

FOR PSA MEMBERS: **PUBLIC SERVICE COMMISSION (PSC)**

17-07-2023

Feedback: PSC Special Departmental Bargaining Chamber Meeting – 13 July 2023

PSC Bill

The employer brought in a representative to explain the *PSC Bill* as organised labour requested to know what the status of the *PSC Bill* was, and what the employer is intending to do with it. The employer stated that from 2019 the *Bill* was introduced and gazetted on 19 June, with 18 July 2023 as the closing date for inputs, an extension was granted up to 9 August 2023. The employer reported that this *Bill* is regarded as a priority. Once all inputs have been received and captured it will be sent to DPME for certification before it goes back to Cabinet and Parliament by September 2023.

The PSA requested to know the *Bill's* impact in terms of the conditions of service for the employees. The employer reported that it is intending to achieve impartiality of the institution in terms of *Sect 195/196 of the Constitution*. The employer further advised that once the *Act* has been passed, employees will be transferred to PSC and employed in terms of the *PSC Act* but will retain the same terms and conditions of employment as if they were still employed in terms of the *Public Service Act*, however, employees will have the option to be transferred to any other department within the Public Service if they are not comfortable with the new arrangement. Organised labour advised the employer that the *Bill* is a mandate of Parliament and is content with the fact that the content cannot be discussed in such a forum, labour requested that it be tabled at DBC and PSCBC for discussion.

It was agreed that the *Bill* will be shared with organised labour through the Secretariat for the employer to table it on 21 July 2023 at a Special DBC.

Collective Agreement on Special Leave

The employer had previously tabled this "Special Leave Collective Agreement" for the OPSC which was entered into in 2011, the PSA was not part of the signing of such an agreement. The legal opinion sought suggested that the document be withdrawn as it was not signed by members who are representatives in the Bargaining Chamber and also not ratified by Council. The employer is intending to re-table it at the correct forum. The HR Director should not have concluded a Collective Agreement with an organisation without being presented to the Council. The PSA advised the employer that council must be informed of this intention to withdraw and also to present it to the DBC after confirmation of withdrawal has been obtained as it was not verified by the Council in the first place, and it was agreed.

Appointment of Contract Workers

Labour requested to be furnished with the employer's challenges with contract workers and the fact that the employer intends to terminate them. The employer indicated that by the end of March 2023, it was discovered that there was underspending of the allocated budget of around R13 000 000 for Compensation of Employees (COE), and a resolution was taken by plenary to identify capacity with an intention to spend such and not return the funds to Treasury. About 50% of posts were filled on contracts. With the implementation of the Salary Adjustments, it was discovered that PSC is overspending as there were no funds from Treasury to mitigate the adjustments. Labour requested that the employer share the COE figures through the Secretariat and thereafter address the contract workers. The figures that will be shared could then be discussed at the next Special DBC on 21 July 2023.

Employment Equity DG Review

The employer reported that the Employment Equity Committee will be resuscitated as it was not active to ensure that PSC is compliant. OPSC has been found wanting in terms of compliance with targets set annually for all active employees. The PSA stated that it is shocked by the revelations that the PSC as an oversight organisation is not compliant on the issues of the *Employment Equity Act*, however, it welcomes the employers' stance to resuscitate the Employment Equity Committee.

The *Employment Equity Act* (no. 55 of 1998) is a South African law that aims to achieve equity in the workplace by eliminating unfair discrimination and promoting affirmative action. The *Act* protects employees from discrimination based on their race, gender, HIV status, age, disabilities, political opinion, or sexual orientation. Employers with more than 50 employees are required to submit employment equity plans for their companies, spelling out how they will achieve regional targets set by the Minister of Employment and Labour. Labour supported the idea and will fully be participating in the committee.

Hours of Attendance and Working Hours

The PSA advised the employer that the DG has unilaterally issued a memorandum which has implications of changing terms and conditions of employment, which should not have been sent as an email after hours to employees without proper consultation. Labour proposed that the employer fully motivate this "policy" for discussion in the DBC, and it must be fully motivated. The employer agreed that this was supposed to be consulted at the DBC and apologised but insisted that attendance registers should be signed for the protection and safety of employees. Further deliberations will be on an ongoing basis as it is anticipated that this will not be a permanent arrangement. It was agreed that the employees may continue signing the attendance registers as an interim measure, and the employer will rephrase the memorandum, and share with labour through the Secretariat for proper consultation.

PMDS Policy, Recruitment and Selection Policy and Leave Policy

The employer tabled the three policies, and it was agreed that the policies be deferred to the PTT for further engagement on Wednesday 26 July 2023.

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