

MEDIA RELEASE: PSA successfully opposes National Department of Health's urgent interdict at High Court

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EMBARGO: None

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The Public Servants Association (PSA) has successfully opposed an urgent interdict by the National Department of Health at the High Court to force employees to render services at Civitas Building in Pretoria that was declared uninhabitable by the Department of Labour

The PSA represents the majority of employees stationed at Civitas Building and approached the Department in April 2018, warning it about the poor state of the Building. This intervention also led to action by NOSA, dealing with occupational-risk management services, and the National Institute for Occupational Health (NIOH) that has issued reports declaring the Building inhabitable.

The Department conceded to the fact that the Building was unsafe, and a plan was derived to address the issues from 1 August 2018. This was not followed through. The PSA received an ultimatum on 3 September 2018, directing its members to resume duty or face dismissal. The PSA, in turn, wrote a letter to the Director-General of the National Department of Health on 4 September 2018, requesting to indicate whether the building was safe for habitation. The PSA received no response to the letter and, instead, received a letter from the Department's legal representatives, indicating that an urgent application would be brought before the High Court.

In the High Court on 6 September 2018, the Department claimed that employees have been unruly and demonstrated acts of intimidation and violence at Civitas Building. The PSA, in return, indicated that it distances itself from any unlawful conduct, including threats, intimidation and violence by employees and does not condone such actions. Although the Union will advise its members to desist from such conduct, the PSA in no way concedes to any of the allegations made against it or its members in the papers before Court. The Department then withdrew its application and agreed to tender cost of the Court application.

"Many departments are in contravention of the *Occupational Health and Safety Act* as seen with the tragic fire in Johannesburg yesterday. The Department of Health, however, wants employees and the PSA to wait for another tragedy before it adheres to rules and regulations. We see crocodile tears being cried by government when it is fully aware of the hazardous state of the buildings its employees occupy. The Department is also aware that Civitas Building is a death trap," said PSA Acting General Manager, Tahir Maepa.

"The blame lies solely at the doorstep of a dysfunctional Department of Labour that does not have Inspectors to enforce the law. Employees have the right to walk away from unsafe workplaces. The right to dignity and life is enshrined in the Constitution. The *OHS Act* also offers protection and the PSA will stand by these employees to ensure their safety," said Mr Maepa.

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