



**Public Servants Association
Of South Africa**
(Reg No 05/154/15/08)
(Incorporated association
not for gain)

PRESENTATION TO THE PARLIAMENT PORTFOLIO COMMITTEE ON THE DCS ANNUAL REPORT FOR 2013/2014

PUBLIC SERVANTS ASSOCIATION OF SOUTH AFRICA (PSA)

Dear Chairperson of the Portfolio Committee, Honourable Members of Parliament, Senior Management of the Department of Correctional Services, PSA and POPCRU leaders, Members of the Media, The Public, All Protocol Observed:

INTRODUCTION

The Public Servants Association of South Africa is a registered trade union in terms of the Labour Relations Act, Act 66 of 1995 as amended. The PSA is actively organizing in all spheres of Government and is currently the biggest non-political union in the Republic of South Africa. It is our core business to protect the rights and interests of our members in their employment relationship with the State. The PSA again obtained the majority status in the General Public Service Sectoral Bargaining Council (51%) in 2013 and is therefore a key stakeholder in the negotiation process as far as it relates to departmental chambers affiliated to the GPSSBC.

The PSA doesn't believe in using the portfolio committee as a platform to openly and intentionally discredit the department but we report to the portfolio committee as per the invitation received and in doing so we report with integrity, honesty and highlighted facts that were sourced from previous annual reports and also facts reported in the latest (2013/2014) annual report.

It is extremely important for us, as a key stakeholder to inform the newly constituted portfolio committee of the current status of matters pertaining to the employer/employee relationship and human resource related matters as reported in the annual report.

POST ESTABLISHMENT

The majority of prisons in South Africa were built during the apartheid regime as penal institutions with little emphasis on rehabilitation. They were built for security purposes and are labour intensive institutions. After South Africa became a democracy, the focus shifted from the then penal orientated prison system to the current dual system of security and rehabilitation. The White Paper on Corrections introduced a cultural change in the manner in which prisons are managed. It introduced a unit management system where correctional officials are part of units within a prison, that are responsible for presenting rehabilitation programmes to offenders, over and above the security

functions. Since 2005 the Department of Correctional Services was canvassing for a seven day work week in order to render services of 24 hours a day, 7 days a week for 365/366 days in a year. In 2009 the Department of Correctional Services and the then majority unions in the General Public Service Coordinating Bargaining Council agreed to the 7 day establishment concept in GPSSBC resolution 2/2009. The Department is on record, and reported to the Portfolio Committee at various times after the signing of GPSSBC resolution 2/2009 that it is in need of 18 000 new employees to be added to the post establishment in order to successfully introduce and manage the seven day establishment. The information in the inserted diagram was sourced from previous annual reports and the information is shocking to say the least.

Year	Total number of posts reported in DCS annual report.	Increase / Decrease in total number of posts.
2009	46 306	Previous year not available at date of compiling presentation.
2010	46 880	Increase of 574 posts on establishment.
2013/2014	44 234	Decrease of 2646 posts on establishment.

(Information sourced from 2009/2010, 2010/2011 and 2013/2014 Annual Reports)

In 2009 there were 46 306 approved, funded posts on the post establishment of the Department. It was increased with 574 posts during the following year. In 2013 the Department reported a decrease of 2 646 on the approved and funded post establishment if measured against the 2009 establishment. The Department was in need of 18 000 posts, over and above the reported 46 306 posts in 2009 but instead of increasing the approved funded posts since 2009 in order to cater for the seven day establishment, National Treasury cut the Department's post establishment with 2 646 posts. The PSA raised serious concerns with the employer regarding this understaffed establishment and we also reported this situation numerous times before the Portfolio Committee. Correctional Officials in this country are suffering, they struggle to make sure prisoners are kept behind bars as part of their security function and feel the pressure in delivering results as part of their rehabilitation programmes.

The PSA is of the view that the Government Departments namely DCS, DPSA and Treasury do not contribute towards job creation as shown in the diagram supra. The DCS is on record that in order to ensure a seven day work week it needs 18 000 more employees. Government approved the seven day work week yet five years after the said approval the posts decreased with 2 646 posts. The question therefore remains: Are the Departments mentioned above effectively contributing towards job creation and is it fair to expect from correctional officials to continue to suffer severely because of understaffing? The PSA once again calls upon all the role players to ensure an adequate post establishment and that the approved funded posts are drastically increased to at least 60 000 posts.

EMPLOYEES EXIT OUT OF SERVICE

Whilst the Department of Correctional Services is understaffed because of the huge number of posts needed in order to successfully manage the seven day work week, employees are leaving the service in masses. The diagram inserted beneath clearly indicates an increase of employees exiting the Department of Correctional Services on the basis of retirement or early retirement as well as a sharp increase in resignations.

