

FOR PSA MEMBERS: EASTERN CAPE DEPARTMENT OF HEALTH - EMS

28-10-2019

Update: Eastern Cape EMS Mediation - 23 October 2019

Eastern Cape EMS members will recall that a Settlement Agreement was concluded with the employer in November 2018 to resolve the long-outstanding excess hours payments that were due to members ranging back from 2003. That agreement was implemented according to the stipulation as was agreed upon for all those qualifying EMS personnel who had worked the shift system from 2012/13 up to 2013/14:

1. Payments were effected in two phases, starting from December 2018, with the last payment in January 2019.
2. With the period from 2003 to 2011, all parties agreed that a dispute resolution mechanism that will include mediation by an agreed independent mediator be followed after the stalemate.
3. The PHSDSBC appointed the mediator and the date was set for 23 October 2019 in Bhisho.

During the mediation process, the employer party was adamant that the period in question could not be paid, citing the statute of limitation, *i.e.* law of prescription. After lengthy discussions and persuasions with the guidance of the mediator, it was resolved that:

- (a) Each union must get inputs or proposals from its constituency about the period that can be demanded, with reference to paragraph 2 above, as the full settlement of the impasse for the employer to consider the final settling of the period in dispute once and for all and that the demand must be submitted to the employer by 1 November 2019. Members must, for example, indicate that they are willing to demand from 2007 instead of 2003, and that they are willing to compromise the period from 2003 up to 2006. This is just an example of what inputs or proposals are requested from members and is in no way a guide or prescriptive from the PSA Administration.
- (b) The employer will consolidate unions' inputs/proposals as a demand and escalate these to its principals for consideration. Feedback to be given to parties by 11 November 2019.
- (c) The Mediator will after 12 November 2019 arrange another sitting for further engagement with all parties to pave the way forward, taking into consideration the employer's offer.

The PSA urges members to indicate their inputs or proposals as explained by the example above by 31 October 2019 to both the Mthatha and PE Provincial Offices for these to be put forward as a reasonable offer taking into consideration the law of prescription as raised by the employer.

Members will be informed of developments.

Ivan Fredericks
GENERAL MANAGER