

## **Former FS Education warehouse employees want to be rehired, permanently**

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15:22 Wed, 26 Jun 2019 The Free State Education Department's abrupt decision to shut down all ten of its learning material and stationery warehouses in 2017, may come back to hurt the department. Close to three hundred of the department's former contract workers want to be rehired, this time on a permanent basis. The group is being represented by the labour union, Public Servants Association of South Africa (PSA), in a dispute lodged with the Education Labour Relations Council. The book packers used to work at the department's ten learning material and stationery warehouses located in Welkom, Allanridge, Marquard, Petrus Steyn, Heilbron, Kroonstad, Qwaqwa, Harrismith, Koffiefontein and Mangaung. After being operational for close to a decade, all these warehouses were suddenly closed down, leaving about 600 employees out in the cold without jobs. The Department had been renting the warehouses in nine of the above-mentioned areas, while the Mangaung warehouse in Bloemfontein belongs to the Education Department. PSA labour relations officer, Jantjie Jack, tells OFM News the basis of their argument is that the Department created an expectation also referred to as a "reasonable expectation" when they renewed employees' contracts each year. Jack confirms some employees were on contracts – renewed annually – for seven years and more. In early 2018, Howard Ndaba told OFM News the warehouses were never meant to be a permanent part of the department and the employees were always aware of this. Jack, on the other hand, argues that if the employees were seasonal labourers who worked over December and January preparing for the beginning of the school year, then yes, that would be a valid point. However, these people worked full-time for the Education Department, with their contracts being renewed year after year. The PSA says the 2015 amendment to the Labour Relations Act regarding contract workers also leans in their favour. The Act limits contract work to three months, without a justifiable reason. It states "Employment in terms of a fixed term contract (newly concluded or renewed) for longer than 3 months will be deemed to become permanent employment – with some exceptions (see below). Note – an employer cannot circumvent this provision by using successive fixed-term contracts limited to 3 months each. It is not the current contract period, but the total period of employment, that must not exceed 3 months". In 2018, a former admin clerk at the Marquard Warehouse, who asked not to be named, said they were informed the Department closed the warehouses down due to financial constraints. Ndaba vehemently denied the 600 employees were casualties of the department's financial woes. Ndaba also maintained the shutdown did not impact the delivery of learning materials to schools. He said top-ups of learning material and stationery will be delivered to the schools in the province directly from the publishers and companies. The warehouses have previously been shrouded in a cloud of controversy. In 2016, Bloemfontein Courant published an article which alleged that in addition to the Department's contravention of labour regulations, there were reported instances of ghost workers at the warehouses. The applicants and respondents in the matter are in the process of submitting closing arguments this week, after which the bargaining council will take 14 days to reach a decision on the matter. OFM News.