



PUBLIC SERVICE COORDINATING BARGAINING COUNCIL MEETING

REPORT 03 OF 2026

Parties to the Public Service Coordinating Bargaining Council (PSCBC) convened a normal Council meeting to discuss the following matters:

MATTERS ARISING:

DRAFT AGREEMENT: PICKETING RULES FOR PUBLIC SERVICE

The Office of the General Secretary (OGS) reported that the draft agreement was circulated to parties and there were areas of consensus and areas of disagreement which had warranted parties to engage their respective principals and provide a way forward in today's meeting.

Organised labour acceded to the report that was provided by the OGS and indicated that they still retain their initial position of the removal of Clauses 11.1 and 11.2 regarding the role of the police during a picket.

Labour further indicated that there was no rationale to duplicate the two clauses given that there was provision in the Code of Good Practice – Collective Bargaining, Industrial Action and Picketing.

The Employer indicated that the rationale for the two clauses was very explicit in the role of the police during a picket.

The Employer further indicated that the issue of reiterating the clauses as cited in the Code of Good Practice is mainly to ensure that there is consistency in mirroring the draft agreement with the Code of Good Practice.

Organised labour proposed that the two clauses, rather be rephrased to ensure that there is a balance in terms of rights of parties to participate in a picket without their rights being infringed on by the role the police must play during a picket.

The Employer reported that the role of the picketers and the police are clearly distinguishable, the removal of the two clauses would therefore not suffice because the police are employees of the state.

The OGS proposed that the matter be referred to the Collective Bargaining Committee and rope in the assistance of a senior commissioner who deals with picketing to advise parties and also allow for the draft agreement to be cleaned up for consideration by parties to the Council.

Parties agreed to retain the item on the agenda of the Council.

27 MARCH 2026

DISCLOSURE OF COST OF LEGAL REPRESENTATION INFORMATION:

The Employer reported that all the departments in government had provided the requested information regarding incurred costs due to the usage of legal representation for disciplinary matters.

The Employer tabled a consolidated report on the matter.

The respective annexures can be found on the Hospersa website – www.hospersa.co.za

Organised labour requested to be given more time to interact with the consolidated report and revert to the Employer in terms of what should be the proposed way forward.

The Employer reported that it noted the submission by organised labour, to allow for further discussions to ensue in the next Council meeting.

Parties further agreed that the item should be retained on the agenda of the Council for progress reporting and engagement.

STATUS REPORT: GEHS

The OGS reported that the item is a standing agenda item, and that there is an existing standing committee comprising of the Department of

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Public Service and Administration (DPSA) – Ministers office and principals of the different constituencies in dealing with the item.

The OGS further indicated that a workshop is scheduled to be held soon, details of the workshop would be disseminated to parties to Council, and further feedback would therefore be provided once the workshop was held on the matter.

TRADE UNION MANAGEMENT SYSTEM

The OGS reported that a workshop once held with the different trade union technical people who handle membership.

The OGS further indicated that the workshop was successful in terms of the issues that the different unions were dealing with regarding membership systems.

The recommendations from the workshop were for Council to establish a technical task team, that will deal with the matter moving forward and provide regular progress reports to parties to the Council.

Organised labour noted the report by the OGS and further indicated that it agreed to the recommendation to establish a technical task team in addressing the matter.

Labour proposed that the technical people from the different unions be allowed to make inputs to the recommended terms of reference as provided by the OGS.

The terms of reference would then have to be adopted by parties to the Council, to allow for the work of the technical task team to commence.

The Employer reported that the Council's role should be to develop the Trade Union Management System, therefore it agreed with the recommended terms of reference, which were well within the scope and ambit of the OGS from an administrative perspective.

The OGS indicated that procedurally the terms of reference for the technical task team would still need to be adopted by parties to the Council for the work of the task team to start.

Parties noted the submission by the OGS and further indicated that progress would be provided in the next Council meeting.

SUBMISSION: LEVY FUNDING

The OGS reported that the agreement had been signed by majority of the parties to the Council.

The OGS further reported that the matter was indeed finalised.

Parties noted the submission by the OGS.

