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GOEWERMENTSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. R. 2294 29 November 1993

POLISIEWET, 1958
(WET No. 7 VAN 1958)

SUID-AFRIKAANSE POLISIE ARBEIDS-
REGULASIES, 1993

Kragtens artikel 33 (1) van die Polisiewet, 1958 (Wet No. 7 van 1958), vaardig ek, Hermanus Johannes Kriel, Minister van Wet en Orde, hierby die regulasies in die Bylae uit.

H. J. KRIEL,

Minister van Wet en Orde.

BYLAE

SUID-AFRIKAANSE POLISIE ARBEIDS-
REGULASIES, 1993

Woordomkryings

1. In hierdie Regulasies beteken "die Wet" die Polisiewet, 1958 (Wet No. 7 van 1958), het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken—

- (i) "aangeleenthede van onderlinge belang", behoudens die bepalinge van hierdie regulasies, alle aangeleenthede binne die bevoegdheid van die werkgewer met betrekking tot indienshouding, die werkgewer-werknemerverhouding, met inbegrip van, maar nie beperk nie tot, bedinge en voorwaardes van diens, dissiplinêre, griewe en verwante prosedures, werknemerkompensering, salaris en diensvoordele, soos daarvoor in die beleidsraamwerk voorsiening gemaak word; (xii)

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. R. 2294 29 November 1993

POLICE ACT, 1958
(ACT No. 7 OF 1958)

SOUTH AFRICAN POLICE LABOUR
REGULATIONS, 1993

By virtue of section 33 (1) of the Police Act, 1958 (Act No. 7 of 1958), I, Hermanus Johannes Kriel, Minister of Law and Order, hereby make the regulations in the Schedule.

H. J. KRIEL,

Minister of Law and Order.

SCHEDULE

SOUTH AFRICAN POLICE LABOUR
REGULATIONS 1993

Definitions

1. In these regulations "the Act" means the Police Act, 1958 (Act No. 7 of 1958), any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned to it, and, unless the context otherwise indicates—

- (i) "agreement" means a written agreement concluded between the employer and an employee organization in regard to recognition of the employee organization, or concluded in the Forum; (xiv)
- (ii) "arbitration" means arbitration in terms of the provisions of these regulations; (iv)

- (ii) **"ampsdraer"**, met betrekking tot 'n werknemerorganisasie, 'n ander persoon as 'n amptenaar, wat enige amp in die organisasie beklee, en ook 'n ander lid as 'n lid *ex officio* van 'n komitee van die organisasie; (xiv)
- (iii) **"amptenaar"**, met betrekking tot 'n werknemerorganisasie, enige personeellid van die organisasie, in diens as sekretaris, assistent-sekretaris of organiseerder van sodanige organisasie, of in enige ander amptelike hoedanigheid, hetsy sodanige personeellid in 'n heeltydse hoedanigheid in diens is, al dan nie; (xv)
- (iv) **"arbitrasie"** arbitrasie ingevolge die bepalings van hierdie regulasies; (ii)
- (v) **"beleidsraamwerk"** die bepalings van hierdie regulasies of van enige ander wet ingevolge waarvan die werkgever mag handel; (xvi)
- (vi) **"bestuurskader"**, met betrekking tot 'n werknemer, daardie groep werknemers wat die rang van brigadier hou, of die pos van direkteur beklee, na gelang van die geval, of 'n hoër rang of pos; (xi)
- (vii) **"departement"** 'n departement soos omskryf in artikel 1(1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984); (iv)
- (viii) **"diensvoordele"**, met betrekking tot 'n werknemer, voordele, artikels in *natura* of geld, uitgesonderd salaris en werknemerkompensering, voorsien aan die werknemer in ruil vir die uitvoering van sy toegewese take en sy nakoming van die werkgever se gedragskode; (xxi)
- (ix) **"erkende werknemerorganisasie"** 'n werknemerorganisasie wat ingevolge hierdie regulasies geregistreer en erken is, in die mate van sodanige erkenning; (xix)
- (x) **"Forum"** die Onderhandelingsforum by regulasie 4 ingestel; (ix)
- (xi) **"geklassifiseerde inligting"** enige dokument, model, voorwerp of inligting beoog in artikel 4(1)(b)(iv) van die Wet op die Beveiliging van Inligting, 1982 (Wet No. 84 van 1982), en ook enige ander dokument of inligting waarvan die openbaarmaking afbreuk aan doeltreffende polisie- en staatsadministrasie sal doen; (iii)
- (xii) **"lid"**, met betrekking tot 'n werknemerorganisasie, 'n werknemer wat 'n volwaardige lid van 'n werknemerorganisasie is uit hoofde daarvan dat hy enige intreegeld wat in die konstitusie van die organisasie bepaal word, betaal het en nie meer as drie maande agterstallig is nie met die betaling van die ledegeld wat ingevolge die genoemde konstitusie betaalbaar is; (xiii)
- (xiii) **"onbillike arbeidspraktyk"** enige handeling of versuim, uitgesonderd 'n staking of uitsluiting, wat die uitwerking het of kan hê dat—
 - (a) enige werknemer of klas werknemers onregverdig daardeur geraak word of kan word of dat sy of hul werkgeleenthede of werksekerheid daardeur benadeel of in gevaar gestel word of kan word;
- (iii) **"classified information"** means any document, model, article or information contemplated in section 4 (1) (b) (iv) of the Protection of Information Act, 1982 (Act No. 84 of 1982), and includes any other document or information the disclosure of which would prejudice effective police or public administration; (xi)
- (iv) **"department"** means a department as defined in section 1(1) of the Public Service Act, 1984 (Act No. 111 of 1984); (vii)
- (v) **"employee"** means a member of the Force; (xx)
- (vi) **"employee compensation"** means payments, including reimbursements, and services to employees so as to prevent personal losses by them, whether monetary or otherwise, in the execution of their duties or in acting upon instructions of the employer; (xxii)
- (vii) **"employee organization"** mean—
 - (a) an organization consisting wholly of a number of employees formally associated together and organized in a staff association, trade association or trade union, for the purpose, whether by itself or with other lawful purposes, of regulating relations between themselves or some of them and the employer;
 - (b) subject to regulation 8 (1), an organization contemplated in paragraph (a) consisting partly of a number of employees and partly of employees of the South African Defence Force and/or the Department of Correctional Services; (xxi)
- (viii) **"employer"** means the South African Police as employer, as represented by representatives nominated for that purpose by the Commissioner; (xix)
- (ix) **"Forum"** means the Negotiation Forum established by regulation 4; (x)
- (x) **"lock-out"** means any one or more of the following acts or omissions by the employer:
 - (a) The exclusion by him of any number of employees who are or persons who have been in his employ, from any premises on or in which work provided by him is or has been performed; or
 - (b) the total or partial discontinuance by him of his activities or of the provision of work; or
 - (c) the breach or termination by him of the contracts of employment of any number of employees in his employ; or
 - (d) the refusal or failure by him to re-employ any number of persons who have been in his employ,
 if the purpose of that exclusion, discontinuance, breach, termination, refusal or failure is to induce or compel any employees who are or any persons who have been in his employ—
 - (i) to agree to or comply with any demands or proposals concerning terms or conditions of employment or other matters made by him or on his behalf;

