

## Outcome: Arbitration meeting - Unilateral reduction of members' vacation leave accrual from 30 to 24 days

The arbitration was conducted on 12 April 2021 in Cape Town. The Commissioner addressed several technical issues relating to the fact that we choose to refer the matter for arbitration instead of opting to strike. He was concerned about the essential service status of employees of Cape Nature, which is only reflected of those being the “firefighters” as per the relevant Regulation of the Essential Services Committee. Furthermore, he emphasized the fact that it is not the prerogative of the employer to declare certain components of staff as essential services. Hence the employer will approach the Essential Services Committee to obtain this information – also for future use.

The employer's conduct in the reduction of the leave from 30 to 24 days per annum does not only address the issue of leave, but also the Long-Service Recognition agreement that was reached in 2012. The PSA produced a copy of this Resolution, informing the Commissioner that the employer neither indicated that it was withdrawing from this resolution, nor was any consultative process followed in this regard.

Owing to the technical matters raised, the dispute regarding the unilateral change in conditions of service was withdrawn as there was no prospect that it would be arbitrated. In essence, it must also be kept in mind that this award would only be an advisory award and the employer would still be left with the prerogative to implement the award or proceed with the *status quo*.

A dispute regarding the interpretation and implementation of the collective agreement was lodged and the date for conciliation is awaited. Members will be informed of developments.

GENERAL MANAGER