

Feedback: PSCBC meeting - 9 December 2021

Consultation: Draft remote working policy framework

Members will recall that during the last wage negotiations, the PSA had tabled as part of its wage demand, a demand to work remotely, where possible. This is not only because of the challenges brought about by the COVID-19 pandemic, but also to adapt to the new way of work. This matter was referred to a secondary process of Council during negotiations. At the PSCBC meeting on 9 December 2021, the employer tabled the draft policy framework (*attached*) for consultation. The framework is designed to assist Departments to develop a decentralised Remote Working Policy to, amongst others, determine:

- Remote working arrangement and its benefits;
- Resources required for remote working;
- Categorisation of staff eligible to work remotely;
- Type of work that can be performed remotely;
- Administrative measures for remote working;
- How security and confidentiality will be maintained;
- Whether remote work will be full- or part-time and how to keep employees engaged;
- How performance is impacted by remote work and advise on mechanisms to manage performance, and create a conducive environment for remote work.

The PSA is aware that the introduction of such a policy may lead to various pitfalls and even contribute to job losses. The principle for the PSA to engage in such a policy will always be to argue against any changes that will result in job losses and obtaining guarantees against such will be at the center of any negotiation process. Negotiations and engagement on the draft policy were referred to the Summit planned for March 2022 on all outstanding matters in Council. However, inputs on the policy are required before the commencement of the summit to ensure proper mandating takes place. Members are therefore requested to peruse the *attached* policy and provide the PSA with input by latest **20 January 2022**. Inputs can be submitted to velucia.maluleke@psa.co.za

Outstanding matters: Previous resolutions (clause 8.1.2: Resolution 5/2015)

The above agreement makes provision for the introduction of danger insurance for public servants. Various discussions on the matter took place and a researcher was appointed by Council to develop the concept of such an insurance. The research document was tabled in Council for engagement and it

became clear that fundamental pronouncements on parties positions need to be made on the funding for the insurance. Labour is of the view that current danger allowances should not be converted for this purpose, whilst the employer is of a different view. Parties subsequently agreed to refer this matter for engagement at the Public Service Summit in March 2022 to finalise all outstanding matters that have been on the agenda of Council for an extended period without any way forward.

Consultation: Professionalisation of the Public Service

The employer previously tabled a framework document for engagement on how it intends to professionalise the Public Service. The framework was previously circulated to members. Previously, labour requested clarity from the employer on whether a skills audit was conducted that informed the need for the process. Labour enquired on the outcome of such a skills audit and deficiencies that need to be addressed. This information will assist labour to provide meaningful input on the process. Unfortunately, the information has not been provided yet and the employer insisted that labour needs to make input. Parties agreed to refer the matter to the Summit in March 2022 for finalisation.

Retirement fund reform: Limited withdrawals from retirements funds

Members will recall that the Minister of Finance previously announced that legislation is being amended to allow members of private pension funds to withdraw a portion of their benefits for the purpose of mitigating the impact of the COVID-19 pandemic. This was not applicable to public servants as the Government Employees Pension Fund (GEPF) is a defined benefit fund. Labour, however, at a previous meeting requested the employer to provide the reasons for the conclusion and that it must be made applicable to public servants also as they were equally affected by the pandemic. The employer stated that Treasury is unfortunately not yet ready to release the document and that it will be able to respond to labour in January 2022 at the next meeting of Council.

Proposed amendment: Government Employees Pension Law 1996 - Spouses Pension

Prior to 2012, the *GEP Law (GEPL)* provision for a member who retires was to receive a gratuity (lump sum) and an annuity (monthly pension) until death. If and when that member died, the spouse would qualify to receive 50% of the late member's monthly annuity until he/she dies. This is the basis governed by the *GEPL* and is not an option, but rather a law (compulsory). This Law has not changed since or after 2012. However, from 2012, an amendment to the *GEPL* was made, whereby the member can choose to increase his/her spouse's annuity to 75% in the event of the member's death. To qualify for this option, (this is the only option as the previous 50% monthly annuity to spouse is a basis set in law and not an option), the member him-/herself must agree to a reduced gratuity (lump sum) and annuity (monthly pension) upon retirement. The increase to 75% for the spouse in the event of the members's death was therefore funded by the member through actuarial calculations. There was no additional expense to the GEPF.

