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FOR PSA MEMBERS: **NATIONAL DEPARTMENT OF HEALTH**

17-01-2022

EMS overlapping hours (overtime)

Members will recall that PSA arbitrated the matter of overlapping hours (overtime) that eventually landed in the Labour Court on review. The Labour Court ruled against the PSA and argued that the employer had the right to embark on averaging of working hours that will then eliminate the overlapping hours.

The PSA consulted a lawyer to determine other alternatives that can be used since the Court ruled against the PSA. The lawyer proposed that the PSA approaches the Labour Court with a *Basic Conditions of Employment Act* section-77 application. The PSA requested, through shop stewards, names and information of members who have performed the overlapping hours (overtime) and provided these to the lawyer. The founding affidavit was drafted and submitted to the Labour Court.

There is a process that will now unfold where the employer will have an opportunity to oppose the application where after final argument will be submitted to the Court. This process roughly takes 9 to 12 months after which the Court will set the matter down for hearing. To finalise the entire matter can take up to 24 months after the required submissions by both the PSA and the employer were submitted. Members are requested to remain patient during the process as we are at the mercy of the Court and the backlog that was created during COVID-19.

The PSA will update members on developments.

The PSA wants to take this opportunity to wish all employees who are unwell owing to COVID-19 a safe and speedy recovery.

GENERAL MANAGER