

# Magazine

4/2021

Official magazine of the PSA (Public Servants Association of SA) NPC

**INSIDE: RECRUIT AND THE PSA  
WILL PAY YOUR BILLS\*  
(UP TO R1 000)!**



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## VISION

Position the PSA as a leading brand that is globally recognised by its dominance in the Public Sector through its responsive, innovative and customer focus.

## MISSION

Continue to conduct the core business of the Union and maintain strategic partnerships to protect the rights and promote the interests of our members individually and collectively in the relevant social dialogue platforms. In addition to this, the marketing of the PSA will be done aggressively by utilising all communication platforms.

The following values guide the PSA's conduct aimed at achieving the Union's mission:

*Loyalty, transparency,  
respect, integrity,  
consistency, and  
service excellence.*



Magazine

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Publisher: PSA

Editor in Chief: General Manager

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A large, vibrant purple chrysanthemum flower is the central focus on the left side of the image. It is positioned on top of a dark, weathered wooden box. The background is a deep, dark blue or black, which makes the purple of the flower stand out. In the lower right corner, there are several dandelion seed heads, some of which are in the process of blowing away, their white seeds catching the light and creating a soft, ethereal glow against the dark background.

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## In service of workers

**S**outh Africa remains in the cruel grips of the COVID-19 pandemic and the past year has undoubtedly been one of the most challenging periods in history for South African workers.

The pandemic claimed not only more than 83 000 lives but directly resulted in the loss of jobs and income and caused utter devastation. During this time, frontline workers remained on duty and kept the country afloat. The PSA pays tribute to public servants who continue to render selfless, quality services to South Africans. The PSA is, however, extremely concerned that especially health workers are on the brink of physical and mental collapse. The continued strain of assisting vast numbers of critically ill patients since the onset of the pandemic has taken a toll on these workers.

The PSA is also concerned about the absence of a plan by government in partnering with private institutions to assist with the vaccination rollout amidst continued infections. The low number of South Africans who have been vaccinated to date is a clear indication that government does not have the ability to ensure that mass immunity is achieved as soon as possible and thus alleviate pressure on the health system. A critical shortage of health workers adds to the pressure. The PSA calls on government to take immediate steps to ease the burden by appointing more health workers.

There is also a clear lack of a proper and convincing communication strategy to enable citizens to understand the benefits of vaccinations and to provide them with relevant information to make informed choices. The PSA, whilst acknowledging the right of choice, encourages all South Africans to be vaccinated.

The pandemic's devastation was coupled with exploding crime statistics. South Africa experienced double-figure increases in most crime categories. Statistics show an increase of 60.6% in crimes such as murder, attempted murder, sexual offences, and all other categories of assault. Aggravated robberies increased by 92.2% when considering April to June 2020 statistics. Overall statistics indicate that crime has increased by 72.4%. Within three months, 5 760 citizens were murdered. Rape increased to 10 006 incidents, 181 farm attacks were reported, common assault and grievous bodily harm amounted to 76 936 reported cases, whilst domestic violence related cases totalled 15 000. Crime is clearly out of control and the PSA is disturbed that the SA Police Service seems to lack capacity to respond to these criminal elements. At the same time, fatal attacks on Police officers have increased and COVID-19 has claimed the lives of more than 800 Police officers.

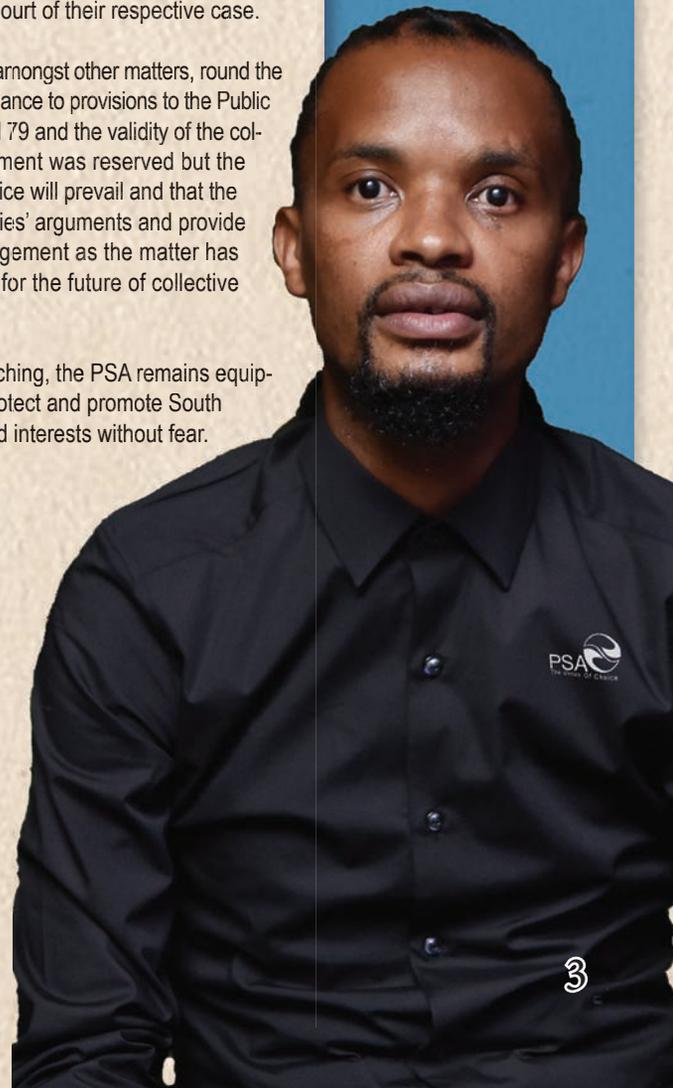
The country struggles with the highest rates of violent crime, robbery, carjacking, and rape. These crimes are rooted in social norms, inequality and are supported by the uncontrolled movement of people and goods across borders. The PSA calls for a coordinated approach from all stakeholders, including education, the safety and security sector, the SA Revenue Service, social development, National Intelligence, the Department of Home Affairs, and the private sector for a strong, determined, and consolidated approach against crime at all levels of society to bring about a state of law and order that will restore the confidence of citizens and investors alike.

At the end of an undisputedly tumultuous year, the PSA would like to thank all members for their continued support and participation, especially during various salary negotiations and the watershed Constitutional Court case. The Public Service wage dispute arising from government's failure to in 2020 honour the last leg of the three-year agreement concluded in 2018 was heard on 24 August 2021. All applicants were afforded reasonable time to raise salient points in convincing the Court of their respective case.

The PSA's case revolved, amongst other matters, round the substantial or actual compliance to provisions to the Public Service Regulation 78 and 79 and the validity of the collective agreement. Judgement was reserved but the PSA is confident that justice will prevail and that the Court will consider all parties' arguments and provide a fair and reasonable judgement as the matter has far-reaching implications for the future of collective bargaining.

With 2022 rapidly approaching, the PSA remains equipped and determined to protect and promote South African workers' rights and interests without fear.

Marcus Ramakgale  
**GENERAL MANAGER**





# COVID-19 vaccination: YOUR RIGHTS

**D**ecisions whether to vaccinate against disease have mostly been a personal choice, dictated by religious, medical, or cultural factors. However, following the devastating impact of the COVID-19 pandemic and with the emergence of new strains of the virus, some employers are reportedly evaluating whether to make the vaccination of employee's mandatory. This after the Department of Employment and Labour (DEL) recently issued an updated "Consolidated Direction on Occupational Health and Safety", "which, amongst other things, expressly permits an employer to implement a mandatory workplace vaccination policy, subject to specific guidelines".