Year	Number of employees resigned from service
2004/2005	336
2009/2010	441
2013/2014	843

The PSA is seriously concerned by the huge number of employees that are resigning from service. In consulting with our members who exited the Department due to resignation, there was a clear indication that the Department of Correctional services is far from the status of an employer of choice. Members revealed during the consultation processes that there is no promotion policy in place for skilled and highly skilled production levels in the security- and case- officer levels. The PSA has to indicate its dissatisfaction with the Department of Correctional Services' approach in not creating and advertising the CB2 and CB3 posts as agreed to in GPSSBC Resolution 2/2009. Since the signing of this resolution, way back in 2009, the Department failed to create and advertise these posts that led some production level employees stagnating at their top notches.

PSCBC Resolution 1/2007 paved the way to develop the occupation specific dispensation (OSD) for identified occupations within various government sectors. Correctional Officials were part of the identified categories to gain from this new specific dispensation. One of the purposes of this agreement was to attract and retain skilled employees. Clause 4.2 of PSCBC Resolution 1/2007 is quoted:

"4.2 The new salary structures will be developed with the aim of improving the Public Service's ability to attract and retain skilled employees. It would assist the Public Service in addressing the current problems experienced with regard to adequately remunerating the diverse categories, which is currently done by means of a single standardised salary structure."

The sharp increase in resignations currently being experienced within the Department of Correctional Services prompts the question as to whether the OSD agreement for Correctional Services served the purpose of retaining skilled employees. The PSA is strongly of the view that the OSD agreement certainly didn't have the expected results of retaining skilled employees and the number of employees exiting the Department is confirming our view.

The conditions under which employees must perform their duties are also highlighted as a reason for high exit levels. The level of overcrowding in South African prisons is extremely high and it increases the workload. It also poses a direct threat to the safety and security of correctional officials who perform their duties in the overcrowded work environment. It furthermore leads to increased gang related activities and a huge number of officials were victims of prisoner's assaults. St Albans in the Eastern Cape has become a very dangerous red zone, prison gang breeding facility. Correctional officials were stabbed by prison gang members almost on a weekly basis and during the reporting period national office had to deploy a special team to go and assist.

The high number of exists will continue due to an understaffed establishment and that officials need to work in a highly overcrowded environment that is seriously dangerous with the added pressures of the seven day work week.

COLLECTIVE BARGAINING

Averaging of working hours.

The most recent collective agreement concluded in the Department of Correctional Services Bargaining Chamber and forwarded to the GPSSBC for ratification, was the OSD agreement namely GPSSBC resolution 2/2009. Important to note is that GPSSBC resolution 2/2009 made provision for a seven day work week and also it changed the 40 hour work week to a 45 hour work week. It's further important to note that correctional officials are the only public servants who are required to work 45 hours during a week. Internationally, workers' day is celebrated on 1 May every year and this special day originated because of workers gathering in protest of long working days where they, who protested, canvassed for an 8 hour work day. It's somewhat strange why the unions representing the majority of employees during 2009, agreed to longer working hours, and even stranger is why the State as employer proposed this to the parties.

In order to average working hours over a period of up to four months a collective agreement is a prerequisite in terms of section 12 (1) of the Basic Conditions of Employment Act (Act 75 of 1997). Since the introduction of a seven day work week in 2009 the employer is averaging working hours but they are doing so without a collective agreement that permits for the averaging. This is a real concern for the PSA and we believe it should be for Government to. The PSA declared a dispute concerning overtime, because, in the absence of a collective agreement that regulates averaging of working hours, all hours worked in excess of 45 hours during a work week constitutes overtime. The liability for the State as employer with reference to overtime payment is drastically increasing on a weekly basis if this dispute is successfully argued before an arbitrator. It further seems as if the employer has little interest in speeding up the process because the employer took the jurisdiction ruling, which was favourably awarded to the PSA obo its members, on review.

2nd Phase OSD – Recognition of experience

Clause 11 of GPSSBC Resolution 2/2009 makes provision for the recognition of experience.

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11. RECOGNITION OF EXPERIENCE – PHASE 2

- 11.1 With effect from 1 April 2010, the recalculation of salary notch position shall be based on DCS experience as at 30 June 2009 based on years of experience obtained in addition to the experience required for appointment on that level. The recalculation of salary notch will be limited to officials in the production levels (current salary levels 3-8)
- 11.2 Translation of experience shall be recognized as 1 notch for every 5 years worked, calculated from the date of employment in DCS based on the new notch of the OSD.

