



Province of the
EASTERN CAPE

COOPERATIVE GOVERNANCE
& TRADITIONAL AFFAIRS

LABOUR RELATIONS POLICY 2026

LABOUR RELATIONS POLICY 2026

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SIGN OFF

I. Head of Department

This Policy on Labour Relations has been recommended by V. Mlokothe in my capacity as the Head of Department of Cooperative Governance and Traditional Affairs.

I am satisfied and concur with the contents of this Policy.

The development of the Labour Relations Policy will ensure that the Department is able to exercise its powers in compliance with the law and guide decision-making in the Department.

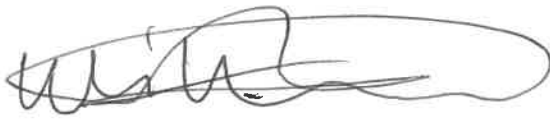
Signed:	
Designation:	Head of Department
Date:	17/05/2026

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II. Executive Authority

The Department of Cooperative Governance and Traditional Affairs has unprecedented opportunity to improve the lives of the people by effectively rendering services that it is expected to provide. We have envisaged a department that has the required capacity to respond adequately to the challenges of its people.

I, therefore, trust that guidance from this Policy will contribute to the effective curbing/prohibition of unfair labour practice in the Department.

Signed:	
Designation:	MEC: Z.A Williams of Cooperative Governance and Traditional Affairs
Date:	17 - 05 - 2026.

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1. PREAMBLE

The Department of Cooperative Governance and Traditional Affairs amends its Labour Relations Policy in compliance with the DPSA Circular No. 31 of 2025 which dictates compliance with Management of Misconduct Appeals in terms of the PSCBC Resolution 1 of 2003. The Amendment further aligns this policy with the approved DPSA Labour Relations Policy Framework for Public Service as one stop shop-centre.

2. PURPOSE

- 2.1. To clarify the position of the department in respect of areas of labour relations in alignment with the DPSA approved Labour Relations Policy Framework for the Public Service.
- 2.2. To promote consistency in management decisions and continuity despite changes in management.
- 2.3. To ensure alignment between national and provincial government priorities and labour relations in the Department of Cooperative Governance and Traditional Affairs.
- 2.4. To align the policy framework with latest jurisprudence, legislation and collective agreements.
- 2.5. To provide a framework for the practical application of the principles of administrative law.

3. DEFINITIONS

Terms and definitions that will be used throughout the procedure that need clarification for the reader, this can also include any keywords, technical terms and abbreviations that may be used in this document.

Words/Terms	Definition (with examples if required)
Admitted trade Union	For the purposes of this policy framework, admitted trade union means a trade union admitted to the PSCBC and to any of its sectors.

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Collective agreements	The oral or written contract entered into between an employer or group of employers and a union that is negotiating on behalf of all of the employees that the union represents.
Disputes of interests	Involves the formulation of new rights such as higher wages (always results in a strike action).
Disputes of rights	Concerning the infringement, application of or interpretation of an existing right contained in a contract of employment.
Employee	Any person, excluding an independent contractor, who works for another person or for the State and who receives, or is entitled to receive, any remuneration; and Any other person who in any manner assists in carrying on or conducting the business of an employer, and 'employed' and 'employment' have meanings corresponding to that of 'employee'.
Full Time Shop Steward	An employee representative who has been seconded to a trade union for a defined period in terms of a specific collective agreement to exclusively perform trade union activities.
GPSSBC	General Public Service Sectoral Bargaining Council
LRA	Labor Relations Act 66/1995 as amended.
<i>Mutatis Mutandis</i>	It occurs in legal writing to indicate that some things have changed, and necessarily other things must change as well.
Office Bearer	An employee who has been elected by a trade union to occupy an office/portfolio, in that union, for a defined term/period.

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Organizational rights	They are rights regulating the relationship between employers, employees and trade unions.
Picketing	Is an industrial action by unionized workers who either are on, or are trying to gather support for a strike by assembling near the entrance to the employer's premises in order to persuade co-workers to join an industrial action.
PSCBC	Public Service Coordinating and Bargaining Council
Protected strike	It is any industrial action that complies with the requirements of Sections 64 & 65 of the LRA.
Protest action	Is a public demonstration or organized effort to show disapproval about something, especially a government policy or practice
Strike	Partial or complete concerted refusal to work, or the retardation or obstruction of work, by persons who are or have been employed by the same employer or by different employers, for the purpose of remedying a grievance or resolving a dispute in respect of any matter of mutual interest between employer and employee, and every reference to 'work' in this definition includes overtime work, whether it is voluntary or compulsory.
Unionization	The process of organizing employees into a labour union which will act as an intermediary between the employees and management
Unprotected strike	It is any industrial action that is in contravention of Sections 64 & 65 of the LRA.