Additionally, according to the DEL before implementing a mandatory workplace vaccination policy, employees are required to be consulted.

As an employee, what does this mean for you if you cannot take the vaccine? Employees have the right in terms of Section 12(2) "to bodily integrity in and the right to freedom of religion, belief and opinion" in Section 13 of the Constitution. Medical grounds refer to issues of an immediate allergic reaction of any severity to a previous dose or a known (diagnosed) allergy to a component of the COVID-19 vaccine. This therefore means that the employee can refuse to vaccinate on either medical or constitutional grounds. This, however, means that it will be the responsibility of the employee to prove that taking the vaccine will be more harmful than not taking the vaccine. An employee may also refuse to be vaccinated on religious grounds and the employer cannot force an employee to vaccinate if he/she raises these grounds.

The responsibility falls on the employer to consider how to reasonably accommodate such an employee. **An employee cannot be dismissed for this reason.**

If an employee cannot vaccinate, the employer will need to make a call to accommodate the employee where the employee will be at a lessor risk of contracting the virus. This will, however, automatically have consequences for that employee. It will mean that there is a possibility that by virtue of the function that the employee will now be performing, by reason of the reasonable accommodation, the

employee may not get opportunities for promotion or other workplace benefits. This can be the "consequence of the decision taken to not vaccinate".

An employee can, however, currently not be dismissed because of the constitutional grounds upon which a person can refuse vaccination. It does not appear to be legal to dismiss an employee who does not wish to vaccinate unless, of

course, the employee does not have sound grounds for refusal to vaccinate. The employer's only relief is reasonable accommodation at this stage, meaning that it can pull an employee from duties and place him/her in other functions in the organisation. Reasonable accommodation will include: an employee being placed in work that is:

- Working offsite or from home.
- Working in isolation, away from other employees, within the workplace.
- Working outside ordinary working hours; or
- Being required to wear an N95 mask if coming into limited contact with other employees.

The permissibility of a mandatory vaccination policy remains subject to an assessment of the risks present in each individual workplace and the guidelines issued by the Department of Employment and Labour, including:

- Age
- Co-morbidities
- Risk of transmission owing to the job role
- Any collective agreement in place on the subject

<https://businesstech.co.za/news/business/498527/new-rules-say-covid-19-vaccines-can-be-made-mandatory-in-south-africa-this-is-the-guide-you-should-see/>  
Department of Employment and Labour

Some workers have expressed fears of intimidation owing to their decision. It must, however, be noted that an employee cannot and should not be intimidated into vaccinating. If an employee is threatened, he/she must approach their union for engagement with the employer on the rights of the employee as enshrined in the *Constitution* and further recognised by the DEL and government. Even though it is ideal for employees to vaccinate to reduce their chances of contracting the virus as well as protecting other employees, they cannot be forced to do so.

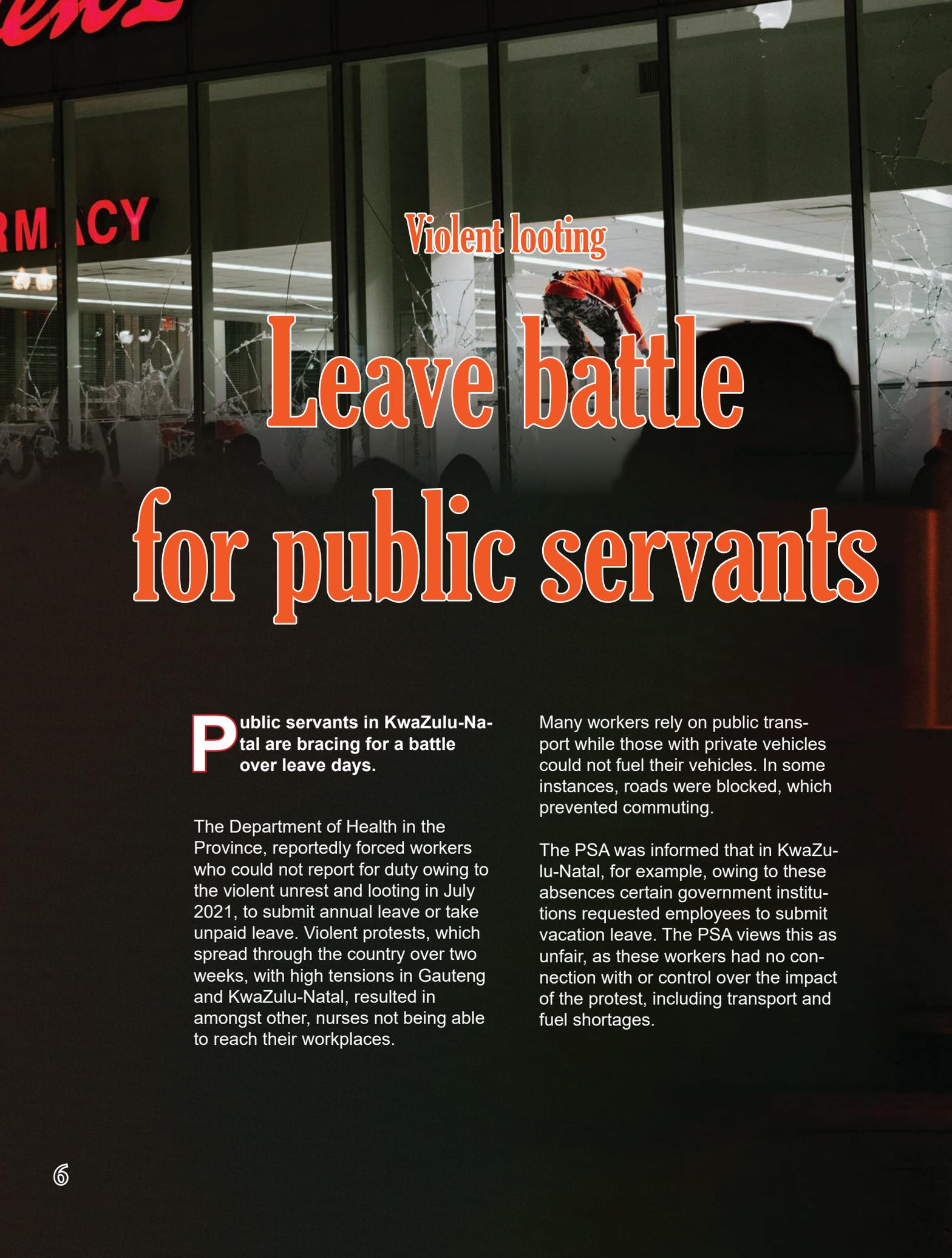
Discussions are still to be held in Labour Councils regarding mandatory vaccinations, but the PSA is of the view that vaccinations can be **encouraged** but **not forced** as any force applied will have an impact on an individual's Constitutional rights.

This choice is voluntary, but the PSA encourages employees - especially frontline workers - to as far as possible, vaccinate. This is not to be viewed as medical advice but rather as the PSA's view based on scientific research, which has proven that those vaccinated have a smaller chance of succumbing to the virus.

