

FOR PSA MEMBERS: **PUBLIC SERVICE COORDINATING BARGAINING COUNCIL (PSCBC) - WESTERN CAPE – (CCPWCP)**

12-05-2022

Feedback: Coordinating Chamber meeting – 11 May 2022

Grading of post: Transversal Foreman inconsistency

An analysis and job evaluation processes were followed by the employer to address inconsistencies in grading levels of the various Foremen posts across the Western Cape Government (WCG). This resulted in the recommendations, that the post of:

- Transversal General Foreman to be graded on salary level 4
- Farm Foreman to be graded on salary level 5
- Farm Manager to be graded on salary level 8

Conditions for absorption of employees currently employed in the above-mentioned posts are set out in regulation 45(2) of the Public Service Regulations. Labour has requested seven days to obtain feedback from members on the above, before the consultation process can be deemed as finalised.

IMLC Memorandum of Understanding (MOU)

Currently, the WCG engages with recognised trade unions at institutional level in various IMLCs in the respective departments, which has proven to be valuable forums to promote labour peace and resolve issues at the lowest level possible. The National Sector ORAs, however, do not make provision for these IMLCs. The employer therefore presented a draft MOU to labour regarding the IMLCs to continue promoting the relationship between the employer/management and employees and to agree to the establishment thereof outside of an ORAs, i.e., to formalise IMLCs in the WCG. A meeting is scheduled for 19 May 2022 where the proposed MOU will be workshopped.

Members can forward any inputs regarding the above to the PSA Labour Relations Officers, angelo.fisher@psa.co.za and aileen.mosetic@psa.co.za

GENERAL MANAGER



Western Cape
Government
FOR YOU

MEMORANDUM OF UNDERSTANDING ON THE FORMALISATION OF IMLCs OUTSIDE OF AN ORGANISATIONAL RIGHTS AGREEMENT

MEMORANDUM OF UNDERSTANDING (MOU) ON THE FORMALISATION OF THE INSTITUTIONAL MANAGEMENT AND LABOUR COMMITTEES (IMLCs) OUTSIDE OF AN ORGANISATIONAL RIGHTS AGREEMENT (ORA)

1. PREAMBLE

- 1.1 Currently, the Western Cape Government (WCG) engages with recognised trade unions at institutional level in various IMLCs in the respective departments. Said IMLCs were established as part of a provincial ORA in the transversal provincial bargaining chamber at the time, now referred to as the Co-ordinating Chamber of the PSCBC in the Western Cape Province (CCPWCP). Similarly, the provincial departments of Health and Social Development signed an ORA with Organised Labour in the provincial chamber of the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC), which amongst others, made provision for IMLCs.
- 1.2 Subsequently, Organisational Rights Agreements were signed by the relevant parties in the respective Sectors on a national level. These agreements replaced all previous ORAs, including the said provincial agreements in this regard.
- 1.3 The national Sector ORAs do not make provision for IMLCs or any other form of institutional engagement between management and trade unions, which has proved to be very valuable forums to promote labour peace and resolve issues at the lowest level possible.
- 1.4 The purpose of this Memorandum of Understanding is to note the importance of IMLCs in promoting the relationship between the employer / management and its employees and to agree to the establishment thereof outside of an ORA, i.e. to formalise IMLCs in the WCG.

2. FORMALISATION OF / CONFIRMING THE ESTABLISHED IMLCS

- 2.1 Parties agree that there is a need to continue with the IMLCs in the various departments to sustain the platform of enhancing interaction between Organised Labour and management.
- 2.2 Parties agree to formalise the current established IMLCs in all WCG departments through this MOU and to detach the reference thereof from any ORA.
- 2.3 Existing IMLC structures, processes and arrangements are herewith confirmed. Furthermore, the Directorate: Employee Relations in the Department of the Premier of the WCG will remain responsible to provide secretariat and advisory services to the IMLCs established in the CSC departments (excluding Health and Education). The Department of Health is bound by this MOU unless otherwise directed by its Sector Council. The Western Cape Education

Department currently does not have any IMLCs and is thus for said reason excluded from the MOU at this stage.

