

6. PROCEDURE FOR REORGANISATION AND AMALGAMATION

6.1 Once the boundaries of new Interim Authorities (ILA's) and Interim Metropolitan Authorities (IMA's) have been demarcated, their powers identified and interim local authorities have been established, each interim authority must immediately be given those parts of the audit relevant to its area of jurisdiction. It must ensure that its audit is complete and then analyze all existing posts and terms and conditions of employment within its area of jurisdiction and draw up written proposals for:

- 6.1.1 short and medium term service delivery requirements and appropriate administrative structures and staffing requirements for all such service functions, including operations and maintenance, capital investment and development, to be properly provided on an accountable basis;
- 6.1.2 the manner in which the managerial, administrative and service employment streams of the respective authorities shall be integrated;
- 6.1.3 the proposed redeployment of staff in terms of agreed principles so as to be able to deliver services equitably and with the maximum efficiency to the whole community (this proposal must also include details of the existing office and infrastructural location of all employees);
- 6.1.4 eliminating discrepancies between employees engaged in similar work as rapidly as is practically possible;
- 6.1.5 specific training and retraining for the purpose of implementing an affirmative action programme (for example intership training) as well as to ensure the maintenance of productivity and work standards, and to orientate the ILA or IMA towards a development perspective;

6.2 In drawing up the proposals, interim authorities should take into account new development projects and in particular the need to urgently upgrade services in areas which are under-serviced or not serviced at all, and the possible need for additional staff in this regard.

6.3 The proposals should be prepared as a matter of the greatest urgency following the establishment of ILA's. Appropriate urgent deadlines should be established.

7. NEGOTIATIONS ON THE INTEGRATION OF CONDITIONS OF SERVICES AND WAGES AND OTHER BENEFITS

7.1 A Task group of Working Group 3 comprising:

- * 50% representatives of local government employers; and
- * 50% representatives of local government employees;

and which is sufficiently representative of all major unions and employers should be established to:

- 7.1.1 investigate the establishment of a national industrial council or other suitable body and draft a proposal for the establishment of such a national industrial council or other body;
- 7.1.2 develop a deadlock breaking mechanism to deal with failures to reach consensus under item 8.4; and
- 7.1.3 formulate recommendations for broad guidelines regarding the re-organisation and amalgamation of administrations in the period prior to the establishment of a national industrial council or other suitable body.

8. EMPLOYER-EMPLOYEE BARGAINING

- 8.1 Those proposals drawn up by interim authorities in terms of paragraph 6 above which affect employer-employee relations must be tabled at local level bargaining forums representative of the interim authority (as employer) on the one hand and of the union parties which have sufficient representativity amongst the affected employees on the other.
- 8.2 Each forum should consult and negotiate in an effort to achieve consensus on the proposals.
- 8.3 Each forum should be bound in its consultations and negotiations by principles negotiated at the LGNF and/or the national industrial council or other suitable body.
- 8.4 If no consensus is reached, or if it is not possible to reach consensus on certain issues, then the failure to reach consensus or the issues on which it was not possible to reach consensus should be referred to the deadlock breaking mechanism determined by the Task Group referred to in paragraph 7, the decisions of such deadlock breaking mechanism to be final. In general deadlocks relating to political issues should be referred to the LGNF for resolution. Deadlocks relating to terms and conditions of employment should be referred to the deadlock breaking mechanism for resolution.
- 8.5 Once consensus is reached, each employee must be informed of their new designation and posting by the interim local authority. Each unionised employee may lodge any appeal or grievance concerning such proposals through their union within a specified time period. Non-union employees should lodge appeals/grievances directly within the local bargaining forum.

8.6 Failing a consensus agreement at the local bargaining forum or LGNF the issues should be referred to an Arbitration Board established on a basis agreed to by the LGNF which should consider the issues in dispute in the collective context and in the context of the objectives of the particular amalgamation and make a final decision. Such Board should also determine whether any grievance or dispute arose or does not arise from amalgamation where this is in dispute. On the establishment of such Board the compulsory arbitration provisions of the labour relations Act and the provisions of any other labour relations agreements should be suspended for any disputes determined by the Board to have arisen directly out of amalgamation.

SCHEDULE OF SOME KEY PROBLEM AREAS LIKELY
TO BE ENCOUNTERED IN THE
AMALGAMATION/REORGANISATION OF ADMINISTRATIONS

1. Key problem areas which are anticipated include the following:
 - 1.1 Refusal of existing authorities to co-operate with the national audit.
 - 1.2 Refusal by key parties to negotiate and/or negotiate in good faith and/or to participate in interim authorities.
 - 1.3 Resistance of staff to redeployment.
 - 1.4 Resistance by staff threatened with redundancy.
 - 1.5 Lack of experience of local government on the part of many appointed members of ILA's and IMA's.
 - 1.6 Lack of capacity on the non-statutory side.
 - 1.7 Inadequacy of existing training programmes.
 - 1.8 Finance for provision of infrastructure, buildings, etc. for redeployed staff.
 - 1.9 Problems arising from discrepancies in wages and conditions of employment.
 - 1.10 Integrating disparate grading systems.
 - 1.11 Dealing with disputes regarding outstanding loans, debts and contracts.

- 1.12 The financial consequences of amalgamation - including variations in rates between amalgamated local authorities and the possibility of an untenable percentage of expenditure on salaries and benefits.
- 1.13 Potential increases/decreases in the functions of local authorities.
- 1.14 The potential resistance of ratepayers and existing councils.
- 1.15 Shortage of expertise - particularly where the amalgamation of local authorities of different grades results in a local authority of a grade that is significantly higher than the grade of local authorities so amalgamated.
- 1.16 The difficulty of wage negotiations during the amalgamation process.
- 1.17 Appointment procedures between amalgamated local authorities.

MEETING PROCEDURES**1. AGENDA**

- Agendas will be prepared by the Secretariat.
- Items to the agenda together with a brief summary should reach the Secretariat two weeks prior to the particular meeting.
- No additional agenda items will be considered during meetings of the Forum.
- Agendas will be approved by the Chairpersons.
- Agendas will be made available to members at least five days before a meeting.
- Urgent matters not included in the approved agenda must be referred to the Management Committee.

2. MEETINGS

- Meetings will commence strictly on time as determined by the Management committee/chairpersons.
- Sixty-six percent of the members of the Forum/Management Committee will form a quorum for meetings.
- Attendance lists must be signed at commencement of meetings.
- Each member will be afforded one turn to speak per agenda item, unless the chairpersons decide otherwise.
- Speakers will be limited to fifteen minutes unless the chairpersons decide to allow more time.
- The Chairpersons will determine speaking turns.
- When a chairperson/s cannot attend a meeting, the Forum/Management Committee can appoint an interim chairperson/s from within the Forum/Management Committee to preside at that particular meeting.
- Any party to the Forum has the right to ask for a caucus meeting.
- Caucus meetings will be limited to 30 minutes per caucus with the proviso that the time may be extended by the Chairperson.