The PSA tabled a demand that the increased pension annuity of 75% of the member's benefits for the spouse in the event of the member's death, must not be funded by the member upon retirement. In other words, the demand is that the member must be allowed to retire with full benefits as per the original basis, i.e., no reduction in gratuity and annuity. The original basis is that the spouse receives 50% monthly annuity upon death of the member. The demand is therefore that the spouse receives 75% of the monthly annuity in the event of the member's death, and that it be covered by the GEPF and not funded by the member upon retirement.

The employer noted the demand by labour and will respond at the next meeting of Council.

Consultation: Draft *Public Service Amendment Bill, 2021* and draft *Public Administration Management Amendment Bill, 2021*

The employer previously tabled the above-mentioned *Bills* for consultation in Council. Labour provided input and unfortunately did not get a clear response. At the same time, the employer approached Nedlac to commence with negotiations on the *Bills* before an adequate response could be obtained by labour in Council. After initial discussions at Nedlac, the employer reconsidered its approach and indicated that it intends to retable the *Bills* in the PSCBC for proper engagement. The General Secretary of Council was tasked to draft a schedule of meetings for the purposes of the consultation process.

Members will be informed of developments.

GENERAL MANAGER

DRAFT REMOTE WORKING POLICY FRAMEWORK FOR THE PUBLIC SERVICE, 2021: PRESENTATION TO THE PUBLIC SERVICE CO-ORDINATING BARGAINING COUNCIL (PSCBC)

Department of Public Service and Administration

09 Dec 2021



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Introduction

- The Policy Framework is issued in terms of section 3(1) of the Public Service Act of 1994 as amended
- The Remote Work Policy Framework provides a guide to Executive Authorities (EAs) on the institutionalisation of a Remote Working Policy that is customised to the specific needs of that department or entity
- The overriding requirement is the need for effective and efficient functioning of the bureaucracy and service delivery by allowing public servants to work remotely
- The Remote Work Policy Framework for the Public Service seeks to make the public service a forward-leaning entity on remote work, where public servants will be allowed to work outside their normal work environment, with management control and accountability.
- The aim is to maximise the cross-pollination of skills, talent and ideas as employee work from different locations in line with the Professionalisation Framework, Revised Batho Pele Service Delivery Strategy and the work towards the new Human Resource Strategy for the Public Service



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Purpose

- The Remote Work Policy Framework is designed to assist departments to develop a decentralised Remote Working Policy, which is able to among others:
 - ✓ Determine the Remote Working arrangements and its benefits;
 - ✓ Create a conducive environment for remote work;
 - ✓ Determine the resources required for remote working;
 - ✓ Determine the categorisation of staff eligible to work remotely;
 - ✓ Determine the type of work that can be performed remotely;
 - ✓ Determine administrative measures for remote working;
 - ✓ Determine how security and confidentiality will be maintained;
 - ✓ Determine whether remote work will be full or part time and how to be keep employees engaged;
 - ✓ Determine how performance is impacted by remote work and advise on mechanisms to manage performance



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Application

- The Policy Framework applies to all employees in the Public Service as determined by each Accounting Officer;
- It allows employees to work from a physical location other than their officially designated physical workstation/office or institution, as and when the need arises;
- The Framework also provides the principles for an administrative control mechanism and direction for when and how employees in the public service may, from time to time, be required to work from a remote location.
- It should be noted that a Remote Work Policy does NOT necessarily equate to “working from home” (i.e. employees may be required to work at a service delivery site or District Office other than their Head Office
- It should be noted though that the Policy Framework does not dictate where a person should work from (it can be home, another office, another province, another department etc. as determined by the AO)



