

FOR PSA MEMBERS: **DEPARTMENT OF HIGHER EDUCATION AND TRAINING (DHET)**

10-07-2023

Feedback: Security Task Team Meeting

Amendment of Working Hours for Security Officers

Members will recall that the employer tabled this agenda item at the DBC to amend the normal working hours of Security Officers to shift working hours. A copy of the draft collective agreement was circulated to labour for inputs. Labour rejected the document because it was not properly formulated and could not be consulted on. The employer had since circulated a properly drafted document which is in line with the provisions of the GPSSBC Constitution. The PSA wishes to request members to provide inputs on the *attached* draft collective agreement no later than **21 July 2023** to velucia.maluleke@psa.co.za or motshepea@dhet.gov.za. Members will be kept informed regarding developments.

Employees who want to join the PSA can visit the PSA's website (www.psa.co.za), send an email to ask@psa.co.za, or contact PSA Provincial Offices

GENERAL MANAGER

AGREEMENT

DEPARTMENTAL BARGAINING CHAMBER

AGREEMENT NO:	
DATE:	

***COLLECTIVE AGREEMENT ON THE ARRANGEMENT ON WORKING TIME FOR THE
SECURITY OFFICERS EMPLOYED IN THE DEPARTMENT OF HIGHER EDUCATION AND
TRAINING.***

COLLECTIVE AGREEMENT ON THE ARRANGEMENT ON WORKING TIME FOR THE SECURITY OFFICERS EMPLOYED IN THE DEPARTMENT OF HIGHER EDUCATION AND TRAINING

1. PURPOSE

The purpose of this agreement is to:

- 1.1. Provide a basis for regulation of the working time and related matters of security officers employed in the Department of Higher Education and Training (DHET) with due consideration of the operational needs of the Department.
- 1.2. The working time arrangements of the security officers shall be arranged and agreed with an understanding that security officers are public servants and are appointed in terms of Public Service Act, 1994 (Act No. 103 of 1994) as amended. However, they shall work shifts as required by the operational conditions of DHET, therefore being classified as shift workers on 40 hours per week.
- 1.3. Security Management Directorate is classified as essential service.
- 1.4. In terms of section 71 (7) & (8) of the Labour Relations Act, (66 of 1995 as amended) the Essential Services Committee designated security services in education institutions as *essential service*.

2. SCOPE

This agreement applies to and binds:

- 2.1. The Department of Higher Education and Training (DHET) as the Employer.
- 2.2. Employees of the employer who are members of the Directorate: Security Advisory Services.

3. Definitions

- 3.1. 'Employer' means DHET.
- 3.2. 'DHET' Department of Higher Education and Training.
- 3.3. 'DPSA' Department of Public Service and Administration.
- 3.4. 'Security Officers' means security officers including senior security officers employed within

Directorate: Security Management of DHET.

- 3.5. 'Rotational Shift Roster'** means the security officers shall work according to the drafted roster monthly and according to the operational needs of the Department.
- 3.6. 'Straight Shift'** means a period which an employee shall work for a period (10) hours daily during weekdays excluding public holidays and weekends.
- 3.7. 'Week'** means a periods of seven (7) days within which the working week of the employee falls (for the purpose of this agreement a week shall commence on the day that the employee starts his/ her shift).
- 3.8. 'Security Supervisors'** means security supervisors employed within Directorate: Security Management of DHET to supervise the security officers.
- 3.9. Essential Services**, means services by whom so ever rendered, and whether rendered to the government or to any other person, the interruption of which would endanger the life, personal safety or the whole or part of the population.

. LEGAL FRAMEWORK

- 4.1.** The following legal prescripts shall regulate the implementation of this agreement:
- 4.1.1. The Labour Relations Act, 1995 (Act No.66 of 1995).
 - 4.1.2. The Basic Conditions of Employment Act, 1997, (Act No.75 of 1997), as amended.
 - 4.1.3. Public service Act, 1994 (Act No 103 of 1994).
 - 4.1.4. Public Service Regulations of 2016.
 - 4.1.5. Determination and Directive on Working Time on the Public Service, 2012.
 - 4.1.6. PSCBC Resolution 1 of 2007.