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4. APPLICATION & SCOPE

This policy applies to all employees under the employment of the Eastern Cape Department of Cooperative Governance & Traditional Affairs excluding Traditional Leaders.

5. LEGISLATIVE FRAMEWORK

- 5.1 Constitution of the Republic of South Africa of 1996.
- 5.2 Labour Relations Act 66 of 1995 as amended.
- 5.3 Public Service Act 103 of 1994 as amended.
- 5.4 Public Service Regulations, 2016.
- 5.5 Basic Conditions of Employment Act 75 of 1997 as amended.
- 5.6 Employment Equity Act 55 of 1998 as amended.
- 5.7 Promotion of Access to the Information Act 2 of 2000.
- 5.8 PSCBC and GPSSBC Collective Agreements.
- 5.9 SMS Handbook 2003 as amended.
- 5.10 Protected Disclosures Act 26 of 2000.
- 5.11 DPSA Circular No. 31 of 2025.
- 5.12 DPSA Labour Relations Policy Framework for the Public Service of 2024.

6. POLICY STATEMENT

The Department of Cooperative Governance and Traditional Affairs is a subject of the rule of law and is mindful of the labour relations landscape in South Africa that has radically shifted post 1994 with the dawn of the constitutional democracy that resulted in the promulgation of the Labour Relations Act 66 of 1995 as amended.

7. CONSULTATION PROCESS WITH STAKEHOLDERS

All affected stakeholders including employees at all levels have been consulted throughout the policy review process and their inputs and comments have been obtained and incorporated into this Policy. Management of the Department has been consulted for inputs, buy-in and adoption. Legal Advisory Services was also consulted for their legal opinion and soundness.

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8. POLICY PRINCIPLES

- 8.1 Rule of Law and Legality.
- 8.2 Procedural Fairness.
- 8.3 Reasonableness & Rationality.
- 8.4 Accountability & Transparency.
- 8.5 Service Delivery.

9. PRINCIPLES GOVERNING THE LABOUR RELATIONS POLICY

- 9.1 A disciplined workforce in the public service plays a key role in shaping the economy of the Republic of South Africa.
- 9.2 The Department recognizes organized labour as a social partner in improving service delivery.
- 9.3 Both parties must ensure that a non-adversarial climate exists and key founding principles are adhered to (Paragraph 8 above).
- 9.4 Promotion of good governance and the rule of law.

10. LABOUR RELATION POLICY FRAMEWORK

10.1 MEMBERSHIP UNIONISATION

- 10.1.1 Freedom of association by employees is recognized. Employees who elect not to join a trade union will pay an agency shop fee.
- 10.1.2 Senior Management Services are exempted from agency shop fee.
- 10.1.3 Senior Management Services are free to join or not to join any trade union.
- 10.1.4 The principles of full-time shop stewards, where possible, are supported in terms of GPSSBC Resolution 3 of 2001 as amended.
- 10.1.5 Any disruptive action (Perpetual conduct that conflicts with the dictates of the LRA) by a trade union could lead to suspension of organizational rights that had been conferred in terms of this policy.

10.2 ORGANIZATIONAL RIGHTS OF TRADE UNIONS

10.2.1 Access to Workplace

- 10.2.1.1 Unions must notify Employer in writing of all meetings to be held at least five (5) days prior to the date of the meeting.
- 10.2.1.2 Trade Unions are entitled without being unreasonably denied access to the Employer's premises. Permission must be sought in this regard in order for the Employer to approve.
- 10.2.1.3 Trade union representatives/ shop stewards/ union officials/ union office bearers shall have the right to access the premises of the Department during working hours, outside working hours and during lunch breaks by prior arrangement to:
 - 10.2.1.3.1 Recruit members
 - 10.2.1.3.2 Leave for trade union activities
 - 10.2.1.3.3 Serve members' interest, and service
 - 10.2.1.3.4 Disclosure of information.
 - 10.2.1.3.5 Deduction of trade union subscription
- 10.2.1.4 All arrangements regarding access will be facilitated through Labour Relations Directorate for approval by the Head of Department.
- 10.2.1.5 A trade union could qualify for *inter alia* the following organizational rights –
 - 10.2.1.5.1 Trade union access to the workplace
 - 10.2.1.5.2 Deduction of trade union subscription
 - 10.2.1.5.3 Election of shop stewards
 - 10.2.1.5.4 Leave for trade union activities
 - 10.2.1.5.5 Disclosure of information

10.2.2 Communication lines of trade unions with Management

Trade unions shall channel their concern/dissatisfaction regarding perceived unfair labour practice against their members through the Directorate: Employee Relations and Wellness, and the Office of the Head of Department in writing.

