



PSCBC

**PUBLIC SERVICE CO-ORDINATING
BARGAINING COUNCIL**

OUR VISION

- To be a model bargaining council within the South African labour market and in the global arena.**

OUR MISSION

- To promote integrated collective bargaining at national, sectoral and provincial levels of the public service.**
- To provide mechanisms to ensure labour peace and stability in the public service.**

Who is the PSCBC?

The Public Service Co-ordinating Bargaining Council (PSCBC) is an independent organisation established in terms of Section 35 of the Labour Relations Act, Act 66 of 1995, (LRA) to maintain good labour relations in the public service and to provide a platform where the state as employer and the public service unions can negotiate on matters of mutual interest (for example wages).

What does the PSCBC do?

The PSCBC has many functions, but we mainly:

- 🔗 Negotiate collective agreements on the transverse terms and conditions of employment of public servants (for example wages).
- 🔗 Manage the administration of hearings to resolve disputes that arise in the public service over which the PSCBC has jurisdiction.

Who is covered by the PSCBC?

The whole of the public service, excluding the members of the National Defence Force, the National Intelligence Agency, the South African Secret Service and the South African National Academy of Intelligence.

What is meant by “PSCBC staff” and “PSCBC parties to Council”?

The PSCBC staff (also called “the secretariat”) is led by the Secretary to Council and is responsible for the administrative functions of Council.

The PSCBC parties to Council (consisting of representatives from both the state as employer and the unions) are the people who attend the meetings, negotiate collective agreements and make all Council decisions during these meetings. The employer and the majority of the unions admitted to the PSCBC, must be in favor of any decision before the decision will be valid and binding.

Parties to Council	
State (represented by DPSA)	
POPCRU	PSA
SAPU	NEHAWU
SADTU	NAPTOSA
HOSPERSA / NUPSAW / NATU	DENOSA

Is the PSCBC a sub-structure of Government?

No. The PSCBC, as well as the Sector Councils (i.e. SSSBC, ELRC, PHSDSBC, GPSSBC) are independent forums and not government structures. The parties to Council consist of 50% government representatives and 50% union representatives and this combination ensures that the PSCBC remains impartial, independent and unbiased at all times.

What is the relationship between PSCBC and the Sector Councils?

Section 35 of the LRA provides for the establishment of the PSCBC. Section 37 gives the PSCBC the power to establish Bargaining Councils for different sectors in the public service. This is exactly what the PSCBC did by establishing the following sector councils:

SSSBC	(Safety and Security Sector Bargaining Council)
PHSDSBC	(Public Health and Social Development Sector Bargaining Council)
GPSSBC	(General Public Service Sector Bargaining Council)
ELRC	(Education Labour Relations Council)

Does the PSCBC have provincial offices?

No. PSCBC has Provincial Chambers where the parties negotiate on various issues of mutual interest that affect that particular province, but these Chambers do not have permanent staff. All meetings and dispute hearings are dealt with and scheduled by the PSCBC secretariat from the PSCBC offices in Pretoria.

Is a “collective agreement” and a “resolution” the same thing?

Yes. Collective Agreements signed in the PSCBC are documented and referred to as “Resolutions of Council” e.g. the first collective agreement signed in 2007 will be referred to as “Resolution 1 of 2007”.

Where can I get more information on collective agreements?

All PSCBC collective agreements can be found on the **PSCBC website** (www.pscbc.org.za) under the menu item “Search Agreements”. You are also welcome to contact the **PSCBC Collective Bargaining Department** if you would like to know more about PSCBC collective agreements.

An agency fee is deducted from my salary every month. What is an agency fee and where does that money go?

The principle of an agency fee is supported by the LRA. The Agency Shop Agreement requires the employer to deduct a fee from the salaries of **non-union workers**. This is because non-union workers also **benefit from the unions’ bargaining efforts** e.g. when the unions negotiate a wage increase, all public servants, including non-union members receive a wage increase.

These agency fees are paid to the PSCBC who distributes the money to the unions in accordance with the number of members each union has. The unions then use these funds to pay for any expenditure that advances or protects the socio-economic interests of employees.

Who must I contact if I have a labour related problem?

