

Feedback: Departmental Bargaining Chamber

Members have been informed about these matters in previous editions of the *Informus* (copies can be obtained from the PSA's website on www.psa.co.za or from any PSA Provincial Office).

Lockdown level-1

The PSA received information that the employer issued a circular calling 100% of officials to report back to office. The employer issued the circular without consulting with the committee (JOSC) that deals with COVID-19 issues, nor conducted a risk assessment. The PSA tabled this item, demanding withdrawal of the circular until proper procedures in terms of regulations were followed. The employer requested to consult with its principals and the JOSC and will provide a response thereafter.

Maintenance Officers

Members will recall that this item was tabled by the PSA, demanding a transfer of Maintenance Officers from the Department of Justice (DOJ) to the National Prosecuting Authority. Maintenance Officers were also frustrated with their reporting lines, as they were sometimes subjected to report to senior clerks who do not have relevant knowledge about the maintenance profession. As members are aware, this matter went for facilitation and the PSA and the employer could not reach agreement on the interpretation of the *Act*. The PSA looked at other alternatives to address this matter whilst still waiting for a legal opinion from the employer. The employer reported that the legal opinion was ready and will be circulated to parties on 8 November 2021. The legal opinion will be shared with members.

Macro structure

The employer tabled this item for consultation in the Bargaining Chamber. The item was previously tabled and presented by the employer. The employer stated that there were some changes in the macro structure. The employer was further asked if there was restructuring that has taken place in the ISM recently. The employer stated that it was just re-alignment that took place and not restructuring. The PSA demanded that the restructuring should be stopped until proper consultation is finalised. The PSA invoked clause 17 for the matter to be facilitated by the Secretariat of Council as parties could not reach agreement. The restructuring process directly affects the terms and conditions of employment and the PSA will use all resources at its disposal to address the matter.

Accrued leave prior to July 2000

This matter was tabled by the PSA after receiving information that the employer had issued a circular, forcing employees to take capped leave. The PSA demanded withdrawal of the circular because it was in contravention of PSCBC Resolution 7/2000. Clause 7.3 (a) of the Resolution provides that the employer shall pay accrued leave upon, death, retirement, or medical boarding. Clause 7.3 (d) provides that the employer shall allow employees who want to utilise their accrued leave. However, this should be done in a way that does not affect service delivery negatively. The Resolution is clear that it is dependent of the employee to utilise the leave and not the employer. No agreement could be reached on the matter. The PSA was left with no option but to invoke clause 17 and referred the matter for facilitation.

Members will be informed of developments.

GENERAL MANAGER