- (b) die aktiwiteite van die werkgewer onregverdig daardeur geraak of ontwig word of kan word;
- (c) arbeidsonrus daardeur geskep of bevorder word of kan word;
- (d) die arbeidsverhouding tussen werkgewer en werknemers nadelig daardeur geraak word of kan word; of
- (e) die fundamentele beginsels beoog in regulasie 3 nie nagekom word nie; (xxii)
- (xiv) **"ooreenkoms"** 'n geskrewe ooreenkoms aangegaan tussen die werkgewer en 'n werknemer-organisasie betreffende die erkenning van die werknemerorganisasie, of aangegaan binne die Forum; (i)
- (xv) **"perseel"** enige grond, gebou of struktuur deur die Suid-Afrikaanse Polisie besit, gehuur of geokkupeer, en ook enige voertuig, vliegtuig of vaartuig; (xvii)
- (xvi) **"politieke party"** enige liggaam of groep persone wat as sy oogmerk of as een van sy oogmerke het, hetsy uitdruklik of andersins—
 - (a) die nominasie van kandidate vir verkiesing tot enige wetgewende liggaam deur die een of ander wet ingestel; of
 - (b) die beïnvloeding van die openbare mening om so 'n liggaam of groep te ondersteun of teen te staan; (xvii)
- (xvii) **"salaris"**, met betrekking tot 'n werknemer, ook enige besoldiging, lone, bonusse, besoldigende toelaes en betaling vir oortyd, met inbegrip van die bepaling van die grondslae en koerse daarvan, betaalbaar aan die werknemer in ruil vir die uitvoering van sy toegewese take en sy nakooming van die werkgewer se gedragskode; (xx)
- (xviii) **"uitsluiting"** een of meer van die onderstaande handelinge of versuime deur die werkgewer:
 - (a) Die nie-toelating deur hom van enige getal werknemers wat in sy diens is of persone wat in sy diens was, tot 'n perseel waarop of waarin werk deur hom verskaf, verrig word of verrig is; of
 - (b) die algehele of gedeeltelike stopsetting deur hom van sy aktiwiteite of van die verskaffing van werk; of
 - (c) die verbreking of beëindiging deur hom van die dienskontrakte van enige getal werknemers in sy diens; of
 - (d) die weiering of versuim deur hom om enige getal persone wat in sy diens was, weer in diens te neem,
 indien die doel van daardie nie-toelating, stopsetting, verbreking, beëindiging, weiering of versuim is om werknemers wat in sy diens is of persone wat in sy diens was, te beweeg of te dwing om—
 - (i) toe te stem tot of te voldoen aan enige eise of voorstelle betreffende bedinge of voorwaardes van diens of ander aangeleenthede wat gestel of gedoen is deur of namens hom; of
 - (ii) to accept any change in the terms or conditions of employment; or
 - (iii) to agree to the employment of a person or the suspension or termination of the employment of any employee; (xviii)
- (xi) **"management echelon"**, in relation to any employee, means that group of employees who hold the rank of brigadier, or the post of director, as the case may be, or any other higher rank or post; (vi)
- (xii) **"matters of mutual concern"** means, subject to the provisions of these regulations, all matters within the power of the employer related to employment, the employer and employee relationship, including, but not limited to, terms and conditions of employment, disciplinary, grievance and related procedures, employee compensation, salary and service benefits, as are provided for in the policy framework; (i)
- (xiii) **"member"**, in relation to an employee organization, means an employee who is a member in good standing of an employee organization by virtue thereof that he has paid any entrance fee laid down in the constitution of the organization and is not more than three months in arrears with the payment of the membership fees payable in terms of the said constitution; (xii)
- (xiv) **"office-bearer"**, in relation to any employee organization, means a person, other than an official, who holds any office in the organization, including a member, other than a member *ex officio*, of a committee of the organization; (ii)
- (xv) **"official"**, in relation to an employee organization, means any staff member of the organization, employed as secretary, assistant secretary or organizer of such organization, or in any other official capacity, whether or not such staff member is employed in a full-time capacity; (iii)
- (xvi) **"policy framework"** means the provisions of these regulations or of any other law in terms whereof the employer may act; (v)
- (xvii) **"political party"** means any body or group of persons having as object or as one of its objects, whether expressly or otherwise—
 - (a) the nomination of candidates for an election to any legislative body established by any law; or
 - (b) the influencing of public opinion to support or oppose any such body or group; (xvi)
- (xviii) **"premises"** means any land, building or structure possessed, leased or occupied by the South African Police, and includes any vehicle, aircraft or vessel; (xv)
- (xix) **"recognized employee organization"** means an employee organization which has been registered and recognized, to the extent of such recognition, in terms of these regulations; (ix)
- (xx) **"salary"**, in relation to an employee, includes any remuneration, wages, bonuses, remunerative allowances and payment for overtime, including the determination of bases and rates thereof, payable to the employee in exchange for the execution of his assigned tasks and his compliance with the employer's code of conduct; (xvii)

- (ii) 'n verandering in die bedinge of voorwaardes van diens te aanvaar; of
- (iii) toe te stem tot die indiensneming van 'n persoon of die skorsing of beëindiging van die diens van 'n werknemer; (x)
- (xix) "**werkgewer**" die Suid-Afrikaanse Polisie as werkgewer, soos verteenwoordig deur verteenwoordigers vir dié doel benoem deur die Kommissaris; (viii)
- (xx) "**werknemer**" 'n lid van die Mag; (v)
- (xxi) "**werknemerorganisasie**"—
 - (a) 'n organisasie wat in die geheel bestaan uit 'n aantal werknemers wat formeel geassosieer en georganiseer is in 'n personeelvereniging, vakvereniging of vakbond met die doel, hetsy alleen of saam met ander wettige doelstellings, om verhoudinge tussen hulle of party van hulle en die werkgewer te reël;
 - (b) behoudens regulasie 8 (1), 'n organisasie beoog in paragraaf (a) wat gedeeltelik bestaan uit 'n aantal werknemers en gedeeltelik uit werknemers van die Suid-Afrikaanse Weermag en/of die Departement van Korrektiewe Dienste; (vii)
- (xxii) "**werknemerskompensering**" betalings, met inbegrip van terugbetalings, en dienste aan werknemers om te voorkom dat hulle persoonlike verliese, hetsy geldelik of andersins, ly by die uitvoering van hul pligte of die opdragte van die werkgewer. (vi)

Uitleg en toepassing van regulasies

2. (1) Regte van werknemers ingevolge hierdie regulasies is bykomend by regte wat hulle ingevolge 'n ander Wet of die gemene reg het, en geniet voorrang bo regte ingevolge enige ander toepaslike wet.

(2) Hierdie regulasies is op alle werknemers en die werkgewer van toepassing vir sover enige onbillike arbeidspraktyk wat uit die indienshouding en benutting van die werknemers voortspruit, betrokke is.

Fundamentele beginsels

3. (1) Werknemers het, behoudens subregulasies (2), (3), (4) en (5), die reg om 'n werknemerorganisasie volgens eie keuse te stig en, verder slegs behoudens die reëls van die betrokke organisasie, by enige werknemerorganisasie aan te sluit, of om nie 'n werknemerorganisasie te stig of daarby aan te sluit nie.

(2) By die uitoefening van die regte in subregulasie (1) vermeld, mag werknemers en hul organisasies nie teenstrydig met die bepalings van hierdie regulasies of enige ander wet optree nie.

(3) Ondanks subregulasie (1) mag werknemers in die bestuurskader, sowel as daardie werknemers wie se funksies deur die werkgewer geag word beleidmakend of van bestuursaard te wees, nie werknemerorganisasies, of werknemers namens so 'n organisasie, vir die doeleindes van hierdie regulasies verteenwoordig of bystaan nie: Met dien verstande dat hierdie subregulasie nie so uitgelê word nie dat eersgenoemde werknemers verbied word om in onderhandelinge of andersins verteenwoordig te word deur 'n werknemerorganisasie waarvan hulle lede is.

(xxi) "**service benefits**", in relation to an employee, means privileges, *natura* items or moneys, excluding salary and employee compensation, provided to the employee in exchange for the execution of his assigned tasks and his compliance with the employer's code of conduct; (viii)

(xxii) "**unfair labour practice**" means any act or omission, other than a strike or lock-out, which has or may have the effect—

- (a) that any employee or class of employees is or may be unfairly affected or that his or their employment opportunities or work security is or may be prejudiced or jeopardized thereby;
- (b) that activities of the employer are or may be unfairly affected or disrupted thereby;
- (c) that labour unrest is or may be created or promoted thereby;
- (d) that the labour relationship between the employer and employees is or may be detrimentally affected thereby; or
- (e) that the fundamental principles contemplated in regulation 3 are not adhered to. (xiii)

Interpretation and administration of regulations

2. (1) Any rights of employees in terms of these regulations shall be in addition to any rights which they have in terms of any other Act or the common law, and shall take preference over rights in terms of any other applicable law.

(2) These regulations shall apply to all employees and the employer in so far as any unfair labour practice arising from the employment and utilization of the employees is concerned.