Your **union** representative or **Labour Relations Section** should assist you with regard to the relevant procedures and information. The grievance procedure must be exhausted first before a dispute can be referred to a Bargaining Council (except for unfair dismissal, interpretation of a collective agreement or matters of mutual interest disputes).

You may contact the **PSCBC** or relevant **Sector Council** for information on how to refer your dispute. Because the PSCBC and Sector Councils are impartial, independent and unbiased organisations, we are unfortunately not allowed to give advice on the merits of any case to either the employer or the employee. We may however provide the relevant **procedural information**.

Where must I refer my dispute to?

The **issue in dispute** and your **place of work** will mainly determine where you should refer your dispute. Some cases MUST be referred to the CCMA. Section 51 of the LRA and the footnotes in that section give a helpful breakdown as to what type of disputes must be referred to the CCMA and what must go to Bargaining Councils.

Discrimination disputes must for instance be referred to the **CCMA**, while **unfair dismissal and unfair labour practice** disputes must be referred to the relevant **Bargaining Council**. (Also see next question below)

There are five (5) Bargaining Councils in the Public Service. How do I know which one I must refer my dispute to?

Once again the **issue in dispute** and **place of work** will determine which Bargaining Council can hear your case.

If the dispute is about an **unfair labour practice** (e.g. promotion, demotion, benefits, training, disciplinary action, suspension, probation) or an **unfair dismissal**, you may refer it to a **Sector Council**. If the dispute is about the interpretation or application of a **PSCBC collective agreement** (resolution) or about an issue that impacts on more than one Department (e.g. wage negotiations for the whole of the public service), it should be referred to the **PSCBC**.

Once you have determined whether the particular issue in dispute should be referred to a Sector Council or the PSCBC, you need to determine which specific bargaining council has jurisdiction to deal with the dispute. The **scopes of the bargaining councils** are as follows:

Public Service Co-ordinating Bargaining Council (PSCBC):

The PSCBC covers the whole public service as defined in Section 1(1) of the Public Service Act, 1994, {promulgated by Proclamation No. 103 of 1994} but excluding –

- (a) members of the National Defence Force;
- (b) members of the National Intelligence Agency;
- (c) members of the South African Secret Service; and
- (d) members of the South African National Academy of Intelligence.

The PSCBC deals mainly with disputes that affect two or more sectors and disputes about the interpretation / application of PSCBC collective agreements. If a sector bargaining council has the authority to deal with the issue in dispute, then the PSCBC may not consider that dispute.

Public Health and Social Development Sector Bargaining Council (PHSDSBC):

The PHSDSBC covers the whole of the health and welfare sector; in other words it covers all employees who are employed by the Department of Health and the Department of Social Development, at national level. It also covers those employers and employees

in the provinces who are employed in the health and welfare provincial departments. Schedule 1 of the Constitution of the Public Health and Social Development Sector Bargaining Council also lists health professionals employed in all other national and provincial departments who falls within their scope. This means that if anyone is employed in an occupation that is listed below, the PHSDSBC will have the authority to deal with the dispute, no matter in what Department the employee works.

Clinical Photographer
Orthopaedic Shoemaker
Management Echelon (Medical and Dental Specialists)
Community Development Officer
Clinical Psychologist
Psychologist
Supplementary Diagnostic Radiographer
Biokinetician
Chiropodist
Dietician
Health Therapist
Emergency Care Practitioner
Staff Nurse
Nursing Assistant
Professional Nurse
Nutritionist
Emergency Services Officer (certain categories)
Social Auxiliary Worker
Community Liaison Officer
Child and Youth (Care) Worker

Social Worker
Probation Officer
Medical officer
Medical/Dental Superintendent
Specialist
Dentist
Pharmacist
Forensic Analyst
Medical Physicist
Air Pollution Control officer
Medical Natural Scientist
Medicine Control Officer
Radiation Control Officer
Radiation Scientist
Medical Orthotist and Prosthetist
Medical Technologist
Clinical Technologist
Medical Technical Officer
Industrial Technician
Environmental Health Officer
Dental Technician

Safety and Security Sector Bargaining Council (SSSBC)

The SSSBC covers all the employees employed under the South African Police Act and Public Service Act in the South African Police Service. Non-uniformed staff employed by the South African Police Service is thus included.

