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

**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 employers 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)