Fundamental principles

3. (1) Employees shall, subject to subregulations (2), (3), (4) and (5), have the right to establish and, further subject only to the constitution of the organization concerned, to join any employee organization of their own choice, or to refrain from establishing or joining any employee organization.

(2) In exercising the rights mentioned in subregulation (1), employees and their organizations shall not act contrary to the provisions of these regulations or any other law.

(3) Notwithstanding subregulation (1), employees in the management echelon, as well as those employees whose functions are considered by the employer to be policy-making or managerial, shall not represent or assist employee organizations, or employees on behalf of such an organization, for the purposes of these regulations: Provided that this subregulation shall not be construed as prohibiting the first-mentioned employees from being represented in negotiations or otherwise by an employee organization of which they are members.

(4) Die werknemers mag nie geïntimideer word om by 'n werknemerorganisasie aan te sluit, of nie daarby aan te sluit nie, of om daaruit te bedank, of nie daaruit te bedank nie.

(5) Geen werknemer mag geviktimizeer word of onbillik teen gediskrimineer word op grond van ras, kleur, geslag, geloof, politieke sienswyse, lidmaatskap of nie-lidmaatskap van 'n werknemerorganisasie of deelname aan die aktiwiteite van so 'n organisasie, of 'n arbitrêre grond nie.

(6) 'n Werknemer sal geregtig wees op—

- (a) 'n wettige en prosedureel billike administratiewe handeling waar enige van sy regte, belange of legitieme verwagtings aangetas is of aangetas kan word;
- (b) op die verskaffing van redes op skrif vir enige sodanige administratiewe handeling; en
- (c) 'n handeling van so 'n aard wat geregverdig is met betrekking tot die redes daarvoor verskaf.

(7) Enige werknemer wat 'n lid is van 'n erkende werknemerorganisasie, kan die werkgever skriftelik versoek om ledegeld betaalbaar aan die werknemerorganisasie van salaris betaalbaar aan hom af te trek, en die werkgever moet so gou doenlik daarna sodanige gelde van sodanige salaris aftrek vir betaling aan die betrokke werknemerorganisasie en daarmee volhou totdat die versoek skriftelik teruggetrek of gewysig word: Met dien verstande dat die werkgever 'n gedeelte, maar hoogstens vyf persent, van die bedrag wat aldus afgetrek word, as invorderingsgeld kan behou.

(8) Geen versoek kragtens subregulasie (7) mag teruggetrek of gewysig word binne drie maande vanaf die datum waarop die eerste bedrag ten opsigte van die betrokke werknemer se ledegeld afgetrek is nie.

(9) 'n Erkende werknemerorganisasie moet redelike toegang gedurende werkure tot sy lede en tot die persele en fasiliteite van die werkgever verleen word vir die doeleindes van die verrigting van sy wettige bedrywighede, met die voorafgaande goedkeuring van die Kommissaris, en dié goedkeuring mag nie onredelik weerhou word nie.

(10) (a) Die werkgever moet 'n erkende werknemerorganisasie voorsien van toepaslike inligting wat nie geklassifiseerde inligting is nie, oor aangeleenthede betreffende die bedinge en voorwaardes van diens, salaris en die indienshouding van werknemers wat lede van so 'n organisasie is, met inbegrip van die volledige inhoud van sy beleidsraamwerk en inligting wat noodsaaklik is vir die onderhandelingsprosesse ingevolge hierdie regulasies.

(b) Indien die werkgever onredelik weier om 'n organisasie van sodanige inligting te voorsien of indien dit deur so 'n organisasie beweer word dat tersaaklike inligting onredelik as geklassifiseerde inligting beskou word, kan dié organisasie die aangeleentheid binne 14 dae na arbitrasie verwys vir beslegting op 'n spoedeisende basis.

(11) Die werkgever mag nie nalaat of weier om oor aangeleenthede van onderlinge belang met 'n erkende werknemerorganisasie binne die Forum te onderhandel nie.

(4) The employees shall not be intimidated to join, or to refrain from joining, or to resign from, or to refrain from resigning from, any employee organization.

(5) No employee shall be victimized or be unfairly discriminated against on grounds of race, colour, sex, religion, political opinion, membership or non-membership of an employee organization or participation in the activities of such an organization, or any arbitrary grounds.

(6) An employee shall have a right to—

- (a) a lawful and procedurally fair administrative act where any of his rights, interests or legitimate expectations are affected or may be affected;
- (b) furnishing of written reasons for any such administrative act; and
- (c) an act of such nature which is justifiable in relation to the reasons furnished therefor.

(7) Any employee who is a member of a recognized employee organization may in writing request the employer to deduct membership fees payable to such employee organization from any salary payable to him, and the employer shall thereupon deduct, as soon as possible, such fees from such salary for payment to the employee organization concerned and continue doing so until the request is withdrawn or amended in writing: Provided that the employer may retain as a collection fee a portion, not exceeding five per cent, of the amount so deducted.

(8) No request under subregulation (7) shall be withdrawn or amended within three months of the date upon which the first amount in respect of the membership fee of the employee concerned was deducted.

(9) A recognized employee organization shall be granted reasonable access during working hours to its members and to the premises and facilities of the employer for the purposes of conducting its lawful activities, upon prior approval by the Commissioner, and such approval shall not be unreasonably withheld.

(10) (a) The employer shall provide a recognized employee organization with any relevant information which is not classified information, on matters concerning the terms and conditions of employment, salary and the employment of employees who are members of such organization, including the full contents of its policy framework and any information which is necessary for the negotiation processes in terms of these regulations.

(b) If the employer unreasonably refuses to provide an organization with such information or if it is alleged by an organization that relevant information is unreasonably being regarded as classified information, such organization may within 14 days refer the matter to arbitration for resolution on an expedited basis.

(11) The employer shall not fail or refuse to negotiate on matters of mutual concern with a recognised employee organization within the Forum.

(12) Behoudens subregulasie (11), is die werkgewer nie verplig nie om binne die tydperk waarop in 'n bestaande ooreenkoms ooreengekom is, oor 'n aangeleentheid te onderhandel wat in dié ooreenkoms gereël word, behalwe as die betrokke partye by wyse van 'n besluit van die Forum bereid is om te onderhandel om die bedinge en voorwaardes van dié ooreenkoms te verbeter.

(13) Die werkgewer is daarop geregtig om sy bestuursregte en -prerogatiwe uit te oefen onderworpe aan die bepalings van hierdie regulasies en enige ander wet, met inbegrip van ooreenkomste ingevolge hierdie regulasies gesluit.

(14) Die partye moet te alle tye verseker dat wanneer hulle kragtens hierdie regulasies optree, hulle nie die voorsiening van 'n neutrale, nie-politiese en onpartydige diens aan die algemene publiek kompromitteer nie.

(15) 'n Onbillike arbeidspraktyk mag nie deur enige persoon of party tot die diensverhoudinge tussen die werkgewer en sy werknemers, begaan word nie.

Onderhandelingsforum en partye in Forum

4. (1) Daar word hierby 'n Onderhandelingsforum ingestel.

(2) Die partye in die Forum is die werkgewer en erkende werknemerorganisasies: Met dien verstande dat, behoudens subregulasie (4), so 'n organisasie slegs oor 'n aangeleentheid kan onderhandel indien hy bewys dat hy werknemers verteenwoordig wat deur dié aangeleentheid geraak word.

(3) 'n Party in die Forum moet verteenwoordig word deur iemand wat deur dié party of ingevolge die Wet daartoe gemagtig is.

(4) Behoudens regulasie 10(6), word die werkgewer se bevoegdheid met betrekking tot die aangeleentheid waaroor onderhandel staan te word, beperk tot daardie aangeleenthede waarvoor die werkgewer die bevoegdheid het om oor te onderhandel.

(5) Behoudens regulasie 10(6), is 'n ooreenkoms bereik uit hoofde van verrigtinge beoog in hierdie regulasies, bindend vir die betrokke partye en die lede van die betrokke werknemerorganisasies.

Pligte en werksaamhede van Forum

5. (1) Die Forum moet volgens die bepalings van hierdie regulasies funksioneer.

