

## Feedback: Departmental Bargaining Chamber meeting - 27 February 2024

### Occupational health and safety (OHS) compliance

Pursuant to the establishment of the OHS task team, comprising of members of the employer and labour, the pursuant terms of reference for the task team were concluded and adopted at the DBC. The Chamber has given the task team the go-ahead to monitor and ensure compliance on all OHS matters in the Department. This function will be in support of the work already being done by the OHS unit in the Department and OHS committees across the Department. However, the reason the DBC saw it fit to establish this task team was owing to several concerns received from various provinces where the Department remains non-compliant whilst there are OHS committees across the country. As a result, the Chamber will enforce compliance and empower committees through this task team. Members are urged to reach out to their PSA shop stewards whenever they have concerns about OHS non-compliance, which remains unresolved after being reported to the relevant OHS representatives.

### Use of lawyers in disciplinary hearings

The PSA has continually raised concerns with the employer regarding the continued use of legal practitioners in disciplinary hearings and arbitrations. This practice completely undermines the principle of fair hearing as it presents a playing field that is not level. The Disciplinary Code and Procedures contained in PSCBC Resolution 1/2003 forbids the use of legal practitioners in disciplinary hearings, with the exception where the employee is a legal practitioner. However, the employer insists on using lawyers in charging employees of any level and initiating any matter, irrespective of complexity. The employer has further assumed an automatic admission of legal practitioners in all matters of discipline. The PSA has challenged this matter at the Public Service Coordinating Bargaining Council (PSCBC) and obtained more than one arbitration award in its favour. However, the employer is refusing to implement these awards and has taken these for review at the Labour Court. The PSA views the actions of the employer as an abuse of power and state resources. The PSA is opposing the review application of the employer.

### Water Interruption Circular

Members are aware that the PSA persuaded the employer to develop *Circular 48 of 2023*, which empowers office managers to close offices and release employees whenever there are water interruptions in the workplace. The Circular directs offices to have water tanks that are sufficient in size and capacity for the office. When water in the tank is depleted and there are prolonged water disruptions, the employer is required to release employees from work within a period of three hours. The Circular has

addressed many inconsistencies in offices during water disruptions and provided office managers with much-needed guidance on the matter. However, there are circumstances that the PSA raised with the employer where the application of the three-hour period should not be strictly applied but employees should be released within a shorter period than three hours. This is in instances where the water disruption prolongs beyond a day and the tank runs out of water and employees report the next day with insufficient water. The PSA is of the view that provincial managers should exercise their discretion in favour of employees whenever the shortage of water may pose a risk to their health and release them in a shorter period and notifying clients.

### **Provincial Consultative Forum**

Parties have agreed that there is a need to engage Provincial Consultative Forums (PCF) in all provinces to revive those that are no longer active and strengthen ones that are active. Owing to budgetary constraints and cost containment measures, the sessions will be held virtually with each province and where intervention is needed, such intervention will be provided. PCFs are critical to the PSA and its members in ensuring that matters of interest are addressed locally in the specific provinces to avoid unnecessary delays that often occur when matters are escalated to national level to serve on the agenda of the Departmental Bargaining Chamber (DBC). The PSA will engage its shop stewards through PSA Provincial Offices to ensure their maximum participation in the PCFs. Dates for the PCF engagements will be sent out once confirmed.

Employees who want to join the PSA can visit the PSA's website ([www.psa.co.za](http://www.psa.co.za)), send an email to [ask@psa.co.za](mailto:ask@psa.co.za), or contact PSA Provincial Offices.

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