

FOR PSA MEMBERS: CAPE NATURE

11-11-2020

Update: Outcome of Conciliation Board meeting

Unilateral reduction of vacation leave accrual from 30 to 24 days

Members will recall that previous editions of the *Informus* (24 August 2020, 17 September 2020 and 1 October 2020) contained information regarding Cape Nature's action in decreasing the leave accrual of certain employees, from 30 days to 24 days, without following the required negotiation process. The employer confirmed that the unilateral change in conditions of service was indeed affected with effect from 1 July 2020. According to this decision, the leave days of those employees with more than ten years of uninterrupted service and who accrued 30 days per leave cycle, were reduced to 24 days per annum. The employer furthermore indicated that it do not have any intention to change its conduct.

The matter was referred as a dispute to the CCMA. The conciliation meeting was virtually conducted on 7 October 2020 at 14:30 before Commissioner, Noel Hendricks. As expected, the employer's representative did not have a mandate to settle the matter and the Commissioner issued a certificate of non-resolution with an Annexure A referring to Picketing Rules for members on 30 October 2020.

Attention is invited to the fact that the next step to follow would have been for members concerned to go on strike. **However, in terms of section 65(1)(d) of the *Labour Relations Act (LRA), 1995 as amended, no person may take part in a strike or a lock-out or in any furtherance of a strike or a lock-out, if that person is engaged in:***

- **an essential service or**
- **a maintenance service.**

The above-mentioned services are determined by an Essential Service Committee as per section 71 to 75 of the *LRA, 1995* as amended.

In view of the above the legislation and the fact that the majority of members concerned are classified as firefighters, which services are designated as essential services as per 1(g) to Government Notice contained in Vol 387 No 18276, dated 12 September 1997 of the *Gouvernement Gazette*, the dispute will now be referred for arbitration to the CCMA.

Members will be informed of developments.

GENERAL MANAGER