

FOR PSA MEMBERS: **BORDER MANAGEMENT AUTHORITY (BMA)**

08-10-2024

## Feedback: BMA Interim National Consultative Bargaining Forum (NCBF) Meeting - 1 October 2024

### Compliance and adherence to NCBF resolutions

Labour raised concerns about disregard of NCBF resolutions by the employer and continuous postponement/non-scheduling of meetings, which have an adverse effect on members. The employer apologised and committed to improve its conduct to ensure a cordial relationship with labour.

### Salary tax (SARS)

Members are aware that the issue of incorrect tax deductions was raised with the employer, which led to an invitation of SARS to assist, however, the consultant sent did not have time to engage with labour to interrogate the verbal report. Labour requested the employer to provide a detailed report, but without success. Labour demanded that: the employer pays debt for employees owing SARS as promised by the Commissioner; the employer files second IRP5 not showing on the SARS system for those employees who had not filed; the employer to approach the Department of Home Affairs for assistance in resolving the overtaxing problem or establishment of task team to work with National Treasury for sampling current tax deductions through the Persal system for benchmarking purpose. The employer requested time to consult its principals on the proposals. Two names will be provided per union to establish the task team to commence work from 7 to 13 October 2024. A written report from the SARS consultant will be shared with labour on or before 8 October 2024.

### Firearm and ammunition policy

The employer tabled the policy, which was deferred to the Policy Task Team.

### Update: Remuneration framework and organisational structure

Implementation of the framework resulted in numerous dissatisfactions. An appeal committee would be established to include labour representatives. Labour requested a copy of approved organisational structure, which was subsequently circulated with pay scales. Labour will consider the same for later discussions.

### Ranking and commissioning of officials

Ranking of officials will be suspended to allow for proper implementation and consultation.

### Disciplinary cases through utilisation of legal practitioners

Labour raised concerns about the utilisation of legal practitioners in disciplinary proceedings, especially for lower-level employees. The employer attributed the practice to the incompetency of its managers. The employer was adamant that the use of legal practitioners will continue until managers are trained. This was objected by labour and labour will consider available remedies to address this challenge.

### **Staff bursaries**

Successful applicants were issued with approved letters although labour raised displeasure as the process was finalised around August 2024, long after second-semester applications closed. A meeting will be convened to consider options such as deferring the approval to 2025. Labour urged the employer to issue a circular to invite 2025 applications for bursaries before 13 October 2024 to allow for conclusion before commencement of the new semester.

### **PMDS assessments and grade progression**

Assessments for 2023/24 could not be finalised timeously owing to employer's delays and will be extended to 31 December 2024. A circular is to be issued to this effect. Assessments for 2024/25 are to be conducted electronically and dates will be communicated.

### **Provision of uniform**

The matter could not be discussed owing to non-availability of the team responsible. Labour was repulsed by the employer's conduct as there are major challenges regarding uniform distribution, which the employer is ignoring. The matter is to be escalated to the Commissioner.

### **Annual leave audit**

The employer reported that the leave audit was done and reconciled. This was rejected by labour on the basis that members are enquiring about leave daily without a response from the employer. HR is to provide a report for scrutiny by labour.

### **Overtime payment**

Labour tabled the matter regarding the 30% cap that is applicable to the Public Service and should not be automatically applicable at the BMA. The matter is to be discussed through the Policy Task Team as Port Commanders are relying on the cap to unreasonably reject overtime without considering reality on the ground as the BMA is experiencing a staff shortage.

### **Salary negotiations: 2025/26**

National Treasury instructed the BMA to negotiate for salaries and conditions of service outside the PSCBC ambit. Labour proposed that the process must start soonest. The employer concurred but indicated that the BMA NCBF Constitution should be finalised.

### **NCBF constitution**

Inputs submitted by labour were considered. The employer is to provide a cleaned-up document for final consideration and mandating by labour.

### **BMA Recognition Agreement**

The employer is to submit a draft for negotiation. A benchmark with similar organisations (Section 3A Entities) will be conducted. The process is to be concluded before commencement of salary negotiations.

### **Third-party payments**

The implementation of scheduled increases on employees' policies has created problems leading to lapsed policies, increase in subscriptions, double deductions and employees owed subscriptions by the employer. Hence, the employer resorted to the appointment of a payroll manager. The challenges will be promptly addressed.

