

# PSA LINK

NO 5/2019

PSA SHOP STEWARD NEWSLETTER

## General legislation on workplace environment

The Public Service is governed by legislations that aim to ensure effective service delivery while promoting and protecting the rights and interests of the employer and employees. For a shop steward, it is vital to understand key legislation to fully participate in collective bargaining issues and defend members when conflicts arise.

These rights are also enshrined in the *South African Constitution*, with section 23 specifically covering the rights to fair labour practices: establish and join unions; participate in union activities; strike; and collective bargaining. The key pieces of legislation guiding the Public Service are the *Labour Relations Act*, *Basic Conditions of Employment Act*, *Employment Equity Act*, *Occupational Health and Safety Act*, and *Skills Development Act*.

### Labour Relations Act (LRA)

The *LRA*, Act 66 of 1995 aims to promote economic development, social justice, labour peace and democracy in the workplace. It provides a framework within which employees and their unions can collectively bargain with employers regarding wages, terms and conditions and other matters of mutual interest. The comprehensive Act can be found at: <http://www.labour.gov.za/DOL/legislation/acts/labour-relations/labour-relations-act/>

### Basic Conditions of Employment Act (BCEA)

A condition of employment refers to something that both the employee and employer agree to at the beginning of a worker's employment. The *BCEA*, No 75 of 1997 gives effect to the right to fair labour practices referred to in section 23(1) of the *Constitution* by making provision for the regulation of basic conditions of employment, thereby complying with the obligations of the Republic as a member state of the International Labour Organisation. The *Basic Conditions of Employment Amendment Act*, No 20 of 2013 became effective on 1 September 2014. The comprehensive Act can be found at: <http://www.labour.gov.za/DOL/downloads/legislation/acts/basic-conditions-of-employment/Act%20-%20Basic%20Conditions%20of%20Employment.pdf>

### Employment Equity Act (EEA)

The *EEA*, No 55 of 1998 applies to all employers and protects workers and job seekers from unfair discrimination and provides a framework for implementing affirmative action. This is to ensure equitable representation in all occupational categories and levels in the workforce. The comprehensive Act can be found at: <http://www.labour.gov.za/DOL/legislation/acts/employment-equity/employment-equity-act-and-amendments>

### Occupational Health and Safety Act (OHS Act)

The *OHS Act* provides for health and safety of people at work in connection with the use of plant and machinery. It also provides for the protection of persons other than persons at work against hazards to health safety arising out of or in connection with the activities of persons at work. It establishes an advisory council for occupational health and safety and provides for connected matters. The comprehensive Act can be found at: <http://www.labour.gov.za/DOL/legislation/acts/occupational-health-and-safety/occupational-health-and-safety-act-and-amendments>

### Skills Development Act (SDA)

The *SDA* aims to develop workforce skills, improve the quality of workers' lives and their prospects of work; improve workplace productivity and the competitiveness of employers, whilst also promoting self-employment. The comprehensive Act can be found at: <http://www.labour.gov.za/DOL/legislation/acts/skills-development/skills-development-act-and-amendments>

The *LRA*, *BCEA* and the *EEA* apply to all employers, workers, unions and employers' organisations, but do not apply to members of the National Defence Force, National Intelligence Agency, and the South African Secret Service.

Source: Department of Labour and SAICA



The PSA cares