(2) Die Forum sal daarna streef om ooreenkomste oor aangeleenthede beoog in regulasie 10 (1) tot stand te bring, of om deur middel van konsultasie of andersins te voorkom dat geskille ontstaan, en geskille te besleg wat ontstaan het of mag ontstaan, tussen die werkgewer aan die een kant en werknemerorganisasies aan die ander kant, en die stappe doen wat hy raadsaam ag om die reëling of beslegting van aangeleenthede van onderlinge belang vir die werkgewer en sodanige organisasies teweeg te bring.

(3) Die Forum mag nie 'n aangeleentheid of geskil rakende 'n individu behandel nie.

(4) Die Forum handel met enige aangeleentheid waarmee hy ingevolge hierdie regulasies moet of kan handel.

(12) Subject to subregulation (11), the employer shall not be obliged to negotiate, within the period agreed upon in a current agreement, in respect of any matter regulated by such an agreement, except if the parties concerned by a decision of the Forum are prepared to negotiate to improve the terms and conditions of such an agreement.

(13) The employer shall be entitled to exercise his managerial rights and prerogatives subject to the provisions of these regulations and any other law, including agreements concluded in terms of these regulations.

(14) The parties shall at all times ensure that in acting under these regulations, they do not compromise the provision of a neutral, non-political and impartial service to the general public.

(15) An unfair labour practice may not be perpetrated by any person or party in the employment relations between the employer and its employees.

Negotiation forum and parties in Forum

4. (1) There is hereby established a Negotiation Forum.

(2) The parties in the Forum shall be the employer and recognised employee organizations: Provided that, subject to subregulation (4), any such organization may only negotiate on any matter if it proves that it represents employees affected by such matter.

(3) A party in the Forum shall be represented by a person authorized thereto by that party or in terms of the Act.

(4) Subject to regulation 10 (6), the employer's power in respect of the matter which is to be negotiated, shall be limited to such matters on which the employer has the right to negotiate.

(5) Subject to regulation 10 (6), an agreement concluded by virtue of proceedings contemplated in these regulations shall be binding on the relevant parties and the members of the employee organizations involved.

Duties and functions of Forum

5. (1) The Forum shall function in accordance with the provisions of these regulations.

(2) The Forum shall endeavour to bring about agreements on matters contemplated in regulation 10 (1), or by means of consultation or otherwise to prevent disputes from arising, and to settle disputes that have arisen or may arise, between the employer on the one hand and employee organizations on the other hand, and to take such steps as it may deem expedient to bring about the regulation or settlement of matters of mutual interest to the employer and such organizations.

(3) The Forum shall not deal with a matter or dispute concerning an individual.

(4) The Forum shall deal with any matter with which it is obliged or may deal with in terms of these regulations.

Voorsitter van Forum

6. (1) Die Voorsitter van die Forum word, behoudens die bepalings van subregulasie (4) aangestel, en sy dienste kan beëindig word, deur die Kommissaris en wel slegs ooreenkomstig 'n aanbeveling van die Forum, waaroor besluit word by die eerste vergadering van die Forum by 'n meerderheid van stemme aan werkgewerkant sowel as 'n meerderheid van stemme aan werknemerkant, bepaal deur geheime stemming: Met dien verstande dat vir die doeleindes van die eerste vergadering van die Forum 'n tydelike waarnemende Voorsitter aangestel word deur die Kommissaris, sonder 'n reg om te stem, welke Voorsitter die datum en plek van die eerste vergadering van die Forum bepaal.

(2) As 'n Voorsitter in subregulasie (1) bedoel om enige rede nie in staat is om sy pligte uit te voer nie, moet die Kommissaris, op 'n aanbeveling van die Forum, waarop ooreenkomstig die bepalings van subregulasie (1) besluit is, 'n waarnemende Voorsitter aanstel vir die termyn van bedoelde ongeskiktheid, en die waarnemende Voorsitter het, gedurende dié termyn, al die bevoegdhede wat die Voorsitter ingevolge hierdie regulasies oor beskik: Met dien verstande dat die partye kan ooreenkom dat iemand waarop hulle ooreengekom het, op 'n bepaalde vergadering voorsit.

(3) Die Voorsitter, waarnemende Voorsitter of ander persoon wat as Voorsitter optree, in subregulasies (1) en (2) vermeld, beskik oor geen stemreg nie: Met dien verstande dat indien die waarnemende Voorsitter, of daardie ander persoon wat as Voorsitter optree, uit die geledere van die partye aangestel of gekies is, hy sy stemreg as verteenwoordiger behou.

(4) Die Voorsitter en, indien nodig, 'n waarnemende Voorsitter, van die Forum, word, behoudens subregulasies (5) en (6), aangestel vir die ampstermyn of die geleentheid en op die voorwaardes soos ooreengekom, en sy dienste kan beëindig word deur 'n besluit geneem deur die meerderheidstem aan die werkgewerkant sowel as die meerderheidstem aan die werknemerkant.

(5) Die ampstermyn van die Voorsitter vermeld in subregulasie (1) oorskry nie drie jaar nie: Met dien verstande dat so 'n Voorsitter aangestel mag word vir verdere termyne wat nie drie jaar per keer oorskry nie.

(6) Indien 'n Voorsitter of 'n waarnemende Voorsitter in die Forum nie 'n lid van die Forum is nie of nie in diens van die Staat is nie, bepaal die Forum sy salaris, waarop die kostes gelykop gedra sal word tussen die werkgewer, aan die een kant, en die erkende werknemerorganisasies, aan die ander kant.

Registrasie van werknemerorganisasies

7. (1) 'n Werknemerorganisasie moet, alvorens hy ingevolge regulasie 8 deur die werkgewer erken word, by die Kommissaris aansoek doen om registrasie ingevolge hierdie regulasies as 'n werknemerorganisasie wat in diens van die werkgewer aktief is, ongeag die feit dat dié organisasie ingevolge enige ander wet geregistreer mag wees.

Chairperson of Forum

6. (1) The Chairperson of the Forum shall, subject to the provisions of subregulation (4), be appointed, and his services may be terminated, by the Commissioner, but only in accordance with a recommendation of the Forum, on which a decision will be taken at the first meeting of the Forum by a majority of votes on the employer's side as well as a majority of votes on the employees' side, determined by secret ballot: Provided that for purposes of the first meeting of the Forum a temporary acting Chairperson shall be appointed by the Commissioner, without the right to vote, which Chairperson shall determine the date and time of the first meeting of the Forum.

(2) If a Chairperson referred to in subregulation (1) is for any reason not able to carry out his duties, the Commissioner shall, on a recommendation of the Forum, decided on in accordance with the provisions of subregulation (1), appoint an acting Chairperson for the period of the said inability, and the acting Chairperson shall, during such period, have all the powers of the Chairperson in terms of these regulations: Provided that the parties may agree that a person on whom they have agreed, shall preside at a particular meeting.

(3) The Chairperson, acting Chairperson or other person acting as Chairperson, mentioned in subregulations (1) and (2), shall not have the right to vote: Provided that if the acting Chairperson, or that other person acting as Chairperson, has been appointed or chosen from among the number of the parties, he or she shall retain his voting right as representative.

(4) The Chairperson and, if necessary, an acting Chairperson, of the Forum, shall, subject to subregulations (5) and (6), be appointed for the period of office or the occasion and on the conditions agreed upon, and his services may be terminated by decision taken by majority vote on the employer's side as well as majority vote on the employees' side.

(5) The period of office of the Chairperson mentioned in subregulation (1) shall not exceed three years: Provided that such a Chairperson may be appointed for further periods not exceeding three years at a time.

(6) If a Chairperson or an acting Chairperson of the Forum is not a member of the Forum or is not employed by the State, the Forum shall determine his salary, whereupon the costs shall be borne equally between the employer, on the one hand, and the recognized employee organizations, on the other hand.

Registration of employee organizations

7. (1) An employee organization shall, before recognition in terms of regulation 8 by the employer, apply to the Commissioner for registration in terms of these regulations as an employee organization being active in the service of the employer, notwithstanding the fact that such organization may be registered in terms of any other law.

