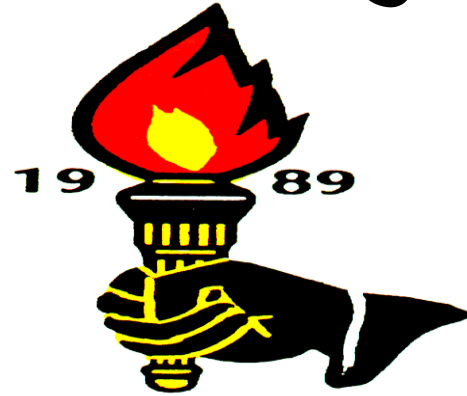


# Police and Prisons Civil Rights Union:

POPCRU



**JUSTICE FOR ALL**

## **POPCRU`S INPUT ON THE FUTURE OF COLLECTIVE BARGAINING**

Collective bargaining is one of the fundamental rights that International Labour Organisation (ILO) has been advocating worldwide to ensure that there is harmonious working environment in the workplace. The right to Organise and Collective bargaining are embedded in Convention 87 and 98 as the cornerstone of collective bargaining universally.

The enjoyment of this right in the Public Sector is owed to the fierce struggles of the working class which resulted in the enactment of progressive labour laws in our Country. This right is therefore enshrined in the Constitution and given effect through other forms of legislation as follows;

Section 23(5) of Constitution of the Republic of South Africa Act 108 of 1996 states” every trade union, employer’s organisation and employer has the right to engage in collective bargaining. National legislation may be enacted to regulate collective bargaining. To the extent that the legislation may limit a right in this chapter, the limitation must comply with section 36(1)”.

Section 197(2) of the Constitution of the Republic of South Africa Act 108 of 1996 requires that terms and conditions of employment in the public service must be regulated by national legislation.

Chapter 3(11-63) of the Labour Relations Act 66 of 1995 regulates how parties should engage in collective bargaining.

**Section 37** of the LRA makes provision for the establishment of the PSCBC and sector councils. The Constitutions and Policies of all bargaining councils in the public sector give effect to this fundamental right.

With all this in mind, it is critical to look in to current state of collective bargaining in shaping the future of collective bargaining in the bargaining sector.

## **State of collective bargaining in the Public Sector**

- Collective Bargaining in the public sector has played and continues to play a critical role in the democratization of the workplace, improvement of working conditions and benefits, social justice and the promotion of sound labour peace.
- It has been and continues to be under attack from right wing formations and other forces which have used all tactics to derail transformation agenda in the public sector in particular affirmative action and efforts are made to reverse all hard earned gains and the writing is on the wall for to see.
- There is lack of enforcement of signed agreements. Dispute prevention and resolution remains a challenge and is the cost driver for expenditure in all bargaining Councils in the Public sector. This challenge is exacerbated by the fact that all bargaining Councils compete for the same panel of arbitrators due to tariffs and other limitations. For an example the CCMA must accredit panellists and it only accredits those that it employs and not panellists for all bargaining councils, and;
- There is a decline or lack of growth of Trade Unions and failure to attract and retain young workers within the rank and file of the Trade Union.
- There is an imminent reduction of human capital in the Public sector as a consequence of reducing the wage bill and the 4<sup>th</sup> Industrial revolution and these challenges amongst others not mentioned her calls for a view on the future of collective bargaining in the Public Sector.

As things stand, collective bargaining hangs in the balance.

This informed by issues raised in this input, changes in the field of work and employment relations as well as the impact of the 4<sup>th</sup> Industrial Revolution which is starting to shed jobs in the banking, retail and hospitality sectors as well the clandestine attempts to retrench public servants.

Most importantly the right to strike is highly contested in the Courts and the consequences are dire.

Given these challenges and more, what is the future of collective bargaining in the Public Sector?

## **The future of collective bargaining in the Public Sector**

The future of collective bargaining lies in the hands of both the State as the employer and recognised Labour. The type, style and tactics of collective bargaining that parties u will determine the strengthening or collapse of collective bargaining.

Therefore, Collective bargaining in particular centralized collective bargaining in the public sector must be defended and enhanced at all costs in defence of the hard gains that are enjoyed through the PSCBC and Sector Bargaining Councils including the GPSSBC which have immensely contributed in the improvement of working conditions, benefits and socio economic status of workers.

For this purpose,

- The granting of Organisational rights in particular collective bargaining rights and the curbing of the proliferation of Trade Unions must be at the centre of what the PSCBC effectively and efficiently coordinates whilst not necessarily closing doors for new entrants.
- The PSCBC and sector councils must put measures in place to enforce the implementation of collective agreements.
- There must be strategic partnerships with all Organisations that seek to promote social justice and sound labour peace with a view of maximising output for an example, the CCMA, NEDLAC, PSC and Public Sector Bargaining Councils and other relevant body.
- The unity of labour is sacrosanct. All means must be made to forge unity of purpose in pursuit of more gains, attracting young workers, remaining relevant and significant and the protection of the right to strike must be at the centre of these efforts.
- Trade Unions must appreciate that collective bargaining takes place between the State as the Employer and Trade Unions and not amongst trade unions.
- There must be coordination of dispute management processes between the PSCBC and sector bargaining councils

There must be a review of collective bargaining in the entire public service led and coordinated by PSCBC to suit the current landscape

and include those in the State owned enterprise to increase the voice of Labour and narrow divisions amongst other imperatives. For this purpose, Public Sector Summits and the Collective Bargaining of the PSCBC has set the tone and all Parties must vigorously and robustly engage in this process with a view of breaking all barriers defending and enhancing collective bargaining in the public service for a developmental state.