Education Labour Relations Council (ELRC)

The ELRC covers those employees in respect of which the Employment of Educators Act of 1998 applies. Public Service Act employees employed by the Department of Education (e.g. a secretary) and employees employed by school governing bodies are thus not covered.

General Public Service Sectoral Bargaining Council (GPSSBC)

The GPSSBC covers all public service employees who do not fall within the scope of the above Sector Councils (PHSDSBC, SSSBC or the ELRC). Uniformed soldiers as well as employees of the National Intelligence Agencies, South African Secret Service and South African National Academy of Intelligence are excluded and not covered by the GPSSBC.

Summary: The Public Service Bargaining Councils deal with disputes and sign collective agreements that bind the following public servants

PSCBC <i>(Public Service Co-ordinating Bargaining Council)</i>	All public service employees. Disputes must be about the interpretation or application of a PSCBC Resolution , OR an issue that affects more than 1 sector . PSCBC may not deal with a dispute if there is a Sector Bargaining Council that has jurisdiction.
PHSDSBC <i>(Public Health and Social Development Sector Bargaining Council)</i>	Employees employed by the Department of Health and Department of Social Development , as well as employees in other Departments (nationally/ provincially) who are in health professions .
SSSBC <i>(Safety and Security Sector Bargaining Council)</i>	South African Police Service employees.
ELRC <i>(Education Labour Relations Council)</i>	Employees appointed in terms of the Educators Act .
GPSSBC <i>(General Public Service Sector Bargaining Council)</i>	All public servants who do not fall within the scope of the other Sector Bargaining Councils above.

How do I refer a dispute?

Every Bargaining Council has its own referral form and procedure to refer a dispute.

1. Complete the relevant Bargaining Council's referral form (Please phone the relevant Council to get the correct form)
2. Send a copy of the form to your employer (PSCBC referral forms must also be sent to the chief negotiator of the State at the DPSA offices)
3. Send the form to the relevant Bargaining Council's office **WITH** proof that the form was sent / given to the employer. (Proof is for instance a fax transmission slip etc.).

Is there a limited time for me to refer my dispute to the Bargaining Council?

Some disputes must be referred within a specific time-frame:

Unfair dismissal dispute: Dismissal disputes must be referred within **30 days of the date of dismissal**. If an employee applied for an appeal, the date of dismissal (for the purposes of counting the 30 day period in which to refer the dispute) is the day the employee was notified of the outcome of the appeal. (The ELRC procedure allows 45 days for the referral of dismissal disputes).

Unfair labour practice: An unfair labour practice dispute must be referred to the Bargaining Council within **90 days** of the date of the act or omission which resulted in the unfair labour

practice or, if it is a later date, within **90 days** of the date on which the employee became aware of the act or omission.

Discrimination:

The employee must refer the dispute to the **CCMA within 6 months** of the act or omission that is perceived as unfair discrimination. (Discrimination includes harassment of an employee)

Referral to arbitration:

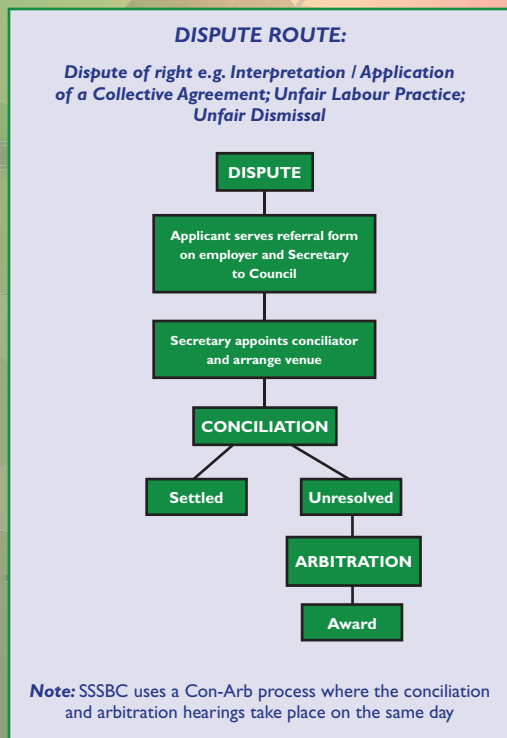
The time limit to submit an application for arbitration is **90 days** after the certificate has been issued to confirm that the outcome of the conciliation hearing is “unresolved”.