<https://www.businessinsider.co.za/can-i-refuse-to-be-vaccinated-at-work-in-south-africa-2021-6>  
<https://www.globalcompliancencnews.com/2021/07/02/south-africa-guidance-is-sued-on-mandatory-vaccination-policies-for-the-workplace-15062021/>  
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Photo: pexels-rtstudio





Violent looting

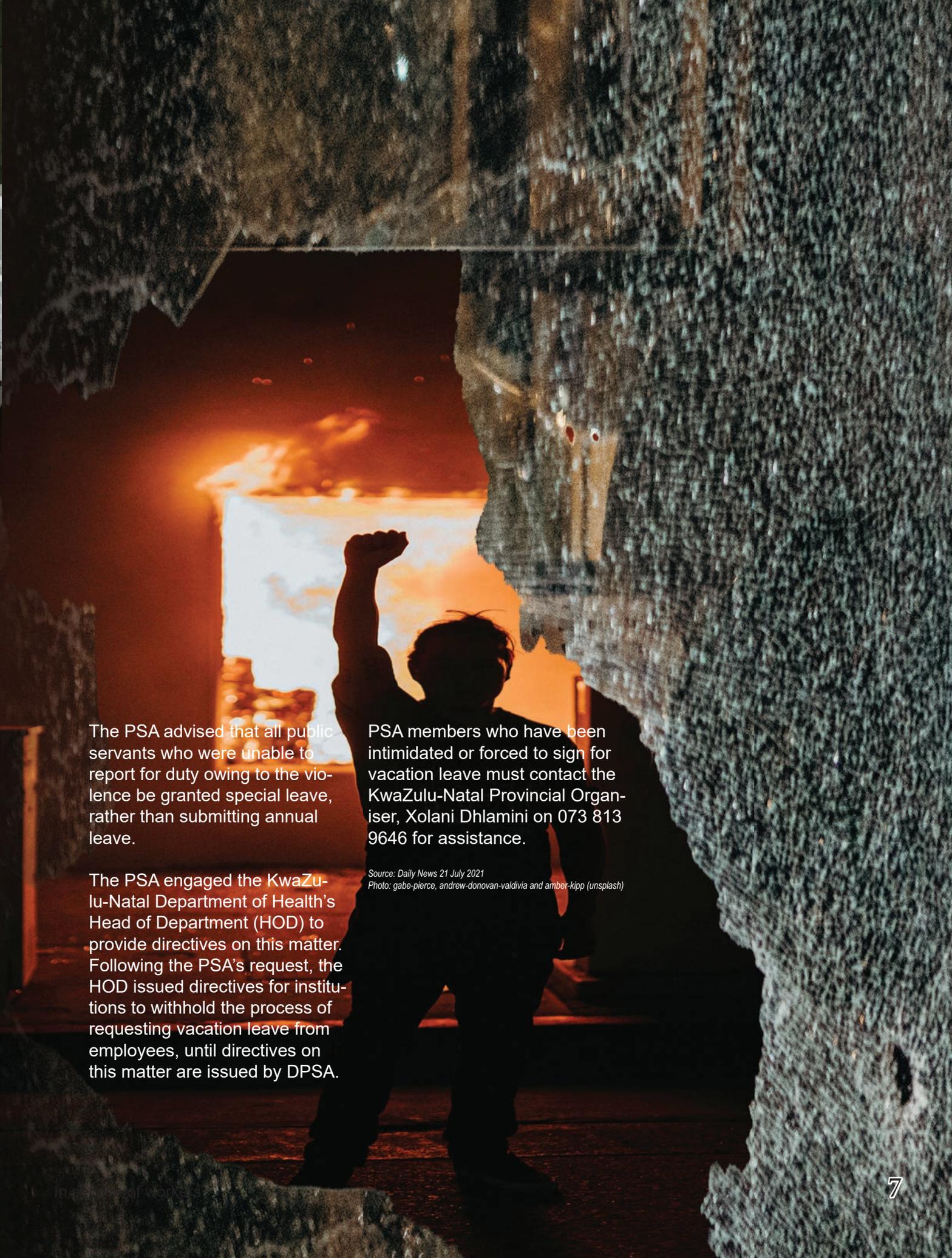
# Leave battle for public servants

**P**ublic servants in KwaZulu-Natal are bracing for a battle over leave days.

The Department of Health in the Province, reportedly forced workers who could not report for duty owing to the violent unrest and looting in July 2021, to submit annual leave or take unpaid leave. Violent protests, which spread through the country over two weeks, with high tensions in Gauteng and KwaZulu-Natal, resulted in amongst other, nurses not being able to reach their workplaces.

Many workers rely on public transport while those with private vehicles could not fuel their vehicles. In some instances, roads were blocked, which prevented commuting.

The PSA was informed that in KwaZulu-Natal, for example, owing to these absences certain government institutions requested employees to submit vacation leave. The PSA views this as unfair, as these workers had no connection with or control over the impact of the protest, including transport and fuel shortages.



The PSA advised that all public servants who were unable to report for duty owing to the violence be granted special leave, rather than submitting annual leave.

The PSA engaged the KwaZulu-Natal Department of Health's Head of Department (HOD) to provide directives on this matter. Following the PSA's request, the HOD issued directives for institutions to withhold the process of requesting vacation leave from employees, until directives on this matter are issued by DPSA.

PSA members who have been intimidated or forced to sign for vacation leave must contact the KwaZulu-Natal Provincial Organiser, Xolani Dhlamini on 073 813 9646 for assistance.

Source: Daily News 21 July 2021  
Photo: gabe-pierce, andrew-donovan-valdivia and amber-kipp (unsplash)

# Public Service wage battle continues in Constitutional Court and

**The battle over the non-implementation of the final leg of salary increases for public servants in 2020, despite written assurance by the Minister of Public Service and Administration, that there was commitment to comply with the terms of the 2018-collective agreement, continued in the Constitutional Court on 24 August 2021.**

Public Service Coordinating Bargaining Council (PSCBC) Resolution 1/2018 made provision for a three-year agreement on salary adjustments and improvements to conditions of service for public servants in the 2018/19-, 2019/20- and 2020/21-financial years. Clause 3.3 of the Resolution deals with the salary adjustments, percentages, and projected CPI for the 2020/21-financial year. The Department of Public Service and Administration is bound by the agreement for the full period, as incorporated in PSCBC Resolution 1/2018.

The reason this matter is before the Court is owing to government being hopelessly inept at collective bargaining and has been so for many years. Government had agreed to successive multi-term collective agreements on terms and conditions of employment that placed demands on the fiscus, which have been under strain and is reaching crisis levels. This was done, according to government, solely to avoid a strike or adverse public opinion. As public sector unions seek to hold government to the agreement, government turned to the courts to rescue it from the consequences of its own inability or unwillingness to properly engage in collective bargaining. In so doing, it threatens to destroy the very fabric of collective bargaining.

In short, in 2018 government concluded a three-year collective agreement on terms and conditions of employment in the Public Service (PSCBC Resolution 1/2018). Government complied with all its obligations until the time came to pay the final salary increases. Its justification for the refusal to comply is the subject of this litigation.

The PSA trusts that the Constitutional Court will clearly address the issues that the Labour Appeal Court did not address, while focusing on the lawfulness of the collective agreement and if the Court finds that the agreement is legal, it must provide direction on its implementation. The entire case revolves around the matter of the legal obligation when parties enter into an agreement, which in terms of law is a contract and must be adhered to. If the Court finds against the PSA, the Union expects that the Court will address the legal implication in reneging from an agreement, as this may cause severe legal implications going forward with collective agreements if employers can simply negate from an agreement based on availability of funds.

The PSA also hopes that the Court will address the issue of consequence management if the agreement is indeed found to be illegal. What will happen to those who provided a mandate to sign such an agreement and negotiated in bad faith?

