

Update: Meeting between Labour and the Boarder Management Authority (BMA) Commissioners – 18 March 2024

After the employer failed to convene a meeting as arranged to address challenges facing members, the PSA escalated its dissatisfaction to the BMA Commissioner, leading to a discussion on the following issues:

Tax Issues

The employer previously reported that there were prior agreements between the employer and the South African Revenue Service (SARS) to review a sample of approximately 40 pay slips and to share feedback with labour. However, there has been a failure on the part of the employer to provide updates on the investigations and their outcomes. Subsequently, a decision was reached during a meeting that the employer, through the office of the Commissioners, would provide feedback to labour within three days of the meeting date. Furthermore, it has been disclosed by the Commissioner that BMA is presently undergoing an audit by an Internal Auditor. There is optimism that this audit process will shed light on the reasons behind the high taxation experienced by employees. Additionally, the Commissioner has assured that if any employees are found to owe taxes to SARS after filing, BMA will assume full responsibility for these tax liabilities. This commitment is made under the premise that the tax debts are not a result of the employees' actions.

Third party payments

Labour expressed dissatisfaction with the employer's failure to adhere to the resolution from the previous meeting, which mandated the sharing of commitment letters from the employer. These letters were intended for instances where payments were deducted from employees' salaries by the employer, but disputes over non-payment arose from third parties. Consequently, it was decided that any outstanding payments owed to third parties must be settled without delay, and commitment letters must be obtained and distributed to labour. Additionally, the Commissioner emphasised that the BMA would prioritise filling critical positions to enhance administrative efficiency.

Unpaid allowances and overtime

Labour reported that members continue to face challenges regarding unpaid allowances and overtime, causing inconvenience due to delays in payment processing by management. A commitment has been

made to enhance communication with affected employees in case of processing delays. An ongoing benchmarking exercise at OR Tambo International Airport, where claims and allowances are electronically submitted, is being monitored for potential implementation across all Port of Entries to enhance efficiency and reduce errors. Further communication via ICT will inform members of claim submission deadlines and payment dates. A report will be submitted to labour within three days following this meeting.

Officials' bursaries

The concern was raised by labour regarding the proposed implementation of a bursary policy by the employer. This policy, though yet to be finalised, was communicated by the employer through an internal circular, which directly contradicted the conditions of service initially agreed upon by the transferred officials from their former departments post-transfer. In response to these concerns, the employer has committed to withdrawing the circular and allowing the bursary committee to handle both existing and new applications, ensuring the inclusion of labour in the process. Furthermore, the employer was reminded to honour the conditions outlined in the transfer agreement, particularly prioritising the payments of officials who financed their studies.

New BMA Structure/Cost of structure and issuing of appointment letters and contracts of employment

Labour has raised inquiries regarding the financial implications of the new BMA structure, as well as the compensation framework for officials within this new framework, diverging from the previous DPSA salary scales. In response, the Commissioner revealed that while BMA had requested a substantial budget allocation of R 2.9 billion for this transition, only a fraction, R250 million, was approved by the treasury, falling significantly short of the necessary funds for BMA's operations in the upcoming financial year. Despite this setback, the Commissioner assured ongoing negotiations with the treasury to secure additional funding, promising to update labour within the next three weeks. The delay in issuing appointment letters and contracts of employment were attributed to the holdup in budget allocation from the treasury, further complicating the transition process. Labour expressed concerns about the possibility of BMA not entirely exiting the public service due to these funding delays, suggesting a potential need to extend Section 197 for transitional purposes. However, the Commissioner emphasised ongoing efforts to ensure BMA's autonomy by 1 April 2024, although acknowledging the possibility of extending transitional measures if necessary. Feedback will be provided to labour, with discussions continuing through the Bargaining Forum to address any further concerns.

The undermining of the interim National Bargaining Forum by some members of the BMA management

Certain members of the BMA management have been actively undermining the interim National Bargaining Forum (NBF), causing significant concern among labour representatives. This disregard for the decisions made within the forum by the employer has raised questions about the commitment to the bargaining process and the respect owed to negotiated agreements. The interference by management has disrupted the stability of transitional discussions and decisions, impacting the ability of labour to effectively communicate outcomes to its members. The Commissioner, upon being made aware of these actions, emphasised the importance of all parties honouring their commitments and respecting decisions reached within the bargaining forum. Additionally, the Commissioner stressed the need to enhance the directorate's capacity to ensure financial efficiencies, thus improving the overall situation.

In response, labour expressed reservations regarding the lack of accountability for those managers who deliberately fail to implement NBF decisions. They highlighted the potential consequences of this behaviour and submitted that if there is no accountability from BMA management within the limited timeframe before the BMA exits the Public Service, they would consider escalating the matter to the Public Service Coordinating Bargaining Council (PSCBC) to protect the interests of their members. This underscores the seriousness with which labour views the undermining of decisions made within the NBF and the importance of ensuring accountability from all parties involved.

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 a PSA Provincial Offices.

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