



# INFORMUS

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

19-09-2023

## Update: PHSDSBC

### Community Health Workers (CHWs)

Members will recall that parties to the 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 by a further three years to allow parties to conclude on outstanding matters as per clause 5.5. Clause 5.5 of the resolution stipulates that “parties to ensure the development of Standard Operational Procedure 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 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 through 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 of 15 September, labour raised concerns regarding the lifespan of the agreement that will come to an end in July 2025. This may have an impact on CHWs. Labour will table an amendment to the agreement to ensure that CHWs who fall within the scope of the Council will still be protected.

### 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 by 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, but unfortunately, the PSA did not receive any response from Social Development. The PSA tabled this matter at the level of the Council to resolve the matter amicably.

During the discussion at Council, the employer tabled a written response and labour requested time to scrutinise the feedback and will reply at the next meeting.

### **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 these challenges, frontline workers continued to demonstrate their commitment to fighting the pandemic to assist government to meet its mandate and responsibility. Frontline workers lost out on a lot of their rest and family time in the line of duty because of their dedication, continued service, and 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 counterproposal of two days' of special leave. Labour rejected the proposal and tabled a counterproposal of five days' of special leave. The employer conceded to the labour proposal of five days' of special leave to all qualifying employees. However, labour raised concerns regarding qualifying employees and parties agreed to engage further on occupations that may qualify. The bone of contention on who qualifies and who does not is still under discussion and parties could not agree during the meeting. Labour will provide a final list of whom it believes should qualify on or before 22 September 2023. A Special Council meeting will be scheduled to deal with this long-outstanding matter.

### **Provision of Uniform: Review: Uniform Allowance - Nurses**

Members will recall that an agreement that regulates the provisions of uniforms was signed and subsequently replaced the Uniform Allowance. The objective of the agreement is as follows:

- To convert the current amount allocated for uniform allowance for nurses to a provision of uniform.
- To provide uniforms for nurses in public health and social development.

The number of sets of uniforms per employee shall be served over two consecutive years and the proposed implementation date will be 1 October 2023.

Unfortunately, the employer is not ready to provide uniforms and labour is demanding that the allowance should be paid to all eligible categories until the employer can provide uniforms to all eligible employees. In the meeting on 15 September, the employer conceded that it was not ready to provide the uniform as per the collective agreement. The employer indicated that it would table a draft agreement with amendments that will allow the payment of the uniform allowance in the absence of the provisions of uniforms. This amendment will be tabled at the coming special meeting. Labour indicated the urgency of the matter and the failure of the employer to finalise the matter may have detrimental consequences to the Department at large.

Members will be updated on developments.

Reuben Maleka  
GENERAL MANAGER