The matter was heard by the Constitutional Court on 24 August 2021, with unions and the employer presenting arguments in respect of their position in relation to the dispute. Judgement was reserved with no indication of when judgement will be delivered. The PSA will inform members once judgement is delivered.



# 2021/22–Public Service wage negotiations concluded

**T**he PSA and other unions tabled wage demands for 2021/22 in March 2021 against the backdrop of Government’s failure to in 2020 implement Public Service Coordinating Bargaining Council (PSCBC) Resolution 1/2018. This agreement made provision for a three-year agreement on salary adjustments and improvements to conditions of service for public servants in the 2018/19-, 2019/20- and 2020/21-financial years.

## The demands for 2021/22 included:

- The cost-of-living adjustment should be CPI + 4% across-the-board
- A single-term agreement
- The abolishment of levels 1 to 3 in the Public Service
- Housing Allowance to be increased to R2 500
- Pay progression to be allowed beyond top notches
- Full/permanent employment rather than the outsourcing of functions

Following delays government countered the proposal by offering a 0% cost-of-living adjustment. The other substantive demands were also rejected. This offer was rejected by labour, increasing the threat of nationwide industrial action to secure a decent salary increase and protect existing, negotiated benefits. By this time, public servants had not received a salary increase for two consecutive years and the rising costs of fuel, transport and food were having serious repercussions for public servants, who like all other citizens, were feeling the effects of the ailing economy. Adding insult to injury, the then Minister of Public Service and Administration called for public proposals to assist with the deadlock in negotiations. The PSA condemned this move as another effort by government to undermine Public Service collective bargaining processes.

The 2021/22-negotiations were clouded with a great deal of mistrust and difficulty. Initially, the PSA could not present members with any form of proposal or offer from the employer and the 0% offer presented by the employer left the PSA with no option but to declare a dispute. In the interim, some other unions continued negotiating with the employer in a facilitation process.

The PSA, in terms of its initial demand for members, continued to apply pressure for a better offer. The PSA went through the PSCBC dispute resolution processes and was, to a certain extent side-lined, and at no point throughout the process presented with any revised offer. The PSA then balloted members on whether to proceed with strike action. Members overwhelmingly supported industrial action. In a desperate attempt to avoid industrial action, a final wage offer from the employer was made on 6 July 2021. This offer was the presented to members who were requested to either accept or reject the offer. It must be noted that the revised offer was regarded as a “stop-gap measure” to alleviate financial pressure on public servants. PSA members were balloted, and the revised offer was accepted by the majority of members.

The PSA, after more than a century of service to South African public-sector employees, remains committed to protect hard-won collective bargaining processes for South African workers. Government’s renegeing on Resolution 1/2018 placed collective bargaining in danger but as an instrumental role player, the PSA is determined to ensure that these gains are not eroded.

*Photo: pexels-tima-miroshnichenko*



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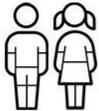
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- Nico Pinagio,  
Survivor SA Host & Trigger Brand Ambassador

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#### HOW TO ENTER?

Recruit new members for the PSA and fax the fully-completed, signed application forms to 087 234 7585 or email to [competition@psa.co.za](mailto:competition@psa.co.za) by 12:00 on 15 November 2021 to secure your entry. Only entries submitted as stipulated above, using the special application form on page 19 and received by the PSA by the closing date, will be entered in the draw.

*\*Competition open for PSA members only*

*Entries subject to standard terms and conditions and verification of membership*

*Winners will be contacted telephonically by 22 November 2021*

*Prizes not claimed within 30 days will be forfeited*

*Payments for outstanding account(s) to be made by the PSA directly to the relevant service provider*

Early withdrawal of pension savings:

# PSA raises GEPF members' exclusion

**T**he continued economical fallout from the COVID-19 pandemic has left many households with dire financial problems, with individuals desperately looking for alternative methods to bring in money to sustain their livelihoods.

As the situation becomes tougher, there have been calls for authorities to allow those with retirement funds to access part of their retirement savings to assist in these times. Subsequently, National Treasury announced a proposal to amend rules to allow members of retirement funds to make limited early withdrawals from their funds. This was first raised by the former Minister of Finance, Tito Mboweni, in his 2020 Medium-Term Budget Policy Statement, to assist workers owing to the financial impact of COVID-19.

According to Treasury, "Any consideration for early access will require legislative and fund-rule amendments because the current law and policy prohibits any pre-retirement access to retirement savings unless an employee resigns or is retrenched". Any amendments to the rules are likely to be realised only in 2022. However, National Treasury has indicated that the withdrawal process will exclude the Government Employees Pension Fund (GEPF), as it is not regulated under the *Pension Fund Act*.

The PSA notes that public servants were also financially impacted by the pandemic, especially because public servants did not receive their salary increases in 2020. The PSA is aware that the pension savings of public servants are governed by rules and laws, via the *GEPF Act*. Despite this, the PSA has initiated a process at the Public Service Coordinating Bargaining Council (PSCBC) by tabling a demand to investigate the possibility of public servants also being able to access their pension monies to assist during these trying times.

The PSA believes that it is not impossible to amend the *GEPF Act* to permit for such withdrawals, irrespective of the Fund being a defined-benefit fund. The PSA is ready to engage government on finding such relief for public servants.

The GEPF rules, in the current form, do not provide for early limited withdrawals and rule amendments will be required.

This is not a quick process and will have to go through a parliamentary process. The GEPF rules indicate that any changes to these rules must be consulted with labour in the PSCBC and the PSA has thus placed the matter on the PSCBC agenda. The PSA can no longer allow that public servants' hard-earned pension monies are only made available to politicians and connected individuals, who gain access to these monies through the Public Investment Corporation, while the owners of these funds - public servants - drown in debt.

The GEPF laws must be amended to allow for public servants to access their pensions savings. Alternatively, the GEPF should not be the sole pension scheme for public servants. An alternative must be made available for government employees to contribute to other schemes where they will be allowed to access their pension savings.

The PSA further noted and rejected government's proposed plan for a comprehensive Social Security and Retirement Reforms. The Department of Social Development gazetted a green paper on Comprehensive Social Security and Retirement Reform, which proposed a new government-managed fund. In terms of the proposal, all South Africans earning above a certain income level would have to contribute a percentage of their income to these funds. The PSA regarded this proposal as another attempt by government to get its hands on over-taxed public servants money. Following backlash on the plan from various sectors including trade unions the Green Paper was withdrawn by the Minister for Social Development. The PSA notes that government did not honour the 2018-Public Service wage agreement, it therefore cannot expect its employees to buy into plans that will further erode their income. At the same time, wide-spread corruption at government institutions remains a serious concern and the PSA will be ready to stop any plan to establish another entity that politicians will loot without shame.





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Dental Therapists  
Dieticians and Nutritionists  
Home-Based Personal Care Workers  
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Medical Technicians/Technologists  
Nursing Assistants  
Occupational Therapists  
Optometrists and Opticians

Oral Hygienists  
Pharmaceutical Assistants  
Pharmacists  
Physiotherapists  
Professional Nurses  
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Radiographers  
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The PSA, a registered trade union, is the largest, politically non-affiliated, fully-representative Union in the Public Service and State-owned entities with a proud history of decades of service to members. **THE PSA...**

**1. Is a growing Union** with 230 000+ members served by Provincial Offices across the country.

**2. Attends to members'** individual disputes FREE of charge.

**3. Negotiates fair terms** of remuneration and represents members' interests in bargaining structures.

**4. Protects members'** service benefits (e.g. medical aid, pension schemes, and housing subsidies).

**5. Addresses issues** such as fair and reasonable working conditions, hours of work and leave.

**6. Is the only Union** in the Public Service that serves Public Service pensioners.

**7. Is financially stable** (complies with the *Companies Act and Labour Relations Act*).

**8. Assists beneficiaries** and communities throughout South Africa as part of the Union's corporate social investment programs.

