



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 478 Pretoria 1 April 2005 **No. 27423**



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL NOTICE

NOTICE 499 OF 2005

ELECTRONIC COMMUNICATIONS SECURITY (PTY) LTD

In accordance with the obligations of the Electronic Communications Security (Proprietary) Limited ("COMSEC") under Section 14 of the Electronic Communications Security (Proprietary) Limited Act, 2002 (Act No. 68 of 2002) ("the Comsec Act") the following regulations are published for public comment.

The public are invited to forward any comment in this regard to:

Russell Haines
Tel: 082 418 3392 / 012-678 75 15
PO Box 68039
Highveld Park
Centurion
0169

Fax: 012-678 7587

The closing date for comment is 31 March 2005.

CONSULTATION POLICY: ELECTRONIC COMMUNICATIONS SECURITY (PTY) LTD

1. Background
2. Purpose
3. Principles
4. Matters Reserved For The Chief Executive Officer
5. Issues For Consultation
6. Mechanisms
7. Rights Of Employees
8. Organisational Staff Forum
9. Consultative Committee
10. Date Of Commencement

1. BACKGROUND

- 1.1. Comsec is incorporated in terms of Electronic Communications Security (Pty) Ltd Act 68 of 2002.
- 1.2. Comsec is exempted from the Labour Relations Act, 1995 and the Basic Conditions of Employment Act 1997.
- 1.3. In accordance with Section 22 of the Comsec Act, the Minister may, after consultation with the joint standing committee, make regulations regarding, *inter alia*, labour relations of the employees of Comsec.

2. PURPOSE

The purpose of this notice is to establish and outline the Consultation Framework for the enhancement and promotion of sound industrial labour relations between Comsec and its **staff**.

3. PRINCIPLES

Comsec is committed to creating a sound industrial relations environment which recognises:

- 3.1. the fundamental rights contained in Chapter 3 of the Constitution of the Republic of South Africa;
- 3.2. its obligations in terms of Chapter 11 of the Constitution of the Republic of **South Africa**;

- 3.3. the standards of the International Labour Organisation (ILO) obligations;
- 3.4. the benefits of employee participation and reaching consensus; and
- 3.5. the need to resolve labour disputes objectively.

The Consultation Framework has been introduced in order to:

- 3.6. To promote sound employee and employer industrial relations.
- 3.7. To provide a consultative framework in respect of matters of interest.
- 3.8. To strive to reach consensus with employees on matters affecting their employment contracts.
- 3.9. To provide for dispute resolution mechanisms and appeal procedures.

4. MATTERS RESERVED FOR THE CHIEF EXECUTIVE OFFICER

In accordance with Section 14 the CEO must appoint the employees of Comsec, subject to such remuneration, allowances and service benefits as the Board of Comsec may determine.

5. ISSUES FOR CONSULTATION

Subject to the provisions of any other legislation or regulation, specific matters that require consultation include:

- 5.1. restructuring of the workplace including the introduction of new technology and work methods;
- 5.2. changes in the organisation of work;
- 5.3. education and training;
- 5.4. criteria for merit increases or the payment of discretionary bonuses;
- 5.5. dismissal for reasons related to the operational requirements;
- 5.6. disciplinary codes and procedures;
- 5.7. performance management programmes and systems; and
- 5.8. any other matter considered by the Board.

6. MECHANISMS

COMSEC will establish the following mechanisms to facilitate consultation with a view to reaching consensus:

- 6.1. Organisational Staff Forum;
- 6.2. Consultation Committee.

7. RIGHTS OF EMPLOYEES

Every employee has the right to:

- 7.1. stand for election as a representative of a staff forum;
- 7.2. participate in the election of a representative;
- 7.3. participate, if elected as a representative
- 7.4. receive feedback on the deliberations of the respective forums and committees;
- 7.5. discuss any matter of mutual interest including conditions of service, excluding any issue pertaining to the workplace that a member is entitled to raise in another forum or in terms of some other legislation

8. ORGANISATIONAL STAFF FORUM

- 8.1. Organisational staff forum must consist of 1 (one) representative from every business unit.
- 8.2. A chairperson, vice-chairperson and an additional member must be elected at the first staff forum meeting for a 1 (one) year term.
- 8.3. The chairperson, vice-chairperson and the additional member must represent the organisational staff forum on the consultation committee.
- 8.4. The chairperson and vice-chairperson must represent the members of the organisational staff forum on the disciplinary and grievances hearing.
- 8.5. The chairperson and vice-chairperson must take all reasonable steps to ensure that organisational staff forums function effectively in a co-operative and constructive manner and provide for secretarial support.
- 8.6. The organisational staff forum must meet on a quarterly basis, unless otherwise agreed by the forum.
- 8.7. The chairperson must determine the dates for organisational staff forum meetings.
- 8.8. The secretary must distribute the minutes of the organisational staff forum meetings timeously.
- 8.9. To promote the interests of all employees and provide a mechanism for consulting with Comsec with a view to reaching consensus.
- 8.10. To enhance efficiency in the working environment.

