

# PSA LINK

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PSA SHOP STEWARD NEWSLETTER

## Shop Stewards: Technicalities explained

**Workers and employers must consider the Labour Relations Act (LRA) to clear up any uncertainties about the legalities on the representivity of a union and the appointment of shop stewards.**

The LRA defines a representative trade union as being a registered trade union, or two or more registered trade unions acting jointly, that are sufficiently representative of the employees employed in a workplace or a registered trade union, or two or more registered trade unions acting jointly, that have as members the majority of employees employed by an employer in a workplace. From these sections it can be seen that the emphasis is placed on the representativeness (representivity) of a trade union in a workplace.

### Union rights

Section 12 of the LRA and clause 46 of the bargaining council's agreement state that a representative trade union has the right to:

- enter the workplace to recruit or communicate with members, or otherwise serve their interests;
- hold meetings with employees outside their working hours at the employer's premises;
- to vote at the employer's premises in any election or ballot mentioned in that trade union's constitution.

The rights conferred by this section are subject to conditions as to time and place that are reasonable and necessary to safeguard life or property, and to prevent undue disruption of work. This means that these rights may be exercised, but not without due consideration of the employer's circumstances.

### Requirements

Section 14(2)(a) to (f) sets the requirements that must be met in the election of a shop steward from among employees who are members of the trade union.

It provides that in any workplace in which at least ten members of a representative trade union are employed, the rules are:

- If there are ten members they may elect one trade union representative;
- If there are more than ten members, two representatives;
- If there are more than 50 members they may elect two trade union representatives for the first 50 members plus one further representative for every additional 50 members, up to a maximum of seven representatives;
- If there are more than 300 members, seven trade union representatives for the first 300 members plus one additional representative for every 100 additional members up to a maximum of ten representatives;
- If there are more than 600 members, ten representatives for the first 600 members plus one additional representative for every 200 additional members up to a maximum of 12 representatives, and
- If there are more than 1 000 members, 12 representatives for the first 1 000 members, plus one extra representative for every 500 additional members up to a maximum of 20 representatives.

### Election process

Section 14(3) provides that the constitution of the representative trade union governs the nomination, election, terms of office and removal from office of a trade union representative. This means that the trade union must follow the process that is prescribed in its constitution when appointing one of its members as a shop steward. Failure to comply with the requirement will render any appointment invalid.

The PSA provides its elected shop stewards with training that will enable them to represent workers in disciplinary hearings and disputes with the employer as well as looking out for members' general interests in the workplace. PSA shop stewards are the eyes and ears of the organisation, making sure that the Union is aware of matters affecting its members at all times.

At a recent mass meeting of the Gauteng GPSSBC's Education Sub-Committee, PSA Acting Assistant General Manager, Tahir Maepa, encouraged the newly-elected shop stewards to take responsible leadership roles in the Union. "The PSA is ours and the Administration is here to serve you, so you must be the change you want from your Union Of Choice", said Mr Maepa.

Source: <http://www.ee.co.za>



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