



SOUTH AFRICAN LOCAL GOVERNMENT BARGAINING COUNCIL

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**TO: ALL MUNICIPAL MANAGERS
HUMAN RESOURCES DIRECTORS
ALL EMPLOYEES**

AND TO: THE PARTIES:

**SALGA
SAMWU
IMATU**

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CHALLENGES FACED BY MUNICIPAL EMPLOYEES ON THE FRONTLINE, FIGHTING THE COVID-19 DISEASE

1. President Cyril Ramaphosa's announcement to the nation on 15 March 2020 regarding a range of measures to fight the COVID - 19 pandemic, and the Government's subsequent announcement of a national lockdown, have highlighted the seriousness of this pandemic. The potential negative impact on the lives of all citizens and the economy, if *every person* and *every organisation* do not become part of the efforts to curb the spread of the coronavirus, is self-evident.
2. According to the latest reports, South Africa has at least 1 845 positive cases of coronavirus (COVID - 19).
3. The SALGBC parties, at a meeting of their authorized representatives on 8 April 2020, considered various issues that are pertinent to the COVID - 19 disaster management and agreed to issue this circular.

Health and Safety of Municipal Employees

4. In terms of section 8 of the Occupational Health and Safety Act, 1993 (OHSA) municipalities, as employers in the local government sector, are required to provide and maintain, as far as reasonably practicable, a working environment that is safe and risk-free to the health of its employees. Municipalities and employees, especially those employees categorized as essential

services, are on the frontline of rendering services, protecting the health and safety of our communities during the struggle and fight against this disease.

Municipalities must therefore provide Personal Protective Equipment (PPE) to those frontline essential service employees, at minimum, the following:

- Masks;
- Gloves;
- Sanitizers;
- Temperature tests for employees who face direct exposure; and
- Other related equipment.

The OSHA imposes, at a minimum, the duty on employers to:

- (a) Take steps to eliminate or mitigate any hazard or potential hazard, before resorting to personal protective equipment;
- (b) Provide information, instructions, training and supervision that may be necessary to ensure the health and safety of employees at work; and
- (c) Enforce such measures, as may be necessary, in the interests of health and safety.

Employees also have a duty to take care of their own health and obey the health and safety rules of the employer. If an employee becomes aware of a situation that is unsafe or unhealthy, he or she must report such a situation to her immediate supervisor as soon as practicable. In the context of COVID - 19, this may include a suspicion that a fellow-employee or customer/client exhibits flu-like symptoms or is running a fever.

The parties have agreed that those municipalities who are not complying with these OSHA obligations must be identified and every effort must be made to report them to the appropriate authorities for non – compliance. This is to ensure that applicable and timeous remedies are put in place to ensure compliance, which may include holding such municipalities accountable for the consequences, as provided for in law. In the same vein, where non - compliant municipalities require support to ensure compliance with their legal obligations, the parties have undertaken to do their utmost to provide assistance to affected municipalities.

5. Currently the SALGBC has no collective agreement specifically regulating health and safety issues affecting municipal employees. Employers are therefore required to rely on and obliged to comply with the OSHA, in the absence of such a collective agreement.
6. Municipalities and its employees are also obliged to comply with the COVID - 19 Regulations issued by Government, as amended from time to time.

Danger faced by Frontline Employees

7. The parties at a national level acknowledge and recognize the danger faced by frontline employees fighting the disease. They applaud the brave and sterling work being done and will continue to be done in next couple of months by these frontline employees.



8. The parties therefore advise municipalities and the union leadership at municipal level, as follows:
 - (a) The Main Collective Agreement does not cater for a danger allowance;
 - (b) If a municipality has a policy which regulates any danger allowance, then the issue must be managed in terms of the relevant municipal policy;
 - (c) If there is no such policy at a particular municipality, then the senior management of the municipality and the identified leadership of IMATU and SAMWU must discuss the matter. The parties must attempt to come to an amicable solution and attempt to identify the employees within the essential service designation who are indeed exposed to dangers or hazards. Parties must also try and identify the procedure to be applied to compensate such employees through the payment of a danger allowance; and
 - (d) The municipality must keep a proper record or register of all employees that were on the frontline of danger or faced direct exposure to the disease.
9. The parties at national level have agreed, in principle, to consider and discuss a compensatory framework and matter incidental thereto, once the lockdown is over.
10. The discussion at national level, however, will be guided by *inter alia* the following criteria:
 - (a) Recognize employees who were exposed directly to danger when working during the lockdown period. As an example, a nurse administering a swab during testing faces greater exposure to danger than an employee working remotely from home. The nurse is a category of employee who ought to receive some form of compensation;
 - (b) Employees not exposed to danger of the disease and who stayed at home during the lockdown should not receive the compensation; and
 - (c) The form compensation.

It must be noted that any collective bargaining regarding this compensatory framework can only take place after the lockdown is over, as parties must obtain mandates from their respective constituencies.

Parties are also guided by the current arrangements such as the Levels of Bargaining provision in the Main Collective Agreement that regulates which matters are to be negotiated at Central Council, Divisional and Local Labour Forum level.

To this end, the parties once again wish to thank their members who are on the frontline of fighting this disease for their patience during this difficult period and providing an uninterrupted service to our communities.



11. The parties at national level will also be guided by government announcements on the lockdown and re-assess the above or any other issues, after the President's anticipated announcement next week.
12. The parties have also agreed that the SALGBC commission a multi-media tool to communicate to the sector and other stakeholders. The SALGBC is in the process of securing a service provider for this purpose. It is the intention of the parties to convey a message of support and motivation from the SALGBC parties to the sector. The video should be available on the digital platforms of SALGA, IMATU, SAMWU and SALGBC within the next week.

Please ensure that this circular is displayed on noticeboards and brought to the attention of front-line employees.

Let us be safe, protect one another and our Country.

Yours faithfully



SS GOVENDER
GENERAL SECRETARY