



**LIMPOPO**  
**PROVINCIAL GOVERNMENT**  
REPUBLIC OF SOUTH AFRICA

**DEPARTMENT OF SAFETY, SECURITY AND LIAISON**  
**LABOUR RELATIONS POLICY**

**1. INTRODUCTION**

The Department views the employees as the most highly valued resource. They need to be cared for, fairly treated and be empowered. Employees play vital role in ensuring better service delivery to realize the vision and mission of the Department and the desired goal of the Government as a whole.

The Department respects the Constitutional and labour rights of employees. It is the policy of the Department to operate within the legal frameworks regulating the Public Service.

**2. PURPOSE**

- To promote sound labour relation between management and employees, and amongst the employees themselves.
- To promote consistency in decisions taken on labour relations matters.
- To enhance a fair, consistent and uniform implementation of labour relations processes and practices.
- To enhance consultation and participation in policy making processes.

**3. SCOPE OF APPLICATION**

All employees, including Management, must adhere to this policy.

#### **4. LABOUR RELATION OBJECTIVES**

- Ensuring proper management and implementation of collective agreements.
- Managing and facilitating the handling of grievance and misconduct cases.
- Providing advocacy programmes.
- Advising management and the employees on labour relations issues.
- Managing disputes.
- Co-ordinating negotiations between the employer and recognized trade unions.
- Co-ordinating and facilitating consultative meetings between the employer and the employees.

#### **5. LEGISLATIVE FRAMEWORK**

- (a) Labour Relations Act, 66 of 1995.
- (b) The Constitution of the Republic of South Africa, Act 108 of 1996.
- (c) Public Service Act, 103 of 1994.
- (d) Public Service Regulations, 2001 (as amended).
- (e) Basic Conditions of Employment Act, 75 of 1997 (as amended).
- (f) Compensation for Occupational Injuries and Diseases Act, 130 of 1993 (as amended).
- (g) Public Finance Management Act, 1 of 1999.
- (h) Employment Equity Act, 55 of 1998.
- (i) Occupational Health and Safety Act, 6 of 1993 (as amended).
- (j) Promotion of Access to Information Act, 2 of 2000.
- (k) Promotion of Administrative Justice Act, 3 of 2000.
- (l) Skills Development Act, 97 of 1998.
- (m) PSCBC and GPSSBC Resolutions.

#### **6. LABOUR RELATIONS CONCEPTS**

##### **6.1. HANDLING OF GRIEVANCE CASES**

All grievances must be lodged and handled in accordance with Resolution 14 of 2002 of the PSCBC, as promulgated in the Government Gazette, No. 25209 of 2003, to enforce Section 35 of the




Public Service Act, 103 of 1994:

- A grievance shall be handled at its place of origin as possible.
- The rules of natural justice shall be observed at all times.
- A grievance shall be lodged with the supervisor before it is referred to Labour Relations Office.
- Labour Relations shall facilitate the handling of grievances and handle complex cases.

## **6.2. HANDLING OF MISCONDUCT CASES**

6.2.1. Misconduct cases shall be handled in accordance with the Disciplinary Code and Procedure (PSCBC Resolution 1 of 2003, an amendment to Resolution 2 of 1999) to enforce Sections 20 – 25 of the Public Service Act, 103 of 1994 and the Labour Relations Act (LRA), 66 of 1995.

- The Department shall handle disciplinary actions in a fair, impartial and consistent manner.
- Disciplinary action shall be used as a corrective measure and not punitive.
- Line managers shall handle misconduct cases within their sections.
- The supervisor shall take a disciplinary action, as soon as possible, after the transgression has occurred or when he or she is made aware of it.
- Labour Relations Unit shall facilitate the handling of misconduct cases and handle complex cases.
- The Public Service policy of zero tolerance in respect of misconduct related to fraud, theft, corruption and sexual harassment shall be maintained at all times.
- Appeals, where applicable, shall be dealt with as speedily as possible by the Appeal Authority. 

### **6.3 ORGANISATIONAL RIGHTS**

6.3.1. Registered trade union(s) that is a representative of employees in the Department is entitled to:

- enter the premises of the Department and hold meetings with their members, as permitted by the Head of Department.
- have union subscriptions deducted from their wages/salaries.
- perform trade union activities.
- obtain, from the Department, relevant information that will allow them to perform their functions.

6.3.2. A trade union representative, appointed in writing by the union, is entitled to:-

- take reasonable leave during working hours, to perform the functions of the union.
- ten (10) days special leave per annum, for the purpose of performing the functions of the respective trade union.

### **6.4. CONSULTATIVE FORUM**

- The Department shall establish a consultative forum to improve communication between management and employees.
- Labour Relations Unit shall facilitate the meetings of the forum.
- Employees or representative trade unions shall be consulted on policy issues and for information sharing purposes.

