

RUSTENBURG LOCAL MUNICIPALITY

POLICY: AGREEMENT ON ESSENTIAL SERVICES

1. INTRODUCTION

The Labour Relations Act 66 of 1995 was implemented on the 11 November 1996. According to the attached agreement, collective agreements regarding essential services must be finalized before or on 1 March 1998.

2. DEFINITION

Essential Services

According to the agreement on essential services an essential service is defined as follows:-

“A service, the interruption of which endangers life, personal safety or health of the whole or any part of the population.”

3. PURPOSE OF POLICY

The purpose of this policy is to set rules and procedures relating to essential services.

4. AIMS OF THE POLICY

The aims of this policy are as follows:-

- a) To identify and classify essential services.
- b) To determine minimum essential levels of services which are classified as essential services.
- c) To set procedures for continuation of essential services during workstoppages/strikes.
- d) To identify the responsibilities of the different roleplayers.
- e) To set parameters for replacement labour.
- f) To determine a procedure for the extension of essential services and or manning levels according to needs.

5. RESPONSIBILITIES WITHIN THE POLICY RELATING TO ESSENTIAL SERVICES

5.1 Responsibility of the Employer

- a) The employer accepts the fact that he has to render essential services to the involved population.
- b) The employer accept that replacement labour, where necessary would not be implemented at a lower basic salary than the equivalent job holder.
- c) The employer shall inform all concerned employees classified as essential in writing as collectively agreed upon.

5.2 Responsibility of the Trade Union

- a) The Trade Union accepts the fact that the employer has a responsibility regarding the rendering of essential services.
- b) The Trade Union accepts that no labour be withheld or withdrawn regarding identified essential service positions and manning levels.
- c) The Trade Union accepts the procedure as layed down in terms of the Labour Relations Act regarding work stoppages/strikes.
- d) The Trade Union acknowledges the responsibilities of the employer in terms of Health legislation.
- e) The Trade Union undertakes not to victimize, intimidate or interrupt the activities of replacement labour employed by the employer as well as employees rendering an essential service.

6. PROCESS TO BE FOLLOWED DURING STRIKES/WORK STOPPAGES

The parties acknowledge the right to strike of unions and the recourse to lock-out by the employer as per procedure contained in sections 64 and 65 of the Labour Relations Act, 66 of 1995.

The trade unions acknowledge the obligation to inform members classified as essential service during strike action of their obligation to render the essential service as required.

7. REPLACEMENT LABOUR

7.1 Essential Services

No replacement labour shall be employed in essential service classified positions if the agreed minimum service levels are adhered to, failing to comply with the agreement by the unions the employer has no option but to employ replacement labour.

The question of essential services during the course of a disaster declared in terms of the Civil Protection Act 67 of 1977, shall be dealt with in accordance with that act.

The employer has still the right to exercise disciplinary action in terms of the conditions of service during the rendering of essential services.

7.2 Services not classified as essential services

Employees will not affect the right of the employer to take on replacement labour or additional labour in respect of those services not classified as essential services.

8. EXTENSION OF ESSENTIAL SERVICES REGARDING A SERVICE OR MINIMUM SERVICE LEVEL

8.1 General amendment

If the service of the council requires an extension of a service to be classified as an essential service or a minimum service level it must be negotiated at the Local Labour Forum during its normal scheduled meetings.

9. AMENDMENT OF POLICY

Any intended amendment by any of the concerned parties shall be submitted to the Local Labour Forum for negotiations.

10. AGREEMENT

This policy must be agreed upon by means of a formal agreement.