



SOUTH AFRICAN NATIONAL BLOOD SERVICES (SANBS)

REPORT 5 OF 2017

22 June 2017

THE Health and Other Service Personnel Trade Union of South Africa (Hospersa) engaged with the South African National Blood Services (SANBS) at the Commission for Conciliation, Mediation and Arbitration (CCMA) on 20 June 2017.

The two parties met at the CCMA after SANBS failed to release an investigative report on the alleged corruption by SANBS senior management and some members of the board.

The failure by SANBS to release the report prompted Hospersa to refer the matter to the CCMA under section 16 of the Labour Relations Act (LRA) No.66 of 1995 on disclosure of information.

The dispute was conciliated and remained unresolved which led to arbitration.

During arbitration, both parties dealt with preliminary issues and the Commissioner ruled that the matter should proceed.

The first session of the arbitration started with the commissioner asking parties whether they would object in reverting to the conciliation once more and parties did not object.

During this conciliation, we were clear with our demand on the release of the report and the employer pointed out that they do not have a mandate to settle.

Hospersa also proposed to peruse the report in the presence of the employer to try and break the impasse.

The employer's representatives consulted their principals who responded by saying they still do not have a mandate to settle and that the report is privileged information.

The Commissioner ruled that the arbitration be adjourned to allow Hospersa (the applicant) time to provide any supporting documents or information that proves beyond reasonable doubt that indeed the Board had promised to share the investigative report.

When the resumption of the session took place, we submitted minutes of meetings between Hospersa and the SANBS Board as well as the signed confidentially agreement between parties which proves that there was an agreement in place.

This information came as a surprise to the employer's representatives citing that they were not aware of such an agreement.

The Commissioner perused the documents and pointed out that the matter is an enforcement of the agreement between parties instead of a disclosure of information under section 16 of the LRA.

The Commissioner then recommended that the investigative report be made available to Hospersa within 14 days.

Parties were in agreement with the pronouncement of the Commissioner.

However, the employer's representatives were not in a position to sign the settlement agreement. The SANBS Board will have to decide on the next step taking into consideration the outcome of the arbitration.

If the SANBS Board decides not to share the report within stipulated time, Hospersa has an option to apply to the Labour Court to make the settlement agreement into an order of Court.

We will keep you updated on developments.

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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)
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If you have not yet joined Hospersa, please contact your Shop Steward or the Provincial Office (see below).

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