(2) 'n Aansoek om registrasie deur 'n werknemer-organisasie word aan die Kommissaris voorgelê op die vorm deur hom voorgeskryf en moet vergesels wees van—

- (a) die konstitusie van die werknemerorganisasie tesame met die volle name van sy hoof- uitvoerende beampte, permanente straat- en posadres, die telefoonnommer en, indien daar is, die faksimileenommer van sy hoofkantoor; en
- (b) 'n lys van werknemers van die werkgewer wat lede van die werknemerorganisasie is, met 'n aanduiding van die streke, afdelings en eenhede waar hulle in diens van die werkgewer is en die beroepsklasse waartoe hulle behoort.

(3) 'n Wysiging aan die konstitusie van 'n geregistreerde werknemerorganisasie, asook veranderinge aan sy adresse en telefoon- en faksimileenommers en ten opsigte van sy hoof- uitvoerende beampte en ampsdraers, moet binne een maand vanaf sodanige wysiging of verandering aan die Kommissaris meege-deel word.

(4) 'n Geregistreerde werknemerorganisasie moet die Kommissaris jaarliks voorsien van inligting betreffende die getal werknemers wat lede van die organisasie is.

(5) 'n Werknemerorganisasie word ingevolge hierdie regulasie deur die Kommissaris geregistreer, indien—

- (a) aan die vereistes soos gestel in subregulasie (2) van hierdie regulasie, voldoen is;
- (b) hy voldoende verteenwoordigend van werknemers van die werkgewer of van 'n afgebakende belangegroep van sodanige werknemers is;
- (c) indien hy oor 'n konstitusie beskik wat met hierdie regulasies bestaanbaar is en nie bepalings bevat wat met die bepalings van enige wet strydig is nie; en
- (d) hy nie by enige politieke party of ander werknemerorganisasie geaffilieer is nie, of enige materiële steun van enige politieke party of ander werknemerorganisasie of federale werknemerorganisasie ontvang nie.

(6) Die Kommissaris—

- (a) registreer 'n werknemerorganisasie wat aan hierdie regulasies voldoen het en stuur daarna aan hom 'n registrasiesertifikaat; of
- (b) kan weier om 'n werknemerorganisasie te registreer wat nie aldus aan sodanige bepalings voldoen nie; en
- (c) moet die werknemerorganisasie, wat ingevolge subregulasie (1) aansoek doen om registrasie, binne 90 dae vanaf datum van aansoek van sy besluit skriftelik in kennis stel.

(7) Die registrasie van 'n werknemerorganisasie word deur die Kommissaris ingetrek—

- (a) wanneer die werknemerorganisasie ophou om te bestaan of ontbind of ingevolge sy konstitusie gelikwideer word;
- (b) wanneer die werknemerorganisasie nie meer enige werknemers as lede het nie;

(2) An application for registration as an employee organization shall be submitted to the Commissioner on a form prescribed by him and shall be accompanied by—

- (a) the constitution of the employee organization together with the full names of its chief executive officer, permanent street and postal address, the telephone number and, if any, the telefax number of its head office;
- (b) a list of the employees of the employer who are members of the organization, with an indication of the regions, sections and units where they are in the service of the employer and the occupational classes to which they belong.

(3) An amendment of the constitution of a registered employee organization, as well as changes in its addresses and telephone and telefax numbers and in respect of its chief executive officer and office-bearers, shall be communicated to the Commissioner within one month of any such amendment or change.

(4) A registered employee organization shall furnish the Commissioner annually with information regarding the number of employees who are members of the organization.

(5) An employee organization shall be registered in terms of this regulation by the Commissioner, if—

- (a) the requirements set out in subregulation (2) of this regulation have been complied with;
- (b) it is sufficiently representative of employees of the employer or of a demarcated interest group of such employees;
- (c) it has a constitution which is consistent with these regulations and which does not contain provisions in conflict with any law; and
- (d) it is not affiliated to any political party or other employee organization, or does not receive material support from any political party or other employee organization or federal employee organization.

(6) The Commissioner—

- (a) shall register an employee organization which complies with these regulations and shall forward to it a registration certificate; or
- (b) may refuse to register an employee organization which does not so comply with such provisions; and
- (c) shall notify the employee organization, which applied in terms of subregulation (1) for registration, within 90 days of the date of application of his decision in writing.

(7) The registration of an employee organization shall be withdrawn by the Commissioner—

- (a) when the employee organization ceases to exist or is dissolved or liquidated in terms of its constitution;
- (b) when the employee organization no longer has employees as members;

- (c) wanneer hy nie meer deur die Kommissaris as voldoende verteenwoordigend van die werknemers van die werkgever, of van 'n bepaalde belangegroep van sodanige werknemers, beskou word nie;
- (d) wanneer hy oor 'n konstitusie beskik wat nie met hierdie regulasies bestaanbaar is nie of bepalings bevat wat met die bepalings van 'n wet strydig is;
- (e) wanneer hy by enige politieke party of ander werknemerorganisasie of federale werknemerorganisasie, geaffilieer is, of enige materiële steun van sodanige politieke party of ander werknemerorganisasie of federale werknemerorganisasie ontvang; en
- (f) wanneer die werknemerorganisasie te eniger tyd versuim om aan 'n vereiste of voorskrif van hierdie regulasie te voldoen:

Met dien verstande dat die werknemerorganisasie in kennis gestel sal word van die voorgenome intrekking en die redes daarvoor, en dat hy die geleentheid gebied sal word om binne 90 dae vanaf die datum van bedoelde kennisgewing aan 'n betrokke genoemde bepaling van hierdie regulasie te voldoen.

Erkenning van werknemerorganisasies

8. (1) 'n Werknemerorganisasie word, nadat hy behoorlik ingevolge regulasie 7 geregistreer is, deur die werkgever erken: Met dien verstande dat sodanige erkenning van 'n werknemerorganisasie bedoel in paragraaf (b) van die omskrywing van "werknemerorganisasie" in regulasie 1 slegs effek het in die mate dat so 'n organisasie werknemers as lede het en sodanige werknemers verteenwoordig.

(2) By erkenning van 'n werknemerorganisasie kragtens hierdie regulasie—

- (a) het hy, benewens die regte by regulasie 3(7), (9) en (10) aan hom verleen—
 - (i) die reg om sy lede ten opsigte van griewe, dissiplinêre aangeleenthede en ander aangeleenthede waarop met die werkgever op ooreengekom is, te verteenwoordig; en
 - (ii) die reg om deur die werkgever geraadpleeg te word oor aangeleenthede waarop hulle ooreenkom; en
- (b) kan die werkgever met so 'n organisasie, behoudens regulasie 10(6), onderhandel oor aangeleenthede van onderlinge belang binne die bevoegdheid van die werkgever.

Vergaderings van Forum

9. (1) 'n Vergadering van die Forum word op versoek van die werkgever of 'n erkende werknemerorganisasie gehou op die tyd en plek wat die Voorsitter van die Forum bepaal en na kennisgewing deur die Voorsitter aan die werkgever en die betrokke erkende werknemerorganisasie.

(2) Behoudens die bepalings van regulasie 4 (2) en (4), maak die teenwoordigheid van die werkgever en die teenwoordigheid van 'n erkende werknemerorganisasie of sodanige organisasies wat oor 50 persent van die stemreg aan die werknemer beskik, 'n kworum uit vir 'n vergadering van die Forum.

- (c) when it is no longer regarded by the Commissioner as sufficiently representative of the employees of the employer, or of a specific interest group of such employees;
- (d) when it has a constitution which is not consistent with these regulations or contains provisions which are in conflict with the provisions of any law;
- (e) when it is affiliated to any political party or other employee organization or federal employee organization, or receives material support from such political party or other employee organization or federal employee organization;
- (f) when the employee organization at any time fails to comply with a requirement or prescription of this regulation:

Provided that the employee organization shall be notified of the intended withdrawal and the reasons therefor, and that it be afforded an opportunity within 90 days of the date of the said notice to comply with a relevant indicated provision of this regulation.

Recognition of employee organizations

8. (1) An employee organization shall, after it has properly been registered in terms of regulation 7, be recognized by the employer: Provided that such recognition of an employee organization referred to in paragraph (b) of the definition of "employee organization" in regulation 1 shall only have effect to the extent that such organization has employees as members and represents such employees.

