

MEMORANDUM TO THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION – DPSA

Introduction

Our union, NEHAWU has been a participant to all negotiations undertaken in the Public Service Collective Bargaining Council where many resolutions and agreements have been reached and signed with the employer (government) as represented by the Department of Public Service and Administration. All these resolutions and agreements were signed in order to improve conditions of employment of more than 1.5 million employees in the Public Sector. Despite these resolutions and agreements willingly signed by the Parties in the council, it is regrettable to say that the employer has been literally and deliberately refusing to honor the implementation, as a result in most cases agreements are carried over into next round of negotiations.

The union therefore regards this approach as a tendency that undermines labour laws which recognizes the importance of collective bargaining in all sectors as part of ensuring labour peace and stable workplaces. In our case, this means functional and stable organs of the state and the state capable to provide quality service to communities it serve. Unfortunately, if the component or department tasked with this responsibility fails to uphold the same principles underpinning the labour regulations then it is impossible to realize the noble idea of conflict free, stable state with sustainable capacity to deliver service to its citizens.

It is for this reason we find ourselves in this unfortunate situation where we have to withdraw our labour power in order to highlight our dissatisfaction and disappointment with our government as an employer.

Challenges in the Public Service

Since 2007, after signing PSCBC Resolution 01 of 2007 in the midst of a public service strike up to the recently signed resolutions in 2015, the employer has dismally failed to implement fully the collective bargaining agreements as signed by parties in the council. The union is convinced that the failure to implement these agreements is a deliberate act which demonstrate the fact that the employer is taking public sector workers for granted and also as a sign of undermining collective bargaining. This has resulted in many disputes launched by our union on interpretation and application of the resolutions. It is really appalling to see that resolutions from 2007 to date are still in dispute in the public service and the DPSA is challenging the enforcement of the arbitrations that came as a result of none implementation.

In 2009, parties in the Public Service Coordinating Bargaining Council (PSCBC) entered into an agreement to introduce the new salary structure for employees not covered by the Occupation Specific Dispensation (OSD), regrettably even to date the resolution is not reviewed.

In 2012, we negotiated and agreed to review the Performance Management system popularly known as PMDS, to date the DPSA as the employer has not presented an alternative policy for consultation at the bargaining council. Amongst other things, in the same year we agreed to conclude a minimum service level agreement for employees who are performing essential service across the public service. This matter remains outstanding in the agenda of the bargaining council and the department has decided to completely ignore it.

This year (2017) marks the end of a three (3) wage agreement which we signed in 2015 with the DPSA as the employer. As we start preparations for the new round of public service wage negotiations, we have made an assessment in our structures as a union and have identified that most of the resolutions signed in 2015 remain un-implemented.

Government Employees Housing Scheme (GEHS)

In 2015, we concluded a collective agreement as a framework for the establishment of a government employees housing scheme. Except the implementation of an increase on the housing allowance from R900, 00 to R1 200, 00. DPSA as the employer has not moved on the implementation of the scheme which was conceptualized in 2007. As organized labour in the PSCBC, we have since declared a deadlock on the failure of DPSA as the employer to conclusively implement the GEHS as agreed from 2007-2015.

Payment of Housing Allowance

The DPSA as the employer has failed to coordinate the implementation of these payments and as a result of this catastrophe, various Provinces or Departments are interpreting the resolution wrongly and disadvantaging our members. As a result the PSCBC has received a number of individual disputes regarding the payment of the housing allowance and the access to the monies saved in the Individual Savings Facility.

Government Employee Medical Scheme (GEMS)

A collective agreement in 2015 was also signed with a view to review the Government Employee Medical Scheme. Again privatisation and outsourcing of the scheme resulted to a situation where our members had to pay exorbitant fees to the scheme with little benefits received. Costs of belonging to the scheme on daily basis are becoming unsustainable for public service employees who belong to the scheme. In 2015, our members made a call through the union that GEMS is becoming un-affordable and demanded its dissolution as it was established through a collective agreement. As usual, DPSA has failed to play a significant role to ensure that the scheme remains affordable with tangible and valuable benefits to public servants.

The New Danger Allowance Dispensation

Again in 2015, we concluded a collective agreement on the establishment of a new danger allowance dispensation, which has been outstanding since 2007. The department of Public Service and Administration as the employer was due to table in the bargaining council a comprehensive review of the danger dispensation applicable to the public service and the modalities of payment of this new danger allowance dispensation. To date, DPSA has dismally failed to present in the bargaining council the expected proposed comprehensive review. This department is not even in a position to take into confidence the organized labour on the little progress made if there is any.

Post Retirement

In 2015, we also concluded a collective agreement aimed at reviewing the post-retirement benefits. The employer (DPSA) committed to investigate the feasibility of extending the post-retirement medical subsidy to more than one dependant. Further to this, the department committed to investigate the feasibility of extending the housing allowance to cover retired

employees. To date, the DPSA has not delivered on these commitments it made in the bargaining council; instead it presented a letter requesting further postponement on the 21st February 2017.

NEHAWU obo Members and Department of Public Service and Administration (DPSA)

The dispute relates to the interpretation and application of PSCBC Resolution 01 of 2012, in particular clause 18.1 read with clause 3.6.3.2 of PSCBC Resolution 03 of 2009. In essence, the incumbents of levels 9 and 11 before 01st August 2012 will be upgraded to levels 10 and 12 respectively irrespective of whether they are core or corporate service. In implementing this resolution government as the employer upgraded some of the core services and excluded corporate services employees which prompted the unions to lodge a dispute with the PSCBC for proper interpretation of the resolution.

The DPSA as a coordinating department has once more failed through its circulars\directives to properly advice provinces and departments on how to implement the resolution and the subsequent arbitration award to properly appoint and remunerate all employees whose posts on 01st August 2012 were graded on salary level 10 and 12 respectively.

We thus demand the following:

- (a) The DPSA must play its role in ensuring that labour stability exists in the public service.
- (b) The DPSA must ensure that all resolutions signed in the PSCBC are implemented by all departments indiscriminately so, including the OSD resolution.
- (c) Assist and guide the Department of Health with the insourcing of Community Health Workers as a matter of priority.
- (d) Speed up the review process of GEMS to ensure that it meets its initial objectives and core mandate.
- (e) Table a comprehensive review of the danger dispensation to the PSCBC applicable to the public service and the modality of payment of danger allowance.
- (f) Finalize aspects of the GEHS in particular governance and administration structure of the scheme, the employer should cancel the MOU agreement with SA Home Loans through PIC.
- (g) Assist departments in resolving the disputes throughout the country on the payment of the housing allowance, including the R300 for qualifying employees which was held in the Individual Savings Facility.
- (h) Table to the Council the GEPF Board's improved benefits as proposed.
- (i) Assist in the acceleration of pension redress payment to the qualifying individuals.
- (j) We demand that the DPSA should expedite the review process of a salary structure for employees not covered by the OSD.

- (k) Retract their opposition to the arbitration award on resolution 1 of 2012 section 18.1. This will help in saving money intended for remuneration of public service employees.

When Do We Expect the Response?

We view all the above stated demands as urgent since they directly affect our members and other public service employees and therefore impact negatively to service delivery. We therefore demand that your office respond to the union memorandum of demands within a period of seven (7) working days from the day of receipt.

Signed by / on behalf of the Minister of Public Service and Administration:

..... **On 22nd Day of February 2017 at Pretoria**

Signed on behalf of National Education health and Allied Workers Union and COSATU unions

..... **On 22nd Day of February 2017 at Pretoria**