

# **SCOPES OF BARGAINING COUNCILS IN THE PUBLIC SERVICE**

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**PSCBC, ELRC, GPSSBC, PHSDSBC & SSSBC**

Positioning  
Advancing  
Influencing  
Changing



**PSCBC**

PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL

## **The Scope of Bargaining Councils in the Public Service**

### **The Public Service Co-ordinating Bargaining Council (PSCBC):**

The PSCBC covers the entire public service as defined in Section 1 (1) of the Public Service Act, 1994 as Amended, excluding-

- a) Members of the National Defense 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 Resolutions. If a Sector Bargaining Council has the authority to deal with an issue in dispute; then the PSCBC may not consider that dispute.

### **Education Labour Relations Council (ELRC)**

The scope of the ELRC covers the following employees:

- a) Educators employed in terms of Employment of Educators Act No 76 of 1998
- b) Educators or Lecturers in the 50 Public FET Colleges employed in terms of Further Education and Training Colleges Act

The ELRC lacks jurisdiction on the following employees:

- a) Educators employed by the School Governing Body (SGB) and
- b) Support staff in the Department of Education and FET Colleges e.g. (Clerks, Secretaries etc.)

### **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) excluding uniform members in the following institutions:

- a) Members of the National Defense 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.

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

The PHSDSBC encompasses the State as Employer, and its employees who are in the Health and Social Development Sector; i.e. Employees who are employed by the Departments of Health and Social Development at national and provincial levels. Schedule 1 of the Constitution of the PHSDSBC also lists health professionals employed in all other national and provincial departments who fall 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 their dispute.

<b>OCCUPATIONS</b>	
Clinical Photographer	Social Worker
Orthopedic Shoemaker	Probation Officer
Management Echelon (Medical and Dental Specialists)	Medical Officer Medical/ Dental Superintendent
Community Development Officer	Specialist
Clinical Psychologist	Dentist
Psychologist	Pharmacist
Supplementary Diagnostic Radiographer	Forensic Analyst
Biokineticist	Medical Physicist
Chiropodist	Air Pollution Control Officer
Dietician	Medical Natural Scientist
Heath Therapist	Medicine Control Officer
Emergency Care Practitioner	Radiation Control Officer
Staff Nurse	Radiation Scientist
Nursing Assistant	Medical Orthotist and Prosthetics
Professional Nurse	Medical Technologist
Nutritionist	Clinical Technologist
Emergency Services Officer (certain categories)	Medical Technical Officer
Social Auxiliary Worker	Industrial Technician
Community Liaison Officer	Environmental Health Officer
Child and Youth (Care) Worker	Dental Technician

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## **Safety and Security Sector Bargaining Council (SSSBC)**

The scope of the SSSBC encompasses the State as employer, as well as its employees who are employed in the South African Police Service in terms of:

- The South African Police Service Act 68,1995; and
- The Public Service Act 103, 1994.

Employees that do not fall within the scope of the SSSBC:

- Trainee Students / Student Constables;
- Security Guards/Officers;
- Metro Police / Traffic officers;
- SANDF Employees;
- Department of Correctional Services employees;
- Part-time /Temporary / Contract employees employed by SAPS;
- Tea Clubs / Sports Clubs Employees; and
- Cleaners who are cleaning SAPS buildings but contracted to the Service Provider.

## **JURISDICTION**

In terms of section 51 of the Labour Relations Act , the following disputes must be referred directly to the CCMA, and cannot be dealt with by the PSCBC, GPSSBC, PHSDSBC, or SSSBC:

- Disclosure of Information (Section 16 and 89 of the Labour Relations Act, no 66 of 1995);
- Organisational Rights (Chapter III part A of the Labour Relations Act, no 66 of 1995);
- Agency Shop Disputes (Section 25 of the Labour Relations Act, no 66 of 1995);
- Closed Shop Disputes (Section 26 of the Labour Relations Act, no 66 of 1995);
- Interpretation or application of collective bargaining provisions (Section 63 (1) of the Labour Relations Act, no 66 of 1995); and
- Workplace forum disputes (Sections 86 and 94 of the Labour Relations Act, no 66 of 1995).

Other type of disputes which may not be dealt with by the Councils (provided that the issue in dispute is regulated by a Collective Agreement of the respective Council) include:

- Transfers;
- Salary deductions / increases / non-payments;
- Performance Management and Development System (PMDS);
- Employment Equity Act disputes;
- Skills Development Act disputes; as well as
- Pensions /Provident / Retirement Fund.

## REPRESENTATION OF DISPUTES WHICH CAN BE REFERRED TO THE PSCBC AND SECTORAL COUNCILS

### PSCBC

Disputes involving employees in the entire public service relating to:

- Interpretation or Application of PSCBC Collective Agreements
- Mutual Interest
- Unilateral Changes to Terms of Conditions of Employment)
- Refusal to Bargain

only in respect of matters involving two or more sectors

### ELRC

Disputes involving educators in the Department of Education employed in terms of the Educators Act and educators in the FET Colleges employed in terms of the FET Act:

- Unfair Dismissal
- Unfair Labour Practice
- Specialised ULP (Appointment / Promotion)
- Mutual Interest
- Refusal to Bargain
- Interpretation or Application of ELRC Collective Agreements
- Unilateral Change to Terms and Conditions of Employment
- Severance Pay
- Employment Equity Act (EEA) disputes
- Non compliance with Collective Agreements and BCEA provisions
- Enforcement of Collective Agreements in terms of section 33 and 33A of the LRA
- Picketing

### SSSBC

Disputes involving all employees of the South African Police Service employed in terms of the SA Police Act (police) & Public Service Act (admin staff).

- Unfair Dismissal
- Unfair Labour Practice
- Mutual Interest
- Refusal to Bargain
- Interpretation or Application of SSSBC Collective Agreements
- Interpretation or Application of the Constitution
- Unilateral change to Terms and Conditions of Employment
- Severance Pay

### PHSDSBC

Disputes involving all employees within the Department of Health and Social Development incl. health professionals in any State Department as identified in the scope above.

- Unfair dismissal
- Unfair Labour Practice
- Mutual Interest
- Refusal to Bargain
- Interpretation or Application of PHSDSBC Collective Agreements
- Unilateral Change to Terms and Conditions of Employment
- Severance Pay

### GPSSBC

Disputes involving all public service employees who do not fall within the scope of the PHSDSBC, SSSBC or the ELRC **excluding uniformed members** in the:

- National Defense Force;  
National Intelligence Agency;  
South African Secret Service; and  
South African National Academy of Intelligence.
- Unfair dismissal
  - Unfair Labour Practice
  - Mutual Interest
  - Refusal to Bargain
  - Interpretation or application of GPSSBC Collective Agreements
  - Unilateral Change to Terms and Conditions of Employment
  - Severance Pay