(2) On recognition of an employee organization under this regulation—

- (a) it shall have, in addition to rights granted to it by regulation 3 (7), (9) and (10)—
 - (i) the right to represent its members in respect of grievances, disciplinary matters and other matters on which agreement has been reached with the employer; and
 - (ii) the right to be consulted by the employer on matters agreed to by them; and
- (b) the employer may, subject to regulation 10 (6), negotiate with such organization on matters of mutual interest within the power of the employer.

Meetings of Forum

9. (1) A meeting of the Forum shall at the request of the employer or a recognized employee organization be held at the time and place which the Chairperson of the Forum determines and after notice by the Chairperson to the employer and the employee organizations concerned.

(2) Subject to the provisions of regulation 4 (2) and (4), the presence of the employer and the presence of a recognized employee organization or such organizations having 50 per cent of the voting rights on the side of employees concerned shall constitute a quorum for a meeting of the Forum.

(3) As die getal partye wat aanwesig is op die tyd en plek wat vir 'n vergadering bepaal is, onvoldoende is om 'n kworum uit te maak, moet 'n vergadering van die Forum, na kennisgewing aan die werkgewer en betrokke werknemerorganisasies, gehou word op 'n datum minstens sewe dae daarna, en op daardie vergadering maak die partye teenwoordig 'n kworum uit.

(4) (a) Behoudens regulasie 4(2) en (4) word die stemreg in die Forum te alle tye en onder alle omstandighede op 'n gelyke basis verdeel tussen die werkgewer aan die een kant, en die erkende werknemerorganisasies gesamentlik, aan die ander kant.

(b) Die beginsel van pariteit van stemreg tussen die werkgewer- en werknemer kant word gehandhaaf, en by die afwesigheid van erkende werknemerorganisasies van vergaderings word, onderworpe aan genoemde beginsel, die stemreg van die werkgewer dienoreenkomstig verminder.

(5) Die stemreg van 'n erkende werknemerorganisasie in die Forum word bepaal aan die hand van die formule van een stem vir elke een duisend werkende aftrekorders ten gunste van so 'n werknemerorganisasie: Met dien verstande dat elke erkende werknemerorganisasie minstens een stem het: Met dien verstande verder dat in die geval van onderhandelinge oor 'n bepaalde aangeleentheid bedoel in die voorbehoudsbepaling by regulasie 4(2), die stemreg van 'n betrokke werknemerorganisasie bepaal word aan die hand van die getal van sy lede wat deur die aangeleentheid geraak word, in verhouding tot die totale getal lede wat deur die aangeleentheid geraak word, van die betrokke werknemerorganisasies gesamentlik.

(6) Behoudens regulasie 4 (2) maak 'n meerderheid van stemme aan die werkgewerkant op 'n vergadering van die Forum, tesame met 'n meerderheid van stemme aan die werknemer kant op die vergadering, 'n bindende besluit van die Forum uit, behalwe in die geval van 'n geskil aangaande 'n beweerde onbillike arbeidspraktyk of 'n ander geskil van regte, in welke geval die geskil slegs deur middel van 'n geskrewe ooreenkoms tussen die partye by die geskil besleg kan word.

(7) 'n Besluit van die Forum soos bedoel in subregulasie (6), in verband met 'n aangeleentheid in regulasie 10(1) bedoel, word beskou as 'n ooreenkoms deur al die partye in die Forum.

(8) By 'n staking van stemme tussen die werkgewer aan die een kant, en erkende werknemerorganisasies gesamentlik aan die ander kant, kan die geskil binne 30 dae vanaf die datum van die ontstaan van die geskil deur of die werkgewer of 'n betrokke werknemerorganisasie vir arbitrasie ingevolge regulasie 14 vir beslegting op 'n spoedeisende basis verwys word.

(9) Vergaderings van die Forum word agter geslote deure gehou.

Ooreenkomste in Forum

10. (1) By die toepassing van regulasie 5 (2) is aangeleenthede van onderlinge belang vir die werkgewer en werknemers wat in die Forum verteenwoordig is, onderhandelbaar met die oog op die aangaan van 'n ooreenkoms soos bedoel in regulasie 9 (7), op voorwaarde dat sodanige aangeleenthede binne die bevoegdheid van die werkgewer is.

(3) If the number of parties present at the time and place determined for a meeting is insufficient to constitute a quorum, a meeting of the Forum shall, after notice to the employer and recognized employee organizations concerned, be held on a date at least seven days thereafter, and at that meeting the parties present shall constitute a quorum.

(4) (a) Subject to regulation 4 (2) and (4) the voting rights in the Forum shall at all times and under all circumstances be equally divided between the employer on the one hand and recognized employee organizations jointly on the other hand.

(b) The principle of parity of voting rights between employer and employee sides shall be maintained, and in the absence of recognized employee organizations from meetings, the voting right of the employer shall, subject to the said principle, be reduced accordingly.

(5) Voting rights of a recognized employee organization in the Forum shall be determined on the basis of the formula of one vote for each one thousand operative stop-orders in favour of such employee organization: Provided that each recognized employee organization shall have at least one vote: Provided further that in the case of negotiations regarding a particular matter referred to in the proviso to regulation 4 (2), the voting rights of a particular employee organization shall be determined according to the number of its members who are affected by the matter, in proportion to the total number of members who are affected by the matter, of the employee organizations concerned together.

(6) Subject to regulation 4 (2), a majority of votes of the employer side at a meeting of the Forum, together with a majority vote of the employee side at such a meeting, shall constitute a binding decision of the Forum, except in the case of a dispute as to an alleged unfair labour practice or any other dispute of right, in which case the dispute shall only be settled by means of a written agreement between the parties to the dispute.

(7) A decision by the Forum as contemplated in subregulation (6), in connection with a matter referred to in regulation 10(1), shall be regarded as an agreement between all the parties in the Forum.

(8) In the case of an equality of votes between the employer on the one side, and recognized employee organizations on the other side, the dispute may within 30 days of the date of the arising of the dispute be referred, by either the employer or a recognized employee organization concerned, for arbitration in terms of regulation 14 for resolution on an expedited basis.

(9) Meetings of the Forum shall be held behind closed doors.

Agreements in Forum

10.(1) For the purposes of regulation 5 (2), matters of mutual interest to the employer and employees represented in the Forum, shall be negotiable with a view to concluding an agreement as contemplated in regulation 9 (7), on condition that such matters are within the power of such employer.

(2) 'n Geskil oor die vraag of 'n bepaalde aangeleentheid ingevolge subregulasie (1) onderhandelbaar is, kan binne 30 dae vanaf die datum van die ontstaan van die geskil deur òf die werkgewer òf 'n betrokke erkende werknemerorganisasie vir arbitrasie ingevolge regulasie 14 verwys word vir beslegting op 'n spoedeisende basis.

(3) 'n Ooreenkoms ingevolge regulasie 9 (7) moet op skrif gestel word, moet onderteken word deur die partye in die Forum wat ten gunste van die ooreenkoms is, en is vanaf die datum in die ooreenkoms bepaal, bindend vir die werkgewer en al die erkende werknemerorganisasies, hulle lede, en alle ander werknemers op wie dit deur die werkgewer van toepassing gemaak word, en is geldig vir die tydperk in die ooreenkoms bepaal: Met dien verstande dat indien daar nie aan so 'n ooreenkoms of 'n gedeelte daarvan uitvoering gegee kan word nie tensy magtiging by 'n Wet van die Parlement verleen word om dit te doen, dié ooreenkoms of gedeelte daarvan opgeskort word totdat so 'n Wet aangeneem is.

(4) Indien 'n geskil oor die uitleg van 'n ooreenkoms nie in die Forum besleg kan word nie, moet dit so gou doenlik, maar nie later nie as 30 dae vanaf die datum waarop die geskil ontstaan het of binne die langer tydperk waarop die betrokke partye mag ooreenkoms, vir arbitrasie ingevolge regulasie 14 verwys word.