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The PSA declared a dispute against the DCS as employer when the employer failed to implement the second phase OSD, viz recognition of experience. The arbitrator ruled in favour of the PSA obo its members. The DCS and DPSA took the outcome on review and the matter is currently pending before the Labour Appeal Court.

PSCBC Resolution 5/2009

The State as employer did not implement the salary increase agreed to in PSCBC resolution 5/2009 according to the sliding scale as agreed to in the resolution. The PSA once again had to refer the matter for dispute resolution. The matter was decided in favour of the PSA obo its members. The DCS once again took the outcome of the arbitration on review and the matter is pending before the Labour Court.

Artisans

The migration of artisans to centre based officials gained momentum and we are glad to report that the task team who dealt with this matter finalised its work and it has been forwarded to the bargaining chamber for finalisation. We should acknowledge the positive attitude of the acting national commissioner in this process. Artisans in the department of Correctional Services are desperately waiting for the process to reach finality in the form of a collective agreement or formal resolution.

DISCIPLINE

Year	Number of Disciplinary Hearings
2009/2010	3008
2010/2011	3784
2013/2014	2960

Disciplinary action decreased significantly during the 2013/2014 period when measured against previous years. The PSA thanks Correctional Officials for demonstrating good conduct during 2013/2014. More than 800 less cases were reported with reference to disciplinary action taken. We are however very concerned about the 1130 cases of absence or repeated absence from work without a valid reason or permission. It remains an unanswered question as to the reasons for this high number of absenteeism. The PSA took serious note of this high number and will through its PSA DCS structure address this issue with our members and in doing so assist management in bringing it down to a more acceptable number. We take the responsibility, as the union of choice to work with management in addressing this matter.

SICK LEAVE

The information inserted in the table below was sourced from the annual reports of the department of correctional services.

Year	Number of sick days taken
2004	209 069
2008	351 408
2009	368 734
2013	462 507

Although the number of posts on the post establishment of the department decreased as explained under the heading post establishment, the number of sick leave days taken has more than doubled to 462 507 over the past 10 years. It is our view that this high number of sick days taken and the drastic increase over the period from 2004 up to 2013 is because of the continuous pressure on employees to

perform despite the understaffing on the post establishment, the increase of working hours with the seven day work week, the decision to stop payment of overtime over weekends, the stress that goes hand in hand working in this extremely dangerous environment and the low morale amongst employees because of the high number of labour court cases against the employer as reported supra.

DIPSUTES GPSSBC ANNUAL REPORT

The Department of Correctional Services falls within the scope of the General Public Service Coordinating Bargaining Council. The DCS Bargaining Chamber is therefore affiliated with the GPSSBC. The Annual report of the GPSSBC for the 2013/2014 period revealed some shocking results with reference to disputes registered by employees. The Department of Correctional Services Employees remained the category that referred the highest number of disputes with their employer. The GPSSBC annual report indicated 22% of all dispute referrals received are from Correctional Services. It's extremely high.

CONCLUSION

The honourable then Minister of Correctional Services, Ms Nosiviwe Mapisa-Nqakula MP said in the foreword of the 2012/2013 DCS Annual Report:

"We have presented our priorities, after reprioritizing, to the National Treasury. While we acknowledge that in the past decisions were taken that lead to poor implementation of filling of vacancies, the OSD and 7-day establishment, we strongly advocate for a funding that will allow the department to operate with minimal interruption. Its therefore my request and appeal to the house to study this plan with this in mind."

The department is on record that it needed 18000 posts over and above the 2010/2011 post establishment and by decreasing the number in 2012/2013 the department is well over 20 500 posts short for the continuation of the 7 day establishment.

It seems as if the political leadership, the department and unions are ad idem. Without increasing the establishment, continuous pressure will mount on the ordinary Correctional Official and unless we tackle this together our members will suffer even more. Sick leave taken, the high number of misconduct relating to absenteeism, the high number of resignations and applications for early pension will continue to rise. The PSA is pleading with the House to ensure our Correctional Officials are working in safe and well-staffed facilities.

The PSA acknowledges the change in attitude that came with the acting national commissioner during his period of acting in 2013/2014 and we are looking forward in strengthening the relationship. We as PSA are looking forward to resolving outstanding matters that are before the Labour Courts in the country, speedily with the Department.

Thank you to the Portfolio Committee for providing us with the opportunity to come and share our presentation and all of the best to the acting national commissioner and management. Most of all we as PSA wish to thank each and every Correctional Official in South Africa for the enormous task they are doing under severe pressure. We thank them for serving and protecting South Africa.

Thank You

Pierre Snyman. National Chairperson: PSA Branch of DCS
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