



labour

Department:
Labour
REPUBLIC OF SOUTH AFRICA



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Basic Guide to Collective Agreements

Various types of collective agreements are made between certain parties. Agreements are binding to certain parties. Various steps should be taken when resolving disputes about collective agreements.

Application

The Labour Relations Act applies to all employers, workers, trade unions and employers' organisations, but does not apply to -

- members of the:
 - National Defence Force;
 - National Intelligence Agency; or
 - South African Secret Service.

See

- Labour Relations Act

Applies to all workers and employers and aims to advance economic development, social justice, labour peace and the democracy of the workplace.

What is a Collective Agreement?

A collective agreement is a written agreement on workers' terms and conditions of employment, or any matter of mutual interest.

Parties

A collective agreement is made between -

- 1 or more registered trade unions; and
- 1 or more employers; and/or
- 1 or more registered employer's organisations.

Legal Force

Collective agreements bind -

- the actual parties;
- any other parties;
- the members of a registered trade union or employers' organisation (if the agreement is about conditions of employment);
- workers who are not trade union members (if they are mentioned in an agreement);
- a trade union (if most workers belong to it); and
- workers who become trade union members after an agreement has become binding (whether they continue their trade union membership or not).

A collective agreement varies an employment contract.

Disputes

Every collective agreement must include a process for resolving disputes about applying the agreement.

Any parties who disagree on how to apply a collective agreement, should -

1. first try to resolve the dispute through conciliation;
2. refer the dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA) in writing, if conciliation fails; and then
3. refer the dispute for arbitration, if the dispute remains unresolved.

All parties must receive copies of any written referrals.

Related Links

- **Basic Guide to Agency Shop Agreements**
The Labour Relations Act allows for an agreement requiring the deduction of fees from non-union workers
- **Basic Guide to Closed Shop Agreements**
The Labour Relations Act allows for an agreement requiring non-union workers to join the union
- **Basic Guide to Employers' Organisations**
Under the Labour Relations Act, employers may form or join groups that represent employers in collective bargaining
- **Basic Guide to the Commission for Conciliation, Mediation and Arbitration (CCMA)**
The Commission for Conciliation, Mediation and Arbitration (CCMA) is an independent organization that resolves labour disputes.
- **Basic Guide to Trade Unions**
Trade unions are necessary for bargaining for workers' rights and benefits and they regulate industrial relations.
- **The Commission for Conciliation, Mediation and Arbitration (CCMA)**
Visit the website of the Commission for Conciliation, Mediation and Arbitration (CCMA)