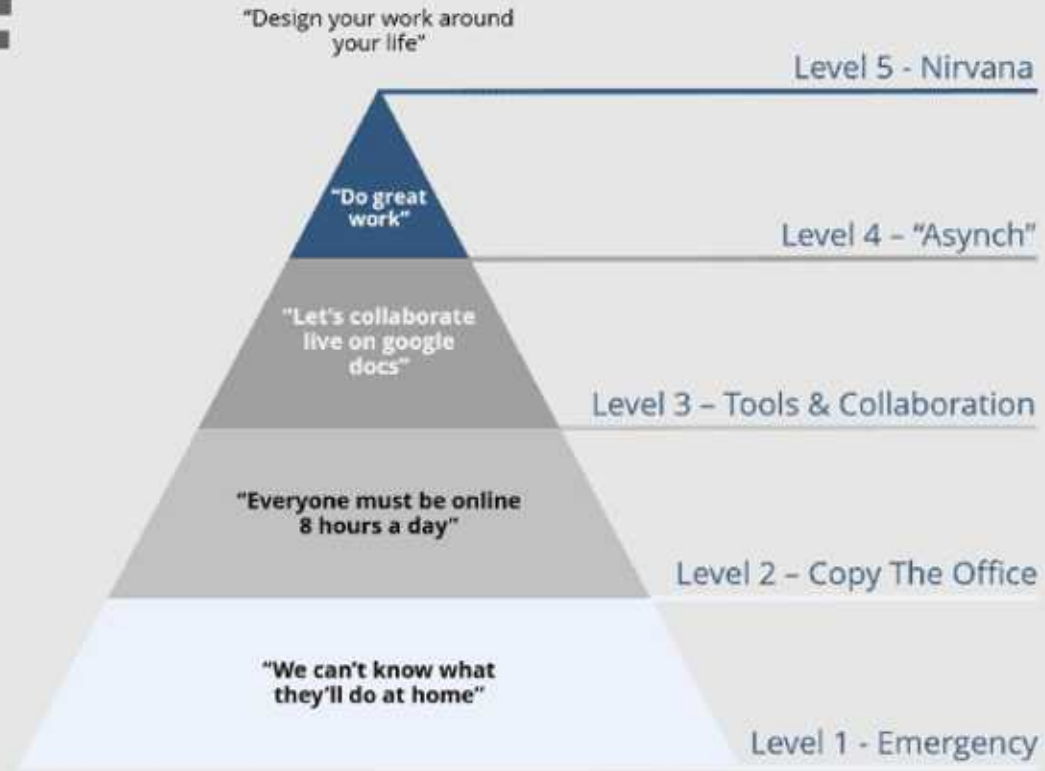
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FIVE LEVELS OF REMOTE WORK



- Don't replicate the office!



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New approach to work

- New approaches have to be agreed on for the management of performance, keeping teams intact, the provision of resources that enable offsite working i.e. ICT infrastructure; mobile connectivity; and relevant stationery;
- Agreements on measures to improve the ability of stakeholders and client access to contact officials offsite especially when physical contact is impossible;
- Reviewing of the concept of workplace Health and Safety relative to working-from-home and compliance with the OHS Act, BCEA, COIDA etc;
- Review of working time, leave, dress, office space, demeanour and sobriety and the labour relations matters that may arise from these arrangements; and
- Understanding that Remote Working Policy are a response to COVID-19 but are to be a permanent feature beyond the current pandemic