### **Access to workplace without organisational rights**

Labour condemned the employer for acting in bad faith wherein non-recognised unions were allowed access to recruit employees whilst on training contrary to the *LRA* and collective agreements. The employer undertook to conduct a full investigation and table the matter at EXCO on 14 October 2024. The report will be shared with labour on or before 30 October 2024.

### **Misuse of state vehicles**

Cars were fitted with tracking devices to monitor movements, speed, and fuel consumption as a measure to address the misuse of state vehicles. Cars will be allowed to pour fuel once per day and reports will be shared with Port Commanders. Labour noted the report and will await an invitation for the Policy Task Team where the issue will be discussed further.

### **Full-Time Shop Steward (FTSS) Agreement**

Parties agreed that there is a need to develop the BMA FTSS Agreement. Labour committed to circulate a draft for consideration by the employer.

### **Security guards/officers**

Labour raised concerns about non-provision of uniform to security officers and confusion regarding their role. The newly appointed Junior Border Guards are performing duties ordinarily allocated to security officers. The employer committed to provide uniforms and to investigate the duplication of duties.

### **Auxiliary services uniform**

Labour reminded the employer that only one set of uniform was provided to the above-mentioned employees instead of two as agreed. The employer apologised and committed to correct the matter soonest.

### **Inspectorate**

Members will recall that there is a process to translate Port Enforcement on an on-going basis and the employer reported that progress has been registered on this issue. It will submit a detailed progress report at the next meeting on progress.

### **Financial disclosure and vetting**

The employer reported that middle managers and employees working in Supply Chain Management will be required to disclose their financial matters as per the *Public Finance Management Act*. Feedback and/or a report will be shared with labour at the next NCBF meeting on how the process has unfolded.

### **Resources/Tools of trade**

The employer reported that a tender process is underway to procure 100 laptops and 500 desktops, however, only 100 laptops will be prioritised. Delivery is expected around 13 October 2024.

### **Availability of network at Ports of Entries (POE)**

A tender process is underway to procure routers where sim cards will be allocated to POE whilst the issue of network is being looked at. Employees who were receiving cellphones from their departments are given a cellphone allowance. Labour raised concerns regarding the unilateral changes and the employer undertook to revert to labour after the EXCO meeting.

### **E-gate contract: Cape Town International Airport**

The employer reported that the E-gate contract was awarded irregularly, and E-gates will be removed as the system resides with the Airport Company South Africa (ACSA) and that the CEO of ACSA is currently on suspension.

### **Biometrics Movement Control System (BMCS)**

Members have raised concerns about this system, which is hanging and is responsible for long queues. As an example, the system was down for over four months in Maseru. The employer reported that the issue was escalated to the Minister of Home Affairs and there are intentions to move the BMCA system to SARS. A written report will be shared with labour on 11 October 2024 regarding the resolution after engagements with the Minister.

### **Staff transport**

Members raised concerns about transport where it was mentioned that the BMA is only providing transport to Junior Border Guard as well as officials in Law Enforcement. The employer noted the concerns and committed to look at how transport will be allocated to all employees who work shifts at POE. Feedback will be given at the next NCBF.

### **Staff accommodation**

Labour reminded the employer about a report it submitted, which detailed the dilapidated state of accommodation where parties agreed to establish a task team to do an inspection, however, the employer did nothing to action the report. Subsequently, it was agreed that Durban Harbour should be prioritised as it seems to be worst affected as currently the BMA is on a month-to-month contract. The employer also indicated that infrastructure budget is still with the Department of Public Works 9dpw0, which is an obstacle to address infrastructure issues. It will make a follow up with DPW to comprehensively look at all accommodation challenges, including park homes.

### **Update: Appointment of NCBF Independent Chairperson**

Members are aware that the post of NCBF Independent Chairperson was advertised. The employer reported that 108 applications were received. Labour cautioned the employer that it was incorrect for the employer to advertise the position before the NCBF Constitution was approved. Labour further decried that it was not part of the Terms of Reference (ToR) submitted for the advert. Parties agreed that labour will fully participate in the process of sourcing the Chairperson and the appointment. The employer stated that the ToR will be drawn by the shortlisting panel, which will include labour.

Employees who want to join the PSA can visit the PSA's website, send an email to [ask@psa.co.za](mailto:ask@psa.co.za), or contact a PSA Provincial Office.

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