

Launch of a joint Programme of Defiance by trade unions affiliated to COSATU and FEDUSA at PSCBC in protection of collective bargaining in South Africa and against non-implementation of signed resolutions at the Public Service Co-ordinating Bargaining Council (PSCBC).

Friday September 2, 2020

The trade unions representing the more than 1. 2 million public servants at the Public Service Co-ordinating Bargaining Council (PSCBC) have been faced with a new strange behaviour from government of undermining and disrespecting the processes and decisions that are taken at this collective bargaining platform.

Labour in the Public Service have noted for a long time that there has been a clear stance taken by Government to disregard the institution of Collective Bargaining as provided for in the Constitution of South Africa and other legislations.

This new culture of disrespect of collective bargaining started with various statements made in the media by Ministers on the unilateral reduction of the Public Service Wage Bill. Their intentions were further confirmed by the response to demands from labour made in the PSCBC and its Sectoral councils. Agreements signed are blatantly ignored and unilateral amendments are made to Conditions of Services with no input or involvement of organised labour.

Labour unions have subsequently filed various disputes in the Councils on some of these matters, many of which still remain unresolved while some are still in progress.

The recent spate of disregard from Government as the employer is on the renegeing of implementing the Wage Agreement which was signed in the PSCBC in May 2018. Labour is currently defending this right to Collective Bargaining and the signing of Collective Agreements in the Labour Court.

This unilateral disregard of collective agreements has brought nothing but anger, low morale, and frustration to all government workers in the various public service centres across the country, because their salaries have not been adjusted as of 1 April 2020 in line with the collective bargaining agreement.

Labour unions have taken every reasonable and responsible steps to challenge this new culture of disrespect through the PSCBC dispute resolution processes that are provided for and through Labour Court. Both these processes have been disrespected and shown a middle finger by government through endless delaying tactics. The matter is currently at the Labour Court awaiting to be placed on the court roll.

The non-implementation of Resolution 1 of 2018 of PSCBC by government is one of many resolutions which have not been honoured and implemented by this government. We add in this statement, as an addendum, a list of many other resolutions which have been left to stale by government, which depict this concerted effort of eroding both the benefits of public servants as well as collapsing the collective bargaining platform.

National Treasury has issued guidelines to all departments informing them that there would be no salary increases for the next three financial years. And salary negotiations for the next financial year should have commenced already, but they have not.

From this list at the back of this statement, we can cite few of them, namely:

- Ignoring Resolution 4 of 2010, clause 4.2, on the establishment of a Government Employees Housing Scheme (GEHS) to cater for more than 60% of public servants who can't afford housing bond;
- Abolishing pay progression and drastically reducing funding for performance bonuses for public servants;
- Ignoring Resolution 4 of 2010, clause 6.1, to request Essential Service Commission to investigate and provide recommendations on Minimum Service Level Agreement;
- Ignoring Resolution 1 of 2012, clause 10, to conduct an independent audit on compliance of government service centres with the Occupational Health and Safety Act.

With these few examples listed above, and the long list of broken agreements enclosed as an addendum in this statement, it is evident that our trust in government doing things right will forever be disappointed.

This disrespect and undermining of the collective agreements, however, has only caused labour to be united more than ever. It is due to this frustration that the Public Service Unions under the two federations collectively resolved to act in unison and to stage a defense of collective bargaining in the country. At the face of adversity currently faced by workers the issue of unity is sacrosanct and non-negotiable. We will mobilise all our members for a mother of all wars to send a clear message to government that workers will not fold their arms while government reneges on implementing binding collective agreement willy-nilly.

Therefore, as the two federations, namely COSATU and FEDUSA, we are hereby announcing the launch of a joint campaign of activities of defiance on the principle of saving the collapse of collective bargaining. This is our form of passive resistance against the onslaught by government, led by Finance Minister, Tito Mboweni, and Minister of Public Service and Administration, Senzo Mchunu, to collapse the legitimate collective bargaining platform in the public service.

The campaign will commence on Monday the 5th of October 2020 and will run from until the end of November this year and, if needs be, for the rest of the year for as long as collective bargaining agreements continue to be disregarded by government.

The sad reality is that, despite this concerted effort to collapse collective bargaining, government workers have been giving their labour with no pay and they have been doing their work selflessly.

This programme of defiance will take various forms of activities across the country's public service centres and government offices, such as:

- Lunch-hour pickets in the workplace as an indication that public servants are not happy;
- Commencing with 'work to rule' principle where workers follow official working rules and hours exactly (with the current gross shortage of staff, the impact of this will be most severe on the ground);
- Joining the National Day of Action on 7 October against corruption, retrenchment/job losses, attack on collective bargaining agreements and gender-based violence, among others;

- Peaceful demonstrations in the workplace;
- Holding of sit-ins in strategic offices of government;

These activities will be more intensified the longer it takes for government to ignore our demands. As the unions representing by far majority public servants, we are forewarning members of the communities of the envisaged slow pace of services in various government service centres where there is a severe shortage of staff.

In the meantime, the unions are embarking on a programme of briefing our shop stewards and members in the workplace to mobilise them and call for their full participation in this programme to show our unhappiness to the uncaring and provocative government.

With this, we hope that our position of unhappiness is fully understood as we believe it justifiable.