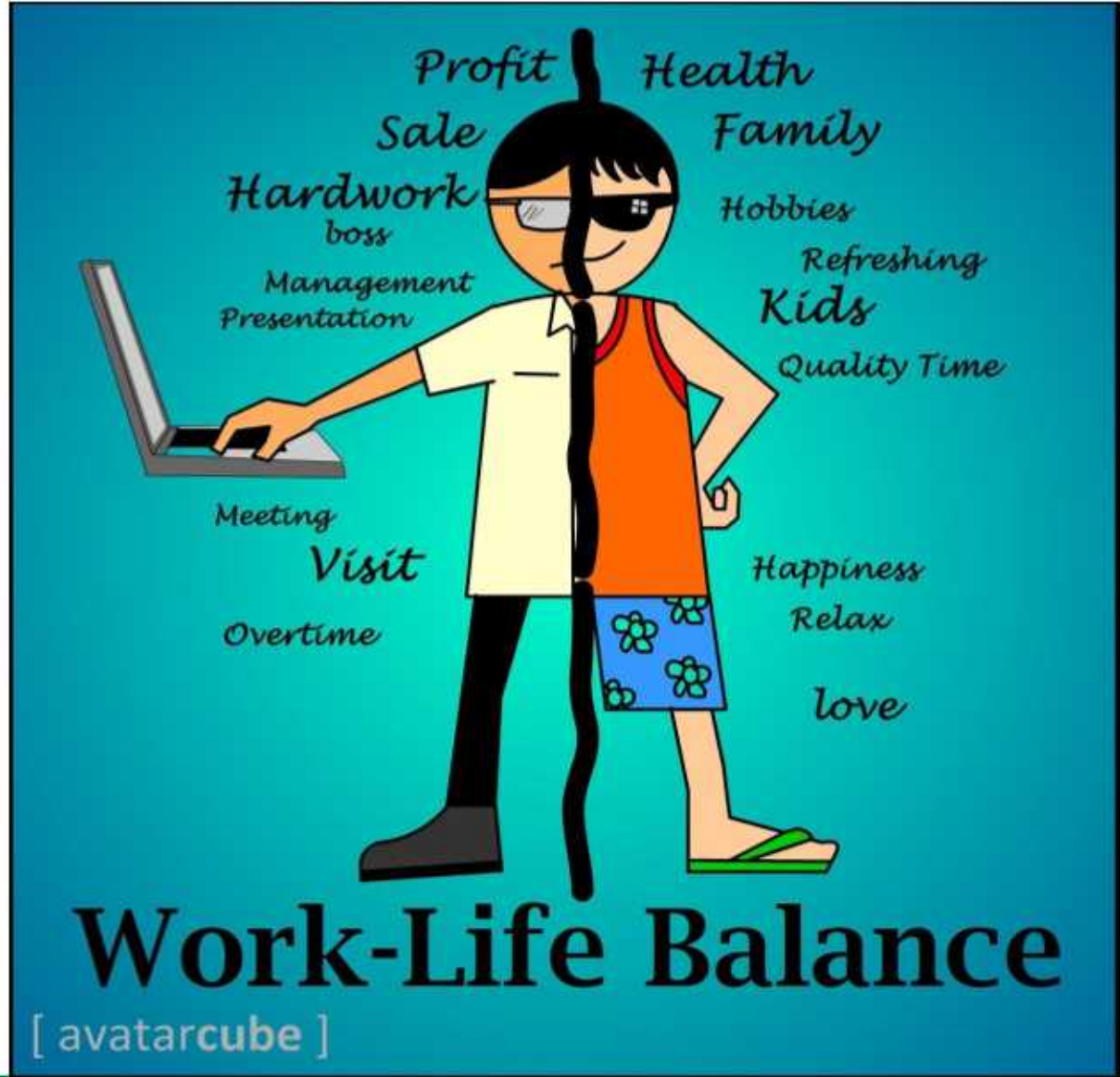


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Psychosocial support for a new work/life balance



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Administrative Controls

- Each Department should ensure that both employees and employers benefit optimally, based on individual contexts
- All Departments when internalising this Policy Framework, should ensure that the following generic administrative mechanisms are established:
 - ✓ An Internal Remote Work Policy informed by this Framework, that governs employee accountability for the delivery of employment obligations during remote working arrangements as a legal administrative control instruments is in place;
 - ✓ A formal work scheduling arrangement between the employer and employee is entered into, to ensure business continuity, non-interruption of products and services and allow an employee to self-manage and perform their work;
 - ✓ Mechanisms that ensure that service delivery operations, in support of maintaining the economic and social infrastructure of a capable State are not disturbed (i.e. that staff are reachable at all times);
 - ✓ Protocols to be followed to govern employees with proven vulnerabilities, have been infected or are affected by communicable diseases requiring either quarantine or isolation, but are still able to work remotely;
 - ✓ Protocols to minimise human contact through the use of digital virtual communication platforms and other ICT tools to conduct operational decision making including for work, meetings etc.;
 - ✓ Providing digital housekeeping rules and data management protocols; and
 - ✓ Ensuring full compliance with Occupational Health and Safety protocols especially when employees who are working remotely visit the office to minimise contamination and exposure.



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working from home....



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Elements of the Public Service Remote Working Policy Framework

- Remote working can be an institutionalised flexi or temporary working agreement between the employer and employees, who are allowed to work from a non-designated office location for a specified period or indefinitely, dependent on the circumstances and assessed associated risks to workplace contractual obligations, as well as to the occupational needs of the employee;
 - ✓ Approval for Remote Working is a management discretion and not a right;
 - ✓ Remote working may be for a specified period or on a recurring and/or regular basis, depending on the nature of the job;
 - ✓ Individual agreements should be covered and accompanied by a formal contractual Remote Work Agreement (Example: Annexure A). This serves as the official mechanism/arrangement for accountability of resource utilization, as well as contractual deliverables;
 - ✓ Each department is to consider this Policy Framework within the parameters of applicable national laws and industry standards, in line with agreed principles with organised labour in consideration of service delivery;
 - ✓ Rank considerations (levels) should not be included as a precondition when considering applications for Remote Working other than when management prescripts may need to be applied; and
 - ✓ All applications for Remote Working will be considered on their own merit and will be allowed at the discretion of management after application by each employee to avoid a blanket approach which may negatively affect service delivery.



