

FOR PSA MEMBERS: GAUTENG DEPARTMENT OF HEALTH

26-06-2019

## Gauteng Health: Emergency Medical Services (EMS)

### Overlapping hours

Members will recall that the PSA declared a dispute on the non-payment of overlapping hours worked by EMS workers in Gauteng. The arbitrator ruled against the PSA and ruled that the Department has the right to use averaging of working hours when calculating overlapping hours. There is no collective agreement in place for the use of averaging of working hours. As a result, the PSA referred the arbitration award to the Labour Court for review.

The Judge in the Labour Court agreed with the arbitrator that the employer can use averaging of working hours when calculating the overlapping hours and again ruled against the PSA. The PSA obtained a legal opinion that reflected that the arbitrator and Judge are wrong in their ruling and that the PSA has the right to apply for leave to appeal and to take the matter forward to the Labour Appeal Court. The opinion indicated that a different court might come to a different decision.

The PSA has instructed its attorney to continue with the application for leave to appeal and take the matter forward to the Labour Appeal Court.

**Contrary to messages spread by other organisations, members must note that PSA is the only Union in Gauteng that took this matter on dispute and continued with it to the Labour Court and now the Labour Appeal Court.**

Members will be informed of developments.

Ivan Fredericks  
GENERAL MANAGER