

COLLECTIVE AGREEMENT NO 2 OF 2004

IMPLEMENTATION OF DISPUTE RESOLUTION PROCEDURES OF THE STATUTORY COUNCIL FOR THE PRINTING, NEWSPAPER & PACKAGING INDUSTRY.

1) Parties in the Statutory Council for the Printing, Newspaper and Packaging Industry (SCPNPI) noting that:

- 1.1 Section 43 of the Labour Relations Act, no 66 of 1995 (the Act) provides amongst others that a Statutory Council shall perform the dispute resolution functions referred to in Section 51 of the Act.
- 1.2 Section 51 (2) (b) of the Act provides that any party to a dispute who is not a party to the Council but who falls within the registered scope of the Council may refer the dispute to the Council in writing.
- 1.3 Section 52 of the Act provides amongst others that Council must apply to the governing body of the CCMA to perform dispute resolution functions on non-parties to the Council in terms of Section 51 (3) of the Act.

Believing that:

- 1.4 Parties to the SCPNPI may conclude a collective agreement in relation to party to party disputes in the industry, and non-parties who fall within the registered scope in the Printing, Newspapers and Packaging Industry.

2 Therefore the Parties resolve that:

- 2.1 Chapter VII Part C and Chapter VIII of the Act shall form substantive part of the dispute resolution procedure of the SCPNPI, provided that Act confers such powers to the Council through Section 127 of the Act.
- 2.2 The Rules for the Conduct of proceedings before the CCMA, GN R961 in GG 23611 of 2 July 2002 (as amended from time to time) are adopted by parties to the Council as rules of the SCPNPI, to the extent to which they may be applicable to the Council.
- 2.3 All disputes¹ that will arise between the parties and non-parties that fall within the registered scope of the Council shall be resolved through the dispute resolution procedure of the SCPNPI.
- 2.4 The Council uses the CCMA part-time Commissioners as its panellists to do both Conciliation and Arbitration. Parties to the Council shall be trained later to perform Conciliation.

¹ Note that disputes listed under Section 127 (2) are excluded and will therefore not be handled by the Council.
Collective Agreement No 2 of 2004

- 2.5 The Council shall rent the CCMA Case Management System to manage its dispute resolution process.

3 Scope

- 3.1 This agreement binds:
- 3.1.1 All four (4) employer organizations who are party to the Printing, Newspaper and Packaging Statutory Council and their members,
 - 3.1.2 The employees of the above employers who are members of the two (2) trade union parties to the Council,
 - 3.1.3 The employers who are not members of the employer's organizations mentioned in 4.1.1 above, but within registered scope of the Council.
 - 3.1.4 The employees of the employers who are not members of any trade union parties to this resolution, but who fall within the registered scope of the Council.

4 Dispute Resolution

- 4.1 If there is any dispute about the interpretation of application of this agreement, any party to the dispute may refer the matter to the Council for resolution in terms of the dispute resolution procedure of the Council.

5 Commencement

- 5.1 This agreement will come into effect from 01 February 2005.