNION PARTIES:

	NAME	SIGNATURE
DENOSA	JABU C. MASAGUA	
HOSPERSA	SUSAN M. HILKEY	
NEHAWU	SHEREEN SAMUEL	
NUPSAW	MARSHALL J.	
PSA		

