



PSCBC251-22/23 & PSCBC186-22/23

DATE: 14 MARCH 2023

FACILITATOR: M RAVUKU

Settlement Agreement in a Matter Between:

NEHAWU, POPCRU, DENOSA, SAPU & OTHERS OBO MEMBERS

APPLICANTS

DEPARTMENT OF PUBLIC SERVICE & ADMINISTRATION

RESPONDENT

Public Service Bargaining Centre, 260 Basden Ave, Lyttelton, Centurion, Pretoria, 0176

P.O. Box 3123, Lyttelton South, 0176

Tel: (012) 644-8100 • Fax: 086 619 7884

E-mail: Info@pscbc.org.za • Website: <http://www.pscbc.org.za>

All correspondence must be addressed to the General Secretary of Council

Handwritten initials: YM, 101, ZK, E.T.

Parties, acknowledge that workers have been participating in industrial strike action over a period and such has affected service delivery. They therefore wish to resolve the outstanding disputes under case numbers PSCBC251-22/23 and PSCBC186- 22/23 as follows;

1.1 CESSATION OF HOSTILITIES

1.1.1 This agreement is a full and final settlement of the disputes that emanated from the negotiations on the bettering of conditions of service for the 2022/2023 financial year.

1.1.2 Parties agree to the cessation of hostilities after the public service strike action.

1.1.3 The employer will implement the “no work, no pay” principle in cases where clear evidence existed that a member willingly participated in the protected strike action. Deductions in respect of no work no pay as a practice shall be made for employees in essential and non-essential services as follows:

- i. Deductions shall be staggered over a period of 4 months.
- ii. The formula to determine a day’s work shall be annual basic salary divided by 365 and shall be based on working hours lost.

1.1.4 The employer will not subject any employee to disciplinary action for participating in the protected strike action. Where the employer decides to discipline individuals for any alleged misconduct the principle of progressive discipline, transparency and fair representation shall apply.

1.2 DEFENDING THE COUNCIL AND COLLECTIVE BARGAINING

1.2.1 Parties commit to defending the Public Service Coordinating Bargaining Council and as such the unions which resolved not to be part of the council process because of this dispute will return to council and participate fully.

1.2.2 Trade unions party to this settlement agreement is not part of the current wage negotiations.

1.2.3 The employer undertakes to call for a special council by no later than Tuesday 14th March 2023 to introduce to parties the current wage offer. Parties shall agree to a negotiations program as per the constitution of Council that will allow for a period of consultation.

1.3 AUGMENTATION OF 2022/2023 INCREMENT

1.3.1 Parties acknowledge that the percentage offered as an increase on the baseline of employees and the subsequent unilateral implementation of the last offer by the employer in the 2022/2023 round of negotiations gave rise to the current dispute.

1.3.2 Parties agree that trade unions will have the right to table proposed additions in the special council meeting scheduled for the 14th March 2023 as to address their concerns;

1.3.3 The employer commits that residual and substantive matters emanating from 2022/2023 wage dispute related to COLA, shall be tabled, positively dealt with and concluded as part of 2023/2024 wage negotiations.

1.4 MINIMUM SERVICE LEVEL AGREEMENT

Parties agree that the long outstanding issue of the minimum service level agreement has created challenges during the strike action and as such both parties will work hard in council and through council processes to ensure that the minimum service level agreement is concluded within six months in the council after the signing of the 2023/2024 wage agreement.

1.5 RETURN TO WORK

1.5.1 Parties agree to have an orderly return to work for workers on strike over 24 hours from the time this settlement agreement is signed by all parties.

1.5.2 All trade unions and management of various departments will jointly work on ensuring that workers return to work orderly.

1.6 GOVERNMENT EMPLOYEE HOUSING SCHEME (GEHS)

1.6.1 Parties agree to the expedition of the provision for the implementation of the GEHS.

1.6.2 Parties further agree to give effect to the provisions of the public sector summit agreement PSCBC resolution 1 of 2022.

1.6.3 Trade unions will introduce this matter in the special council of the 14th of March 2023 for consideration and formalization.

1.7 ENFORCEMENT OF THIS AGREEMENT

The parties to this agreement agree that the agreement is final and binding and concludes this dispute between the parties. The parties further agree that this agreement can be made an arbitration award in terms of section 142A and is enforceable in line with the provisions of section 143 of the Act.

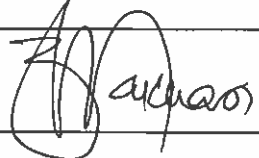
1.8 IMPLEMENTATION OF AGREEMENT

This agreement is binding to all parties as mentioned above and shall come into effect on the date it is signed by all parties as mentioned above and shall remain in force unless terminated or amended by agreement in writing.

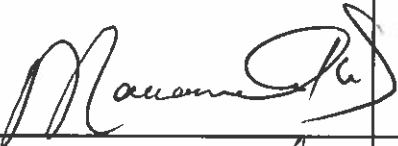
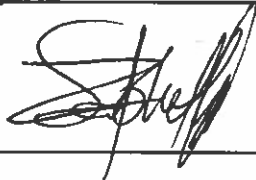
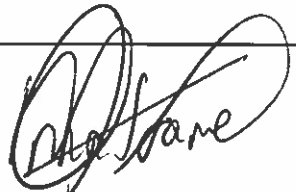
THIS DONE AND SIGNED AT PRETORIA ON THIS 14th
DAY OF March 2023.

Handwritten initials: YM, ZK, 100, E.T.

ON BEHALF OF THE EMPLOYER

	Name	Signature	Date of Signature
STATE AS EMPLOYER	Yoliswa Makhasi		14 March '23

ON BEHALF OF TRADE UNION PARTIES

Trade union	Name	Signature	Date of Signature
DENOSA	MATJAME ET KD		14/03/23
NEHAWU	ZK SAPHETHA		14/03/23
POPCRU			
SAPU	MATJAME ET		2023/03/14



 KD
 UM
 E.F
 ZK