All unions that are affiliated to these federations are in support of this programme. They are DENOSA, HOSPERSA, NAPTOSA, POPCRU, NEHAWU, PAWUSA, PSA, SADTU, SAEPU, SAOU, and SAMATU

End

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ADDENDUM

THE LIST OF BROKEN AGREEMENTS BY GOVERNMENT

ISSUES	STATUS	IMPACT
<p>Non-implementation of the last lap of the Wage Agreement: Res 1/2018</p>	<ul style="list-style-type: none"> •The employer is reneging from the Agreement; •The employer employs all sorts of delaying tactics by raising technical issues; 	<ul style="list-style-type: none"> •This means employees will be adversely affected by the rising cost of living •Any other benefit that increases with the salary adjustment will stagnate
<p>Establishment of the Government Employee Housing Scheme (GEHS). This was supposed to assist Public Service Employees to get access to affordable houses</p>	<ul style="list-style-type: none"> •The employer is completely ignoring the provisions and the role of the GEHS Advisory Body established by the Council Resolution; 	<ul style="list-style-type: none"> •More than 60% of the public service employees will remain without decent homes
<p>Long Service Awards. The quantum for the awards is supposed to increase per CPI as per Res 1/2012</p>	<ul style="list-style-type: none"> •The employer did not increase the quantum for 2020 by CPI, remaining the same as 2019. 	<ul style="list-style-type: none"> •This fails to recognize the service the employees have rendered, thereby demoralizing employees.
<p>Pay Progression and Performance Bonuses</p>	<ul style="list-style-type: none"> •The employer is currently abolishing the Performance Bonuses and while reducing the budget for pay progression. 	<ul style="list-style-type: none"> •Public Service Employees would no longer qualify for performance bonuses, while the number of those who qualify to receive pay progression would be reduced drastically
<p>Non-filling of vacant posts</p>	<ul style="list-style-type: none"> •Despite the acute shortage of employees in critical posts and the rising number of the population, the employer is still not filling the vacant posts 	<ul style="list-style-type: none"> •This is a subtle way if introducing retrenchments and austerity measures in the Public Service.

	in order to offer quality service the citizens.	
Non-implementation of PSCBC Resolutions	<ul style="list-style-type: none"> •The employer is failing to implement a number a Resolutions that stand to benefit Public Service employees 	<ul style="list-style-type: none"> •There would no improvement on the conditions of service of Public Service Employees.
Austerity measures (Budget Cuts)	<ul style="list-style-type: none"> •In the 2020 Budget speech the Minister of Finance announced that R160 billion would be cut over a three-year period as follows: <ul style="list-style-type: none"> ➤ F/Y 2020/21: R37.8 billion. ➤ F/Y 2021/22: R54.9 billion. ➤ F/Y 2022/23: R67.5 billion. 	<ul style="list-style-type: none"> •The employer will make savings for 2020/21 out of the non-implementation of Res 1/2018 of the wage increase.
National Treasury Guidelines for costing and budgeting for compensation of employees	<ul style="list-style-type: none"> •The NT released the Guidelines to various departments to guide them on implementing cutting measures to reduce compensation of employees 	<ul style="list-style-type: none"> •The document clearly spells out that there would be no increase of wages for Public Service workers the next three Financial Years

<p>Temporary Incapacity Leave (TIL)</p>	<p>The guidelines issued by the DPSA to Departments on TIL do not address the fundamental problem previously raised that most, if not all, Departments fail to adhere to the 30 day time frame within which they are to take a decision on whether or not to grant an employee TIL. We demand that such failure by Departments should lead to TIL being granted by default</p>	<p>With the delay in responding to application for TIL employees may go on unauthorized leave due to the pressure of their ill-health condition. This may have devastating consequences if months later the employer responds to say leave was not approved, and therefore leave without pay measures must be applied. This may plunge employees into financial difficulties</p>
<p>Resolution 4 of 10 Clause 4.2 Develop and implement a sustainable home ownership scheme for public service employees in collaboration with Department of Human Settlement, GEPP and PIC</p>	<p>Not yet implemented</p>	<p>Resolution 5/2017 established an advisory to be driven by the MPSA to deal with the establishment of the scheme. Many employees still cannot access any housing scheme.</p>
<p>Resolution 4 of 2010, clause 6.1 – Request Essential Service Committee to investigate and provide recommendations on Minimum Service Agreement</p>	<p>Not yet implemented</p>	<p>No minimum service agreement is in place 10 years later</p>

<p>Resolution 4 of 2010 Clause 6.2 Establishment of a reference group to assist the Essential Service Committee</p>	<p>Not yet implemented</p>	<p>No minimum service agreement is in place 10 years later</p>
<p>Resolution 4 of 2010 Clause 6.3 Appointment of experts to assist Essential service committee</p>	<p>Not yet implemented</p>	<p>Essential Services Committee not assisted 10 years later</p>
<p>Resolution 4 of 2010 Clause 6.4 Recommendations to be submitted to parties by no later than 31 December 2010</p>	<p>No recommendations sent to parties to date</p>	<p>Stagnation</p>
<p>Resolution 4 of 2010 Clause 7.1-7.4 Alignment of negotiation and budget processes</p>	<p>Not yet implemented</p>	<p>Stagnation</p>
<p>Resolution 1 of 2012 Clause 10 PSCBC to conduct an independent audit on compliance with the occupational health and safety act and the report must be tabled at PSCBC for discussion</p>	<p>Not completed</p>	<p>Employees subjected to work in work places that are not audited for health and safety compliance and thereby risking injuries and a myriad of health and safety issues</p>
<p>Resolution 1 of 2012 Clause 13 Employer to review exit management system in order to expedite the processing of pension pay-outs within 30 days</p>	<p>Not completed</p>	<p>Employees exiting the system often have to wait for many months before their benefits are paid out</p>