

FOR PSA MEMBERS: SOUTH AFRICAN HEALTH PRODUCTS REGULATORY  
AUTHORITY (SAHPRA)

23-10-2019

## What's happening at SAHPRA?

### Organisational Recognition and Procedural Rights Agreement (ORPRA)

The employer tabled an agreement for negotiation on 14 February 2019. The agreement primarily deals with two **key issues**:

- Establishing organisational rights for a recognised/sufficiently representative (at least 30% of employees) trade union; and
- The establishment of a formal bargaining structure for consultation/negotiation regarding matters of mutual interest such as conditions of employment.

Labour presented inputs on the draft that were discussed in various meetings. However, agreement was not reached on the following two key issues:

- Right of trade union officials **to represent members in proceedings** unless the employer has granted permission.
- Decisions of the Workplace Bargaining Forum on matters other than matters for collective bargaining that will be by vote of the employer together with at least one of the unions. This could result in one union “outvoting” another on a matter for consultation such as an organogram for the organisation.

The consultant who handled the process on behalf of the employer left at a critical point. Requests for intervention to the acting Chief Executive Officer (CEO) and the Minister of Health yielded no response. Without a fully-functional Workplace Bargaining Forum the PSA cannot represent/protect members. The PSA referred a mutual interest dispute to the Commission for Conciliation, Mediation and Arbitration (CCMA). If no agreement is reached, members will be balloted regarding participation in industrial action.

### Travel Allowance

The *attached* agreement provides for the payment of a travel allowance of R1 900 per month with the month's pay run. Payments have consistently been late for two reasons. Claims can only be processed after the end of the month and the employer is utilising National Health's (NDoH) systems for this. Owing to competing priorities, the NDoH's involvement delays payment. This was aggravated when the financial systems collapsed in September.

The PSA asked to discuss SAHPRA handling the payments itself, but the employer is avoiding this and deferred it to the non-functional Workplace Forum. The PSA elected to refer a dispute on the interpretation and application of the agreement to the CCMA.

### **Recruitment process**

Labour asked to be observers in the recruitment process. The CEO indicated that the matter is receiving attention, but no further communication was received. This issue is linked to the rights and obligations of shop stewards as per the ORPRA. The PSA will continue to pursue the matter until it is satisfactorily resolved.

### **New building for SAHPRA**

The *attached* agreement provides for labour to participate in the process of identifying accommodation. Owing to a misunderstanding, the PSA only recently became aware that the bid adjudication process is almost concluded. The PSA-SAHPRA committee has now nominated Mr Tlou Ngoetjana to represent the PSA on the building committee.

### **New CEO**

The PSA welcomes the appointment of the new CEO, Dr Boitumelo Semete-Makoketla from 1 January 2020 and looks forward to open dialogue and a good working relationship between parties.

### **Special Investigating Unit (SIU)**

Members should note that the President signed a proclamation on 18 October 2019, authorising the SIU to investigate alleged serious maladministration and improper or unlawful conduct by employees from 1 January 2015 to date relating to the authorisation of the sale of unregistered medicines or medical devices and licensing.

Members will be informed of developments.

Ivan Fredericks  
GENERAL MANAGER