**9. Protects members' rights** and defends them in unfair labour practices or infringements of constitutional rights and legislation (*Labour Relations Act, 1996, Basic Conditions of Employment Act, 1997, and Employment Equity Act, 1998*). Disputes are resolved at the CCMA, Labour Court, and Labour Appeal Court. In the Public Service, the Public Service Coordinating Bargaining Council (PSCBC), Education Labour Relations Council (ELRC), Safety and Security Sectoral Bargaining Council (SSSBC), Public Health and Social Development Sectoral Bargaining Council (PHSDSBC), and General Public Service Sectoral Bargaining Council (GPSSBC) provide dispute resolution functions. With the promotion of interests, rights are also established with collective agreements - non-compliance with such rights is being taken care of by these institutions.

**10. Employs professional,** dedicated and competent staff to support member structures in service of members.

**11. Promotes members'** interests during collective bargaining in bargaining forums with employers.

**12. Is admitted to the various bargaining councils,** which enables the Union to resolve workplace problems in these councils, saving cost and time.

**13. Acts only on members' mandate** (mandates on collective issues are obtained from member structures).

**14. Has country-wide, extensive member structures** (national and sectoral) that are the link between the Union and members. These structures mirror the structures for collective bargaining and ensure the protection and promotion of members' rights and interests. Structures are active in all provinces to promote the organisation of members, obtain mandates and improve communication. For information on your PSA representative and structure, contact your local PSA Provincial Office.

**15. Has an impressive success rate** in resolving cases by the Union's full-time staff and thousands of democratically elected, trained shop stewards.

**16. Offers fringe benefits to members, including FREE membership of PSACLUB!**

Other benefits include an exclusive PSA short-term insurance scheme, insurance benefits, funeral schemes, and assistance with debt and personal loans.

**17. Provides FREE financial assistance** with funeral costs at a member's death.

**18. Provides FREE professional indemnity insurance** cover for its identified groupings of members (R1 million, per member, per year with no limitation in the aggregate).

**19. Holiday Resort offers** holiday accommodation at discounted rates.

**20. Magazine and workplace-specific newsletters** are issued to members FREE of charge - Update your contact details with the PSA's Membership Section ([updatemyinfo@psa.co.za](mailto:updatemyinfo@psa.co.za)) to ensure that you receive all news.



The PSA effectively represents the full spectrum of the South African population and lives by the values of **LOYALTY, TRANSPARENCY, RESPECT, INTEGRITY, CONSISTENCY** and **SERVICE EXCELLENCE**

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**0861 452 452**



# PSA membership application

Public Servants Association of South Africa (NPC)

Reg No 1942/015415/08



## \* COMPULSORY FIELDS

### PERSONAL INFORMATION

PLEASE INDICATE YOUR CHOICE WITH A

DEPARTMENT / EMPLOYER *			
TITLE (DR, MR, MRS, MS)*	PERSAL / SALARY NUMBER *		
SURNAME *	INITIALS		
FIRST NAMES *	GENDER		<input type="checkbox"/> M <input type="checkbox"/> F
CORRESPONDENCE * ADDRESS			
		POSTAL CODE	
JOB TITLE		DATE OF BIRTH	<input type="text"/> D <input type="text"/> D <input type="text"/> M <input type="text"/> M <input type="text"/> Y <input type="text"/> Y <input type="text"/> Y <input type="text"/> Y
IDENTITY NUMBER *		TAX NO	
CELL PHONE *	TELEPHONE	FAX NO	
EMAIL ADDRESS			
METHOD OF PAYMENT *	<input type="checkbox"/> STOP ORDER (SALARY DEDUCTION)	<input type="checkbox"/> DEBIT ORDER (BANK DEDUCTION)	
DATE OF MEMBERSHIP *	<input type="text"/> D <input type="text"/> D <input type="text"/> M <input type="text"/> M <input type="text"/> Y <input type="text"/> Y <input type="text"/> Y <input type="text"/> Y		

### MEMBER'S BANKING DETAILS

BANK NAME		BRANCH CODE	
ACCOUNT NO		ACCOUNT TYPE	
ACCOUNT HOLDER			

**CONSENT** I consent to PSA marketing products, services and special offers to me. PSA may share my personal information, within the PSA and the businesses that provide special advantages to PSA members, for marketing purposes. The PSA may also contact me for research purposes.  YES  NO

#### SALARY STOP-ORDER COMMENCEMENT DATE: \_\_\_\_\_

I, the undersigned, hereby apply for membership of the PSA (Public Servants Association of South Africa) and authorise and request the Accounting Officer of my employer to deduct the applicable PSA Membership Fee (as approved by the PSA Board of Directors) from my salary as membership fee starting from the STOP-ORDER COMMENCEMENT DATE and thereafter to continue such monthly deductions until my further written notice.

**I UNDERSTAND THAT IN TERMS OF SECTION 13(3) OF THE LABOUR RELATIONS ACT, 1995 THIS STOP-ORDER MAY ONLY BE REVOKED BY THE GIVING OF THREE MONTHS' (ONE MONTH IN THE CASE OF NON-PUBLIC SERVANTS) WRITTEN NOTICE TO MY EMPLOYER AND THE PSA.**

I understand that membership fees are due to and collectable by the PSA while I am a member of the PSA.

#### BANK DEBIT-ORDER COMMENCEMENT DATE: \_\_\_\_\_

I, the undersigned, hereby apply for membership of the PSA (Public Servants Association of South Africa) requesting and authorising you at the same time to deduct from my account at the above bank the applicable PSA Membership Fee (as approved by the PSA Board of Directors), which covers my membership fee to the PSA, starting from the DEBIT-ORDER COMMENCEMENT DATE and continue deducting said amount monthly on the .....th day of each month thereafter until further my written notice.

### SIGNATURE \*

### DATE \*

RECRUITER (NOT PSA STAFF MEMBER)	PSA MEMBERSHIP NO*		TAX NO *	
	IDENTITY NO*		CELL PHONE	
	INITIALS & SURNAME			
	POSTAL ADDRESS		POSTAL CODE	
	EMAIL ADDRESS			
	BANK NAME*		BRANCH CODE	
	ACCOUNT NO*		ACCOUNT TYPE	
ACCOUNT HOLDER				

PLEASE NOTE THAT NO HONORARIUM CAN BE PAID WITHOUT A VALID TAX NUMBER. THE HONORARIUM WILL BE PAID DIRECTLY INTO YOUR BANK ACCOUNT.

NOTE: THE PSA WILL ASSIST MEMBERS (REPRESENTATION, FINANCIALLY, OTHERWISE) ON CONDITION THAT THE CAUSE OF ACTION FOR WHICH ASSISTANCE IS SOUGHT AROSE AFTER THE PSA'S ACCEPTANCE OF APPLICATION FOR MEMBERSHIP.

