



SAFETY AND SECURITY SECTORAL BARGAINING COUNCIL

AGREEMENT NO:	02/2009
DATE:	14 APRIL 2009

AGREEMENT: RULES OF ENGAGEMENT

1. SCOPE

This agreement applies to the SAPS, as employer and its employees employed in the South African Police Service in terms of:

- (a) the South African Police Service Act; and
- (b) the Public Service Act.

2 OBJECTIVES

The objective of this agreement is:

- (a) To maintain the harmonious working relationship between parties Council
- (b) To ensure good faith bargaining
- (c) To cultivate and nurture a culture of mutual respect between parties to Council

The parties hereto agree to the following;-

3. PRINCIPLES

- 3.1 Parties to Council must ensure that their representatives who consult or negotiate in Council are fully mandated.
- 3.2 Good faith bargaining means that negotiators must tender honest, realistic and implementable positions for negotiations and must desist from dilatory tactics.

- 3.3 Any disputes arising from negotiations must be resolved in terms of the Constitution of Council.
- 3.4 Sufficient information should be provided to enable the parties to consult and bargain effectively. The information requested must be relevant to assist in negotiations.

4. CONSULTATION:

- 4.1 Before the employer implements a position in relation to matters referred to here under, the employer must consult formally with admitted trade unions. At this time the employer must furnish labour with all information pertaining to the matter under discussion.
- 4.2 The employer must allow admitted trade unions an opportunity during consultation to make representations and advance alternative proposals.
- 4.3 The employer must consider and respond to the representations or alternative proposals made by admitted trade unions and if the employer does not agree with them, to state reasons for disagreement.

4.4 SPECIFIC MATTERS FOR CONSULTATION:

Unless the matters for consultation are regulated by a collective agreement, admitted trade unions are entitled to prior consultation by the employer about proposals relating to the following matters (including but not limited to) –

- a) Restructuring
- b) partial or total closure of units, stations or training centres
- c) education and training including the Workplace Skills Plan
- d) changes in the organization of work
- e) Procedures for enlistments/recruitment.
- f) Dismissals of employees for reasons based on operational requirements
- g) Job grading
- h) Criteria for merit increases or the payment of discretionary bonuses.

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5. **NEGOTIATIONS:**

5.1 Parties must negotiate on matters of mutual interest as defined here under:

"Matter of mutual interest" means, any matter within the power of the employer related to employment in the Service, the employer and employee relationship, including, but not limited to terms and conditions of employment, employee compensation, salary and service benefits, as are provided for in the policy framework, disciplinary and grievance procedures and any other matter of mutual interest between the employer and employees.

Subject to –

- a) Section 36 of the Labour Relations Act (Act No. 66 of 1995).
- b) The Constitution of the SSSBC,
- c) The Constitution of the PSCBC,
- d) Agreements reached in the PSCBC.
- e) Agreements reached in the SSSBC.
- f) Employment Equity Act, 1998 (Act No. 55 of 1998)
- g) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997).
- h) Any relevant legislation.

5.2 **SPECIFIC MATTERS FOR NEGOTIATIONS**

The terms and conditions of service, salaries, service benefits, employee compensation, Disciplinary Code and Grievance Procedure.

This list is not exhaustive.

6. **STANDING COMMITTEE FOR FINANCE**

6.1 The admitted trade unions would participate on issues that impact on matters of mutual interest, in particular finances and the SAPS budgeting process.

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6.2 The Standing Committee for finance is hereby established. The said Standing Committee to meet and draft its terms of reference for approval by the SSSBC.

6.3 The Standing Finance committee will not negotiate on any issues, but instead will embark on consultation and information sharing.

7. **MEETING OF THE PRINCIPALS**

Quarterly meetings will be held between the principals of admitted trade unions and the principals of the South African Police Service.

8. The provisions of this agreement are applicable to all employees appointed in terms of the South African Police Service Act, 1995 and Public Service Act, 1994.

9. This agreement will come into effect on the date of signing.

10. If there is a dispute about the interpretation or application of this agreement, any party may refer the matter to the Council for resolution in terms of the dispute resolution procedure of Council.

11. This agreement binds the parties to the agreement and all employees who are not members of a registered trade union admitted to the Council, as well as all members of registered trade unions admitted to the Council, who are not parties to this agreement.

This agreement is signed on behalf of the South African Police Service as Employer and the relevant employee organizations, all signatories being duly authorized thereto at **CENTURION** on this **14th day** of **APRIL 2009**.

SOUTH AFRICAN POLICE SERVICE

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