



PUBLIC SERVICE WAGE NEGOTIATIONS UPDATE

MARCH 2021

Introduction

This bulletin serves to update members on the commencement of 2021/22 Public Service Wage Negotiations at the Public Service Coordinating Bargaining Council (PSCBC).

This cycle on the public service wage negotiations takes place at a very precarious period in the history of the public service where collective bargaining is under attack as evident by government refusal to implement the last leg of Resolution 1 of 2018 especially clauses 3.3 which is about salary adjustment for 2020/21 financial year.

Mandating Process

The December 2020 CEC that directed the national union to convene regional, provincial and national bargaining forums to prepare for the next cycle of negotiations in the public service. This time around mandate collection proved to be a challenge especially in the wake of the consistent lockdown and restrictions in gatherings. However, the union successfully convened virtual provincial bargaining forums and subsequently the national bargaining forum met on the 28 January 2021 to consolidate the submission from provinces.

The next step was the meeting of COSATU Joint Mandating Committee (JMC) for affiliates in the public service to present their mandates in view to consolidate them into one set of demands of COSATU Public Service Unions which was concluded on the 26th February 2021.

2021 Public Service Wage Negotiations

On Monday, 01 March 2021, the PSCBC convened a special council meeting to deal with the pre-negotiations process and the tabling of demands. All parties at the PSCBC agreed that the pre-negotiations process will commence on the 16th and 17th March 2021.

Labour was then afforded an opportunity to present consolidated demands as follows:

Term of Agreement

Demand a single term agreement

Cost of living adjustment.

General salary increase of CPI plus 4% across the board.

Abolish salary level 1 to 3

We are demanding the abolishing of salary level 1 to 3. The entry level in the Public Service should be level 4.



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Implementation of outstanding resolutions dating from 2012 inclusive of 6 of 2010 prioritising the following:

(a) PSCBC Resolution 3 of 2015 in particular clause 3.1 and 3.2 that says:

“3.1. Parties will jointly conduct a comprehensive review on the efficacy of the operating model of GEMS.”

3.2. Parties will also review whether the objectives for which GEMS was set up are fulfilled.

(b) PSCBC Resolution 7 of 2015 on GEHS in its entirety is implemented including the establishment of the public entity to administer the scheme within public service and the establishment of the portfolio by GEFP to fast track the accessibility of proper housing for public servants.

(c) PSCBC Resolution 6 of 2010 by convening Birchwood 3 that must evaluate and map out the implementation of the public service summit resolutions

(d) PSCBC Resolution 1 of 2012 clause 10 on the compliance with occupational health and safety act. PSCBC will conduct an independent audit on compliance with the occupational health and safety act and the report must be tabled at PSCBC for discussion and ensuring the compliance with the OHSA.

(e) Moratorium on the filling of Vacant Posts

Clause 14.1.4 of PSCBC Res.1 of 2007 indicate indicates that the employer needs to submit quarterly reports of funded vacancies, number of vacancies advertised, number of vacancies filled, or unfilled and reason for this. The employer has failed to comply.

(f) Implementation of the last leg of Resolution 1 of 2018 especially clauses 3.3 which is about salary adjustment for 2020/21 financial year.

(g) The rest of all outstanding matters must be subjected to a secondary process by parties within six months to ensure the implementation of all others not listed above.

Parties to conclude collective agreement regulating conditions of service of employees when faced with disaster like Covid 19

Lessons from handling of Covid 19 situations warrants a concrete resolution to challenging situations of disaster management similar to the Covid 19 pandemic, with a Risk ALLOWANCE of 12% of basic salary.



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Housing Allowance

That the current allowance be increased to R2 500

The savings option in the housing scheme should be made a voluntary option.

Employees should be paid out their savings from the scheme upon resignation from the Public Service

The Public Investment Corporation (PIC) must create a housing investment portfolio that will directly invest in the scheme

Leave

(1) Special Leave during December closure

Government provides employees with statutory annual leave days. However, these days end up being reduced because of the compulsory annual shutdown certain Government Departments, over the Christmas period. It has been the practice of Government over the years to deduct these days from annual leave days from employees, even if employees want to work during this period. In this case, employees are forced to take leave. Special leave for days equal to the December closure days is hereby demanded.

(2) Leave for religious observance:

It is proposed that (three days per annum) to be granted and incorporated in the Public Service Act personnel

(3) Disaster Leave

A disaster is defined as a sudden, abrupt or unpredictable circumstance, which causes human, material, economic or environmental losses, exceeding the ability of the affected employees to cope with them i.e. floods, storms, lightning, fire, strikes etc.

Employees affected within the agreed definition shall inform their employers of their predicament and request time off of a paid day or 2. The employer shall not unreasonably withhold such request.



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(4) Reintroduction of Capped Leave

Employees to have the option of en-cashing their leave during in service and not wait until death, retirement or disability as well as to en-cash more than the 10 and/or 15 day current limitation.

(5) Leave for gender-based violence.

Labour demand a special leave provision for workers who are victims of gender-based violence given the rising atrocities and to allow for such victims to receive proper medical and social intervention.