(5) Die bestaande bepalings en maatreëls betreffende 'n aangeleentheid in subregulasie (1) vermeld, word geag die inhoud van die eerste ooreenkoms daaroor in die Forum uit te maak en bly van krag totdat 'n ander ooreenkoms daaroor ingevolge die bepalings van regulasie 9 (7) en subregulasie (3) van hierdie regulasie tot stand gebring is.

(6) Waar 'n aangeleentheid in subregulasie (1) vermeld, buite die bevoegdheid van die werkgewer val, moet die werkgewer ingevolge 'n ooreenkoms wat oor sodanige aangeleentheid in die Forum aangegaan is, sodanige aangeleentheid na die betrokke departement binne wie se bevoegdheid die onderhawige aangeleentheid val, met aanbeveling verwys: Met dien verstande dat die ooreenkoms wat in die Forum gesluit is ten aansien van 'n aangeleentheid wat buite die bevoegdheid van die werkgewer val, nie 'n afdwingbare ooreenkoms ingevolge regulasie 4 (5) sal behels nie.

(7) Indien 'n ooreenkoms oor 'n aangeleentheid in subregulasie (1) vermeld, nie in die Forum bereik kan word nie en 'n dooie punt in onderhandelinge bereik is, kan so 'n aangeleentheid binne 30 dae vanaf die datum van die ontstaan van die geskil deur òf die werkgewer òf 'n betrokke erkende werknemerorganisasie vir arbitrasie ingevolge regulasie 14 verwys word vir beslegting op 'n spoedeisende basis.

(8) Enige ooreenkoms, aanbeveling of toekenning ingevolge hierdie regulasies, mag nie die uitwerking hê dat bestaande salarisse, diensvoordele of werknemerskompensering van werknemers verminder of hulle dit ontnem word nie.

(2) A dispute as to whether any particular matter is negotiable in terms of subregulation (1), may be referred, within 30 days from the date on which the dispute arose, by either the employer or any recognized employee organization concerned for arbitration in terms of regulation 14 for resolution.

(3) An agreement in terms of regulation 9 (7) shall be reduced to writing, shall be signed by the parties in the Forum who are in favour of such agreement, and shall, as from the date stipulated in the agreement, be binding for the employer and all employee organizations, their members, and all other employees to whom it is made applicable by the employer, and shall be valid for the period determined in the agreement: Provided that if such agreement or any part thereof cannot be given effect to unless authorized by an Act of Parliament to do so, such agreement or part thereof, shall be suspended until such an Act has been passed.

(4) If a dispute as to the interpretation of an agreement cannot be settled in the Forum, it shall as soon as possible, but not later than 30 days from the date on which the dispute arose or within such longer period as the parties concerned may agree, be referred to arbitration in terms of regulation 14.

(5) The existing provisions and measures regarding any matter referred to in subregulation (1), shall be deemed to constitute the contents of the first agreement in the Forum and shall remain in force until another agreement thereon in terms of the provisions of regulation 9 (7) and subregulation (3) of this regulation is concluded.

(6) Where a matter referred to in subregulation (1) falls beyond the power of the employer, the employer shall in terms of an agreement concluded on such matter in the Forum, refer such matter with a recommendation to the relevant department within whose jurisdiction the relevant matter falls: Provided that the agreement concluded in the Forum in respect of a matter falling beyond the power of the employer, shall not constitute a binding agreement in terms of regulation 4 (5).

(7) If an agreement on a matter referred to in subregulation (1) cannot be reached in the Forum, and a deadlock in negotiations is reached, such matter may within 30 days of the date of the arising of the dispute be referred for arbitration in terms of regulation 14 by either the employer or the recognized employee organization concerned for resolution on an expedited basis.

(8) Any agreement, recommendation or award in terms of these regulations shall not have the effect of reducing existing salaries, service benefits or employee compensation of employees or depriving them thereof.

Instelling van komitees van Forum

11. (1) Die Forum kan komitees instel en kan, onderworpe aan die voorwaardes wat hy bepaal, enige van sy werksaamhede aan enige sodanige komitee oordra.

(2) 'n Beslissing van 'n komitee bedoel in subregulasie (1), moet aan die Forum vir beslissing voorgelê word.

(3) 'n Komitee bedoel in subregulasie (1), bestaan uit 'n gelyke getal verteenwoordigers aan onderskeidelik die werkgewer- en werknemerkant.

(4) Die voorsitter van enige sodanige komitee kan die Voorsitter of die waarnemende Voorsitter van die Forum wees of 'n persoon deur die Forum of die komitee uit lede van die komitee of andersins gekies, soos deur die Forum bepaal.

Administrasie

12. (1) Die Forum moet gepaste akkommodasie en fasiliteite bekom en voorsiening maak vir sy administrasie ooreenkomstig die bepalings van hierdie regulasies.

(2) Die Forum moet 'n deeltydse of heeltydse sekretaris aanstel, wat, met die goedkeuring van die Forum, bykomende deeltydse of heeltydse personeel vir die administrasie van die Forum kan aanstel.

(3) Alle uitgawes voortspruitend uit die administrasie van die Forum ooreenkomstig die bepalings van hierdie regulasies word gelykop verdeel tussen die werkgewer aan die een kant en die erkende werknemerorganisasies gesamentlik aan die ander kant.

Stakings en uitsluitings

13. (1) 'n Werknemer of werknemerorganisasie mag onder geen omstandighede staak nie.

(2) Die werkgewer mag onder geen omstandighede 'n uitsluiting bewerkstellig nie.

Arbitrasie

14. (1) Indien die werkgewer of 'n erkende werknemerorganisasie 'n geskil of aangeleentheid ingevolge hierdie regulasies vir arbitrasie wil verwys, moet hy binne die tydperk voorgeskryf deur hierdie regulasies vir verwysing vir arbitrasie, 'n vergadering van die Forum ingevolge regulasie 9 versoek.

(2) Arbitrasie word onderneem deur 'n enkele arbiter, of deur 'n gelyke getal arbiters en 'n skeidsregter, verkies uit 'n paneel van arbiters wat deur die Forum saamgestel moet word.

(3) As die Forum besluit het dat die arbitrasie deur 'n enkele arbiter onderneem moet word, moet 'n persoon ten gunste van wie se aanstelling 'n meerderheid van stemme aan die werkgewerkant en 'n meerderheid van stemme aan werknemerkant uitgebring is, as arbiter aangestel word uit die paneel van arbiters in subregulasie (2) vermeld.

(4) As die Forum besluit het dat die arbitrasie deur 'n gelyke getal arbiters en 'n skeidsregter onderneem moet word, moet die helfte van die getal arbiters deur die verteenwoordigers aan die werkgewerkant uit die paneel in subregulasie (2) vermeld en die ander helfte deur die verteenwoordigers van die werknemerkant uit die genoemde paneel aangestel word, en moet die persoon uit die genoemde paneel ten gunste van wie se aanstelling 'n meerderheid van stemme aan die werkgewerkant en 'n meerderheid van stemme aan die werknemerkant uitgebring is, as skeidsregter aangestel word.

Establishment of committees of Forum

11. (1) The Forum may establish committees and may, subject to the conditions determined by it, transfer any of its functions to any such committee.

(2) A decision by a committee referred to in subregulation (1), shall be submitted to the Forum for decision.

(3) A committee referred to in subregulation (1) shall consist of an equal number of representatives on the employer and the employee side, respectively.

(4) The chairperson of any such committee may be the Chairperson or the acting Chairperson of the Forum or a person elected by the Forum or the committee from the members of the committee or otherwise, as determined by the Forum.

Administration

12. (1) The Forum shall acquire suitable accommodation and facilities and shall make provision for its administration in accordance with the provisions of these regulations.

(2) The Forum shall appoint a part-time or full-time secretary, who may, with the approval of the Forum, appoint additional part-time or full-time personnel for the administration of the Forum.

(3) All expenses arising from the administration of the Forum in accordance with the provisions of these regulations shall be equally divided between the employer on the one side and the recognized employee organizations jointly on the other side.

Strikes and lock-outs

13. (1) An employee or employee organization may not strike under any circumstances.

(2) The employer shall under no circumstances effect a lock-out.

Arbitration

14. (1) If the employer or a recognized employee organization wishes to refer any dispute or matter in terms of these regulations for arbitration, it shall within the period prescribed by these regulations for the referral to arbitration, request a meeting of the Forum in terms of regulation 9.

