

FOR PSA MEMBERS: DEPARTMENT OF MILITARY VETERANS (DMV)

06-03-2023

Feedback: Departmental Bargaining Chamber (DBC) meeting – 2 March 2023

DBC dysfunctionality owing biased Chairperson

The PSA demanded that the current Chairperson be recused and the role of chairing be delegated to Council as the Chairperson was not impartial. His position of Chief Director made it difficult for him to execute his responsibilities, which affected the efficiency of the Chamber. Despite the employer position that the Chairperson must continue as elected by both parties for a period of 12 months, the PSA maintained that he must be recused. After much deliberation and intervention by the secretariat, the Deputy Chairperson took over to preside over the meeting and the Chairperson left the meeting.

Occupational health and safety (OHS)

The appointment of committee members was concluded, and training will commence soonest. The PSA reported that the current building in Festival Street has structural defects, leaking toilets, expired firefighting equipment, inadequate parking space, cramped working space with no windows, and dysfunctional air conditioners. There are also no demarcated assembly points in case of fire or an emergency. The employer could not provide reasons why the problems were not addressed with the landlord. The employer requested 30 days to investigate these issues. This was rejected by the PSA and the Department of Employment and Labour will be approached as members cannot work in the unsafe building. Further, it was resolved that the OHS Task Team will meet on 6 March 2023 to deliberate on the way forward. The employer indicated that the Department will be moving to the new building before the end of the financial year although there was no inspection *in loco* for the new building, despite the previous commitment by the employer. The matter will be part of the task team agenda.

Policy task team feedback

The meeting from 21 to 24 February 2023 could not take place as the PSA was not available, although employer claimed that it continued without the PSA to review 26 policies. The PSA reminded the employer that the task team included both parties and demanded that the secretariat must share the original policies and not the ones deliberated by one party. A task team meeting will be reconvened for two days to allow parties to deliberate on the said policies.

GPSSBC Resolution 5/2014: Agreement on Recognition of Improved Qualifications in the Public Service

The employer reported that implementation has commenced. Some employees who applied and qualified for recognition of qualifications have been paid. The PSA requested that such information be shared through the secretariat by 10 March 2023. The employer agreed.

Vacant posts

The employer reported that the filling of SMS positions was underway. This was welcomed by the PSA as there is a leadership vacuum in the Department that causes instability and negatively affects employees. Entry-level positions will be advertised internally.

Organisational structure

The employer reported that it is not aware when the process of restructuring will be completed. The PSA enquired on the basis of creation and advertisement of positions out of the current approved organogram as some officials are acting in positions that do not exist. The employer indicated that the Logistic position was benchmarked with the DPSA and approval was granted for the post to be filled. Two positions were abolished. The PSA requested a copy of the submission to abolish two junior positions. The employer agreed to share this by 10 March 2023.

Contract employees absorption

The PSA demanded that contract employees must be absorbed. Currently there are over 40 contract workers and others have been with the Department more than seven years and their contracts are renewed on an annual basis. The basis for the PSA's argument was that legitimate expectation was created, some workers are engaged in critical services, and the uncertainty of employees' future. The employer agreed that legitimate expectation has been created and the process to absorb these employees is underway. Further, where contract employees exceed available positions, competitive recruitment process will apply. However in sections where contract workers are lesser than available positions, they will be absorbed automatically and the process to take four to six months. The employer indicated that employees from the Department of Defence are there to support the Department whilst the process of restructuring is underway. They are paid by the DoD that will bill the Department. The employer was, however, not clear whether it has a Service Level Agreement or Memorandum of Understanding. This is concerning and the PSA requested a copy of the authority document that informs these arrangement, which the employer will provide on 6 March 2023. The PSA requested that those who will not be absorbed be put on at least a five-years contract to enable them to better plan their life, unlike the current 12-month contracts. The employer will consult with its principals and report back in the next Chamber meeting.

Bursary allocation vs value for money

The PSA raised concern over non-compliance with the bursary allocation wherein contract workers were allocated a long-term bursary, *i.e.*, someone on a 12-month contract granted a bursary for three years. This failure to act in accordance with the prevailing policy is not only irregular but disadvantages employees who qualify for bursaries and are denied. The PSA called for investigation of the financial misconduct and consequence management. The irregular expenditure cannot be left unattended. The PSA was requested to provide list of employees who were denied opportunities and committed to submit this by 10 March 2023. The employer agreed to initiate the investigation by the end of March 2023.

Defence Act: Employees in Administration and Security positions

The PSA commented that constantly bringing high-ranking officials under the *Defence Act* to work as security officers, receptionist, and administrative officers is a disservice to the country. Many soldiers are occupying administrative positions with a high salary when the positions could easily be filled with the contractors. Further, it is the view of the PSA that there is an anomaly in that the National Defence Head Quarters are secured by private security as a National Key Point whilst an ordinary public service department is staffed with the Army. The PSA demanded that the soldiers must be removed from the departmental offices with immediate effect as the Department should be gun-free zone. The PSA submitted that Colonels who are earning directors' salaries are working as administrators, which is scandalous. There are also retired soldiers at the Department who are blocking opportunities for young people amidst high unemployment. The employer noted the submission and will respond at the next meeting.

Provincial Help Desk Coordinators: Poor working conditions

The PSA reported that Provincial Help Desk Coordinators are placed in a non-conducive working space with no tools of trade, leading to some working from the boot of their cars owing to inadequate office space. Further, cleaning and security services are not provided. The said employees are not signing performance agreements as they are just abandoned, with no one caring about their wellbeing. This conduct by the employer is also exposing the employees to unruly military veterans as the Department has not honored commitments made to them and their beneficiaries. Although the employer committed to visit these workplaces to investigate the allegations, the PSA committed to provide it with the names of affected employees before the end of the month.

Labour Relations Directorate: Incapacity to execute legislated duties

The PSA indicated that the Labour Relations Directorate is dysfunctional and incapacitated, judging by the number of long-standing unresolved grievances, and unlawful suspensions of employees beyond stipulated timeframes as provided by the legislation without any charge brought against them. The PSA called for the upliftment of all employees who have been suspended more than 60 days without any action from the employer and gave the employer an ultimatum to conclude all grievances and disciplinary processes by 31 June 2023. The employer indicated that the suspensions will not be uplifted as it will be seen as interference to which the PSA reserved its rights. The employer also committed to fast-track disciplinary processes to meet the deadline of 31 June 2023, as proposed by the PSA.

Alleged picketing instigated by labour

The PSA cautioned the employer against acting on rumours and creating unnecessary confusion in the workplace. This is after the employer issued WhatsApp communication, threatening workers with consequences of participating in illegal picketing when the PSA requested an opportunity to have a meeting with members. The PSA demanded an apology from the employer for tarnishing the name of the Union by creating the impression that the PSA does not understand the legal framework upon which it operates. After much deliberation, the employer refused to tender an unconditional apology. The PSA was left with no choice but to seek legal advice if apology is not received within five days.

Members will be updated on developments.

Employees who want to join the PSA can visit the PSA's website (www.psa.co.za), send an email to ask@psa.co.za, or contact PSA Provincial Offices.

GENERAL MANAGER