

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

19-11-2019

Feedback: Organisational Recognition and Procedural Rights Agreement (ORPRA)

Members were previously informed of the agreement that was tabled by the employer for negotiation on 14 February 2019. The agreement primarily deals with two key issues:

- Establishing organisational rights for a recognised/sufficiently-representative trade union (the employer proposed a threshold of at least 30% of employees for recognition); and
- The establishment of a formal bargaining structure for consultation/negotiation regarding matters of mutual interest such as conditions of employment.

Labour presented inputs on the draft, which were discussed in various meetings. Agreement was, however, not reached on the following **two key issues**:

- Right of trade union officials **to represent members in proceedings** unless the employer has granted permission.
- Decisions of the Workplace Bargaining Forum (WBF) on matters **other than matters for collective bargaining**, which will be by vote of the employer together with at least one of unions. This could result in one union “outvoting” another on a matter for consultation such as an organogram for the organisation.

The consultant who handled the process on behalf of the employer left at a critical point. Requests for intervention to the acting Chief Executive Officer (CEO) and the Minister of Health yielded no response. SAHPRA's Company/Board Secretary (CS) recently requested a meeting with the PSA where the ORPRA was again discussed on 1 November. The employer was, in principle, not opposed to the right of an employee to choose who may represent him/her in disciplinary proceedings, grievances and arbitrations, including officials. However, on the decision-making process for the WBF, parties could not find each other.

The employer indicated its intention to review the agreement in January 2020, which will coincide with the appointment of the new CEO and requested the PSA's indulgence to continue engagements on labour issues for the *interim*. The PSA maintained that such engagements will have no binding and legal effect and that without a fully-functional WBF, the PSA cannot represent/protect members. The PSA therefore did not see its way open to withdraw the mutual-interest dispute that was referred to the Commission for Conciliation, Mediation and Arbitration (CCMA). At the session with the Commissioner on 11 November, parties could not reach agreement.

The CCMA instructed the PSA to approach the employer and incorporate the CSIR with proposed picketing rules since SAHPRA is renting. The relevant organisation must agree to the rules and identify areas where picketing will be allowed. The PSA is finalising the rules for submission to the employer and its landlord. Once parties agree, the CCMA will again be approached to consider the rules and issue the certificate of non-conciliation. Members will be balloted regarding participation in protected industrial action and should the majority agree, notice will be given to the employer.

Ivan Fredericks
GENERAL MANAGER