THE PARTIES TO THE DEPARTMENTAL BARGAINING COUNCIL (DBC) AGREE AS FOLLOWS:

5.1. ORDINARY WORKING HOURS

5.1.1. With due consideration to the provisions on the working hours as determined in par 1 of Par 11 of the Determination on Working Time and in line with DHET's operational environment the security officers shall:

- (i) Work two (2) consecutive days eight (8) hours shift which is from 06:00 - 14:00 followed by two (2) consecutive days eight (8) hour shift from 10:00 to 18:00 and two (2) rest days.
- (ii) Work two (2) consecutive days eight (8) hours shift which is from 10:00 to 18:00 followed by two (2) consecutive days eight (8) hour shift from 06:00 to 14:00 and two (2) rest days.
- (iii) Work two (2) consecutive twelve (12) hour night shift followed by two (2) rest days.
- (iv) Work twelve (12) hour shift, day shift from 06:00 to 18:00 and night shift from 18:00 to 06:00 over the weekends and holidays.
- (v) Work eight (8) hours day/straight shift from 07:30 to 16:00 Monday to Friday (Key Custodians and Principal Security Officers).

5.2. ROTATIONAL SHIFT ROSTER

ROSTER 1:

5.2.1. The proposed arrangement for the working time of security officers shall be implemented through a rotational shift roster.

5.2.2. The rotational shift roster shall be drafted monthly to ensure compliance with Chapter 2 of the Basic Conditions of Employment Act, 75 of 1997 (as amended) in relation to the regulation of working time.

ROSTER 2:

5.2.3. Four (4) days in, four (4) days out, (4 groups A, B, C and D will work Option 2):

- (i) Work two (2) days shifts from 06:00-18:00 - 12-hour shifts;
- (ii) Work two (2) night shifts 18:00-06:00 - 12-hour shifts; and
- (iii) Then four (4) days' rest.

ROSTER 3:

5.2.4. The rotational shift roster shall have five (5) shifts (A, B, C, D and E) that will ensure that all security points are adequately always manned. The shift shall be comprised as follows:

- (i) The two (2) shifts (A, and B) shall work 8 (eight) hours day shifts from 06:00 to 14:00 and from 10:00 to 18:00. The security officers shall work these two shifts by rotating in four days and rest for two days;
- (ii) Shift C will work two (2) consecutive night shift for twelve hours and have two (2) rest days. The shift will also rotate to work shifts (A and B);
- (iii) Shift A, B and C will also rotate to work twelve hour shifts over the weekends and holidays; and
- (iv) Shift D will work Monday to Friday from 07:30 to 16:00.

5.2.5. The security officers shall be rotated as per the rotational shift roster within the different shifts monthly.

5.2.6. The security supervisor will draft the rotational roster at the beginning of every month and will be shared amongst the security officers or displayed on the notice board.

5.3. KEY CUSTODIANS

5.3.1. The Key Custodians work an eight (8) hours day shift from 7:30 to 16:00 Monday to Friday. The Key Custodians shall be on standby daily to attend to emergencies and will be eligible to work overtime when need arises.

5.4. SECURITY SUPERVISOR

- 5.4.1. The security supervisors shall work from 06:00 to 18:00 and 18:00 to 06:00 hours and perform supervisory work.
- 5.4.2. The security supervisors will work three consecutive days, three consecutive nights and three days off.

5.5. NIGHT WORK

- 5.5.1. With due consideration to par 4.1. of Par 111 of the Determination on Working Time, night work for purposes of DHET shall be deemed work performed between 18:00 until 06:00.
- 5.5.2. Employees performing night shift, as contemplated in clause 5.2.3, above, shall receive the night shift allowance provided in the Determination and Directive on Working Time.
- 5.5.3. An employer who requires an employee to perform work on a regular basis after 18:00 and before 06:00 the next day must do the following:
- (i) Inform the employee in writing, or verbally if the employee is not able to understand a written communication in a language that the employee understands: (i) of any health and safety hazard associated with the work that the employee is required to perform; and (ii) of the employee's right to ~~undergo~~ a medical examination.
 - (ii) On the request of the employee, enable the employee to undergo a medical examination, for the account of the employer, concerning those hazards: (i) before the employee starts, or within a reasonable period of the employee starting such work; and (ii) at appropriate intervals while the employee continues to perform such work.
 - (iii) Transfer the employee to suitable day work within a reasonable time if: (i) the employee suffers from a health condition associated with the performance of night work; and (ii) it is practicable for the employer to do so.