- 2.4 Parties confirm that the respective IMLCs will be responsible for the following:
- 2.4.1 promoting the interests of all employees in the relevant institution / department;
 - 2.4.2 enhancing efficiency in the workplace;
 - 2.4.3 ensuring that consensus is reached through consultation in good faith;
 - 2.4.4 encouraging participation in collective bargaining;
 - 2.4.5 dealing with transverse departmental / institutional issues within the jurisdiction of the IMLC;
 - 2.4.6 promoting, guarding and information sharing on implementation of policies, practices and procedures;
 - 2.4.7 striving to achieve sound employee relations through respectful engagements;
 - 2.4.8 promoting sound communication and information sharing between parties;
 - 2.4.9 promoting transparency and accountability;
 - 2.4.10 prevention of / dealing with departmental / institutional collective dissatisfactions of employees to prevent collective disputes and / or grievances.
- 2.5 Any amendment or addition to the current IMLC structure in a department may be proposed by any party but will be subject to the approval by the respective Head of Department (HOD).

3. KEY PRINCIPLES OF THE IMLCS

- 3.1 Recognised trade unions will represent employees within a specific department / institution in each IMLC in line with the following:
- 3.1.1 Recognised unions admitted at national level (PSCBC, PHSDSBC and GPSSBC) with less than 40 members at a workplace / institution will be allowed 1 representative on the IMLC and recognised unions with more than 40 members will be allowed 2 representatives on the IMLC;
 - 3.1.2 Observers are not allowed to attend the IMLC, but should the need arise for it, the relevant party must approach the Chairperson of the IMLC to make a ruling on such a request;
 - 3.1.3 Union representatives in the IMLC must be appointed in writing in such capacity by the provincial office of the union.
 - 3.1.4 Union representatives may be co-opted to the IMLC for a specific meeting and / or a specific matter, but this would not be a permanent arrangement. The same would apply if an ordinary appointed union representative has resigned from his / her position in the union, to ensure continued functionality of the IMLC.

- 3.2 Management will be allowed an equal number of seats in the relevant IMLC. All management representatives must be appointed in writing by the HOD / Head of Institution. A specific official may be co-opted on behalf of management to address a specific matter and the co-option would be for the duration of the engagement on the matter in this regard.
- 3.3 The Chairperson of the IMLC will be appointed from management as approved by the HOD / Head of Institution. There are no restrictions on the level of the Chairperson. He / she must preferably have proven skills in facilitating meetings in an unbiased manner.
- 3.4 The appointed representatives of the trade unions who have a seat in an IMLC, shall be allowed to have a Labour Caucus prior to and in preparation of a scheduled IMLC meeting, on condition that the Labour Caucus meeting does not exceed one (1) hour. An application for shop steward leave would not be necessary in this regard.
- 3.5 Parties in each IMLC must agree and sign a Terms of Reference (TOR) document in terms of which the IMLC will function. The following must be contained in said TOR:
- 3.5.1 Confirming the parties to the IMLC, for example, which recognised unions may be part thereof;
 - 3.5.2 How to deal with absenteeism of a party in the IMLC;
 - 3.5.3 Decision-making processes in the IMLC;
 - 3.5.4 The frequency of IMLC meetings;
 - 3.5.5 The duration of a meeting and procedures to deal with the need to extend the scheduled time if the need arises;
 - 3.5.6 Provision for the scheduling of Special Meetings;
 - 3.5.7 Determination of what would constitute a quorum;
 - 3.5.8 Procedures for adjourning or rescheduling a meeting;
 - 3.5.9 Procedures and timeframes for the submitting of agenda items;
 - 3.5.10 Timeframes for the circulation of the notice, agenda and minutes;
 - 3.5.11 Meeting protocol and procedures;
 - 3.5.12 Jurisdiction
- 3.6 A template for a TOR is attached as **Annexure A** for ease of reference.
- 3.7 If a matter cannot be resolved in the IMLC, parties have the right to lodge a grievance.
- 3.8 The unions who are parties to an IMLC will be granted the right to provide feedback to members in line with the relevant Sector ORA.

- 3.9 No IMLC may deal with individual grievances or a matter of an individual or personal nature.
- 3.10 An IMLC may not sign agreements or make decisions in contradiction with agreements signed on a national or provincial level in collective bargaining fora. Also, no IMLC may agree to follow different processes prescribed by the State on a national or provincial level.

4. DISAGREEMENT PROCEDURE

- 4.1 Should parties to this MOU not be satisfied with the implementation thereof, such party may refer the matter for discussion to the provincial bargaining chamber, i.e. the CCPWCP.