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I don't always work.

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But when I do,
I make sure
my boss is around.



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Responsive employer

- Each Department should include a clear strategy and plan for how communications will be maintained with, and amongst all employees;
- Departments should include measures to train and equip supervisors to manage the day-to-day functioning of remote working to include quality of work, providing support to staff whilst not micro-managing and maintaining team spirit;
- Activities should be undertaken to maintain the changing culture of the Public Service and departments to ensure that employees still belong and work as a team, even when working remotely.
- Working hours should still be maintained (i.e. meetings and calls should be limited to during working hours as a rule depending on deliverables.
- Allowances for Remote Working may be terminated by the Employer within a 24 hours notice if the employer has reason to believe:
 - ✓ The employee is not performing in accordance with their Performance Agreement;
 - ✓ The employee is not adhering to the Employer's policies and/or the provisions of Policy Framework;
 - ✓ The work requirements requires that the employee returns to their normal official designated work station



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Rethinking employee wellbeing in a hybrid work age



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Virtual Management and ICT

- Rules of engagement on virtual meetings, video calls, instant messaging, availability for emails and standard response times should be clearly stipulated;
- Departments should consider introducing “Bring Your Own Device” (BYOD) policies to mitigate the declining of remote work applications due to a lack of budgets to purchase technological devices enabling remote work.
- Whilst the employer is not obligated to purchase devices for the sole purpose of enabling employees to work remotely, all endeavours should be taken to ensure that, this is not the sole reason for declining an application
- Departments should ensure that the application of BOYD is considered after there is clarity on the issue of user based licenses on the equipment to enable data security on personal devices, license requirements on apps and secure network connections.
- Rules for virtual meeting platforms should be clear; and
- Recordings are in compliance with SA information or data sovereignty Regulations (i.e. POPIA)



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"I WORK FROM HOME!"



ME, WHEN MY
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WORKING



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Capacity Building for the Rollout

- Existing PS strategies, plans, policies and practices have been drafted for managing people at the workplace and not remotely;
- Remote working requires changes to organisational cultures, systems, methods and procedures which could enable employees to achieve their own goals and that of the organisations;
- The NSG working with the DPSA have developed a new course titled “**HR Implications of Remote Working and Virtual Management**” to equip HR practitioners, line managers and Members of SMS with the relevant skills for remote working
- The DPSA has contracted the Government Technical Advisory Centre (GTAC) located at the National Treasury to review all Regulations, Circulars, Norms & Standards, related policies and Directives to bring the Public Service HR regime to the 21st Century as we prepare for the Future of Work
- A new HR Strategy for the Public Service is being developed and will be consulted on; and
- The management of risk in terms of the employer’s equipment, data, documents etc. that are kept and managed from offsite locations in terms of theft, damage and loss through fire, flood, vermin etc.
- The Policy Framework includes 6 annexures **A**: Sample Remote Work Agreement; **B**: Remote Work Mandatory Information; **C**: Remote Work Policy Assessment Checklist; **D**: Work Scheduling; **E**: Remote Working ICT Guidelines; and **F**: Rules Government Virtual Meetings



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WAYFORWARD

- This Remote Working Policy Framework is meant to be a scaffolding guide to assist government departments to remain responsive and productive and quickly adapt to remote working arrangements
- Accounting Officers retain the legal responsibility to determine workplace requirements and for ensuring the delivery of the full public service array.
- The Remote Working Policy Framework can be used as part of decongestion processes in the workplace, to reduce accommodation and related services costs and to cater for individual departmental and employee needs.
- Remote working arrangements are NOT a right nor possible for everyone in the workplace and is therefore, at the discretion of the Accounting Officer.
- Departmental policies should therefore be clear with regard to the responsibilities and expectations of the employee and should therefore specify the resources/support that will be provided and what the employee's own responsibilities are.
- All employees are still expected to uphold the image of the Public Service, requiring them to adhere to the content of the policy or any other government rules while working remotely.
- We invite inputs which will inform the finalisation of the Policy Framework and approach to rollout



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Inkomu Ndiyabulela



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