5.5.4. THE FOLLOWING HAZARDS HAVE BEEN IDENTIFIED:

SECURITY POINT	HAZARD	MITIGATING MEASURES
Control room	Extensive seating over an extended period	Increase the rest periods or regular intervals
Main Reception Scanners and X Ray machine	Radiation from scanners	Inspect radiation levels constantly and ensure compliance
INDLELA Backyard	Overgrown grass	Cut the grass constantly to avoid injuries
Control room	Non ergonomic chairs	Procure ergonomic chairs to avoid back pains
Control room	Close distance to the monitors	Far distance from the monitors to avoid eye irritation or eye fatigue

5.6. MEAL INTERVALS AND REST BREAKS

5.6.1. Security officers shall be entitled to meals and rest breaks that are compliant with the Basic Conditions of Employment Act 75 of 1997 and the Occupational Health and Safety Act 85 of 1993.

5.6.2. The security supervisor will stagger the meal intervals for the security officers in a way that all security officers will have a fair share of meal breaks to avoid security stations being left unattended.

5.6.3. Colleagues assigned to control room duties will have an extra rest break on compliance with the Occupational Health and Safety Act 85 of 1993.

5.6.4. Colleagues assigned to main entrance reception scanners will have an extra rest break in compliance with the Occupational Health and Safety Act 85 of 1993.

5.6.5. If an employee is requested, due to the operational reasons, to work through his/her meal break, the employee shall be allowed to take a break at an alternative time during the

same day.

5.7. WEEKLY AND DAILY REST PERIODS

- 5.7.1. The security officers shall have a daily rest period of 12 (twelve) hours or more between the ending and recommencement of work period.
- 5.7.2. The security officers shall have a rest period of two (2) consecutive days.

5.8. OVERTIME

- 5.8.1. The security officers may consent to work overtime as and when required through mutual agreement with the employer and as per this agreement.
- 5.8.2. The security officers may work overtime as and when required, as per this agreement and shall be remunerated in accordance with the DHET policy on overtime, read in conjunction with the Determination and Directive on Working Time on the Public Service.
- 5.8.3. All hours worked more than ordinary working hours (i.e., 40 hours per week) shall be deemed as overtime.
- 5.8.4. The employer shall develop a mechanism to manage and ensure that the system is not abused, such a mechanism shall include but not limited to regular audits on hours worked and implement remedial actions to recover any irregular payment made to any security officer.
- 5.8.5. Overtime worked during events shall be claimed on a monthly basis including the overtime duties performed in the office.

5.9. OVERTIME CALCULATION

- 5.9.1. The basic salary for the calculation of overtime worked shall be as per the Determination and Directive of Working Time as determined by the Minister of the Public Service and Administration.
- 5.9.2. The remuneration for normal overtime shall be calculated as per the Determination and Directive on Working Time as determined by the Minister of the Public Service and Administration.
- 5.9.3. The remuneration for overtime work performed on a Sunday or a Public Holiday shall be calculated as per the Determination and Directive on Working Time as determined by the Minister of the Public Service and Administration.

5.10. REMUNERATION FOR SUNDAY AND PUBLIC HOLIDAYS

5.10.1. PAY FOR ORDINARY WORK ON SUNDAY

- (i) If an employee is required to work an ordinary shift on a Sunday, the Executing Authority must pay the employee for such ordinary work on a Sunday 1.5 x the employee's basic salary. In other words, the category of staff concerned are shift workers who, in terms of their shift - rosters, must perform their ordinary work on a Sunday.

5.11. PAY FOR ORDINARY WORK ON PUBLIC HOLIDAYS

- 5.11.1. If a Public Holiday falls on a day which an employee ordinarily works, the Executing Authority must pay the employee 2 x his or her basic salary, without the option of granting time-off. In other words, the category of staff concerned is shift workers who, in terms of their shift - rosters, must perform their ordinary work on a public holiday.

6. DATE OF IMPLEMENTATION

- 6.1.1. The provisions of this agreement shall take effect from the date ratified by the Council.

7. INTERPRETATION AND APPLICATION


- 7.1.1. In the event of any conflict between the provisions of this agreement and any other agreement of the Council, the provisions of this agreement shall take precedence.
- 7.1.2. No amendments to this agreement shall be of force or effect unless reduced to writing and agreed to by the parties to the Council as a resolution of Council.

8. DISPUTE RESOLUTION

If there is a dispute about the interpretation or application of this agreement, any party to it may refer

the matter to the Council for resolution in terms of the dispute resolution procedures of Council.

ON BEHALF OF EMPLOYER

EMPLOYER	NAME	SIGNATURE
DIET	FIRCE Hugo	

ON BEHALF OF EMPLOYEES PARTIES

TRADE UNION	NAME	SIGNATURE