



UPDATE BULLETIN – NHLS WAGE NEGOTIATIONS

NOVEMBER 2022

This bulletin serves to inform members in the National Health Laboratory Services [NHLS] about the status of the wage negotiations and the dispute process which is at the CCMA.

Comrades will recall that we reported that we deadlocked with the employer in August 2022 and immediately thereafter referred the matter to the CCMA. On the 31st October 2022, the union attended a conciliation wherein we could not find each other but the Commissioner allowed parties to engage and later-on there were proposed options without any prejudice.

The CCMA conciliation hearing set down on 07 November 2022 to receive feedback from parties on the mediator's proposal. The employer reported that they accept the mediator's proposal and were ready to settle the dispute. The union rejected the mediator's proposal based on the mandate we received from the majority of our members.

The matter remains unresolved and the CCMA issued a certificate of non-resolution meaning the matter will now be resolved through an interest arbitration. Tandem to the processes leading to the interest arbitration parties further agreed that the employer may table their revised offer for the union to consider. Therefore, processes leading to the interest arbitration will unfold in line with the following terms of reference as issued by the CCMA.

1. The employer will approach the board to obtain full mandate of 7% across the board plus R10 000 once off cash gratuity increase. The board's feedback will be communicated to the union by the 14th November 2022.
2. The union will provide feedback to the employer on whether they agree to sign the settlement agreement of 7% across the board plus R10 000 by the 21st November 2022.
3. If both parties agree to settle the dispute, the application for interest arbitration will be officially withdrawn.
4. In the event of non-resolution a pre-arbitration meeting will be convened by both parties on the 24th November 2022.
5. The pre-arbitration meeting will be followed by the interest arbitration hearing that will be scheduled with the same commissioner on the 28th November 2022.

It is important to note that currently we are demanding 9% [to be paid 4.5% for 2021/22 and 4.5% for 2022/23] plus R10 000 once off cash gratuity. When the employer offers us 7% [to be paid 3.5% for 2021/22 and 3.5% for 2022/23] plus R10 000 cash gratuity we will be literally 2% apart from each other.

It is also important to note that the proposal on the table is without prejudice and any party have a right to remain in any position it deems fit. The employer is not obliged to table this 7%



in the interest arbitration, and we also have a right to table the 10% demand plus the cash gratuity at interest arbitration. Should the matter be arbitrated the decision will be of the Commissioner to take and will be binding to all the parties.

We are equally aware that the employer has not engaged in good faith since our 2020 strike was interdicted and they are using this opportunity to rollback all the gains and even ostracise collective bargaining processes. For us to reverse this situation we need to strengthen our machinery, finalise the minimum service level agreement and conclude this wage dispute as soon as reasonably possible. This will give us sufficient time to recalibrate the entire collective bargaining system, regain our strength and plan better for future negotiations.

WAYFORWARD

Once received from the employer, the union will circulate the proposed settlement agreement mentioned above to all Provinces for mandate taking once it is received from the employer. Thereafter, the union will rollout membership meetings in all NHLS workplace to obtain mandate on the proposed settlement agreement.

The union has already applied for the interest arbitration on the 08 November 2022 and OSEC working together with the legal service centre will immediately start preparing for the pre-arbitration meeting and interest arbitration hearing.

CONCLUSION

This has been a protracted journey in which the union has employed its best strategies to ensure that we achieve the demands of workers. We are mindful that workers are frustrated because they have not received salary increases for almost two financial years. Our aim is to resolve this matter in a manner that will benefit members by all means possible. We are also mindful that we need to start with salary negotiations for 2023/24 if we want to achieve the goal of ensuring that workers receive their salary increases by April 2023. We will work around the clock to ensure that the minimum service level agreement is concluded expeditiously to enable us to strike should the need arise in future.

END

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