Pay Progression

We demand that pay progression be allowed beyond top notches of salary levels as well as personal salary notches.

Provision of Child Care and Breast-feeding facilities at all Government Departments.

To provide aftercare facilities in all Government Departments to ensure productivity of the parents knowing that their toddlers or infants are taken care of and that they can closely monitor their progress in development. The demand includes setting up breast feeding breaks.

Working remotely/ greater use of technology, knowledge and innovation.

With the onset of Covid-19, the use of technology has opened a new order in the world of work. Employees managed to adapt and were able to fully operate effectively from home. This brought opportunities in how the workplace is structured for Government as an employer which should be considered and further explored.

Currently, and in the past, several challenges was identified with Government Buildings which have resulted in buildings being closed and services interrupted. It also became costly to maintain such buildings. With people working from home, it did not only yield a saving in Government expenditure on electricity, water, stationary usage, telephone cost, and various others daily operating costs, but with permanent restructuring of the workplace, it can further result in savings made on the rental and acquiring of buildings for Government Services, which can fully operate remotely.

The list of benefits that such an arrangement can bring is endless. It will also allow for those who can work from home to save on transport, childcare facilities and thereby ensuring that children are also protected and cared for by their primary care giver.



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Savings made, can allow Government to redirect such funds to Government employees, to ensure that the operating cost of electricity and premise utilisation is compensated for. This will increase income and further contribute to economic development.

There should be a permanent arrangement which will provide for such flexibility.

It is demanded that a circumstantial allowance be introduced.

Prolonged suspensions, frivolous litigation, mismanagement of funds and corruption, outsourced contracts when services can be rendered internally, etc.

It is demanded for immediate action and the development of alternative means and an action plan to address prolonged suspensions in the public service, the avoidance, curbing and resolving of matters that are taken for frivolous litigation and plans with timeframes on the recovering of mismanaged funds and those lost to corruption.

This will also contribute to proper management of state resources and a subsequent long-term increase in state revenue.

Capacity of State Departments

(1) Full/ Permanent Employment/ Outsourcing of functions

We demand for the permanent employment of Community Health Workers and Community Development Workers. We believe that this process will contribute to the reaching of the targets as set in the National Development Plan for the increase in Social Services. This will also bring relieve to overburdened State Officials and address safety concerns in policing sectors.

An urgent need exists for Government to increase capacity, not only in the Health Sector, but also in Correctional Services to address the inmate - member ratio and in the Police.

We demand the full-time employment of all fixed term contract employees who have been in the department for more than 4 months.

Despite previous demands and considering the targets set in the National Development Plan, it is proposed that the achievement of the target set for full employment should commence in the Public Service.

We are also demanding for the insourcing of functions, such of Security Officers Cleaners and others.



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Bursary for children of employees of Government

To ensure improved productivity, building capacity, ensuring a developmental state, access to education should be fostered by Government and that it should start with its own employees who are part of the community at large.

To ensure that productivity is enhanced in the process, the obtaining of a bursary or access thereto can be included as an achievement as a performance reward.

The current process in the PSCBC should be finalised within a 6 month period from the signing of the agreement.

Providing boarding school subsidies to be effected from Grade R -12

Employees who, because of the requirements of their job requirements, have to reside with their families in areas which necessitate their school-going children (Grade R to Grade 12) to travel daily more than 50km and/or having to cross unsafe rivers between the employee's domicile and the nearest primary, secondary and special school, may place their children in a boarding school of their choice and may apply for a subsidy to defray the cost of the boarding school.

Mentoring Programme for career advancement.

Post Covid-19, for the public service to retain and attract young competitive staff. The public service needs to have programmes that ensure career advancements and assist the public servants to compete favourably with the private sector.

Enforcement of collective bargaining agreement

It is our submission that an amendment of the PSCBC constitution such that it is empowered to ensure enforcement of all collective bargaining agreement signed under it including at all sectoral councils.

Update on PSCBC Resolution 1 of 2018 Dispute

On 15 December 2020, the Labour Appeals Court (LAC) declared the enforcement of clause 3.3 (which specifically speaks to salary increases) of Resolution 1 of 2018 unlawful for contravention of Sub-Section 213 and 215 of the Constitution of the Republic South Africa, 1996 and Regulations including 78 and 79 of the Public Service Regulations of 2016.

The COSATU affiliated unions in the Public Service collectively representing more than 56% of workers in the sector, evaluated the outcome of the Labour Appeals Court judgment and resolved



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on appealing directly to the Constitutional Court judgement. NEHAWU filed leave to appeal papers at the Constitutional Court on 27 January 2021.

As NEHAWU, we believe that this judgement is a threat to collective bargaining in this country. If left unchallenged, it will set a bad precedence for all workers in the country. We shall now await the leave to appeal judgement as soon as the court makes a decision.

Conclusion

We will keep members informed on developments pertaining the 2021/22 Public Service Wage Negotiations and also on the Leave to Appeal process in relation to the Resolution 1 of 2018 Dispute.

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