2022 PERSONNEL EXPENDITURE REVIEW REPORT

The OGS reported that the workshop is set for 10 April 2026, as had been requested by organised labour in the previous Council meeting.

Parties noted the submission by the OGS.

The matter was retained on the agenda of the Council.

STATUS REPORT: GEMS / IMPENDING APPEAL: GEMS CONTRIBUTION INCREASE 2026 - 2029: COUNCIL FOR MEDICAL SCHEMES (CMS)

The OGS reported an appeal was filed with the Council for Medical Aid Schemes (CMS), it would however have apply for condonation, given that the appeal was supposed to have been referred within 30 days from the date the membership contribution increase was pronounced by GEMS.

The OGS had also filed two PAIA applications via its attorneys to get several information from GEMS, e.g., full disclosure of information on the operational costs of GEMS to allow for engagements to continue, to date GEMS had not provided the requested information.

The OGS further indicated that it would have to then wait for feedback from the CMS for parties to embark on a way forward. The OGS further indicated that there two possible implications in undertaking the appeal process.

If the CMS acceded to the appeal process, the current membership contribution would have to be suspended pending finalisation of the appeal process.

The other issue as raised by the OGS was a concern that GEMS was continuing with its work, in terms of its product development processes regardless of the consistent concerns by the Employer and Labour.

The OGS proposed that parties to Council pronounce on a way forward

in addressing the impasse with GEMS from the PSCBC perspective.

The Employer indicated that engagements with GEMS should be continuing, therefore, a multi-pronged approach should be consistently embarked on.

Organised labour also noted the report that was provided by the OGS.

Organised labour further indicated that it would be engaging its principals on the report provided, in paving a way forward, given that GEMS had requested bilateral engagements with organised labour principals before the end of March 2026.

Labour further reported that it would be imperative to continue with engagements with GEMS and parties continue applying for a multi-pronged approach as proposed by the Employer.

Parties agreed to retain the matter on the agenda for further reporting and discussion.

REVIEW OF PSCBC RESOLUTION 1 OF 2006 (ESTABLISHMENT AND FUNCTIONING OF GEMS)

The OGS reported that the submission was done by organised labour in the previous normal Council meeting.

The Employer reported that it was still mandating on the matter, especially given that a multi-pronged approach is being proposed in dealing with the GEMS issues.

The Employer further reported that it wanted to focus on addressing the

imminent issues raised by parties to the Council first, prior to reviewing the PSCBC Resolution 1 of 2006.

Labour proposed that it be allowed to submit proposals on the areas that it wanted the review of the collective agreement for consideration by the Employer.

The Employer responded that labour was well within their bargaining rights to do so, however, it was not in a position at this stage to agree to the review of the PSCBC Resolution 1 of 2006.

Parties agreed to retain the item on the agenda of Council.

ESSENTIAL SERVICE: STATUS REPORT

The OGS reported that the requested workshop with the Essential Services Committed unfortunately had to be postponed and further reported that a new date would be communicated to parties to the Council.

Parties noted the submission by the OGS and agreed to retain the matter on the agenda of Council.

HOME AFFAIRS AND OTHERS V VON WIELLIGH AND OTHERS INTERPRETATION DISPUTE: CASE NO. JR 1544/23

The OGS tabled the judgement on the matter. **See attached Annexure 2.**

The judgement in the main was surrounding the PSCBC Resolution 1 of 2003, however, the concern was regarding parties to a dispute in being allowed to apply for legal representation, and the arbitrator being allowed to apply their own

discretion in granting or disallowing legal representation in a matter.

The judgment, however, places an emphatic emphasis on the work that needs to be done by parties to the PSCBC, in urgently reviewing the PSCBC Resolution 1 of 2003, which was currently outdated.

The second area that is highlighted in the judgement was that legal representation was not an automatic right, and that discretionary powers by the arbitrator need to be applied in determining the exceptional circumstances in any matter, in the arbitrator making a determination in agreeing or not agreeing to an application by a party to have legal representation during disciplinary matters.

