

Feedback: Special Departmental Chamber Meeting - 12 March 2021

Transfer of Forensic Chemistry Laboratories (FCL) from NDOH to National Health Laboratories Services (NHLS)

Members raised various concerns about the transfer of staff to the NHLS and some have proposed that the PSA should obtain an interdict to stop the process. As members are aware, the *NHLS Act* was enacted in 2000 with the transfer proclamation signed by President Ramaphosa and Minister Mkhize on 5 August 2020. There is unfortunately no legal basis on which an interdict can be obtained to stop the legislative process. The transfer process is further regulated by the *Labour Relations Act*, as amended, to ensure that members' rights upon transfer are ensured and protected. A number of concerns raised by members will be subjected to this process where a response and clarity on the issues raised will be obtained. The PSA will also initiate the signing of a Transfer Agreement to regulate the process and ensure that members' rights are protected.

At the last Chamber meeting it was reported that the management of NDOH invited NHLS management to form part of the special DBC to clarify any issues related to NHLS processes. Labour requested management to do a presentation on benefits comparison between current NDOH benefits and NHLS benefits. Parties noted the difference in benefits and agreed to establish a Task Team, consisting of five members from each union as well as management. The purpose of the Task Team is to discuss all issues related to the transfer of FCL to NHLS. Labour agreed and indicated that it will identify representatives from each FCL office as well as one representative from the DBC on behalf of each union for the purpose of transparency and inclusivity. Labour will first report back to its members and then request names of representatives from each office to be submitted to the DBC Secretary. Labour will also identify three possible dates where a date will be identified based on the availability of Task Team members to draw up terms of reference for the Task Team, identify further clarities for further clarities and discussion before the next ordinary DBC scheduled for the 24 March 2021.

Draft parking policy

The employer made a presentation on the policy. Amongst important matters identified from the policy was the fact that all employees will have sufficient undercover parking bays. Furthermore, the policy stated that no employee will be expected to pay for the parking at the new building, Dr AB Xuma Building, as the cost of parking bays is covered in the lease agreement.

Labour appreciated the presentation and requested that management should circulate the draft policy to labour before submitting to the Director-General (DG) for approval. Parties agreed that the adoption will be done through a round robin before approval and signature by the DG.

Security uniform

Labour declared a dispute in line with the Chamber rule 17 after parties failed to reach an agreement on this issue. Labour will file a dispute through the PHSDSBC for interpretation and application of the uniform policy. The matter will be removed from the agenda.

Re-integration of employees back to office post closure of Civitas to new building (Dr AB Xuma)

The employer made a presentation of the project plan and stated that the plan was approved by the DG and it is awaiting Supply Chain Management processes for tendering. Parties could not agree on a decision given that the employer representatives could not give an indication as to when SCM processes will be concluded to allow the successful bidder (service provider) to commence with the re-integration of employees back to work. The item therefore remains on the agenda for further engagement at the next meeting.

Transport allowance owing to relocation process

Management responded that it will not be able to afford any financial compensation towards a transport allowance but instead it will be offering employees transport through a bus that will leave Civitas to and from DR AB Xuma on a daily basis. Labour was unhappy about the decision and raised, amongst others, concerns and clarity on the following:

- What will happen to employees who have their own cars?
- Will there be security deployed to guard their cars?
- How many buses will be made available given the number of employees who were reporting at Civitas?
- What happens to employees who live in and around Dr AB Xuma as it will be unreasonable to expect them to go park their cars at Civitas when they stay around the new workplace?

Labour stated that it is willing to revise its mandate on the amount initially proposed and that the employer should understand that it caused the inconvenience to employees by moving them from Civitas to Dr AB Xuma. It was agreed that the employer will seek a mandate from its principals on the concerns raised by labour and on the proposed options presented by labour to lower the transport allowance. Feedback will be provided at the next meeting.

Guidelines: Working from home, leave management during COVID-19

The guidelines were discussed at a special Chamber meeting. Labour submitted inputs and requested that the policy should accommodate the relocation, occupational health and safety, as well as the closure of Civitas building. Labour further requested that working hours should be applicable after the move to the building. Management responded that it has incorporated all the inputs by labour and the policy has been submitted to the DG for approval and signature. The policy will be circulated upon finalisation.

OHS Committee Nominations

Labour raised concerns regarding the process followed by management in appointing 12 senior management in contravention of the *OHS Act* to serve on the Committee. Labour requested that the nominated members should be put on hold pending a proper process to nominate OHS Committee members. There was also a request by labour that the nomination process should commence once all employees are back at work for the sake of transparency and inclusivity. The employer will seek a mandate on the concerns and nomination process and provide feedback at the next meeting.

Office allocation: Dr AB Xuma Building

Labour raised a several concerns regarding complaints from members around how offices were allocated to employees. A further concern was raised by labour that the current policy must be revised to suit and fit the new building as the old policy was specifically customised for Civitas, emanating from the guidelines from DPW. The employer noted the concerns and requested labour to submit the request in writing and submit a draft policy for consideration by the employer at the next meeting.

PMDS: 2019/20-financial year

Labour made a submission that when the employer looks into performance contracts it should take into consideration factors such as the impact of the COVID-19 lockdown when putting final scores of employees. Further, that the employer must ensure that no employee is disadvantaged as a result of the above factors. Labour acknowledged that some employees continued to render services during lockdown and such employees must be accordingly rewarded in line with their performance. An extension was also requested for the above-mentioned financial year. The employer requested labour to resubmit written motivation on the agenda item to obtain a mandate from its principals. A response will be provided at the next meeting.

PMDS: 2020/21-financial year

Labour made recommendations that the employer should pay employees pay progression of 1.5% across-the-board and those employees who continued rendering services must be rewarded accordingly. The employer requested labour to submit the proposal in writing for it to obtain a mandate from its principals and to report back at the next meeting.

Members will be informed of developments.

GENERAL MANAGER