



**FOR PSA MEMBERS: DEPARTMENT SOCIAL DEVELOPMENT- WESTERN CAPE**

05-05-2025

## Essential Services Committee (ESC) calls for minimum service agreement - Social Development

The Department of Social Development is currently deemed an Essential Service in its entirety. The Chairperson of the ESC called organised labour and the employer to a meeting to workshop the conclusion of a Minimum Service Agreement (MSA) in respect of the maintenance of minimum services in the Department of Social Development.

The above stems from a determination made by the ESC on 11 February 2025, in terms of section 72(8) of the *Labour Relations Act 66 of 1995 (LRA)*, in which it was called upon to set out the framework for MSAs.

This matter was previously tabled by the employer at the PHSDSBC in the Western Cape but remained unprogressive, thus the reason for the ESC's intervention. The ESC is established in terms of section 70 of the *LRA*. The functions of the ESC are to:

- Monitor the implementation and observance of essential services determinations, minimum services agreements, maintenance services agreements, and determinations.
- Promote effective dispute resolution in essential services.
- Develop guidelines for the negotiation of minimum services agreements.
- Decide on its own initiative or at the reasonable request of any interested party, whether or not the whole or a part of any service is an essential service.

The ESC may only determine a service as essential where, in terms of section 213 of the *Act*, it can be shown that an interruption of that service would endanger the life, personal safety or health of the whole or any part of the population. Moreover, it would have to be established that a clear and imminent threat to life, personal safety or the health of the whole or part of the population existed.

The employer provided labour and the Chairperson with draft MSAs for Bonnytoun, Clanwilliam, De Novo, Horizon, Vredelus, Kraaifontein ROAR and Treatment Centre, Kensington Treatment Centre, Sivuyile, LIndelani CYCC, and Outeniekwa CYCC. The documents were found wanting, which called for further engagements with labour.

Labour sought clarity on why the urgency for an MSA when the burning issue of staff shortage remains pending in the province. Staff cannot be overburdened and agreements concluded based on warm bodies whilst the operational staff-job-weight ratio remains unbalanced. The Chairperson noted the concerns and stated that in terms of the *LRA* the ratios agreed upon in the MSA will supersede any other existing legislative requirement. The agreement would also provide workers with the right to strike, which they could not enjoy previously.

The Chairperson further informed parties that as per section 72(2) of the *LRA*, if parties fail to conclude a collective agreement providing for the maintenance of minimum services or if a collective agreement is not ratified, a panel appointed by the ESC may determine the minimum services that are required to be maintained in an essential service.

The above meeting was concluded with parties agreeing to meet in May 2025 to avoid the implementation of section 72(2) by the ESC. The matter was adjourned. The PSA will keep members updated on any further developments. Social Development employees are called upon to join the PSA as the Union continues protecting their rights and promoting their interests. Employees interested in joining the PSA or wanting to raise any employment concerns should contact the PSA Labour Relations Officer at [angelo.fisher@psa.co.za](mailto:angelo.fisher@psa.co.za).

Reuben Maleka  
GENERAL MANAGER