### FOR OFFICE USE ONLY

# 64

WEEK NO \*

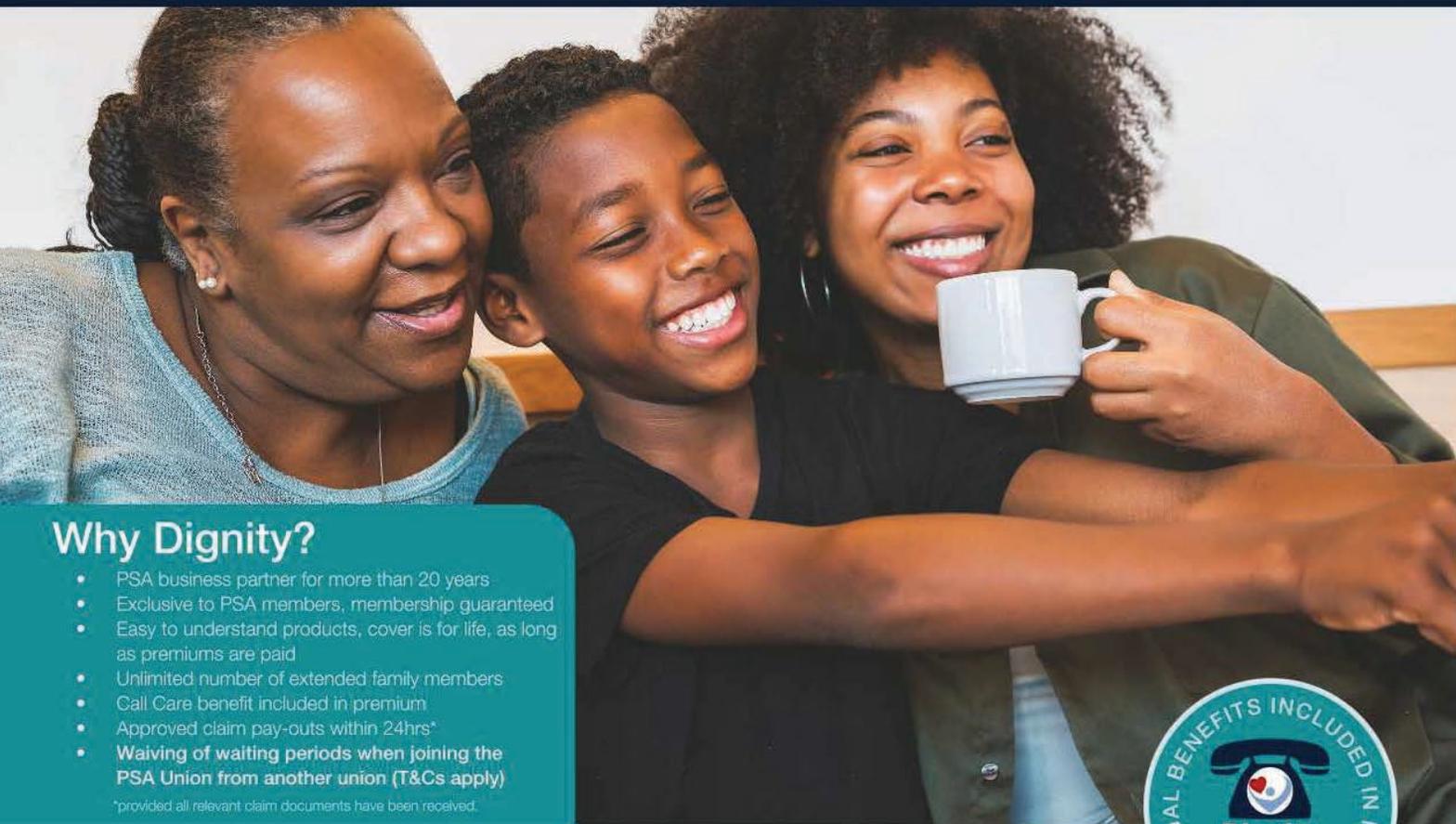
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# & School attendance & COVID-19

**In 2020, South African schools were closed between March and June, and in August. Whilst some opening period provided additional study days for critical grades, especially Grades 7 and 12, closures cost learners between 30 to 59 school days.**

The impact of the disruption of education since the outbreak of COVID-19 has been severe, with students being between 75% and the full school year behind, according to the latest figures (Latest statistics from the National Income Dynamics Study (NIDS) – Corona virus Rapid Mobile Survey (CRAM) Wave 5, as well as the Department of Basic Education). Circuit visits, occasional school closures and school holidays in certain grades have resulted in learners losing 54% of their schooling. An estimated 400 000 to 500 000 learners reportedly also dropped out of school 16 months ago. This is especially true for learners residing in informal urban and rural areas, with rural poverty playing a huge role.

Absenteeism not only leads to loss of education but also mental anguish, lack of school meals and declining social skills development. In the long run, the skills needed to adapt to working lives will be affected. Evidence also shows that when children are illiterate, women are twice as likely to take on the responsibilities of caring for children, affecting their ability to work or seek employment.

The transition to integrated learning, following the outbreak of COVID-19, accelerated and included mobile classrooms, as well as access to online-, radio- and TV-educational resources. Distance learning has been a way of life for some learners but for those most at risk in South Africa, this was unattainable. Access to devices, internet data and skills needed to navigate online resources is simply not possible for many learners. Schools serving affluent communities offered online education, but this was not an option for those in the poorest areas, especially the no-fee schools serving more than 66% of South African learners. Parents of these children cannot afford to pay for school fees, let alone computers, data costs or private tutors.

School attendance has been declining since 2015 and was on the decline again in the first six weeks of 2020, before the outbreak of COVID-19. The negative effects of COVID-19 are particularly prevalent among primary school learners. In November 2020, the Minister of Basic Education reported that some 300 000 learners did not return to public primary schools after these reopened. The Department encouraged learners to return, using SMSs, local radio, home visits and a 'reduction' program for absent students.

In January 2021, the Department reported that about 15% of public-school learners (primary and secondary), about two million learners, had not returned since the 2020 school closure.

South Africa needs to get learners and educators safely back into classrooms. Personal Protective Equipment must be provided in schools and teachers, as essential workers, should be encouraged to vaccinate. Online learning also needs to be more accessible to the poor.

With the number of learners missing classes, the pandemic has caused learners not to have one of their rights, as stipulated in Section 28 in the *Bill of Rights* of the *Constitution* of South Africa. Children's Day on 6 November 2021 will highlight progress being made towards the realisation and promotion of children's rights. These rights are the basis for the best interest of the child in all matters affecting children and aim to protect ALL children up to the age of 18 against harm, abuse, neglect, and exploitation.

The rights that apply to children should be exercised responsibly by everyone, including children themselves. One of these rights is the right to quality education. Education is a fundamental right that must be guaranteed and protected to ensure a bright future for the country's future workers.

Sources: <https://www.unicef.org/press-releases/learners-south-africa-one-school-year-behind-where-they-should-be>  
<https://issafrica.org/iss-today/covid-19-and-the-surge-of-absenteeism-in-sa-schools>

Photo: pexels



# Vicarious liability and what it means for employers

**Most employers are unaware that they can be held liable for the actions of their employees.**

The requirements for the vicarious liability of an employer are threefold:

1. An employment relationship.
2. The commission of a delict (a wrongful act), and
3. The delict must have been committed within the scope (sometimes course and scope) of employment.

## **He who acts through another, acts himself**

The employer works through the employee and therefore a potential risk of harm is created for the employer if the employee acts wrongfully. The employer does not even need to be at fault – this is thus a form of strict liability.

## **Cases against the Minister of Safety and Security**

An important case in the development of South African law with regards to vicarious liability is the one of *K v Minister of Safety and Security 2005 6 SA 419 CC*. A woman instituted an action for damages against the Minister after she was raped by three policemen. The delict/act occurred in the morning after she had accepted a lift home from the police officers, who were in uniform and on duty at the time in a marked police vehicle.

