



FOR PSA MEMBERS: **SOUTH AFRICAN HEALTH PRODUCTS REGULATORY AUTHORITY (SAHPRA)**

02-10-2025

Feedback: ESC issued ruling designating SAHPRA services as essential

Members may still recall that on 2 May 2025, SAHPRA approached the Essential Services Committee to conduct investigations into whether its services could be designated as essential in terms of section 71 of the *Labour Relations Act*. SAHPRA management is determined to ensure that members' right to strike is restricted by the designation. The ESC hearings commenced on 5 August 2025 in Johannesburg, continued around the country until 15 August 2025, and wrapped up with closing arguments on 9 September 2025.

SAHPRA, supported by big business and pharmaceutical industry, argued that its services, which include monitoring, evaluation, regulation, investigation, inspection, registration, control of medicines, scheduled substances, medical devices, radiation control, clinical trials and related matters, are essential and should be designated as such by the ESC. Throughout the duration of the hearings the PSA maintained that an interruption of SAHPRA services because of strike action would not put any human life in danger as there are stringent health systems already in place in the country, such as hospital and pharmacies already licensed.

Despite no or little evidence provided by SAHPRA and its big business partners that the interruption of functions because of a strike may endanger life, the ESC nevertheless issued a ruling, dated 30 September 2025, designating SAHPRA functions as essential services and directing parties to conclude a Minimum Service Agreement (MSA). This is essentially limiting members' right to strike as there would be conditions attached.

A MSA is a collective agreement in South Africa that allows essential service employees to strike by ensuring a basic, reduced level of service is maintained to prevent public endangerment during industrial action. Employers and employees or unions define the essential service, the extent of the service to be maintained, and employees who will provide it. The agreement must be ratified by the ESC to be legally binding, protecting both the right to strike and the public interest. The PSA will study the ruling (*attached*) and advise members on the way forward.

Employees who want to join the PSA must contact PSA Provincial Offices.

Reuben Maleka
GENERAL MANAGER