



ESSENTIAL SERVICES COMMITTEE PUBLIC SERVICE BROCHURE

The Essential Services Committee (ESC) is established by the Minister of Employment and Labour under the auspices of the Commission for Conciliation Mediation and Arbitration (CCMA), after consulting NEDLAC.

The ESC is composed of an independent chairperson, a deputy chairperson (who must be a CCMA Senior Commissioner and six (6) persons from social partners (2 from organized business; 2 from labour and 2 from government).

***Minimum Services
as a means of
Restoring the Right to strike
for Employees rendering
essential services***

WHAT DOES THE ESC DO?

The ESC:

- Investigates whether or not, the whole or part of any service is an essential service, and designates accordingly;
- Determines disputes as to whether or not the whole or part of any service falls within a designated service;
- Determines whether or not the whole or part of any service is a maintenance service;
- Facilitates the conclusion of minimum service agreements (MSA);
- Ratifies MSA's;
- Determines minimum services to be maintained in a designated essential service;
- Monitors the implementation and observance of essential services / maintenance services designations & determinations; MSA's & MSD's;
- Promotes effective dispute resolution in essential services;
- Develop guidelines for negotiating MSA's; and
- On its own initiative, investigates whether a service or part thereof is an essential service.

The ESC has designated the following services in the public service:

- Emergency health services and the provision of emergency health facilities to the community or part thereof:
 - o Nursing; and
 - o Medical and paramedical services;
 - o The following support services:
 - Catering;
 - Medical records;
 - Security;
 - Porter and reception;

- Pharmaceutical and dispensary;
 - Medicine quality control laboratory;
 - Forensics;
 - Laundry;
 - Clinical engineering;
 - Hospital engineering;
 - Waste removal;
 - Mortuary;
 - Pest control;
 - Radiology;
 - Cleaning;
 - Services rendered by Medical Officers in public health.
- Fire Fighting;
 - Payment of social pensions one month after they fall due;
 - Blood transfusion services including the collection, processing, testing and distribution of blood;
 - Care and support services provided in residential facilities in which people with disabilities are accommodated / for people living with disabilities;
 - The whole of the services provided by old age homes, Children's Homes and places of care that are state owned, state funded or state subsidized;
 - Services provided to persons suffering from cerebral palsy as indicated in the designation;
 - Services rendered by mental and related institutions as indicated in the designation;
 - Security services in education institutions;
 - The service of road traffic incident management;
 - The services provided by House Parents at boarding schools:
 - o Sanatorium services / Dispensing of medicines to learners at boarding schools;
 - o Security at boarding schools;
 - Supply and distribution of water;

- Security services for the purposes of securing the infrastructure, access control, property and information at water utilities and pump stations;
- Correctional services as indicated in the designation;
- Services required for the functioning of the Courts incl. Thuthuzela Care Centre, as indicated in the designation;
- General health screening, testing and control of infectious and communicable diseases; as well as port health;
- Weather services in support of marine and disaster management services;
- The services provided or supported by the Central Computer Services namely:
 - o persal system;
 - o the social pension system;
 - o the hospital systems; and
 - o the flood systems;
- The provision of food to public primary school pupils;
- The care of children in schools for special needs;
- Etc.

MINIMUM SERVICES:



Balancing the right to strike with the need to provide essential services.

MINIMUM SERVICE AGREEMENT

A 'ratified minimum service' or 'determined minimum service' means the minimum number of employees in a designated essential service who may not strike in order to ensure that the life, personal safety or health of the whole or part of the population is not endangered.



THINGS TO NOTE:

- It is the service that is essential and not the employee/ institution.
- In concluding minimums, it is the reduced number of employees per department / unit that are rendering essential services, that are required in order to render essential services during a protected strike.
- MSA's are employer negotiated as the employer is the custodian of the organogram.

APPROACH TO PUBLIC MINIMUM SERVICES:

- The ESC will commence the determination of the Framework for minimum services. (Parties will be expected to make submissions, oral and in writing in this regard.)
- Once the Framework is in place, the ESC will commence with determinations for each department rendering essential services.

MSA EXAMPLE		No. of employees who may strike	No. of employees who must work during a strike	No. of employees per post	Post designation of employees essential	Dept./ Section	Designated Service
		(2) (2) (6)	(10) (5) (12)	(12) (7) (18)	Enrolled nurses Registered nurses Nursing assistants	Casualty	Nursing
		(3) (2) (3)	(3) (2) (5)	(6) (4) (8)	Enrolled nurses Registered nurses Nursing assistants	OPD	

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