



## **SCHEDULE ON WAGE NEGOTIATIONS:**

The procedure for negotiating matters of mutual interest in Council is detailed in clause 16 of the constitution of Council.

Clause 16 provides for the following procedure;

- 16.1 *Any party to the Council may submit a written proposal regarding a matter of mutual interest to the General Secretary for consideration by the Council. The Council must determine the procedure for placing a proposal on the agenda of the Council.*

Parties to council entered into PSCBC Resolution 3 of 2017, *Negotiation Protocol Agreement: Wage Negotiations Process*, outlining the procedure for introducing mutual interest demands to Council. This process was duly undertaken by Council with the employer making its submission on the 22<sup>nd</sup> April 2022 and Labour on the 4<sup>th</sup> May 2022.

- 16.2 *If it is decided that the Council will deal with a proposal, it must meet within 21 working days after receipt of a proposal submitted in terms of **clause 16.1** or any time thereafter, if the party who made the proposal agrees thereto.*

Council received the demands from labour on the 4<sup>th</sup> May 2021 and agreed to reconvene on the 19<sup>th</sup> May 2022, being 11 working days from the date of the submission of the demands, well within the 21 day period allowed for.

- 16.3 *At the meeting referred to in **clause 16.2**, the Council must attempt to agree on a negotiation process which may include the following:*
- (a) The submission of counter proposals;*
  - (b) the establishment of a negotiating committee;*
  - (c) the appointment of one or more facilitators, if necessary, to facilitate the negotiations and chair the meetings; and*
  - (d) the timetable for negotiations.*

The constitution then requires of Council in the meeting referred to in clause 16.2 of the constitution to consider those issues listed in clause 16.3. of the constitution.

#### Establishment of Negotiating Committee:

Amongst those, parties are to consider the establishment of a negotiating committee. A similar provision is allowed for in clause 4.3 of PSCBC Resolution 3 of 2017. The rationale for a negotiating committee is to allow for a more direct approach within a smaller environment that will allow parties to expedite the process of negotiations.

In the draft declaration of the recent summit held, it was agreed that parties would want to align the negotiating cycle on matters of mutual interest with the budgetary provisions of government. In the discussion on the draft implementation plan it was agreed to expedite this process and attempt to align the negotiations cycle from October 2022.

Parties in Council further agreed that, in an attempt to give effect to these commitments and agreements, the current negotiations cycle for the 2022/2023 FY should conclude by the 30<sup>th</sup> June 2022. Allowing parties to start negotiations for the 2023/2024 FY immediately thereafter and to conclude by September 2022.

In the draft implementation plan and in the summit declaration it was agreed that the following projects should be prioritised;

- To conduct an audit on all collective agreements since 2010, to identify areas of non-implementation and agree on a clear process of outstanding areas;
- To develop a roadmap for the implementation of the GEHS;
- To conclude on the enforcement procedure of Council.

Council is also required to host its Annual General Meeting in the month of June that would require engagement in the financial and operational reporting of Council.

A multi-disciplinary approach will have to be followed by Council in achieving all of the set goals.

#### **It is recommended to Council;**

- To agree to the establishment of a negotiations committee;

- The committee to be comprised of one representative per trade union party admitted to Council (8 labour reps) and 8 employer reps;
- Members to the committee will be nominated in writing and will be required to attend all meetings consistently;
- The committee to report back to caucuses on a weekly basis or when required; and
- Any party to the committee could call for a special council at any time during the negotiating period, if they believe no progress is made or the committee is not achieving its objective.

Appointment of Facilitator(s):

Clause 16.3 (c) requires Council to consider the appointment of one or more facilitators, if necessary, to facilitate the negotiations and chair the meetings. A similar provision is allowed for in clause 4.1 of PSCBC Resolution 3 of 2017.

Facilitators has been effectively utilised in the past, to chair and facilitate bargaining meetings.

**It is recommended to Council;**

- To appoint a single facilitator to facilitate and chair negotiations if parties agree to the establishment of a negotiating committee;
- To appoint two facilitators to facilitate and chair negotiations if parties opt to remain as full Council in the negotiations.

