



RESOLUTION 1 OF 2007

**AMENDMENTS TO THE CONSTITUTION OF THE PUBLIC HEALTH AND WELFARE
SECTORAL BARGAINING COUNCIL**

"the PHWSBC"

R.J.M.M.
Gen
1
my

1. Objective

The objective of this agreement is to:

- 1.1 Effect amendments to the Constitution of the Public Health and Welfare Sectoral Bargaining Council in line with section 57 of the Labour Relations Act 66 of 1995.

2. Scope of Applicability

This agreement binds:

- 2.1 The Employer;
- 2.2 The employees of the Employer who are members of the trade union parties to this agreement; and
- 2.3 The employees of the Employer who are not members of any trade union party to this agreement, but who fall within the registered scope of Council.

3. Noting

Parties note that:-

- 3.1 Clause 19.2 of the Constitution of Council assert that *" All other clauses excluding those set out in clause 19.1 in this constitution may be amended by way of a decision of the Council provided the employer on the one side, together with 66% of votes on the employee side vote in favour of amending the constitution"*;

J.C.M.
R.J.M.M.
2
BT
AS

3.2 Any amendment of the constitution requires certification by the Registrar;

3.3 notwithstanding the aforementioned, the Labour Court judgment in case no J4282/99, in the matter between National Union of Public Service and Allied Workers Union (NUPSAW) applicant and Public Health and Welfare Sectoral Bargaining Council, 2nd respondent, ordered that:

3.3.1 "The determination of clause 6.2 (b) of the constitution of the Public Health and Welfare Sectoral Bargaining by the First Respondent is declared of no force and effect and set aside.

3.3.2 Clause 6.2(b) of the Constitution of the Second Respondent is adopted in terms of Section 56 (6) of the Labour Relations Act to make provision for the threshold of 10 000 member for the Applicant and/or each party having membership in the sector of the Second Respondent".

3.4 The amendments to the legislative framework that governs the labour relations arena in particular the Labour Relations Act 66 of 1995.

4. Agreement

Parties agree to the following, that:

4.1 The current Constitution of the Public Health and Welfare Sectoral Bargaining Council, as registered by the Registrar of Labour Relations on 28 July 1999 shall be amended.

4.2 The provisions of section 57 of the Labour Relations Act 66 of 1995 shall be followed in order to ensure that the amended constitution takes effect from the date of the registrar's certification.

J.C.M.
R.J.M.M.
3
Sny
A
A

4.3 The name "Public Health and Welfare Sectoral Bargaining Council" shall be amended to "Public Health and Social Development Sectoral Bargaining Council".

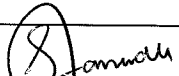
6. Dispute Resolution

Dispute about the interpretation or application of this agreement shall be dealt with in terms of the Council's dispute resolution procedure.

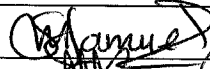

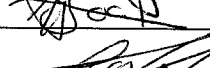

THIS AGREEMENT ENTERED INTO AND SIGNED AT CENTURION ON

THIS 20th DAY OF MARCH 2007

ON BEHALF OF THE STATE AS EMPLOYER

	Name	Signature
State as Employer	JAMES T. CORNWALL	

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
NEHAWU	SHEREEN SAMUEL	
DENOSA	JABU C. MAGAGULA	
PSA	Kim Bock	
HOSPERSA	J.P.T. MURRAY	
NUPSAW	R.J. MOSADI R.J. MOSADI	