



PHSDSBC

**PUBLIC HEALTH AND SOCIAL DEVELOPMENT
SECTORAL BARGAINING COUNCIL**

**RESOLUTION 3 OF 2017: AMENDMENT OF THE PHSDSBC
CONSTITUTION - ADMISSION OF TRADE UNIONS TO THE COUNCIL**

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NOTING

That Clause 7.1 of the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) Resolution 1 of 2015, as amended, hereinafter referred to as “the Constitution” states that:

“Any single trade union may apply for admission to the Council if it meets the threshold requirement of 10 000 members in good standing in the Public Health and Social Development Sector.”

Further that Clause 7.2 of the Constitution provides that:

“If two or more trade unions act jointly, and each enjoys organisational rights with an employer and have a combined membership of 10 000 the trade unions may be represented in the Council as a single party.”

That Clause 8.1 of the Constitution provides that the membership of a trade union to the Council shall terminate inter alia if:

“8.1.4 the trade union no longer complies with the membership threshold requirements of this Constitution; or

8.1.5 a trade union, acting jointly with another trade union as a single trade union to the Council, ceases to act jointly with the other trade union, and does not independently meet the membership threshold requirements of this Constitution.”

That Clause 25.6 of the Constitution provides that any amendment or addition to the Constitution shall have no force or effect until certified by the Registrar in terms of section 57(4) of the Labour Relations Act.

That Clause 25.7 provides that after an amendment of the threshold requirements in Clause 7 takes effect, if the General Secretary determines under Clause 11 that an admitted trade union does not meet such requirements, the trade union shall remain a party until the next Annual General Meeting of the Council.



That Clause 25.8 provides that despite the provisions of Clause 8.1.4, within three months of an amendment to the threshold requirements in Clause 7 taking effect, a trade union referred to in Clause 25.7 shall be entitled to submit proof, in the form of audited or verified membership figures (whichever is applicable), to the General Secretary that the trade union complies with such increased threshold requirements. If the General Secretary determines that the trade union complies with such increased threshold requirements, the trade union shall remain a party to the Council.

That this agreement replaces the collective agreement in resolution 1 of 2017.

Therefore, parties to the PHSDSBC conclude a collective agreement in the following terms:



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1. PURPOSE

1.1. The purpose of this collective agreement is to amend the provisions of the Constitution pertaining to the admission of trade unions to the Council (ATUC) and in particular to replace the existing Clauses 7.1 and 7.2 and to insert a new clause 7.3 with the wording contained in Clauses 3.1, 3.2 and 3.3 respectively of this resolution. This resolution and the amendments to Clauses 7.1 and 7.2 shall apply to existing parties through the application of the existing Clauses of the Constitution and in particular Clauses 8.1.4, 8.1.5, 25.7 and 25.8.

1.2. This collective agreement replaces and supersedes the collective agreement resolution 2 of 2011 and resolution 1 of 2017 which collective agreements shall be of no further force or effect.

2. SCOPE

This agreement binds:

2.1. The State as Employer, and its employees; and

2.2. Trade Unions that are admitted to the PHSDSBC; and their members.

3. ADMISSION OF TRADE UNIONS TO THE COUNCIL

3.1. Any single trade union may apply for admission to the Council if it meets the threshold requirement of 30 000 members in good standing in the Public Health and Social Development Sector.

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3.2. Any single trade union which is a party to the Council shall meet the threshold requirement of 30 000 membership in good standing within the PHSDSBC, failing which the single trade union shall be dealt with in terms of the provisions of clause 8.1.4, clause 8.1.5 and clause 25.8.

3.3. If two or more trade unions act jointly, and each enjoys organisational rights with an employer and have a combined membership of 30 000, the trade unions may be represented in the Council as a single party.

4. AGREEMENT THAT ADDITIONAL NOTICE IN TERMS OF CLAUSE 25.3 IS NOT NEEDED

In view of the fact that amendment of the threshold requirements was the subject of resolution 1 of 2017, it is agreed in terms of clause 25.3 of the Constitution that a further 30 days' notice to the General Secretary is not needed.

5. INTERPRETATION AND APPLICATION

In the event of any conflict between the provisions of this agreement and any other agreement of the PHSDSBC, regarding the subject matter of this agreement, the provisions of this agreement shall take precedence.



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6. AMENDMENT DISPUTE PROCEDURE


No amendments to this agreement shall be of force or effect unless reduced to writing and agreed upon by the parties to the PHSDSBC as a resolution of the PHSDSBC.

7. DISPUTE PROCEDURE

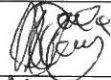

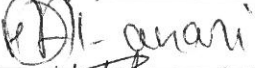
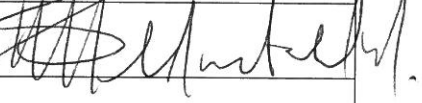
Any dispute about the interpretation and application of this agreement must be referred for resolution in terms of the Clause 21 of the Constitution.

THUS, DONE AND SIGNED AT CENTURION ON THIS THE 21 DAY OF JUNE 2017.

ON BEHALF OF THE STATE AS EMPLOYER

EMPLOYER	NAME	SIGNATURE
NGA KE	NDILE THOMAS	

ON BEHALF OF TRADE UNION PARTIES

TRADE UNION PARTY	NAME	SIGNATURE
NEHAWU	Bereng Soke	
DENOSA	Thandeka Msibi	
PSA	Astrid Al-anani	
HOSPERSA	Masale Selamatsele	
NUPSAW		