If parties agree to facilitation as per clause 16.3 (c) of the constitution then;

**It is recommended to Council;**

- To request the General Secretary to source CV's of reputable individuals that would be able to facilitate negotiating meetings;
- The General Secretary to present these CV's to the Vice Chair Labour and the Vice Chair Employer by the 25<sup>th</sup> May 2022; and
- The General Secretary in agreement with the Vice Chairs must appoint a facilitator(s) to immediately commence the facilitation.

Where the Vice Chairpersons cannot agree on the appointment of a facilitator, clause 16.4 of the constitution will be followed;

16.4 *If the Council agrees to facilitation in terms of clause 16.3(c) but fails to agree, within a period of 5 working days from the decision to appoint a facilitator(s), on which facilitator(s) to appoint, the General Secretary must in his or her own discretion decide how many facilitators to appoint and appoint the facilitator(s), taking into consideration the views of the parties.*

The Timetable for Negotiations:

Clause 16.5 of the constitution provides as follows;

16.5 *In the event of the Council not meeting within the period provided for in clause 16.2, or at the meeting not agreeing upon a negotiating procedure in terms of clause 16.3, the parties must within 2 working days from the expiry of the period provided for in clause 16.2 commence negotiations.*

Therefore if parties could not agree to a time table for negotiations as required by clause 16.3 of the constitution, the negotiations will commence 4<sup>th</sup> June 2022.

The following time table is proposed to Council members for consideration;

<b>TIME TABLE- PSCBC WAGE NEGOTIATIONS</b>		
<b>Process</b>	<b>Date</b>	<b>Remark</b>
<b>Special Council Meeting: Employer Response to Labour Demands and Agreement on Negotiations Procedure.</b>	19 May 2022	Physical Meeting
<b>Appointment of Facilitators if agreed to and the nomination of negotiating committee members if agreed to.</b>	25 May 2022	General Secretary and Vice Chairpersons
<b>Convening of caucuses in preparation for negotiations (if required).</b>	23 – 27 May 2022	General Secretary and Vice Chairpersons

<b>1<sup>st</sup> sitting:</b> <b>Negotiations on Matters of Mutual Interest</b>	30 May 2022 – 3 June 2022	Negotiating Committee/ Council
<b>Convening of caucuses’ consolidation of approach (if required).</b>	6 June 2022 -8 June 2022	General Secretary and Vice chairpersons
<b>2<sup>nd</sup> sitting:</b> <b>Negotiations on Matters of Mutual Interest</b>	9 June 2022 – 14 June 2022	Negotiating Committee/ Council  (Time period include weekend negotiations)
<b>Convening of caucuses’ consolidation of approach (if required).</b>	15 June 2022 – 17 June 2022	General Secretary and Vice chairpersons
<b>Final sitting:</b> <b>Negotiations on Matters of Mutual Interest</b>	20 June 2022 – 30 June 2022	Negotiating Committee/ Council  (Time period include weekend negotiations)

**It is recommended to Council;**

- To adopt the time table as presented, subject to any change by a decision of the majority of parties during the process, where needed and in context.

If parties do not conclude negotiations within the agreed to period the following provisions of the constitution will apply;

*16.6 If the parties do not conclude a Resolution of Council during a period of 21 working days from the date of the expiry of the period referred to in **clause 16.2**, or such longer period as agreed between the parties, and the matter is not settled, any party may refer the matter for conciliation in terms of the dispute resolution procedures.*

*16.7 If the matter is not resolved during the conciliation process, parties to the Council may exercise their rights in terms of the Act.*

Meeting Processes:

The constitution provides for the following limitation on the meetings of Council;

*15.6 Every meeting of the Council must be conducted in private unless the Council decides otherwise.*

**It is recommended to Council;**

- To conduct all meetings, of the negotiating committee or Council physically and in private;
- No hybrid process during the negotiations process should be allowed as to ensure privacy is maintained;
- All applicable health regulations must be adhered to.

**Media Statements:**


The constitution provides for the following limitations on media statements on specific matters being discussed;

27.2 *Press and media statements by the Council must be released by the General Secretary after approval by the Council.*

27.3 *Press and media statements by individual parties to the Council shall not be prohibited, unless an unanimous decision is taken by the Council to limit such statements in respect of a specific matter.*

**It is recommended to Council;**

- To allow for the General Secretary to release media statements when required and in consultation with the Vice Chairpersons of Council;



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General Secretary

Frikkie De Bruin

18 May 2022