



# ENGAGEMENT WITH THE PSCBC ON THE TRANSFER OF EMPLOYEES TO THE BORDER MANAGEMENT AUTHORITY

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BORDER • MANAGEMENT • AUTHORITY



# PURPOSE OF THE PRESENTATION



***The purpose of this presentation is to consult with members of the PSCBC on the transfer and integration of employees from the Department of Home Affairs to the Border Management Authority (BMA) - a mop up of the transfer of employees that took place effective from 1<sup>st</sup> April 2023.***



# OUTLINE OF THE PRESENTATION

- **PURPOSE OF THE PRESENTATION**
  
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  - ✓ RECAP ON THE STAFF INTEGRATION PROCESS
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## CONTEXT AND BACKGROUND



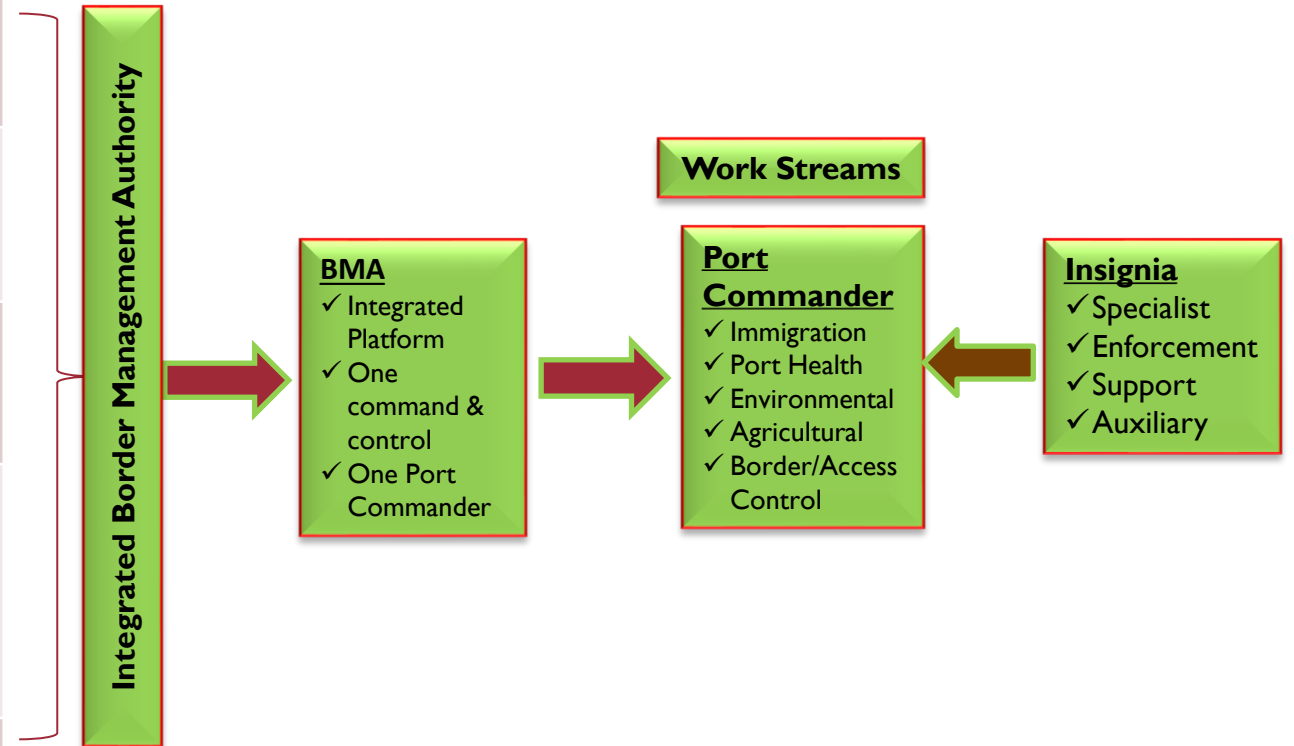
# BMA LEGISLATIVE MANDATE

- **Based on Section 5 of the BMA Act, the Authority is expected to fulfill the following legislated mandate:**
  - Facilitate and manage the legitimate movement of persons within the border law enforcement area and at ports of entry;
  - Facilitate and manage the legitimate movement of goods within the border law enforcement area and at ports of entry;
  - Co-operate and co-ordinate its border law enforcement functions with SAPS, SARS & SANDF, border communities or any other persons.
- The BMA is established as an armed service, in terms of Section 199(3) of the Constitution, and as public entity outside Public Service in terms of Section 4 (1) of the BMA Act, 2 of 2020;
- Section 4 (2) provides that border law enforcement functions at the ports of entry and within the border law enforcement area must be performed **exclusively** by the officers of the BMA; and
- The immigration functions have been transferred to the BMA through Proclamation 89 of 2022 (Presidential proclamation in terms of Section 97 of the Constitution).