5. DURATION OF THE MOU

- 5.1 The MOU will come into effect upon obtaining the majority of signatures of parties.
- 5.2 The MOU will remain in effect until a need arises for a review thereof. Any party may request a review of the MOU at any stage, which will then be engaged upon in the CCPWCP.

THIS DONE AND SIGNED AT _____ OF THIS _____
DAY OF _____ 20____

ON BEHALF OF THE EMPLOYER PARTY

	Name	Signature
WCG		

ON BEHALF OF TRADE UNION PARTIES

Trade Union	Name	Signature
SADTU		
NAPTOSA		
NEHAWU		
PSA		
HOSPERSA		
NUPSAW		
DENOSA		



Western Cape
Government
FOR YOU

Transversal Foreman Inconsistency

Western Cape Government

CCPWCP Consultative Forum

April 2022

Contents

01

Purpose and Background

02

Methodology

03

Findings

- Farm Foreman and Farm Manager (WCED)
- General Foreman (Transversal)

04

Recommendations

05

Personnel and Financial Implications

1. Purpose and Background

Purpose and Background

The purpose of this presentation is to consult organised labour on the OD intervention to address the inconsistencies in the grading levels of various Foreman posts across the Western Cape Government.

Background


- 2018 – DPSA Phase 1 Lower Levels Coordination implemented across WCG.
- 2021 – DPSA Phase 2 Lower Levels Coordination implemented across WCG.
- General and other Foreman posts not included in either DPSA Coordination.
- PMSC at the time mandated OD to look into and resolve inconsistent grading levels for Foreman posts.
- Analysis and further investigation highlighted inconsistencies with the following posts:
 - General Foreman;
 - Farm Foreman;
 - Farm Manager;
 - Principal/Senior Housekeeping Supervisor (currently in analysis stage).

2. Methodology

Methodology



- Identify affected posts.



- Analyse existing records, including job descriptions and job evaluation reports (provincial and national).



- Develop generic job description.



- Consult affected departments.



- Conduct job evaluation and present to Transversal Panel for moderation.



- Consult Organised Labour.



- Implement outcomes provincially (EA approval).

3. Findings

Findings

Current situation:

Department	General Foreman		Farm Foreman		Farm Manager	
DOH	SL 4	6				
DTPW	SL 4	2				
DSD	SL 4	7				
DCAS	SL 3	15				
DHS	SL 3	3				
WCED	SL 3-5	1 510	SL 3	15	SL 6 and 8	3
DOA			SL 5	17	SL 7 and 8	9
Total		1 543		32		12

- Please note: the DTPW posts of Road Work Foreman and Road Work Superintendent are not included in this exercise, as they are being addressed as part of a separate OD intervention.






Farm Foreman and Farm Manager (WCED)

Farm Foreman and Farm Manager (WCED)

Process followed

- Farm Foreman identified by WCED as additional inconsistency during overall analysis of Foreman posts.
- WCED uses DOA JD which was coordinated for the sector, but the posts are not graded on the same level.
- Benchmarking site visits set up to 2 agricultural schools and 2 research farms to compare functions and levels of work performed by Farm Foreman.
- Inconsistency identified in grading of Farm Manager posts during site visits, benchmarking information gathered and presented to WCED on return to obtain mandate to address this inconsistency at the same time as the Farm Foreman.

Farm Foreman and Farm Manager

	Oakdale (WCED)	Augsburg (WCED)	Tygerhoek (DOA)	Nortier (DOA)
	140 hectares school premises 2000 hectares outside premises	1811 hectares	500 hectares	2970 hectares
	Farm Manager Farm Foreman Direct reporting staff Seasonal workers	Farm Manager Farm Foreman Direct reporting staff Seasonal workers	Farm Manager Farm Foreman Direct reporting staff Seasonal workers	Farm Manager Farm Foreman Direct reporting staff Seasonal workers
	Tractors Planters Milking equipment Irrigation systems Stores and sheds	Tractors Planters Irrigation systems Stores and sheds	Tractors Planter Irrigation systems Stores and sheds	Tractors Planters Irrigation systems Stores and sheds
	100 – 500 livestock (Jersey cattle, Merino sheep)	100 – 500 livestock (Merino sheep, Different goat species)	100 – 500 livestock (Merino sheep)	100 – 500 livestock (Bonsmara cattle)
	Lucerne, wheat, barley, canola	Oranges, vineyards, onion seeds, cauliflower seeds, rooibos tea	Lucerne, barley, peas, canola, wheat	Grass seed for conservation agriculture, e.g. red oat grass, hartebeest grass

