

FOR PSA MEMBERS: **PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL  
BARGAINING COUNCIL (PHSDSBC) – KWAZULU-NATAL**

11-10-2022

## Feedback: Special Chamber meeting - 6 October 2022

The employer reported that it has been having budgetary constraints to sustain salaries of contract employees. It further indicated that it has committed to absorb these employees, however, it was experiencing financial difficulties. It reported that initially, it had 7 020 employees on fixed-term contract using budget from Provincial Health and Disaster. That money has since been exhausted and a decision has been made by principals to second some contract employees to the non-governmental organisation (NGO) *Right to Care*, to ease the financial burden. The employer reported that it approached this NGO for funding, however, the NGO stated that it cannot give the employer money, but can put some of these employees on its payroll on a 12-month contract whilst the employer is trying to source funding. As and when the employer has funding, or the NGO runs out of funds, the employer will take over these employees.

Only four districts will be affected where *Right to Care* operates, namely Amajuba, uMgungundlovu, eThekweni, and uThukela. Each district will get 20 Staff Nurses and 20 Data Capturers, which means 40 employees are to be seconded to each district. A total of 160 contract employees will thus be seconded. Labour raised disappointment with the stunt of the employer to use employees for labour brokering. The PSA is worried whether employees would still get the benefits that they were receiving from government.

Labour wanted to know if staff members have a choice to agree or disagree and whether this was consultation or instruction. The PSA wanted to know if employees were consulted, and if not, when would consultation start, and when this secondment is supposed to start. The employer responded that it was sharing information. Members had no choice but to take it or leave it because the employer doesn't have money to pay them and, furthermore, the NGO wants them to start right away. The employer indicated that it planned to start consultation from 7 to 14 October 2022. Secondment would start from 17 October 2022. Labour indicated that they were not happy with this movement of employees and requested to be given time to talk to members.

Labour wanted to know which criteria would be used to select the 20 employees from each district. The employer responded that it would use the same criteria for absorption to permanent posts. Labour made it clear that they do not support this move. However, they support that employees be consulted. It became clear that since this was an instruction, labour had no say and reserved their rights. The view of labour is that employees should still qualify for all benefits, including the occupational-specific dispensation (OSD), and an agreement must be concluded to protect employees' benefits.

Labour requested time to seek a legal opinion in the matter, but the employer refused to delay implementation of this decision. The PSA requested a memorandum of understanding (MOU). The employer agreed to the MOU as soon as it is signed by both the NGO and the provincial Health Department.

The next meeting will be on 20 October 2022.

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GENERAL MANAGER