(2) Arbitration shall be undertaken by a single arbiter, or by an equal number of arbiters and a referee, chosen from a panel of arbiters to be constituted by the Forum.

(3) If the Forum has decided that arbitration will be undertaken by a single arbiter, a person in respect of whose appointment a majority of votes on the employer side and a majority of votes on the employee side has been cast, shall be appointed as arbiter from the panel of arbiters referred to in subregulation (2).

(4) If the Forum has decided that arbitration shall be undertaken by an equal number of arbiters and a referee, one half of the number of arbiters shall by the representatives on the employer side from the panel referred to in subregulation (2) and the other half shall by the representatives on the employee side from the said panel, be appointed, and a person from the said panel, in favour of whose appointment a majority of votes on the employer side and a majority of votes on the employee side has been cast, shall be appointed as referee.

- (5) Indien meer as een arbiter aangestel is—
- moet die skeidsregter voorsit op alle vergaderings van die arbiters waarop hy teenwoordig is;
 - is die beslissing van die meerderheid van die arbiters die beslissing van die arbiters; en
 - het die skeidsregter, in die geval van 'n staking van stemme, 'n beslissende stem.
- (6) Die Forum bepaal die opdrag aan die arbiter, of arbiters en skeidsregter, na gelang van die geval, ingevolge subregulasie (3) of (4) aangestel.
- (7) Arbitrasie moet afgehandel word binne 30 dae vanaf die datum waarop die arbiter, of arbiters en skeidsregter, ingevolge subregulasie (3) of (4) deur die Forum aangewys is: Met dien verstande dat bedoelde tydperk deur ooreenkoms tussen die partye, of vir 'n redelike tydperk deur die arbiter, of arbiters en skeidsregter, na gelang van die geval, verleng kan word.
- (8) 'n Toekenning mag slegs handel oor die onderwerp van die geskil en oor aangeleenthede wat redelik verwys met die beslegting van die geskil verband hou.
- (9) As 'n geskil wat ingevolge hierdie regulasie vir arbitrasie verwys is, geskik word by wyse van 'n besluit van die Forum ingevolge regulasie 9 voordat 'n toekenning gedoen word en die arbiter skriftelik in kennis gestel is dat arbitrasie nie meer verlang word nie, word die arbitrasieverrigtinge gestaak.
- (10) 'n Afskrif van die toekenning van die arbiter, of arbiters en skeidsregter, na gelang van die geval, moet aan elke party in die Forum voorsien word.
- (11) Die toekenning van die arbiter, of arbiters en skeidsregter, na gelang van die geval, is finaal en bindend op die werkgewer en die erkende werknemerorganisasies, asook lede van so 'n werknemerorganisasie op wie die toekenning van toepassing is.
- (12) Indien 'n geskil ingevolge hierdie regulasies vir arbitrasie verwys is, is die volgende bepalings met betrekking tot die koste van arbitrasie van toepassing:
- As slegs een arbiter aangestel is, moet die helfte van sy gelde deur die werknemerorganisasies betrokke by die arbitrasie in die Forum en die ander helfte deur die werkgewer betaal word;
 - as meer as een arbiter aangestel is, moet die werkgewer en die werknemerorganisasies onderskeidelik die gelde van die arbiter of arbiters deur hulle aangestel, betaal; en
 - as 'n skeidsregter aangestel is, moet die helfte van sy gelde deur die werkgewer aan die een kant en die ander helfte deur die werknemerorganisasies aan die ander kant, betaal word.

Wysiging van regulasies

15. (1) In hierdie regulasie beteken "die Polisie-regulasies" die Regulasies vir die Suid-Afrikaanse Polisie gepubliseer by Goewermentskennisgewing No. R. 203 in *Staatskoerant* No. 719 van 14 Februarie 1964, soos gewysig.

- (5) If more than one arbiter has been appointed—
- the referee shall preside at all meetings of the arbiters on which he is present;
 - the decision of the majority of the arbiters shall be the decision of the arbiters; and
 - the referee shall, in the case of an equality of votes, have a casting vote.
- (6) The Forum shall determine the instruction to the arbiter, or arbiters and referee, as the case may be, appointed in terms of subregulation (3) or (4).
- (7) Arbitration shall be finalized within 30 days of the date on which the arbiter, or arbiters and referee, as the case may be, have been appointed in terms of subregulation (3) or (4) by the Forum: Provided that the said period may be extended by agreement between the parties, or for a reasonable period by the arbiter, or arbiters and referee, as the case may be.
- (8) An award shall only deal with the subject-matter of the dispute and with the matters which reasonably relates to the resolution of the dispute.
- (9) If a dispute which is referred in terms of this regulation to arbitration is settled by means of a decision of the Forum in terms of regulation 9 before an award is made and the arbiter has in writing been informed that arbitration is no longer required, the arbitration proceedings shall cease.
- (10) A copy of the award of the arbiter, or the arbiters and referee, as the case may be, shall be furnished to every party in the Forum.
- (11) The award of the arbiter, or arbiters and referee, as the case may be, shall be final and binding on the employer and the recognized employee organizations, as well as the members of such employee organization on whom the award is applicable.
- (12) If a dispute is referred in terms of these regulations for arbitration, the following provisions shall apply to the costs of the arbitration:
- If only one arbiter has been appointed, the half of his fees shall be paid by the employee organizations involved in the arbitration in the Forum and the other half by the employer;
 - if more than one arbiter have been appointed, the employer and employee organizations shall respectively pay the fees of the arbiter or arbiters appointed by them; and
 - if a referee has been appointed, one half of his fees shall be paid by the employer on the one side and the other half by the employee organizations on the other side.

Amendment of regulations

15. (1) In this regulation "the Police Regulations" means the Regulations for the South African Police published by Government Notice No. R. 203 in *Gazette* No. 719 of 14 February 1964, as amended.

(2) Die Polisieregulasies word hierby gewysig—

(a) deur paragraaf (d) van regulasie 58 (33) deur die volgende paragraaf te vervang:

“(d) weier om aan enige bepaling van die Suid-Afrikaanse Polisie Arbeidsregulasies 1993, wat op hom van toepassing is, te voldoen of dit oortree;”;

(b) deur paragraaf (e) van genoemde regulasie 58 (33) te skrap; en

(c) deur paragraaf (f) van die genoemde regulasie 58 (33) deur die volgende paragraaf te vervang:

“(f) sonder dat hy 'n lid is van 'n erkende werknemerorganisasie bedoel in genoemde Suid-Afrikaanse Polisie Arbeidsregulasies, 1993, wetens enige wapen, embleem, vaandel, kleure, groet of onderskeidende gebaar of teken van watter aard ook al, wat hom kan verbind of assosieer as lid van enige sodanige organisasie of met sodanige organisasie, dra, vertoon of daarvan gebruik maak;”.

Kort titel en inwerkingtreding

16. Hierdie regulasies heet die Suid-Afrikaanse Polisie Arbeidsregulasies, 1993, en tree in werking op 29 November 1993.

(2) The Police Regulations are hereby amended—

(a) by the substitution for paragraph (d) of regulation 58 (33) of the following paragraph:

“(d) fails to comply with or contravenes any provision of the South African Police Labour Regulations, 1993, which is binding on him;”;

(b) by the deletion of paragraph (e) of the said regulation 58 (33); and

(c) by the substitution for paragraph (f) of the said regulation 58 (33) of the following paragraph:

“(f) without being a member of a recognized employee organization referred to in the said South African Police Labour Regulations, 1993, knowingly carries, exhibits or makes use of any badge, emblem, standard, colours, salute, greeting or distinctive gesture or sign of whatever nature, which is likely to connect or associate him as a member of any such organization or with such organization;”.

Short title and commencement

16. These regulations shall be called the South African Police Labour Regulations, 1993, and shall come into operation on 29 November 1993.

BELANGRIK!!

Plasing van tale:

Staatskoerante

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1993 tot 30 September 1994 word Afrikaans EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. *Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.*



IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1993 to 30 September 1994, Afrikaans is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. *It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.*

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	Wet en Orde, Ministerie van		
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