



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF
SPORT, ARTS AND CULTURE**

LABOUR RELATIONS

Policy Name	LABOUR RELATIONS
Domain	Human Resource Management
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TABLE OF CONTENTS

HEADING	PAGE
1. Acronyms and abbreviations	3
2. Introduction	4
3. Purpose and objectives of the policy	5
4. Authority of policy	5
5. Legal Framework	6
6. Scope of application	6
7. Definition of Terms	6-8
8. Policy pronouncements	8-9
9. Default	9
10. Inception date	9
11. Termination and review conditions	9
12. Enquiries	9
13. Recommendation & approval	9

1. ACRONYMS AND ABBREVIATION

MEC	Member of Executive Council
HOD	Head of Department
HRM	Human Resource Management
SMS	Senior Management Services

2. INTRODUCTION

The Department of Sport Arts and Culture will utilize the provincial transversal policy on labour matters and adopt it as its legal document regarding all legal and labour matters.

The Limpopo Provincial Administration subscribes to the view that conflicting interests do occur in any organisation and that this is a natural consequence of interactive processes between groups, which, while having conflicting interests, also share a mutual dependence, common interests and common goals.

- a) The Provincial Administration regards its employees as most important and most highly valued resource to be cared for, empowered, rewarded and further accepts the employees' right to collective bargaining.
- b) The key principle in this Agreement is that the Provincial Administration and the employees should treat one another with mutual respect.
- c) Employees and the Provincial Administration are equal stakeholders in the Public Service and both have Constitutional, labour and other legal rights that have to be respected and protected.
- d) Employees play an important role in shaping the economy of the Province and the Country as a whole.
- e) Public Service provides efficient and effective service to the community.

3. PURPOSE\OBJECTIVES OF THE POLICY

This Agreement aims at-

- a) Promoting sound labour relations between the Provincial Administration and the employees;
- b) Dealing with matters pertaining to labour relations in the Provincial Administration, ensuring that management supports systems that promote harmony and good management practices;
- c) Clarifying the position of the Provincial Administration in respect of areas of labour relations;
- d) Providing guidance on legislation that governs employment relations in the Provincial Administration;
- d) Serving as a framework for development of Departmental Policies on labour relations matters;
- e) Promoting consistency in decisions relating to labour relations;
- f) Capacitating both employees and the Provincial Administration on labour relations issues; and
- g) Generally coordinating and communicating all labour relations matters in the Provincial Administration.

3.1 Objectives

3.1.1 To ensure that the Provincial Administration introduces and follows procedures and structures that the Labour Relations Act makes provision for.

3.1.2 The Provincial Administration or employee representatives must institutionalise employee relations in a mutually satisfactory way, resulting in productive relationships and achievement of the Provincial Administration and employees' common labour relations goals.

4. AUTHORITY OF THE POLICY

This policy is authorized and issued by the MEC for Limpopo Provincial Department of Sport, Arts and Culture. The policy resides with the HRM sub-branch, which is responsible for its implementation and monitoring

5. LEGAL FRAMEWORK

- (1) Basic Conditions of Employment Act, 1997(Act No. 75 of 1997) (as amended);
- (2) Compensation for Occupational Injuries and Diseases Act, 1993(Act No. 130 of 1993) (as amended);
- (3) Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996)(as amended);
- (4) Correctional Services Act, 1998(Act No. 111 of 1998) ;
- (5) Employment Equity Act, 1998(Act No. 55 of 1998);
- (6) Labour Relations Act, 1995(Act No. 66 of 1995)(as amended);
- (7) Occupational Health and Safety Act, 1993(Act No. 6 of 1993) (as amended);
- (8) Promotion of Access to Information Act, 2000(Act No. 2 of 2000);
- (9) Promotion of Administrative Justice Act, 2000(Act No. 3 of 2000);
- (10) Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (11) Public Service Act, 1994(Act No. 103 1994))(as amended);
- (12) Public Service Regulations, 2001)(as amended);
- (13) Skills Development Act, 1998(Act No. 97of 1998);
- (14) South African Police Services Act, 1995(Act No 68. of 1995);
- (15) The Employment of Educators Act, 1998(Act No.76 of 1998) (as amended); and
- (16) Any other relevant legislation.

6. SCOPE OF APPLICATION

This policy shall be applicable to all employees of the Department of Sport, Arts and Culture appointed or recruited in terms of the Public Service Act, 1994.