9. CONSULTATIVE COMMITTEE

- 9.1. Comsec is committed to, actively involving all employees in the process of remuneration and other conditions of employment discussions, in the belief that this will contribute significantly to Comsec's success.
- 9.2. Against this background, the Consultative Committee has been established, from representatives of employees who represent all occupational categories in Comsec for purposes of consultation on remuneration and other conditions of employment issues.
- 9.3. The committee has been elected by its constituents whom it represents and who are defined below.
- 9.4. The process of consultation by the committee will be consensus seeking and joint problem-solving and may entail the following:
 - 9.4.1. putting forward proposals
 - 9.4.2. considering alternative proposals
 - 9.4.3. attempting to reach consensus
 - 9.4.4. allowing for debate and representations
 - 9.4.5. stating reasons for disagreement
- 9.5. The committee represents the interests of permanent, contract and locum staff employed by Comsec from all occupational categories excluding senior management
- 9.6. The committee will make every effort to consult with Comsec and reach consensus on the substantive issues related to remuneration and other conditions of employment.
- 9.7. Should the committee be in dispute with Comsec on the manner in which the consultations should be conducted, or whom it may represent the committee may invoke the dispute procedure set out below to resolve any differences.
- 9.8. The committee undertakes to obtain a mandate from all constituents that they represent to ensure that all inputs and concerns are discussed.
- 9.9. After the consultation process, the committee is responsible for:
 - 9.9.1. the monitoring of the implementation of the substantive issues;

- 9.9.2.** communicating all the substantive issues to its constituents; relevant managers and employees in the area or representation.
- 9.9.3.** in addition to this, the committee may be called upon from time to time, as the need arises to perform certain functions to ensure that the objectives of Comsec are met. To this end the committee may provide input to Comsec on:
- 9.9.3.1.** how to mobilise support amongst all employees for implementing the strategy of Comsec;
 - 9.9.3.2.** how to overcome barriers regarding the implementation of the substantive issues;
 - 9.9.3.3.** corrective actions in case of deviations from the issues;
 - 9.9.3.4.** the review of benchmarks, as well as progress attained with regard to quantitative targets set for the relevant issues.
- 9.10.** The committee may request relevant information from Comsec that it needs in order to consult meaningfully with Comsec and to perform its functions.
- 9.11.** In all their deliberations committee members will commit themselves and work together to achieve the following goals:
- 9.11.1.** ensure the continued viability of Comsec;
 - 9.11.2.** improve the competitiveness of Comsec; and
 - 9.11.3.** improve the working conditions and well being of all employees.
- 9.12.** Members of the committee must show an understanding of the diversity of backgrounds and cultures represented in the committee. Members of the committee will act in a consistent and fair manner at all times.
- 9.13.** Members of the committee will maintain the required confidentiality at all times. Any breach of confidentiality by a member of the committee will be dealt with through an investigation and could lead to further disciplinary actions against such an individual, depending on the severity of the actions.
- 9.14.** Comsec will be fully committed to the consultation process.
- 9.15.** Comsec will be represented and involved in the committee and to provide active support for the functioning of the committee by providing relevant information to the committee.
- 9.16.** The committee will meet with management at least _____ a year, _____ for annual consultation and _____ for other discussions. Dates for the consultation meeting on substantive issues, will be scheduled three months in advance.
- 9.17.** The members of the Committee will attempt to seek consensus, through open debate, brainstorming and joint problem solving.
- 9.18.** In the case of conflict or disagreements within the committee, which prevent the committee members from reaching consensus and has the potential to become a formal dispute the committee will:
- 9.18.1.** clearly define the problem, and
 - 9.18.2.** engage in further discussion and joint problem solving.
- 9.19.** The committee may request Human Resources to assist them with resolving the conflict facilitation, and may request the interpretation of relevant legislation.
- 9.20.** If no consensus is reached, the committee members will vote and two third majority will be required for acceptance of the decision.
- 9.21.** The committee will promote transparency in the sharing of information on its decisions and activities. At the end of each meeting the committee and Comsec will agree on what will be shared in feedback sessions with its constituents. The members of the committee will at all times communicate a uniform message on decisions taken by the committee after management has agreed to the issues to be communicated.

-
- 9.22. The committee will keep its constituents informed through the various existing channels, through informal feedback sessions. Nothing in these clauses precludes the Comsec managers responsible for an area from in any way communicating with employees regarding the consultative issues.
- 9.23. The committee members acknowledge that they are unlikely to develop common aims and achieve common outcomes if they do not share information to build a common understanding of each other's perspectives.
- 9.24. Comsec may disclose relevant information to the committee that will allow the committee to consult. The following information can reasonably be disclosed to the committee members:
- 9.24.1. all employment policies and procedures;
 - 9.24.2. organogram of Comsec;
 - 9.24.3. available statistics in terms of overtime worked, standby allowances paid and shift allowances paid;
 - 9.24.4. the current composition of the workforce per job and occupational category;
 - 9.24.5. any other relevant motivated information needed that the committee requires consulting on.
- 9.25. Comsec will not disclose the following:
- 9.25.1. information that is confidential and if disclosed, may cause substantial harm to the employee and/or to Comsec;
 - 9.25.2. information that is legally privileged;
 - 9.25.3. information that is private and personal relating to an employee, unless that employee consents in writing to the disclosure of information. This will included but is not limited to information stored on the employees personal file, personal development plan, application forms of individual employees, test results of individual employees, information about the medical condition of an employee and information about the remuneration of an employer; and
 - 9.25.4. information that the company cannot disclose without contravening a prohibition imposed on the company by any law or order of the court.

10. DATE OF COMMENCEMENT