The department of Home Affairs was used as reference point in the judgement in that the Department of Home Affairs (DHA) had presented to the parliamentary portfolio committee that it had internal challenges in terms of resources, that of not having enough personnel to deal with its disciplinary matters, the DHA was thereafter allowed to outsource (via a tender process) legal representation in addressing its internal challenges.

The OGS, however, indicated that the judgment does not automatically review the PSCBC Resolution 1 of 2003, and nor does it allow for the employer to automatically use legal representation in disciplinary matters. The recommendation, therefore, by the OGS is for parties to urgently review the PSCBC Resolution 1 of 2003 and focus on the areas that were highlighted in the judgement.

The Employer noted the report by the OGS, and indicated that the process for the review of the PSCBC Resolution 1 of 2003 was already underway, given the work of the PSCBC Committee 2, the only issue was just to have a marathon negotiations process in fast tracking the review of the collective agreement in focusing on the areas that have been highlighted in the judgement.

The Employer further reported that it was not in favour of the PSCBC attorneys to appeal the judgment but rather focus on the review of the PSCBC Resolution 1 of 2003.

The Employer further reported that the Department of Public Service and Administration (DPSA) had already issued out a circular to the different departments regarding the usage of legal representation for disciplinary matters, however, the review of the collective agreement needs to be undertaken with immediate effect.

Organised labour reported that it was in favour of appealing the judgement and would be consulting its respective legal departments in seeking legal advice.

The appeal process would also allow for the protection of the PSCBC Resolution 1 of 2003, and further protection of collective bargaining processes in the PSCBC and the conclusion of further collective agreements.

The Employer indicated that it was clear that parties were interpreting the judgement differently, in their understanding the judgement, which did not change the status quo on the

use of legal representation, hence, the proposal by the OGS to have an urgent review of the PSCBC Resolution 1 of 2003.

The Employer was still insistent that a marathon negotiations process should be embarked on by parties to the Council, in expediting the review process of Resolution 1 of 2003.

Organised labour counter proposed that the Council attorneys continue to file a motion for appeal and thereafter a special Council meeting be convened to allow for parties to engage their legal departments in providing guidance on the judgement itself and provide a way forward.

The OGS indicated that notice of appeal can be filed on 26 March 2026, thereafter the affidavits would be filed as well to allow for a multi-pronged process, of review of the resolution itself, but also to allow for legal processes to ensue.

The Employer noted the proposal by the organised labour and agreed with the appeal process with the proviso that it be afforded space to undertake its internal mandating processes on the matter and revert.

PUBLIC SERVICE WAGE NEGOTIATIONS

Parties agreed that the PSCBC Resolution 2 of 2024 be reviewed in line with the recommendations that had been agreed to at the 2026 PSCBC Strategic Planning session.

Parties further agreed that the matter be referred to the Collective Bargaining Committee (CBC) of Council for further engagements and

progress reports be provided to parties to the Council.

NEW MATTERS:

RECRUITMENT POLICY

The OGS recommended that parties note the tabled report. **See attached Annexure 3 for noting.**

The OGS further proposed that the matter be deferred to a special Council meeting for further engagement.

Both the Employer and Labour acceded to the proposal by the OGS.

UNIFORM POLICY

The OGS recommended that parties note the tabled report. **See attached Annexure 4 for noting.**

The OGS further proposed that the matter be deferred to a special Council meeting for further engagement.

Both the Employer and Labour acceded to the proposal by the OGS.

REVIEW OF PSCBC RESOLUTION 2 OF 2005 – AMENDMENTS TO RESOLUTION 9 OF 2003: ANNEXURE A: ESTABLISHMENT OF PROVINCIAL CO-ORDINATING CHAMBERS OF THE PSCBC

The OGS reported that there was a process that needed to be undertaken to review the administrative process of how Chambers of the PSCBC were currently managed and operationalised. **See attached Annexure 5.**

The OGS indicated that there was a need to review the current PSCBC

Resolution 2 of 2005 in allowing for provincial chambers to be more efficient from an operational and strategic perspective.

In allowing for such reviewal processes to ensue, the OGS proposed the item be referred to the CBC of Council for further engagement and progress to be provided on a regular basis to parties to the Council.

Both the Employer and Labour acceded to the proposal by the OGS.



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