



# INFORMUS

SINCE 1920  
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SERVICE EXCELLENCE

FOR PSA MEMBERS: **PUBLIC SERVICE COORDINATING BARGAINING COUNCIL (PSCBC)**

04-10-2024

## Feedback: Conciliation meeting - Minimum Service Level Agreement (MSLA) dispute

A Minimum Service Level Agreement (MSLA) refers to an agreement or arrangement made between employers and employees, specifically in essential services. The purpose of the agreement is to ensure that a certain level of service continues to be provided, even during times of industrial action such as strikes.

Members will recall that in the previous *Informus* (copy available on the PSA's website or from PSA Provincial Offices), it was previously reported that on 6 December 2023, the employer tabled a revised draft MSLA document with the aim of managing strike actions in all institutions and components that were designated as essential services. The employer intended to curb the Constitutional rights of identified categories of employees to embark on strike action that might harm or endanger the lives and safety of members of the public. In the draft document the employer proposed that 80% of employees should work during a particular strike action and 20% should participate in a strike action. Labour was upfront by objecting to such proposal, since it would limit the bargaining power for trade unions that participate in a strike action. Labour indicated that the MSLA should be implemented according to circumstances of each institution and departments such as health, education and police service. On 28 February 2024, the Essential Services Committee (ESC) advised parties at the Council that a framework must be developed to guide various sectors and individual institutions to implement the MSLA according to their situations. A draft framework was circulated to parties to seek inputs and mandate before it could be adopted. Subsequently, labour established a working committee to investigate the draft framework. Labour further consulted the ESC regarding the provision of 80/20 that was included in the draft framework. Labour strongly felt that the issues of numbers should be determined at the sector levels according to their circumstances.

At a special Council meeting on 8 August 2024, labour was appalled by the assertion from the employer that parties had reached a dead-end as labour still had appetite to engage. Subsequently, the employer indicated that it would approach the ESC for a determination as labour did not show appetite to conclude the framework agreement. Labour rebutted the wrong impression created by employer and urged the employer to continue with engagement but to no avail. Labour emphasised that it had already worked on a draft document with inputs for consideration by the employer. The employer was adamant that it was not prepared to engage any further and intended to approach the ESC for a determination. Further, the

employer lodged a dispute of mutual interest with the Council. The matter was set down for conciliation on 2 October 2024.

At the conciliation meeting, labour made a submission before the Commissioner that it strongly believed that there was no deadlock on the matter, as it was still willing to engage further on the matter. Labour emphasised that the dispute was premature and requested that the matter be remitted back to the Council for deliberation. Labour further proposed that the ESC should be invited to facilitate the engagement between parties with clear timeframes. The employer objected to the submission by labour and insisted that it has exhausted the negotiation and requested the Commissioner to issue a certificate of non-resolution. The Commissioner attempted to reconcile parties and drive them to reach an amicable solution. Parties eventually could not find each other and, as a result, a certificate of non-resolution was issued. The outcome of the conciliation meant that the matter would be referred to the ESC for a determination.

It was unfortunate that the employer was not willing to engage further on the matter. Parties will now make submission and representation before the ESC to argue their position on the matter. The certificate of non-resolution is *attached* for ease reference.

Members will be informed of developments

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 PSA Provincial Offices.

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