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10.3 MEETINGS AND PROTEST/ STRIKE ACTIONS

10.3.1 Convening of General and Special Meetings is subjected to the provisions of the GPSSBC Resolutions 3 of 2014.

10.3.2 All other gatherings such as protest, picket and or strike actions shall be in compliance with the provisions of the Labor Relations Act 66 of 1995 as amended.

10.4 TRADE UNION REPRESENTATION

10.4.1 Distribution

Each union will qualify to elect union representatives/shop stewards at a place of work as provided for in the **GPSSBC Resolution 3 of 2014** on the following basis:

10.4.2 Membership composure

NUMBER OF MEMBERS	NUMBER OF UNION REPS/SHOP STEWARDS
10	4
11-50	4
51-100	5
101-150	5
151 – 200	7
201 – 250	7
251 – 300	7
301 – 400	8
401 – 500	9
501 – 600	10
601- 800	11
801 – 1000	12
1001 – 1500	13
1501 – 2000	14

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2001 – 2500	15
2501 – 3000	16
3001 – 3500	17
3501 – 4000	18
4001-5000	19

10.4.3 The constitution of respective Trade Union governs the nomination, election, term of office and removal from office of a trade union representative.

10.4.4 A union representative elected in terms of this agreement will be formally recognized once the union has informed the Head of Department in writing of the names of the elected union representatives/ shop stewards.

10.5 RIGHTS OF TRADE UNION REPRESENTATIVES.

10.5.1 A trade Union representative has the right to perform the following functions:

10.5.1.1 At the request of the employee in the place of work, to assist and represent the employee in grievance and disciplinary proceedings.

10.5.1.2 To monitor Departmental Compliance with the provisions of the Labour Relations Act and any law or Collective Agreement regulating terms and conditions of employment.

10.5.1.3 To perform any other function agreed to between the Union and the Department.

10.6 LEAVE FOR TRADE UNION ACTIVITIES

10.6.1 Leave is in terms of the GPSSC Resolution 3 of 2014.

10.6.2 Request for such leave shall be facilitated through Labour Relations Directorate

10.7 DISCLOSURE OF INFORMATION

The Department and Trade Unions shall disclose to each other all relevant information that will enable them to engage effectively in consultation or negotiations with due regard

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to the provisions of section 16(5) of the Labour Relations Act, 1995, which states that the Department is not required to disclose information:

- 10.7.1 That is legally privileged and would contravene a prohibition by any law or order of any court.
- 10.7.2 That is confidential and if disclosed it may cause substantial harm to an employee or a department; and
- 10.7.3 That is private, personal information relating to an employee, unless the employee consents to the disclosure of that information.
- 10.7.4 Also to comply with POPIA

10.8 MANAGEMENT – LABOUR FORUM (WORKPLACE FORUM)

- 10.8.1 The Management -Labour Forum is consultative in nature and does not replace Provincial Collective Bargaining structures.
- 10.8.2 The majority union must agree to the establishment of the Management-Labour Forum for its effectiveness.
- 10.8.3 DPSA shall review the need for the establishment of the Workplace Forums in the Public Service.
- 10.8.4 Recognized trade unions shall be represented by the elected shop stewards in the Management/ Labour Forum.
- 10.8.5 It does not replace the direct bilateral engagements between Management and recognized trade union (s).

10.9 DISCIPLINE

- 10.9.1 Section 16B of the Public Service Act as amended (Act 30 of 2007) is applicable in its entirety *mutatis mutandis*.
- 10.9.2 Discipline is a Management function, and this should be reflected in Managers' Performance Agreements. All line Managers are responsible for maintaining discipline in their directorates and transgressions must be dealt with fairly, promptly, consistently in accordance with relevant prescripts.

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10.9.3 The provisions of the Disciplinary Code and Procedures (PSCBC Res 3/2001) are applicable to all employees on salary levels 1 to 12. The Senior Management Services Handbook (Chapter 7) is applicable to SMS employees (levels 13 upwards).

