

FOR PSA MEMBERS: GAUTENG HEALTH EMERGENCY MEDICAL SERVICE (EMS)

23-01-2020

What's happening in Gauteng EMS?

Overlapping hours

Following a dispute on the non-payment of the overlapping hours worked by EMS workers in Gauteng, the arbitrator ruled against the PSA, stating that the Department may use averaging of working hours when calculating overlapping hours. There is no collective agreement for the use of averaging of working hours and the PSA referred the arbitration award to the Labour Court for review. The Labour Court unfortunately agreed with the Arbitrator and ruled against the PSA.

The PSA obtained a legal opinion, reflecting that the Arbitrator and Judge are wrong in their ruling/judgment and that the PSA has the right to apply for leave to appeal to the Labour Appeal Court. The PSA has consequently instructed its attorney. The Judge has to date failed to provide the reasons for her judgement, which is hampering progress in the leave to appeal application. The PSA's attorney is exploring all possible avenues to compel the Judge to disclose her reasons in order for the leave to appeal application to continue.

EMS Court case (dismissed members)

The PSA is currently awaiting an outcome on this long-outstanding matter at the Labour Court. The case commenced on 18 February 2019 until 1 March 2019 and again on 19 June 2019. On 24 June 2019, the PSA called the last witness and parties agreed that closing arguments would be exchanged by 31 July 2019, which was done. It was conceded by the Counsel of the employer that the dismissal of three members was wrong. The Counsel committed to reinstate the three employees, however, to date it was not done. The Counsel raised the concern later that the reinstatement can only be made with a written letter or agreement or Court order. A proposal to reinstate these employees was made by PSA's attorneys on 7 July 2019. The employer Counsel failed to respond to the proposal. The PSA's attorneys are continuously requesting updates from the Registrar at the Labour Court regarding the outcome of the mentioned court case.

Members will be updated on progress.

GENERAL MANAGER