

FOR PSA MEMBERS: **GOVERNMENT EMPLOYEES MEDICAL SCHEME (GEMS)**

10-01-2022

Update: Correspondence from GEMS - Rejection of claims owing to non-compliance with RWOPS requirements for public-sector healthcare workers

The *attached* self-explanatory correspondence received from GEMS bears reference. Healthcare members will recall that in 2004 the Public Service Commission launched an investigation into remunerative work outside public service (RWOPS) owing to concerns that public-sector employees were not complying with agreements entered into with employers regarding RWOPS.

Towards end of 2013, GEMS obtained a legal opinion, which advised that the Scheme was required to prospectively stop the “untoward behaviour” in relation to RWOPS and that claims submitted may be invalid as public servants should be on duty.

A subsequent opinion was recently obtained, which in summary, indicates that a medical-aid scheme cannot deal with the conduct of a public employee as the contractual and legislative relationship between the employer and employee rests with the employer to manage.

The previous decision taken by GEMS was therefore rescinded.

GENERAL MANAGER