

FS Education ordered to rehire book packers

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FS Education ordered to rehire book packers OLEBOGENG MOTSE 17:06 Wed, 14 Aug 2019 The Free State Education Department has been dealt a severe blow, losing its battle against a large determined group of its former book packers who have been wanting to be rehired permanently. The Free State branch of the Public Servants Association (PSA) of South Africa reveals the General Public Service Sector Bargaining Council's (GPSSBC's) arbitration award on the matter has come out in their members' favour. PSA Provincial Manager in the Free State, Aubrey Nappie, tells OFM News not only are the 167 employees ordered to return to work by Thursday, but the department needs to get the ball rolling in remunerating the same employees almost R 136 000 each. Nappie tells OFM News their members are elated at the outcome. The Provincial Manager explains "there's a lot of history there and we can be happy to say finally the matter has been resolved. Through arbitration we were able to show we were right to say the employer's conduct in terminating the contracts was unfair". At the very least the department's decision to abruptly close down ten learning material and stationery warehouses located in Welkom, Allanridge, Marquard, Petrus Steyn, Heilbron, Kroonstad, Qwaqwa, Harrismith, Koffiefontein and Mangaung will cost it R22 million. About 250 people were initially listed as applicants in the arbitration proceedings. This number was later reduced, but the PSA maintains it isn't the end for the other employees or the ones who fell under different unions. After being operational for close to a decade, all these warehouses were suddenly closed down, leaving about 600 employees out in the cold without jobs. The Department had been renting the warehouses in nine of the above-mentioned areas, while the Mangaung warehouse in Bloemfontein belongs to the Education Department. PSA labour relations officer, Jantjie Jack, told OFM News previously the basis of their argument is that the Department created a "reasonable expectation" when they renewed employees' contracts each year. Jack confirms some employees were on contracts – renewed annually – for seven years and more. In early 2018, Howard Ndaba told OFM News the warehouses were never meant to be a permanent part of the department and the employees were always aware of this. Jack, on the other hand, argues that if the employees were seasonal labourers who worked over December and January preparing for the beginning of the school year, then yes, that would be a valid point. However, these people worked full-time for the Education Department, with their contracts being renewed year after year. The PSA says the 2015 amendment to the Labour Relations Act regarding contract workers also leans in their favour. The Act limits contract work to three months, without a justifiable reason. It states "Employment in terms of a fixed-term contract (newly concluded or renewed) for longer than 3 months will be deemed to become permanent employment – with some exceptions. Note – an employer cannot circumvent this provision by using successive fixed-term contracts limited to 3 months each. It is not the current contract period, but the total period of employment, that must not exceed 3 months". The Department is yet to comment on the outcome. OFM News