7. DEFINITION OF TERMS

In this Agreement, the following words have the following meanings unless indicated otherwise:

- a) **“Act”** means the Labour Relations Act, 1995(Act No.66 of 1995) (as amended);
- b) **“Chamber”** means a chamber established by the Council in terms of clause 13.9 of the PSCBC Constitution;
- c) **“Collective bargaining”** means a process where parties, usually the employer, employees or representatives agree to jointly negotiate and discuss matters of mutual interest;
- d) **“Collective Agreement”** means a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded between the parties during the collective bargaining process;
- e) **“Council”** means the Public Service Co-ordinating Bargaining Council;”
- f) **“Employee”** means any person who, excluding an independent contractor, works for the employer and who receives, or is entitled to receive, any remuneration and any other person who in any manner assists in carrying out or conducting the business of the employer;
- g) **“management”** means individuals who are assigned to take the responsibility of the Provincial Administration;
- h) 96
- i) **“Province”** means Limpopo;
- j) **“Provincial Administration”** means Limpopo Provincial Administration as an employer;
- k) **“PSCBC”** means the Public Service Co-ordinating Bargaining Council consisting of the Provincial Administration and employee representatives;
- l) **“Public Service”** means the National Departments, Provincial administrations, Provincial Departments and organisational components contemplated in section 7 (2) of the Public Service Act, 1994 (promulgated by Proclamation 103 of 1994) (as amended), and includes any Organizational component contemplated in section 7(4) of that Act and specified in the first column of Schedule 2 to that Act, but excluding the members of the South African National Defence Force, the National Intelligence Agency, and the South African Secret Service;
- m) **“Sector”** means any party of the public service that is designated as a sector in terms of section 37(1) of the Act;
- n) **“Sectoral Council”** means a bargaining council established in terms of section 37(2) of the Act;

- o) **“this Policy”** means the Limpopo Provincial Labour Relations Policy; and
- p) **“Trade Union”** means an association of employees whose principal purpose is to regulate relations between employees and employers and include a combined trade union party.

8. POLICY PRONOUNCEMENTS\PRINCIPLES

8.1 Grievance Handling

8.1.1 The purpose of the grievance procedure is to advance sound labour relations and address grievances in the Public Service.

8.2 Employment equity and unfair discrimination

The Provincial Administration-

(i) Recognises the right to equality in terms of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (as amended) and the Employment Equity Act, 1998 (Act No. 55 of 1998); and

(ii) Must design a policy to achieve the adequate advancement or protection of certain categories of persons or groups of persons disadvantaged by unfair discrimination in the past.

8.3 Skills development

The Provincial Administration must in terms of the Skills Development Act, 1998 (Act No. 97 of 1998) -

(i) Develop skills of employees, improve the employment prospects of persons previously disadvantaged by unfair discrimination and to redress the disadvantages through training; and

(ii) Must set out to identify and assess the potential of staff, to match it with the requirements of the organization, to afford all employees the opportunity to develop their potential, improve their performance and advance their career prospects within the organization.

8.4 Co-ordinating

8.4.1 All the sectors in the Province must sit in and report to the Chamber (CCPLP).

8.5 Recruiting and selecting

8.5.1 The Provincial Administration must when filling vacant posts, follow a transparent and fair approach in accordance with job and organizational requirements.

8.6 Performance management and service delivery

8.6.1 The Provincial Administration must follow an approach of regular formal Performance assessment, work performance reviews and feedback that take place on a continuous basis in line with the Performance Management System.

8.7 Communicating

8.7.1 The Provincial Administration must establish formal communication channels with relevant stakeholders.

9. DEFAULT

Failure to comply with the provisions of this policy shall be dealt with in terms of the Public Service Disciplinary Code and Procedures, as amended.

10. INCEPTION DATE

The policy shall come into effect on the first date of the month following the month which the Executing Authority approved it.

11. TERMINATION AND REVIEW CONDITIONS

This policy shall be amended, after three years (3) or when there are major policy changes in government and will follow the initial policy development processes.

12. ENQUIRIES

Enquiries with regard to any issues regarding this policy should be directed to the Manager: Legal Service and Senior Manager Legal Services.

Recommended/~~Not Recommended~~



HEAD OF DEPARTMENT

2015/09/15
DATE

Approved /Not Approved:



MEMBER OF EXECUTIVE COUNCIL

27/01/2016
DATE