

Feedback: Council meeting

Draft minimum service level agreement in Public Service

The draft agreement seeks to establish a minimum service for essential services in the public service in the event of protected strike action. The Essential Service Committee in terms of section 71 of the *Labour Relations Act* may, amongst others, decide whether to designate a whole or a part of the service that was the subject of investigation contemplated in section 71(1) as essential service. Section 72 of the *Act* requires parties to negotiate and conclude a collective agreement that provides for the maintenance of a minimum service in the designated essential services.

A previous *Informus* requested members to provide inputs through their relevant PSA Provincial Offices on the draft that was circulated on 20 June 2023. Unfortunately, the PSA has not received inputs on the draft. Members are once more requested to provide inputs through their respective PSA Provincial Offices by no later than **5 October 2023** to the Chief Negotiator.

Spousal benefit increase to 75%

This matter was tabled at the level of the PSCBC for engagement during a special Council meeting on 21 August 2023. The Government Employees Pension Fund (GEPF) requested more time to engage with the Department of Public Service and Administration (DPSA) on the matter as it has financial implications. The GEPF, however, indicated that such an amendment would require the employer to change the benefit and contribute extra to meet the resulting increase in liability. This would require extensive engagement between the GEPF and the DPSA.

During the Council meeting on 27 September 2023, the employer reported that such an increase of the spousal benefit to 75% will cost the employer R122 billion, which is unaffordable. The employer therefore is not able to agree to such a demand. Labour noted the response from the employer and indicated dismay with the employer's response. Labour will consider its options in this regard.

Subsidised vehicle restrictions prejudicing employees

The PSA has been inundated with requests from members who are concerned that they will be penalised by subsidised vehicle restrictions that have been imposed by the National Treasury because of budgetary constraints and/or COVID-19 regulations. Since the lockdown in 2020, employees have been restricted to travel as per their signed contracts. Some employees will be completing their contracts. Given this, the PSA placed the matter as an agenda item for the employer to comply with Policy Handbook version 1 of 2017.

In terms of clause 20 of the National Transport Policy, there are special provisions whereby applicable penalties can be waived by a Head of Department. Examples of mitigating circumstances that must be considered before imposing penalties on employees who are underutilising their subsidised vehicles are:

1. An employee whose job description and responsibility have changed.
2. An employee who, owing to medical reasons, was absent from work for a duration of time and could not utilise the subsidised vehicle.
3. An employee on maternity leave.
4. Limitation on distance travelled by subsidised vehicles owing to the implementation of budget constraints in the department.

Labour therefore requested the employer to allow employees to withdraw their vehicles from the scheme upon completion of their contract period, irrespective of the kilometers travelled, since it was not of their own doing that they could not travel the required kilometers as explained above. The employer requested more time and will revert to labour.

Review of Government Employees Housing Scheme Resolution

Resolution 7/2015 introduced a Government Employees Housing Scheme (GEHS) in terms of clause 4.2 of PSCBC Resolution 4/2010, clause 3.3 of PSCBC Resolution 2/2011, and clause 19 of PSCBC Resolution 1/2012.

The agreement, amongst others, introduces assistance to employees to access affordable housing loans and finance, and to assist with renting houses with a view to buying and owning a house. Clause 4.5.6.5 provides direction that should an employee's service in the public service be terminated, the following provisions shall apply:

- In the event of retirement or medical boarding – the employee shall receive the full value of the accumulated savings.
- In the event of the death of the employee – the full value of accumulated savings shall be paid to the nominated beneficiaries of the deceased employee or estate.
- In the event of resignation and dismissal - Employees who resign or are dismissed shall not be entitled to receive the accumulated savings.

It is the PSA's view that clause 4.5.6.5.3 perpetuates financial mugging of poor public servants who are homeless. Labour demands that this clause be reviewed or removed to allow for employees who resign or are dismissed to receive their own accumulated savings to ultimately have access to housing, which is a fundamental right guaranteed by the Constitution.

Unfortunately, the employer is not willing to consider the review of the clause as it is of the view that it will defeat the purpose of the agreement and its conditions attached to accessing this money. Labour expressed displeasure with the response and will consider options in this regard.

Members will be updated on developments.

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GENERAL MANAGER