# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 1047**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 18 MARCH 2022**

**(INTERNAL QUESTION PAPER NO. 11)**

**Dr S S Thembekwayo (EFF) to ask the Minister of Health:**

What are the reasons that contract workers from the Expanded Public Works Programme, who have been employed under the Gauteng Department of Health for over three years, have not been absorbed and/or offered permanent employment?

NW1294E

**REPLY:**

The Gauteng Provincial Department of Health informed that contract workers from the Expanded Public Works Programme (EPWP), employed by the Gauteng Department of Health for over three years cannot be absorbed and/or offered permanent employment because they are employed in fixed term contract under the Expanded Public Works Programme (EPWP) that is in terms of section 198B (4) (g) of the Labour Relations Act, 1995 (“the LRA”) which is permitted by clause 2 of the Ministerial Determination 4: Expanded Public Works Programmes promulgated on the 4th of May 2012, in terms of section 50 of the Basic Condition of Employment Act, of 1997 (“the BCEA”). Copy of the Ministerial Determination is attached as an annexure to this response, for ease of reference.

It is essential to be cognisant of the fact that in the Public Service, the creation, grading and filing of posts is regulated in terms of the Public Service is the Public Service Act, 1994, as amended and the Public Service Regulations, 2016, as amended contrary to the Regulations that support the EPWP above.

In terms of Section 3 (5) (b) of the PSA, the authority to create, grade and abolish posts vest on the executive authority and the EPWP, does not occupying an existing post created and funded by the Department.

END.