

**EMPLOYER RESPONSES TO LABOUR'S QUESTIONS ON THE OSD FOR
MEDICAL/DENTAL OFFICERS AND SPECIALISTS, PHARMACOLOGISTS,
PHARMACISTS AND EMERGENCY CARE PRACTITIONERS.**

1. OBJECTIVES (Clause 1)

- a) Incorporate the provision that talks to the founding PSCBC Resolution 1 of 2007.
- b) Why Pharmacologists, Pharmacist Managers and EMS Managers are not included on this paragraph.
- c) Why the translation measures for the recognition of appropriate experience are not provided to us.

EMPLOYER'S RESPONSE

- a) The Employer supports the inclusion of the reference to the principal resolution in the objectives of the draft proposal, namely, PSCBC Res. 1 of 2007 and will table a revised draft agreement reflecting this amendment.
- b) The Employer has no objections to including, specifically Pharmacologists, in the Par 1.1.1 of the Objectives since this would reflect the precise wording derived from the PSCBC Res. 1 of 2007. Please note however, that a Pharmacologist is in fact a medical specialist and would already be included in the OSD for medical specialists. It would be an anomaly to lift out and mention one category of medical specialist when there are numerous other categories that would fall under the designation, e.g. cardiologists, paediatricians, general surgeons, anaethetists, etc. Your comment on this would be appreciated. EMS and Pharmacist Managers will be reflected in the revised draft agreement.
- c) The requirements regarding recognition of appropriate experience to be appointed in a higher grade are contained in Annexure A1, A2 and A3 respectively. Further recognition of experience in 2011 will only be available once the employer has done more accurate calculations (models) in order to determine the cost.

FURTHER NOTES: PSCBC Resolution 1 of 2007 does not specifically state that the Employer will introduce a basis for recognising experience for salary purposes.

2. SCOPE (Clause 2)

- a) Include a clause which talks to the employees appointed in terms of the Public Service Act to cover the part time employees e.g. 5/8 & 6/8 including sessional Doctors.
- b) Clause 2.5 - does it cover the clinical personnel at the Head Office registered with the relevant Councils?

EMPLOYER'S RESPONSE

- a) The scope in the draft Resolution will be derived from the scope of the PHSDSBC Constitution and will only be expanded to make reference to those professionals for whom registration with the relevant health professional council is a prerequisite for appointment in and an inherent requirement for the post that they occupy. This will automatically cover (include) 5/8, 6/8 and sessional Doctors.
- b) Yes, but this must be qualified. These personnel in a clinical field are covered only to the extent that they comply with the provisions of the above paragraph The OSD would be applicable to all personnel occupying a post where a professional registration as indicated in paragraph 2.3 of the agreement would be an inherent requirement to occupy such a post.

3. COMPETENCY REQUIREMENTS (Clause 3.1.7)

- a) We need more clarity on this clause.

EMPLOYER'S RESPONSE

- a) The Employer has the competency in terms of the Public Service regulations, 2001 (Part III D, Part III I, and part VII C) to determine competency requirements. Some requirements are also set by other legislation that regulates the diverse health professions such as the Health Professions Act, etc.

4. CONSOLIDATION OF SCARCE SKILLS ALLOWANCE (Clause 3.1.8)

- a) How is the scarce skills allowance going to be incorporated into the salary?
- b) What will be the position of the part- time employees as they were not getting this allowance?

EMPLOYER'S RESPONSE

- a) The current allowance will be incorporated in the basic salary of the employee, plus an additional amount to compensate the employee for the higher contribution to the pension fund. Example: Employee earns pensionable salary of R 1000 per annum. He/ She pay 7.5 % of the notch as pension contribution. This equals R 75 per annum. If the scarce skills allowance is 20% of basic salary, this amounts to R 200 per annum. If the scarce skills allowance is incorporated into salary, it amounts to R 1200 per annum. If the employee pays 7.5% pension on the new amount, it equals R 90 per annum. This is now R 15 per annum more than before the incorporation. The state then adds the R 15 to the basic salary to compensate the employee for the higher pension contribution.

- b) The new remuneration structure provides for an amount equal to the scarce skills allowances and incorporates such amount into remuneration for such employees as well.

5. RECOGNITION OF RELEVANT EXPERIENCE (Clause 3.1.10)

- a) Clarify if that experience will be backdated in terms of payment as contained in Clause 4.18 of the PSCBC Resolution 1 of 2007.