10.9.4 Precautionary Suspension must –

10.9.4.1 Be limited to exceptional cases where the presence of the employee at the workplace might jeopardize an investigation or endanger the wellbeing or safety of any person or property.

10.9.4.2 Be limited to the minimum period.

10.9.4.3 Be preceded by the application of the principle of natural justice.

10.9.4.4 Be limited to a period not exceeding sixty days.

10.9.5 Appeals against disciplinary sanctions:

As per paragraph 2 of the DPSA Circular No.31 of 2025, appeals against disciplinary sanctions must be finalized within 30 days and in cases where the employee is on precautionary suspension, the employee must resume duty and await the outcome of the appeal while on duty.

10.10 INCAPACITY

10.10.1 This occurs as a result of either poor performance or ill-health / injury.

10.10.2 Both forms of incapacity must be dealt with in terms of applicable collective agreements, SMS Handbook or legislation/policy prescripts.

10.10.3 Incapacity can take the following forms:

10.10.3.1 Incapacity due to poor performance

10.10.3.2 Incapacity due to ill health or injury and

10.10.3.3 It can also be any other incapacity to perform (incarceration).

10.10.4 These forms of incapacity should be dealt with in terms of the relevant collective agreements, SMS Handbook or as contained in any relevant legislation.

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10.11 ABSCONDMENTS

Strong action should be taken by the employer against any employee who absents him/herself from his/her official duties without permission. In this event, the employer should –

- 10.11.1 Adhere to section 17(3)(a) of the Public Service Act or other relevant legislation when the employee's absence exceeds a period of one calendar month: or
- 10.11.2 Take disciplinary action against the employee if he/she returns to work before the expiry of the period of one calendar month, provided the employee does not have a legitimate reason for his/her absence.
- 10.11.3 When an employee absents him/herself from official duties (without submitting a valid reason), the employer should attempt to determine the whereabouts of the employee.
- 10.11.4 If the whereabouts of the employee is known, call the employee to a meeting or allow him/her to respond in writing before the expiry of the one calendar month period to give reasons why his/her services should not be terminated in terms of the relevant legislation when the above-mentioned period lapses.

10.12 GRIEVANCES

- 10.12.1 The right of an employee to lodge grievance against an official act or omission on the part of the employer is acknowledged.
- 10.12.2 Grievances should, within a department, be dealt with at the lowest possible level and as speedily as possible, but not later than 30 Days from the date on which the grievance was lodged.
- 10.12.3 Grievance must be dealt with in terms of the Grievance Rules, following a collective agreement on the matter or in terms of relevant legislation or any other directives.
- 10.12.4 An employee should, in cases of an alleged unfair labour practice, have the option to submit his/her grievance as a dispute in accordance with the dispute resolution procedure of the relevant bargaining council as an alternative to having the Public Service Commission investigate the matter (i.e if the grievance remains unresolved after the Departmental Stage.

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11. COMMUNICATION OF THE POLICY

It will be communicated by means of workshops and circulars to all employees of the department.

12. DISPUTE RESOLUTION MECHANISM

In the event of disputes arising out of the Labour Relations processes, such disputes must be dealt with in terms of the Grievance Procedure and Labour legislation applicable in the Public Service. Founding Affidavits for the matter before the Bargaining Council and CCMA may be signed by the Director: Employee Relations & Wellness.

The Head of Department deposes both Founding Affidavit and Supplementary Affidavit for a case before the Labour Court or High Court.

13. APPROVAL OF THE POLICY

The Policy shall be recommended by the Head of Department (HOD) and must be approved by the Member of Executive Authority (MEC) as per the updated Departmental Delegations and the Policy will become official on the date it is signed by the Executive Authority (MEC for Cooperative Governance and Traditional Affairs).

14. REVIEW OF THE POLICY

The Policy will be reviewed and amended in line with future legislative and collective agreements promulgations. The development of this Policy is a dynamic process, and it may require revision from time to time. If there are no changes it will be reviewed once in five years subject to any developments.

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15. VERSION CONTROL AND CHANGE HISTORY

Version Control	Date Effective	Approved By	Amendment
Start from	YYMMDD (the date the Policy takes effect)	Contact person – full name & title.	
2016	10 March 2016	MEC F.D Xasa	
2020	13 November 2020	MEC X.E Nqatha	
2026	March 2026	MEC Z. A Williams	Preamble Purpose Legislative Framework Policy Statement Principles governing the Labour Relations Policy Organisational Rights of Trade Unions Management Labour Forum (workplace forum) Discipline Incapacity Abscondment Grievance