### **6.5. STRIKES**

- Every employee has the right to strike, after following the procedure laid down in the Labour Relations Act, 66 of 1995 (LRA), but the principle of "No Work, No Pay" shall still be applied to employee(s) who participated in a strike.

- Employees performing essential or maintenance services shall not take part in a strike.
- An employee who commits an act of misconduct during a strike shall be disciplined in terms of the Disciplinary Code and Procedure.
- An employee may not take leave for the purpose of strike.

## **6.6. EMPLOYMENT EQUITY**

6.6.1. The Department shall adhere to affirmative action measures stipulated in the Employment Equity Act, 1998 (Act No. 55 of 1998), Chapter III, Section 15, by:

- ensuring that suitably qualified people, from the designated groups, have equal employment opportunities and are equitably represented in all occupational categories and levels in the workplace.
- implementing affirmative action measures in line with the Departmental Human Resource Plan in order to achieve employment equity.

### **6.6.1.1 Recruitment and Selection**

- The Department shall, when filling vacant posts, follow a transparent and fair approach in selecting and recruiting suitably qualified applicants/ candidates.
- Trade union representatives shall form part of the selection and interviewing panels as observers.

## **6.7. TRAINING AND DEVELOPMENT**

The Department shall:-

- (i) implement the Departmental Human Resource Development Policy and the Skills Development Plan to enhance employees' training and development.

- (ii) train all employees in accordance with the training needs analysis, depending on budget allocation.
- (iii) develop and improve the employment prospects of employees according to the needs analysis.

An employee is responsible to:-

- (i) take initiatives for his or her own development.
- (ii) participate in the training and development programmes and initiatives.

## **6.8. BASIC CONDITIONS OF EMPLOYMENT**

The Department shall provide the conditions of employment to give effect to the right to fair labour practices.

### **6.8.1. Ordinary Hours of Work**

The Department may not require or permit an employee to work more than 45 hours in any week and nine hours in any day.

### **6.8.2. Overtime**

- The Department may pay an employee, excluding senior managerial employees, for overtime work performed.
- An employee shall obtain written or verbal, approval to perform overtime, the approval must be reduced to writing.
- In case of emergency or unforeseen circumstances an employee may undertake overtime duties on verbal directives, a written approval must still be obtained.

(This clause is read with the Overtime Policy for the Department)

## **6.9. OCCUPATIONAL HEALTH AND SAFETY**

- The Department shall provide and maintain, as far as reasonably practicable, the working environment that is safe and without risk to the health of the employees.

- Every employee shall take reasonable care for the health and safety of him/herself and of others who may be affected by his/her acts or omission(s).
- Employees shall report any injury at work, within 24 hours, after the incident has occurred.

## 7. DEFINITIONS

**affirmative action measure:** measure designed to ensure that suitably qualifying people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workplace.

**collective agreement:** a written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by registered trade union(s) and employer.

**designated groups:** black people (men and women), women (Black, Indian, and White) and people with disabilities.

**employee:** any person who is employed by the employer and who receives or is entitled to receive remuneration or works under the supervision of an employer or any person delegated by the employer.

**employer:** any person who employs or provides work for any person and remunerates that person.

**essential service:** a service the interruption of which endangers the life, personal safety or health of the whole or any part of the population.

**grievance:** a dissatisfaction regarding an official act or omission by the employer which adversely affects an employee in the employment relationship, excluding an alleged unfair dismissal

**misconduct:** an unacceptable conduct or behaviour in a workplace that may warrant a disciplinary action.

**occupation health:** any condition arising from the workplace that may cause illness or adverse health effects to an employee.

**safety:** free from hazard.

**strike:** a partial or complete concerted refusal to work, or the retardation or obstruction of work by employees.

**trade union:** an association of employees whose principal purpose is to regulate relations between employees and employers.

**registered trade union:** an association of employees that is registered with the Public Service Bargaining Council (PSCBC) as a trade union.

**unfair labour practice:** any unfair act or omission that arises between an employer and an employee involving, amongst others:-

- (a) unfair conduct by the employer relating to the promotion, demotion, probation (excluding disputes about dismissals for a reason relating to probation) or training of an employee or relating to the provision of benefits to an employee;
- (b) the unfair suspension of an employee or any other unfair disciplinary action short of dismissal in respect of an employee.
- (c) a failure or refusal by an employer to reinstate or re-employ a former employee in terms of any agreement.

#### 8. POLICY INCEPTION

The inception date of the policy shall be the date of approval by the Executing Authority of the Department.

#### 9. REVIEW OF THE POLICY

The policy shall be reviewed bi-annually or when necessary.

MAKIBELO M. (MS)  
HEAD OF DEPARTMENT

12/02/2010  
DATE

APPROVED / NOT APPROVED

MEC: HON. D.P. MAGADZI (MS)  
EXECUTING AUTHORITY

20/03/03  
DATE