The court made it clear that *“as long as the employee is acting within the course and scope of his or her duty or is engaged with the affairs of his master ... the employer will be held liable.”*

*The court added that “damages should not be borne by employers in all circumstances, but only in those circumstances in which it is fair to require them to do so.”* Employers need to take active steps to prevent their employees from harming members of the public.

In the case of *F v Minister of Safety and Security, 2012 (1) SA 536 (CC)*, a 13-year-old girl was raped by a policeman while he was on standby duty in an unmarked police car, without uniform, but the car had a police radio. The court found that the Minister was vicariously liable.

The court’s decision was based on the following reasons:

- a. The police vehicle facilitated the rape,
- b. His duty to protect the public still applied even though he was not on duty.
- c. There was a close link between his conduct and the employer’s business.

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# PSA steps in on death-trap Musina Magistrate Court

**The Musina Magistrate Court in Limpopo, which has been posing a serious threat to employees' safety for the past three years, was closed on 21 July 2021 by the Department of Employment and Labour for failure to provide a safe workplace as required by the *Occupational Health and Safety Act*.**

The PSA visited the Court on 17 September 2020, noting the poor conditions employees were exposed to. Piles of stones and rubble were scattered in the yard and unprotected trenches, dug three years ago, were prevalent. Two employees were injured after falling into the trenches. Toilets were not working, except one unit for disabled people, which was then used by employees and members of the public. Members of the public were often compelled to use 'out-of-order' toilets as doors do not lock, and cleaners then had to carry buckets of water to clean the toilets. There was furthermore a shortage of drinking water.

The building is dilapidated with a part of the roof being balanced by stacked bricks to prevent it from falling. The roof is leaking, the ceiling is damaged, and most offices are without lights. Confidential files, dockets, financial documents, and restriction orders were scattered over the grounds in an open space without access control. With poor lighting, employees had to use cell phone lights to retrieve files. Electric cables were exposed, posing a safety risk. In addition, the building was extremely dirty as cleaners were allegedly on 'go slow' owing to the non-payment of salaries and not being provided with cleaning materials. Inadequate office spaces made COVID-19 required social distancing impossible and there was no ventilation as air-conditioners were out of order. Cases were often postponed owing to intolerable weather conditions.

These problems were attributed to the Department of Public Works, which failed to act for more than three years, despite being aware of the situation. The PSA escalated the matter to the Department of Employment and Labour for inspection.

The Court then resorted to conducting cases under the trees and the local police station was being used to deal with priority cases. Less urgent matters had to be postponed. This outdoor arrangement further contravenes section 8 of the *Occupational Health and Safety Act*, which dictates that every employer must provide and maintain, as far as is reasonably practicable, a working place that is safe and without risk to the health of employees. Working outside compromises security for employees and the employer was advised to reconsider and urgently provide safe and conducive alternatives.

Six contractors were appointed and went on site to deal with the highlighted problems. The PSA was informed that the Regional Office is procuring mobile offices. Employees are working on rotation basis to ensure compliance with COVID-19 protocols, although they are temporarily using park homes as offices.

The Court was inspected on 7 August 2021 by the Departments of Employment and Labour, Public Works, and Justice. Labour Inspectors then gave the building the green light, despite the work in progress, to open on 10 August 2021. The Court Manager confirmed that issues had been addressed and the PSA will conduct a follow-up visit. The PSA will continue the Union's efforts to ensure that employees' working environments meet standards.

Photo: pexels\_ / google earth screenshot



# Government Employees Pension Ombud (GEPO) established

By Gideon Serfontein, Chairperson – PSA Group Branch Associated Members: Public Service Pensioners

**T**he Government Employees Pension Fund (GEPF) on 1 July 2021 officially launched the Government Employees Pension Ombud (GEPO). The Ombud, which is an independent internal structure of the GEPF, has been set up to deal with administrative complaints against the GEPF from its members, pensioners, and beneficiaries.

The GEPO will facilitate, investigate, determine, and resolve complaints lodged by members, pensioners, and beneficiaries of the GEPF in a fair, impartial and timely manner. The GEPO provides an informal yet accessible and cost-effective alternative to other remedies, such as court proceedings. Adv Makhado Ramabulana was appointed as ombud with effect from 1 July 2021. Adv Ramabulane holds a BA Law and LLB degree. He practiced at the Cape Bar as an advocate from July 1999 to July 2004. He has held various roles in the pension fund industry, including in the office of Pension Funds Adjudicator. The GEPO is mandated to investigate administrative complaints lodged against the Fund by members, pensioners, and beneficiaries such as unreasonable delays in processing of payments, failure of officials to perform their duties in terms of the Fund's law and rules, breaking of a commitment without a justifiable reason, and providing incorrect or misleading information.

Complaints can be submitted in writing to:

Office of the Ombudsman, Attention Complaints Manager,  
PO Box 11005, Hatfield, PRETORIA, 0028  
or email: [enquiries@gepo.co.za](mailto:enquiries@gepo.co.za)  
The telephone number is (012) 110 4950.

Detailed guidelines on how to lodge a complaint is available on the GEPO website:  
[www.gepo.co.za](http://www.gepo.co.za)

Photo: visual-stories-unsplash



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See [www.psa.co.za](http://www.psa.co.za) for more information on the Group Branch Associate Members and application form



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# #SchoolSafety

The PSA, as part of the Union's ongoing corporate social investments, launched the #SchoolSafety project in 2020 as a priority intervention to accelerate the creation of safe, caring schools where quality teaching and learning can take place.

This project is undertaken in partnership with the South African Police Service, the Department of Basic Education, and *Old Mutual* (supporting sponsor). Each of the PSA's 12 Provincial Offices will support three schools where violence, substance abuse, etc., are challenges. This will result in 36 schools being supported during the 2021/22-financial year.

## Learners are the future

During the interventions, additional support will be provided based on the schools' most pressing needs. Permanent school-safety awareness boards will be erected at each school, warning against bullying, violence, substance abuse, etc.

In addition, a pay-it-forward initiative will establish a culture amongst learners of giving to others. Each school could nominate a beneficiary in the community to receive PSA support valued at R5 000. The learner who submitted the nomination will receive a PSA gift.

The #SchoolSafety project was severely affected by the COVID-19 impact on schools. The PSA and partners, through constructive interventions for learners and educators, will persist with the project with the aim to instil hope for a better future.



# Productive impact

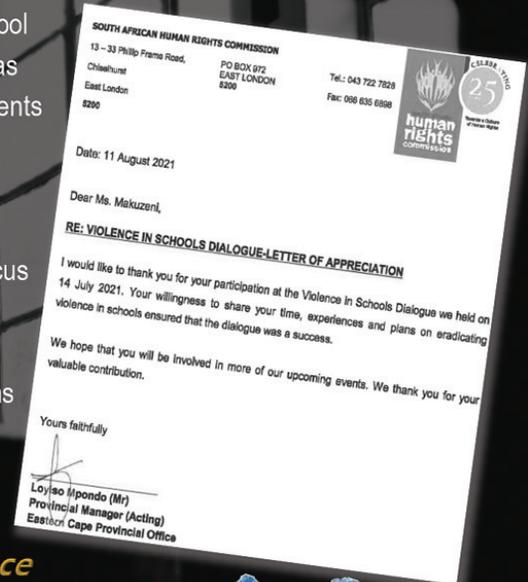
Photo: Mwesigwa Joel on Unsplash

## PSA participates in SAHRC platform to address school violence

The PSA recently attended a meeting with the South African Human Rights Commission (SAHRC) in the Eastern Cape. The meeting addressed school violence affecting educators, learners, and communities. The meeting was also attended by Educator Councils, the SA Police Service, the Departments of Justice, Social Development, Education and NGOs supporting the education sector.

