

Departmental Bargaining Chamber (DBC)

Facilitation Report: Dispute lodged for unilateral implementation of new Organisational Structure

Members will recall that the employer presented a new organisational structure for discussion at the last DBC, and parties were supposed to agree on how the process will unfold. According to management, labour was granted an opportunity to make inputs on both the new structure and migration and placement framework.

Labour confirmed that they made submissions on both structures for management to consider. However, at the last special DBC on 27 July 2021 labour raised concerns that it didn't receive any feedback on the inputs submitted and subsequently noted that management was forging ahead with the placement of staff in Senior Management (SMS) positions without the participation of labour or its involvement. Labour subsequently evoked section 17 of the Chamber rules on unilateral implementation of the new structure without its involvement. A facilitation meeting was convened on 2 August 2021 through the GPSSBC Council where Mr Sizwe Skweyiya was appointed to stand in for the GPSSBC General Secretary and discussions were as follows:

- Labour made its submission where it stated that it is concerned that the employer did not respond to the inputs it made on both the proposed structure and migration and placement framework.
- Labour further stated that it has noted with concern that the employer had already moved on the implementation of the new structure where appointment letters were in the process of being issued, which was appointing and placing SMS employees into the new structure without union involvement.
- The employer raised concerns that it was still of the opinion that the issue could be resolved amicably before the issue could be escalated to the Council as a dispute.
- The employer also stated that it was willing to meet with labour in a bilateral meeting to provide an update on the process and allow labour to still present submissions.
- A date was to be identified for the bilateral meeting where parties would meet and discuss all concerns raised by labour. The Chamber will reconvene to provide an update on the outcome of the consultations.
- However, another employer representative indicated that it will no longer be able to consider labour's inputs because the structure was already approved by the Minister and the placement of SMS members was almost concluded. This raised serious concerns on the side of labour given the contradictions from the same employer on the feedback.

However, it became clear that the dispute couldn't be resolved and the proposed remedy that was initially proposed fell off as it was clear that the employer had already moved ahead with the implementation of the new structure without the participation of labour.

The facilitator and labour agreed that the dispute will remain unresolved and labour indicated that it will reserve its rights and consider declaring a dispute of unilateral implementation of the new organisational structure through the dispute resolution mechanism of making an application for the dispute to be conciliated.

GENERAL MANAGER