



WAGE NEGOTIATIONS (NETCARE)

REPORT 10 OF 2017

25 April 2017

AS previously reported, the Health and Other Service Personnel Trade Union of South Africa (Hospersa) consulted case law and our legal department regarding Netcare's interpretation on the implementation date for annual wage increases. Our Organisational Rights Agreement with Netcare, clause 5.4.4.2, clearly states that the implementation date for annual wage increases will be "**1st March every year unless otherwise agreed**", however Netcare negotiators have managed to misinterpret this clause and they are using it to threaten our members to accept their low offer.

Hospersa has made an application in terms of section 142A of the Labour Relations Act (LRA) (as amended) to make a settlement agreement that was previously reached with Netcare at the Commission for Conciliation, Mediation and Arbitration (CCMA) into an arbitration award.

Once the settlement agreement has been made into an arbitration award, Hospersa will be able to enforce the award to stop Netcare from using the implementation date of 1st March as a blackmailing tool to force members to accept their offer.

We are also aware that Netcare managers are distributing circulars enticing members to accept the offer. Members are urged to ignore their circulars threatening "no-backpay" and report any form of intimidation to our National Full-Time Shop Steward, Reuben Reddy (see details below).

Members are reminded of the ballot results which showed that a **significant majority who took part in**

the ballot voted in favour of collective industrial action and thereby remaining steadfast on the 8% increase demand.

In order to clarify the reason to hold a second ballot, HOSPERSA is bound by its constitution as it needs to safeguard its members at all time. Part 16 of our constitution states "**The union shall, not withstanding any other provision to the contrary contained in this Constitution, before calling a strike conduct a ballot of those of its members in respect of whom it intends to call the strike. The ballot shall be conducted in accordance with the procedure set out in part 15 of the constitution.**"

Netcare relied on this clause to contest that the ballot was not done in line with part 15 of the constitution and threatened to seek an interdict to declare the strike illegal. In order not to jeopardise our members it was agreed to redo the balloting process, an urgent amendment to the balloting process was obtained from the National Office Bearers in order to simplify the exercise.

Hospersa continues to consult with the shop stewards at every institution to establish the best particular form of industrial action preferred by the members involved.

Various types of industrial action through which employees can put pressure on an employer includes **protest marches** whereby Hospersa members and the community can display their dissatisfaction with the employer's failure to look after its human resources. Another type of

industrial action is a **go-slow**, whereby members perform their daily tasks, but at a slower rate than usual. Industrial action also includes **bans on overtime**, during which members refuse to work overtime, as well as what is known as **work-to-rule**. **Work-to-rule** is when employees do no more than the minimum required by the rules of their contract, and precisely follow all safety or other regulations.

We will keep you posted on developments on this front.

Hospersa is experiencing difficulties communicating with its members as our staff is refused permission to walk around institutions to distribute the newsletters. We therefore have to rely on our members to ensure that the newsletters reach all our members. We also appeal to you to SMS your email and cellphone details to the **National Full-Time Shop Steward, Reuben Reddy on 083 230 2594 or reubenreddy@hospersa.co.za.**

We will ensure that all Hospersa members receive their back-pay!

8% FOREVER!

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To stay up to date with feedback from Hospersa we urge all members to follow us on Twitter (@hospersaonline) and join our Facebook group (hospersa online) as soon as possible.



All updates and newsletters are also placed on our website (www.hospersa.co.za)

Eastern Cape (043-722-3776)
KwaZulu-Natal (033-342-6847)
Northern Cape (053-842-2001)

HOSPERSA OFFICES
Free State (051-448-4659)
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