EMPLOYER'S RESPONSE

- a) No. The clause 4.18 of PSCBC Res. 1 of 2007 does not refer to the recognition of relevant experience but rather indicates that the employer will ensure that funds are set aside to implement the approved revised salary structures per identified occupation. The employer remains committed to this provision, and the funds have been provided to ensure implementation with effect from 1 July 2009 in a phased-in manner over a three-year period as reflected in the draft agreement.

7. PAYMENT OF A ONCE-OFF ALLOWANCE (Clause 3.1.11)

- a) How much is this going to be and what will be the basis of that?

EMPLOYER'S RESPONSE

- a) The amount of the once-off allowance will be a matter for negotiations which will be tabled by the employer during negotiations. More details will be provided once the principle of a once-off payment in lieu of the non-implementation of the OSD with effect from 1 July 2008 – 30 June 2009 is accepted. The final position will however be informed by the available budget.

8. APPLICATION OF THE DISPENSATION FOR SENIOR MANAGERS IN THE PUBLIC SERVICE. (Clause 3.1.13)

- a) Does this clause seek to automatically move these employees out of SMS without an option to stay if one chooses?
- b) Why there is a disparity in implementing OSD for SMS members in the Clinical and Non-Clinical setting.

EMPLOYER'S RESPONSE

- a) Yes. For the mentioned professionals to benefit from the OSD as proposed, they will have to be de-linked from the SMS dispensation. They

will still have the option of structuring their salary packages and no one will be worse-off or will earn less than what they are currently earning as part of the SMS dispensation. Their increment date will move from 1 January to 1 July of the previous year (in this case 1 July 2009).

- b) There is no disparity as managers in the non-clinical setting, are currently remunerated at salary levels in the MMS and SMS dispensations. With the implementation of the OSD they will be translated to a corresponding new salary scale where scarce skills will have been incorporated into salary.

9. STRUCTURING OF THE SALARY PACKAGES (Clause 4)

- a) The structuring of salary packages in terms of percentages (70% / 30%) is not clearly spelled out in the draft agreement as it represents a change. What will constitute this 30%?
- b) The prescription by the MPSA of the translation measures must be clarified.

EMPLOYER'S RESPONSE

- a) The flexible portion of the salary package may be used for structuring for 13th cheque, medical aid, housing, and car allowance. Any amount not structured, will be paid to the employee as a non-pensionable allowance.
- b) It is the competency of the Minister of Public Service and Administration to determine policy regarding salary structuring.

10. STAGGERING OF TRANSLATION PHASES OVER 2 YEARS (Clause 5.5.2)

- a) This must be clarified as our understanding is that 1st Phase is migration to the new OSD scales and 2nd Phase is the recognition of the experience as in clause 4.14 in the PSCBC Resolution 1 of 2007.
- b) This seems to be different from the OSD'S which have been implemented already.

EMPLOYER'S RESPONSE

- a) The two-phased approach regarding Medical Doctors, Dentists and Specialists is proposed in order to keep the projected expenditure within the allocated financial resources available to the public health sector. The proposal regarding the recognition of experience, can only be implemented in 2011, **depending on the availability of funding**. Please note that the tabled proposals already contain elements of recognition of experience, with regard to appointment measures in higher grades at production level, where applicable. Clause 4.14 of the mentioned resolution does not refer to the recognition of experience for salary purposes.

- b) Clause 4.14 of PSCBC Res. 1 of 2007 is silent on the manner in which the OSD will be implemented. Your attention is drawn to Par. 4.14.1.1 which states that “the occupational specific salary structure for all professional occupations in the sector will be implemented over a period of three years”. Further, the Par 4.14.1.3 provides the date with effect from which the OSD for the Drs, etc. will be implemented but is not explicit on the date by which the OSD agreement should be fully implemented. The phased-in approach is informed by the availability of financial resources to implement the agreement.

11. ACCELERATED GRADE PROGRESSION (Clause 5.6)

- a) Why only top performers will benefit and not those with satisfactory performance?
- b) Clarify paragraph 5.6.2 in line with the PSCBC Resolution 1 of 2007.

EMPLOYER’S RESPONSE

- a) All employees, as indicted in the draft resolution will be eligible for annual pay progression as provided for in the salary grades. Those who perform above average on a consistent basis throughout the reporting cycle, will be eligible for accelerated grade progression, as well in certain levels, also for accelerated pay progression, provided that they meet all the requirements in this regard.
- b) The proposals are in line with paragraph 4.10 of PSCBC Resolution 1 of 2007.

12. MEDICAL MANAGERS

- a) Why are they not catered for in year 2?

EMPLOYER’S RESPONSE

- a) Please refer to the Employers response on paragraph 8 (b).

N.B The clarities raised in this document are not conclusive.