

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

03-08-2023

Feedback: PHSDSBC

Community Health Workers (CHWs)

Members will recall that parties to Council signed a Collective Agreement extending the lifespan of PHSDSBC Resolution 1/2018 for two consecutive terms. The employer tabled a draft agreement to extend the lifespan once again with a further three years to allow parties to conclude on outstanding matters as per clause 5.5. Clause 5.5 of the Resolution stipulates: parties to ensure the development of Standard Operational Procedures (SOP) for the recruitment, selection, appointment, placement, remuneration, skills development, dispute resolution, occupational health and safety processes, and the absorption in the health system for CHWs, and the subsequent process that may follow in line with policy framework and strategy for ward-based outreach.

Labour raised concerns regarding the ongoing extension of these contracts without securing permanent employment for CHWs. Members will recall from a previous *Informus* that the Department of Employment and Labour is busy with an investigation in terms of section 52(3) of *the Basic Conditions of Employment Act (BCEA), Act No 75 of 1997* into the conditions of employment of CHWs. However, the BCEA's section 55(7) provides that the Minister may not publish a sectoral determination covering employees and employers who are bound by a collective agreement concluded at a bargaining council.

It is therefore important to note that the investigation into a possible sectoral determination does not apply to CHWs who fall within the scope of the Bargaining Council. During the Council meeting on 1 August 2023 labour raised serious concerns regarding the fact that certain provinces have provided transport to CHWs to attend the public hearings investigation, which does not apply to them. CHWs who fall within the PHSDSBC terms and conditions are governed by PHSDSBC Collective Agreement 1/2018.

Labour and the employer agree that the investigation into the possible sectoral determination does not apply to CHWs in the Health Council. Parties furthermore agree that the task team will meet, starting on 4 August 2023, to engage constructively on this long-outstanding item to comply with clause 5.5 of PHSDSBC Resolution 1/2018.

Child and Youth Care workers

The PSA received numerous complaints from Child and Youth Care Workers who are forced to perform functions that do not fall within their registered scope of practice. Child and Youth Care Workers' terms and conditions are regulated through various pieces of legislation and subsequent collective agreements,

which require them to be registered with the South African Council for Social Service Professions (SACSSP). The PSA brought this matter to the attention of the employer as early as June 2023, but unfortunately, the PSA did not receive any response from the Department of Social Development. The PSA tabled this matter at the level of the Council to resolve the matter amicably.

During the discussion at Council, the PSA provided the background and explained that Child and Youth Care Workers are expected to administer schedule-4 and -5 medication and escort children to outside facilities. These responsibilities do not fall within the ambit of Child and Youth Care Workers and pose a significant risk to these workers and the children under their supervision.

The employer was once again not ready to engage on the matter and requested that it be deferred to the next Council meeting on 31 August 2023. The PSA, however, raised grave concern as this practice cannot be continued as this may have dire consequences for employees performing work outside their scope of duties. The PSA requested that *interim* measures should be considered from the employer side to safeguard these employees. Unfortunately, the employer was not able to respond. The PSA advises affected members that they should only perform functions as per their scope of practice as outlined in the *SACSSP gazette*.

Token of appreciation: Draft agreement

The outbreak of COVID-19 brought about unprecedented challenges to government services, particularly in the Health and Social Development Sector. Despite all these challenges, frontline workers continued to demonstrate their commitment to fighting the pandemic to assist government to meet its mandate and responsibility. Frontline workers sacrificed a lot personally in ensuring that service delivery was not interrupted during the pandemic. The objective of this agreement is to provide a token of appreciation for all qualifying frontline employees who provided services during the COVID–19 pandemic.

As previously reported, the token of appreciation was subjected to a negotiation process last year. A draft collective agreement was tabled for parties to engage on. Numerous engagements took place, and the employer tabled a counter proposal of two days' of special leave. Labour rejected the proposal and tabled a counterproposal of five days' special leave.

The employer conceded to labour's proposal of five days' special leave to all qualifying employees as per the *attached* agreement. Labour did, however, raise a concern regarding qualifying employees and parties agreed to engage further on the occupations that may qualify.

Members are requested to provide the PSA Chief Negotiator (jannie.oosthuizen@psa.co.za) with a mandate to accept the five days' special leave as a token of appreciation to frontline workers by **15 August 2023** through their respective PSA provincial structures.

GENERAL MANAGER