

FOR PSA MEMBERS: LIMPOPO DEPARTMENT OF HEALTH

19-03-2024

Update: Performance of overtime

Members will recall that it was reported that there are about 970 affected members who performed overtime more than 30% for the 2017/18-financial year who could not be paid. The matter was tabled at the Public Health and Social Development Sectoral Bargaining Council (PHSDSBC) after the employer failed to pay affected employees the said overtime. The employer reported that the Head of the Department (HoD) approved the payment of overtime, and the employer wrote a submission to the Provincial Treasury for further approval. The employer committed to have it paid before the end of the financial year once final approval is received from Treasury.

Consequently, the Provincial Treasury declined the request for approval of the payment of overtime on the basis that it will be a contravention of regulation 49 (b) and (c) of the Public Service Regulations. Subsequently, the PSA and other recognised unions declared a dispute with the Public Service Coordinating Bargaining Council (PSCBC). The PSCBC set the matter down for conciliation on 14 March 2024. During the conciliation, the employer raised a point *in limine* that the dispute is referred as an interpretation of the collective agreement and not an unfair labour practice. The employer conceded that it owed affected members, hence the HoD approved and further wrote to Treasury for further approval, hence the argument that the matter must be an unfair labour practice rather than an interpretation and application of a collective agreement dispute. The PSA argued that changing the nature of the dispute will not change the fact that the employer is unable to pay affected employees without the approval of Treasury. It remains the informed and unshaken view of the PSA that the employer owes the employees who have worked overtime, and the matter was thus correctly referred.

The Commissioner directed that the employer must submit arguments on or before 20 March 2024. The PSA and others must respond by 27 March 2024. Once all arguments are submitted, the Commissioner will make a ruling. The PSA will determine a way forward once the ruling is received.

Members will be informed of developments.

Employees who wish to join the PSA should contact Paulina Moloto - 082 880 8957, Lawrence Muvhango – 082 880 8995 or the PSA Provincial Office on (015) 295 0500.

Reuben Maleka
GENERAL MANAGER