What happens if I refer my dispute late?

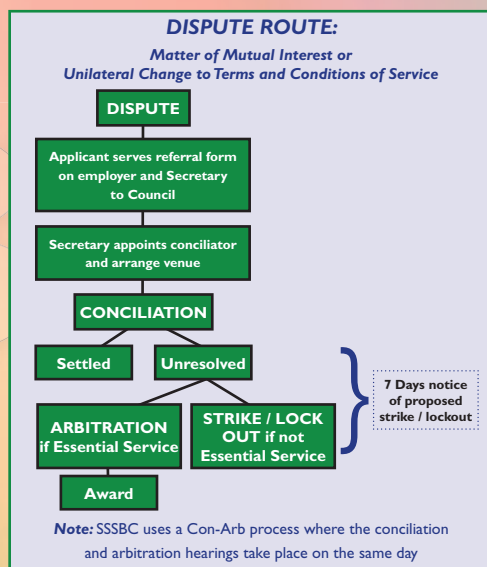
If a dispute is even only one day **late**, the Bargaining Council will **not have the authority** to deal with the dispute. The employee must complete an application form to explain why the referral is late. This application is called an “**application for condonation**”. The Bargaining Council will consider the application and the case will only be heard if your application succeeds.

What happens once I’ve referred my dispute?

The process for disputes of right (e.g. promotion / demotion / benefit / unfair dismissal disputes) is as follows:



The process for disputes of interest (e.g. unilateral change to terms and conditions of employment / refusal to bargain / wage disputes etc.) is as follows:



What is a conciliation?

Conciliation or mediation is a **process** in which the services of a **neutral third person** is used in a dispute as a means of helping the disputing parties to arrive at a **mutually agreed settlement**. The outcome of the process is determined by the parties and the whole process is “off the record” and anything that is said or done in the conciliation may not be held against any person in any further hearings.

What is an arbitration?

Arbitration is a more formal and clearly structured process. The evidence led by parties is on record and all statements have evidentiary or probative value. Unlike the conciliator, the **arbitrator** has specific **decision making powers** which **bind both parties** to the dispute and the arbitrator solely determines the outcome of the dispute. Arbitrations may be clearly structured and more formal than conciliations, but it is also non-legalistic and much **more flexible than court hearings**. The outcome of the arbitration hearing is called an “**award**”.

How much will it cost to refer my dispute?

You don't have to pay the Bargaining Council anything to refer your dispute. The Bargaining Council will process your referral, appoint an independent person to hear your case and schedule all hearings free of charge.

PUBLIC SERVICE BARGAINING COUNCIL CONTACT DETAILS

PSCBC

Physical address: Public Service Bargaining Centre, 260 Basden Ave, Lyttleton, 0176
Postal address: PO Box 3123, Lyttleton South, 0176
Tel: (012) 644 8100
Fax: 086 619 7884
Website: www.pscbc.org.za

SSSBC

(Safety and Security Sector Bargaining Council)
Physical address: Public Service Bargaining Centre, 260 Basden Ave, Lyttleton, 0176
Postal address: PO Box 4289, Pretoria, 0001
Tel: (012) 644 8115
Fax: (012) 664 8992

PHSDSBC

(Public Health and Social Development Sector Bargaining Council)
Physical address: Public Service Bargaining Centre, 260 Basden Ave, Lyttleton, 0176
Postal address: PO Box 11467, Centurion, 0046
Tel: (012) 644 8118
Fax (012) 664 8045

GPSSBC

(General Public Service Sector Bargaining Council)
Physical address: Public Service Bargaining Centre, 260 Basden Ave, Lyttleton, 0176
Postal address: PO Box 16663, Lyttleton, 0140
Tel: (012) 644 8132
Fax: (012) 664 8749

ELRC

(Education Labour Relations Council)
Physical address: 261 West Street, Centurion, 0046
Postal address: Private Bag X126, Centurion, 0046
Tel: (012) 663 7446
Fax: (012) 663 9604