Farm Foreman and Farm Manager

Findings

- Farm Foreman post at WCED performs same functions at the same level as the sectorally coordinated DOA Farm Foreman on SL 5.
- Farm Manager post at WCED performs same functions at the same level as the sectorally coordinated DOA Senior Farm Manager on SL 8.
- WCED posts therefore benchmarked against DOA posts to obtain JE levels.
- Transversal Panel moderated the posts and recommended:
 - WCED Farm Foreman graded on SL 5;
 - WCED Farm Manager graded on SL 8.

General Foreman (Transversal)

General Foreman

Process followed

- Affected posts identified.
- Job descriptions, structures, job evaluation reports analysed and compared.
- Generic job description drafted and consulted with affected departments.
- Job evaluation conducted based on analysis of existing records, job descriptions and consultations with affected departments.
- Checked against DPSA Coordinations (Phase 1 and 2) of Lower Level posts for supervisory posts on SL 4, to ensure alignment in respect of autonomy, qualifications and experience.
- Transversal Panel moderated the post and recommended:
 - Transversal General Foreman graded on SL 4.

General Foreman

Post details

- Main functions performed by the General Foreman include oversight of:
 - The maintenance of buildings;
 - The maintenance of grounds;
 - Safety and security on grounds;
 - Supervisory/administrative tasks linked to maintenance, cleaning and safety services.

General Foreman

Post details

- Placement of posts:
 - WCED posts (SL 3) are mostly based at the institutions, with 3 posts based at the Cape Teaching and Leadership Institute (CTLI);
 - DCAS posts (SL 3) are based at the museums and cultural facilities;
 - DHS posts (SL 3) are based in the Subdirectorate Works Inspectorate, linked with maintenance of departmental housing stock;
 - DSD posts (SL 4) are based within the Section Admin Support at each of the Facilities;
 - DTPW posts (SL 4) are based in the Subdirectorate Technical Support Services;
 - DOH posts (SL 4) are based at hospitals and rehabilitation centres.

4. Recommendations

Recommendations

Based on the analysis and job evaluation processes followed for these posts, it is recommended that:

- The WCG **Transversal General Foreman** be graded on **SL 4**
- The WCED **Farm Foreman** be graded on **SL 5** to align with the DOA sectoral coordination.
- The WCED **Farm Manager** be graded on **SL 8** to align with the DOA sectoral coordination for the Senior Farm Manager.
- Implementation provincially – from a date to be specified in the approval submissions.
- Conditions for absorption of employees in upgraded posts are set out in Regulation 45 (2) of the Public Service Regulations.

5. Personnel and Financial Implications

Establishment Summary

Department	Rank	SL	Warm Bodies	Approved Posts	Recommended
WCED	General Foreman	3	1 333	1 510	To be graded on SL 4
	Farm Foreman	3	11	15	To be graded on SL 5
	Farm Manager	6	1	3	To be graded on SL 8
DCAS	General Foreman	3	9	15	To be graded on SL 4
DHS	General Foreman	3	0	3	To be graded on SL 4
DSD	General Foreman	4	5	7	Unaffected
DOH	General Foreman	4	2	6	Job title amendment
TPW	Gardening Foreman	4	2	2	Job title amendment
Total			1 363	1 561	

- Farm Foreman and Farm Manager posts at DOA are unaffected as they fall under a coordination process that was done for the sector.

Financial implications

The upgrades of the General Foreman, Farm Foreman and Farm Manager posts will result in the following annual recurring financial expenditure:

Department	No of posts affected	Financial implication
WCED General Foreman (SL 4) Farm Foreman (SL 5) Farm Manager (SL 8)	1 510 15 3	R 28 698 869.90
DCAS General Foreman (SL 4)	15	R 473 163.80
DHS General Foreman (SL 4)	3	R 94 632.75
Total	1 546	R 29 266 666.45

- Calculated on first notch plus 37% in lieu of benefits
- Provincial Treasury and affected departments have confirmed that the upgrades can be accommodated within their respective COE budgets for 2022/23

Thank you