COLLECTIVE BARGAINING POLICY FOR THE PSA

1. **Introduction**

The need for a collective bargaining policy, strategy and Guide to support the PSA’s overarching stretch goal of becoming the largest trade union in the public service, that renders a speedy, convenient and quality service cannot be overemphasized. The Collective bargaining strategy and Guide are already in place. In terms of section 67 (1) of the PSA Statute, the Board has the power and authority to develop policies concerning the affairs of the PSA.

Trade unions cannot exist without collective bargaining and any union that only represents members in arbitrations and disciplinary hearings is not a genuine trade union.

The following critical components of an effective policy are dealt with in the body of this policy document:

- Scope
- Definitions
- Purpose and policy objectives
- Policy statement and principles
- Procedures describing how the policy will be implemented
- Communication of Policy Principles and objectives
- Delegations to act in terms of this Policy
- Monitoring of Policy implementation and review

2. **Scope**

This policy is applicable to the PSA Board, members and employees.

3. **Definitions**

3.1 **Board:** the members of the Board of Directors elected under section 51 (1) (f) read with section 60, 61 and 62 of the PSA Statue;

3.2 **Cost of living:** the difference in the price of a similar basket of goods as experienced by people in different regions earning different wages or salaries;

3.3 **Delegation:** the assignment of tasks and the required authority to a subordinate;

3.4 **Dispute:** includes an alleged dispute;

3.5 **Employee:** a person who has been appointed to an approved post or the establishment of the PSA;

3.6 **Employer:** means the State as employer as represented –

   (a) at Central level (PSCBC), by representatives appointed for that purpose by the responsible Minister;
(b) at Sectoral level, by representatives appointed for that purpose by the responsible Minister; and

(c) at National and provincial departmental levels, by representatives appointed for that purpose by the responsible Minister and Premier respectively.

(d) Any legal entity that controls and directs a worker(s) under an express or implied contract of employment and pays (or is obligated to pay) him or her/them a salary or wages in compensation.

3.7 External equity: - refers to compensation relationships external to the organization, ie comparison with competitors;

3.8 Guide to Collective bargaining:- recommended best practices relating to Collective bargaining for PSA Negotiators to enable them to perform their tasks efficiently and effectively;

3.9 Member:- a person who has been admitted as a member under section 6 read with section 14 of the PSA Statute;

3.10 Member structure:- a structure as defined in section 26 of the PSA Statute;

3.11 Objective:- measurable and time-bound action that will be necessary to reach a goal;

3.12 Policy:- a statement of intent to pursue specific basic principles aimed at attaining specific goals/objectives;

3.13 Principle:- a moral rule or a strong belief/understanding that guides or influences the action(s) of individuals within organisations;

3.14 Statute:- means the Constitution of the PSA;

3.15 Strategy:- a statement that indicates how your objectives will be met; and

3.16 Strike: - the partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to “work” in this definition includes overtime work, whether it is voluntary or compulsory.

4. **Purpose**

4.1 The primary aim of this policy is to ensure consistent approach to collective bargaining process, so as to avoid confusion on the part of PSA Negotiators and other relevant stakeholders when engaging with the employer.
4.2 **Policy Objectives**

4.2.1 To negotiate agreements that will ensure higher and equitable salaries for our members;
4.2.2 To ensure our members’ access to sustainable pension/provident funds through negotiations;
4.2.3 To promote access to health care by negotiating a fair and equitable medical aid subsidy for all our members;
4.2.4 To negotiate with the employer on measures aimed at promoting a healthy and safe work environment;
4.2.5 To negotiate/consult with the employer on hours of work that are conducive to a work/life balance;
4.2.6 To negotiate an agreement with the employer on job security for our members;
4.2.7 To ensure that our members are protected from arbitrary or discriminatory actions by negotiating affirmative action policies and measures that are consistent with the provisions of the Employment Equity Act, 1998, as amended, with the employer;
4.2.8 To negotiate agreements that will ensure that gender equality is achieved in a workplace and that family responsibility leave is granted to our members in support of their parental rights.

5. **Policy statement**

5.1 The PSA intends to follow the principles as outlined below aimed at guiding it towards the achievement of the above policy objectives.

5.2 **Principles**

5.2.1 The PSA shall at all times negotiate agreements that will improve the socio-economic status of its members;
5.2.2 Collective bargaining objectives must be set so as to increase the effectiveness of decision-making by the negotiators during a bargaining session;
5.2.3 The PSA shall not sign an agreement on behalf of its members without a majority mandate in that regard;
5.2.4 Furthermore, it (PSA) shall not sign an agreement that seeks to vary the terms and conditions of employment of its members downwards without any trade-off and their consent thereto;
5.2.5 The members shall be balloted for a strike, prior to the PSA calling a strike action, and thereby promoting member solidarity;
5.2.6 The remuneration policy and strategy of the State as an employer shall be supported only if it ensures that pay is based on changes in cost of living and external equity, personal needs, such as housing, medical and performance etc.;
5.2.7 The PSA shall play a crucial role in shaping the direction of collective bargaining at PSCBC level by making well researched discussion documents available to the parties to Council for further engagement;
5.2.8 The members must be encouraged to participate in the negotiation process and other related activities by explaining to them the benefits of such participation; and
5.2.9 The PSA shall support the retention of centralized and Sectoral bargaining levels in that minimum wages and labour standards are established, egalitarian working conditions across the public service are promoted, and efficiency in collective bargaining is promoted.

5.2.10 The members and other relevant stakeholders shall at all times be informed about the outcomes of the collective bargaining and/dispute resolution processes by means of an Informus, PSA Magazine and electronic media.

6. **Policy Implementation Procedures**

6.1 The attached collective bargaining strategy document (Annexure A) and the Guide to Collective bargaining for PSA Negotiators (Annexure B) explain, among others the bargaining process and responsibilities in terms of bringing finality to the process itself.

6.2 It is absolutely essential to read the aforementioned documents together with this policy document, so as to have a broad picture of the collective bargaining process.

7. **Communication**

This Policy will be communicated to all members of staff on a bi-monthly basis by means of e-mail and internal newsletter, until approved by the Board.

In addition, it will be communicated to all members and member structures by means of Informus.

8. **Delegations**

8.1 In terms of the provisions of the revised section 69 (4) of the PSA Statute, the Board is empowered to decide on all negotiations and declaration of disputes in all bargaining councils at which the PSA is admitted, subject to the expressed will of the majority of the members.

8.2 However that authority had been delegated to the General Manager of the PSA with effect from 26 June 2001 (Annexure C). He/she may authorize his/her managers to act in terms of that delegated authority.

9. **Monitoring and Evaluation**

The General Manager, in consultation with the Board, will monitor the effective implementation of this policy and evaluate it so as to assess its efficiency and effectiveness.

10. **Policy Review**

This policy will be reviewed as and when the need arises, so as to ensure that it is in the line with the trends in the trade union environment.

The identified gaps during the policy evaluation process will also be addressed.
References

1. Books


Malhotra, Deepak., and Bazerman, Max H. 2007. Negotiation Genius: How to overcome obstacles and achieve brilliant results at the bargaining table and beyond


2. PSA Statute

The following sections have been referred to:
Sections 6, 14, 26, 51(1)(f), 60, 61, 62, 67 (1) and 69 (4)