A call was made to the Department of Education to address identified focus areas.

The SAHRC initiative to create this platform to address common problems experienced is strongly supported by the PSA. A letter of appreciation was received from the SAHRC for the PSA's active participation.



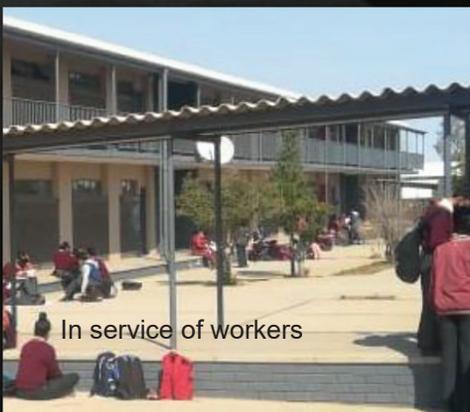
## Free State school receives much needed maintenance

A primary school in the Free State that is participating in the PSA's #SchoolSafety project was recently visited by the MEC for Education. Various needs were already identified by the PSA and the MEC experienced urgency to address these matters that pose a risk to the health and safety of learners and educators. Issues identified were the state of toilets, ceilings, air conditioners and electricity that needed to be repaired. The MEC advised that contractors would be onsite to establish the extent of work required and to start with repairs and maintenance.



## PSA condemns Limpopo Department of Education's failure to eradicate pit toilets

The PSA was disappointed by the Limpopo Department of Education's failure to implement a court order compelling it to eradicate pit toilets at all schools in Limpopo by 2018. According to information, the Department has spent millions to improve the situation. The PSA calls on the Departments of Education and Public Works to re-evaluate the costs of the units set by contractors to ensure urgent progress with this project.



## COVID-19: Northern Cape Department of Education slow to respond

The PSA has noted with concern the high number of positive COVID-19 cases in Northern Cape schools. It was found that most schools are not able to accommodate social distancing and COVID-19 protocols. The PSA has condemned the Department's slow reaction with decontamination after positive cases are reported. The PSA has also called on the Head of Department to ensure that crucial protocols are followed to curb the spread of the virus.

# Inspiring change

**Whilst celebrating 101 years on service of public-sector employees in July 2021, the PSA also embraced the spirit of Mandela Month by assisting various institutions that support vulnerable communities.**

During July 2021, with due consideration of COVID-19 regulations, the PSA offered financial support to various non-governmental organisations, ranging from a choral choir supporting the community by encouraging youth in developing and growing talent in choral music. This combats societal ills such as drug and alcohol abuse, teenage pregnancy, mental illness, and depression. Assistance was rendered to centres supporting disabled individuals, particularly children and family centres providing shelter, healthcare, counselling, and psychological services.

Other beneficiaries included organisations community orphans and women and children who are victims of domestic violence and structured to offer and implement solutions in crime prevention through a programme that aims to reintegrate previous offenders, parolees, and probationers in communities as reintegration is the primary step towards crime prevention. Assistance was also rendered to places of safety for children and abandoned babies that focus on youth development.

The PSA also supported **UNICEF South Africa**, which partners with the South African government to create a nurturing environment where children are loved, cared for, and protected from violence, exploitation, and exclusion by strengthening and scaling up community-based prevention and early intervention programmes.

The PSA continued its support during August, which marks **Women's Month**, and paid tribute to South African women - the heroes of courage and so many other inspirational women who have made invaluable contributions towards vulnerable communities.

This initiative was undertaken in collaboration with UNICEF, Dignity, Assupol and PSAclub. Women's Month was further commemorated by the PSA hosting a virtual event **#PSAPowerHour4Women**, facilitated by PSA Director, Anadele Coetzee, with three inspirational women, Aneshrie Yasar, Boitumelo Mokgatle, and Bernelee Daniell sharing their special stories.

Photo: ATC Comm / Pexels



# PSA Holiday Resort

Nestled in a lush indigenous dune forest at Quenera Mouth, East of the Gonubie River and in close proximity to the beach, you will find the PSA Holiday Resort\*. Just 18 km from East London, the Resort is committed to offering you relaxation and tranquility.

The area is a bird and nature lover's paradise. Excellent saltwater fishing can be enjoyed at the Resort's beach, combined with unpolluted and uncrowded, safe swimming.

The Resort has ten fully-equipped chalets - most with a sea view (choice of two or three bedrooms) and 110 semi-shaded stands for caravans and camping. To ensure absolute peace of mind, the Resort is enclosed with an electrified security fence.



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# Negative sentiments drive **YOUTH** away from **TEACHING** career

**U**nequal distribution of resources between low- and high-income schools, lack of technical skills training and inadequate support for teachers in rural areas are some of the reasons why young job seekers are steering away from a career as an educator.

At the same time, the Minister of Basic Education recently revealed in Parliament that there was a shortage of 24 000 educators across the country. This status was criticised by unions that have been echoing these claims but were shunned.

Whilst commemorating Teachers' Day, the worrying lack of interest in teaching as a career is further amplified by perceptions that educators are not valued in our society: by principals, parents, learners, or government. This job is often misjudged as one of the most "unwise" careers to pursue.

The reluctance of South African youths to enter the teaching profession is influenced by both social and cultural factors, including poor salaries, negative beliefs about the job, and difficulties in securing teaching positions.

Infrastructure, toilets, water, and sanitation continue to be a challenge for the education sector in various provinces. Teachers often work in dilapidated schools and also face disciplinary challenges, which can also be a barrier for especially young and inexperienced teachers. Young people are witness to images on social media of teachers being verbally and physically abused by learners, which is a strong deterrent. Teachers need additional support in manage ill-disciplined learners.

The PSA, which represents thousands of educators and administrative staff at schools across the country, regards the failure to attract young people to the teaching profession as a worldwide problem, though to varying degrees. PSA's Provincial Manager in the Eastern Cape, Thami Makuzeni, says: "Historically, South Africa experienced an oversupply of teachers, which led to an increased number of unemployed teachers, and many young people did not see teaching as a way out of poverty."

If government is serious about attracting a new generation into the teaching profession, and also ensuring quality teaching and learning, it needs to do more than provide funding. There is further an urgent need to invest in technology, which will change the face of teaching and learning to equip learners for further education and their future successful careers.

*Photos: pexels-katerina-holmes & skyler-ewing  
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# Apply for STIGLINGH MEMORIAL BURSARY

**T**he PSA annually awards the Stiglingh Memorial Bursary to qualifying students in specified fields of study.

The Bursary was donated to the PSA in 1993 in memory of the late JH Stiglingh, a member of the PSA and Secretary of the then-Administrative Section. The Bursary is awarded annually to public servants and/or members and their dependent children who have been employed in the Public Service or has been a member of the PSA for at least a year on the closing date of the year in which a bursary is applied for.

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Information regarding the Bursary is provided by the PSA to all universities in South Africa and students must apply through the relevant university.

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- Increased allocations per recipient with intervals of R5 000 to a maximum of R10 000, based on available funding and the number of recipients.

For more information and closing dates, visit [www.psa.co.za](http://www.psa.co.za).

*Photo: pexels-rfstudio*



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