# RECAP ON THE STAFF INTEGRATION PROCESS

Departments	Functions transferred to BMA
Home Affairs	<b>Port Immigration function</b> Experts:(1130), Support (39), Auxiliary (54), SMS (2): (T- 1225).
Health	<b>Port Health Function</b> Experts:(314), Support (16), Auxiliary (7), SMS (2): (T- 339).
Forestry, Fisheries & the Environment	<b>Biosecurity (Fauna &amp; Flora)</b> Experts:(14): (T- 14).
Agriculture, Land Reform & Rural Development	<b>Agriculture/Plants Functions</b> Experts:(320), Support (37), Auxiliary (14), SMS (1): (T- 372).
<b>TOTAL</b>	<b>(1 950 Staff )</b>



# STATUS OF INTEGRATION AND CAPACITATION OF THE BMA

No.	Matter	Key Developments
1.	Current staff compliment	a) The BMA has increased its staff complement to 2570 (24% addition – which includes 400 Junior Border Guards and 63 immigration officers)
2.	Implementation of the BMA Remuneration Framework	The BMA Remuneration Framework was approved and implemented with effect from 1 July 2024
3.	Finalisation of the staff integration process	<ul style="list-style-type: none"> <li>a) Despite the very limited financial and HR capacity, mostly in corporate support, a lot has been achieved in nearly two years towards stabilising the organisation.</li> <li>b) Officials have been placed against the BMA's permanent organisational structure.</li> <li>c) An Appeals Committee has been established to consider grievances lodged by officials in respect of their placements.</li> <li>d) All issues relating to the post-retirement medical support and GEHS have been resolved.</li> <li>e) All payroll challenges relating to employee conditions of service have been resolved except for some employee tax related concerns. The BMA is continuously working with SARS and National Treasury to find a lasting and amicable solution.</li> </ul>
4.	Engagements with Organised Labour	<ul style="list-style-type: none"> <li>a) The BMA National Consultation and Bargaining Forum (NCBF) established and sits periodically to address all employee concerns.</li> <li>b) Process of appointment of an independent Chairperson for the Forum at an advanced stage.</li> </ul>





## DETAILS OF THE AFFECTED FUNCTIONS AND POSITIONS



# FUNCTIONS AND RESOURCES THAT REMAINED IN THE DHA

- Proclamation 89 of 2022, signed by the President of the Republic of South Africa on 30<sup>th</sup> August 2022, facilitated the transfer of the administration of certain powers and functions from some government departments to the to the Border Management Authority (BMA);
- Subsequent to the proclamation, key activities included consultations with all unions that had organizational rights in the affected departments, and the affected employees;
- The transfer of functions, employees, assets and funds was put into effect when the BMA was established and operationalised on the 1<sup>st</sup> April 2023 under the guiding principles of the PSCBC Resolution 1 of 2023;
- It was since established, that some border law enforcement functions remained in the Department of Home Affairs (DHA) and were performed by the DHA officials, which is illegal and a direct violation of section 4 (2) of the BMA Act;
- Two directorates, Operational Support and Airline Liaison, were confirmed to have their functions based solely to border law enforcement;
- The directorates constitute the remainder of the Chief Directorate: Port Control.



# DETAILS OF THE AFFECTED FUNCTIONS IN THE DHA STRUCTURE

- The mandate of the Chief Directorate Port Control is to facilitate the legal entry and departure of all persons into and out of the Republic through designated ports of entry, and management of the extended border through pre-clearance of persons travelling by air and sea for risk assessment and management purposes.
- The Chief Directorate had three directorates, Operational Support, Airline Liaison, and Ports of Entry. Only officials who were under the Ports of Entry directorate (1 225) were transferred to the BMA in April 2023. The other directorates accounted for only 2% of the funded positions in the Chief Directorate i.e. 27/1 252.
  - *The Directorate Operational Support's responsibilities include the risk based Movement Control, the 24/7 and 365 days operational centre that supports port operations, and setting up procedures for imposing of administrative fines;*
  - *The Airline Liaison Directorate focuses on the use of pre-departure airline passenger data for pre-screening and pre-clearance, as well as risk profiling.*
- The functions of the two directorates are based on the movement control and advanced passenger processing systems respectively.
- There are twenty-seven (27) funded positions under the two directorates, which figure represents the total of **affected employees**.



# STATISTICAL BREAKDOWN OF THE AFFECTED POSITIONS

## Posts Total Breakdown by Salary Levels

	Job Title	Salary Level	No. of Officials	Total
IMMIGRATION	CHIEF DIRECTOR	14	1	27
	DEPUTY DIRECTOR	12	3	
	ASSISTANT DIRECTOR	10	4	
	ASSISTANT DIRECTOR	9	1	
	SENIOR ADMIN OFFICER	8	7	
	ADMIN CLERK	6	11	



## REFLECTION ON THE EMPLOYEES' CONDITIONS OF SERVICE

## REFLECTING ON THE EMPLOYEES' CONDITIONS OF SERVICE

*The same principles of the PSCBC Resolution 1 of 2023 on the transfer and integration of staff into the BMA are fundamental to the transfer of the remaining employees:*

- (a) The principle of **staff follows functions** remains applicable;*
- (b) Employees will **retain their current conditions of service** as a minimum, and the employment contract will continue with the BMA as if with the releasing department. This includes post retirement medical support for those who qualify;*
- (c) Members **pensions would remain** in the Government Employees Pension Fund (**GEPF**), and BMA would continue with the contributions, ensuring there is no service interruptions;*
- (d) Provision of the BMA Act relating to **vetting of staff** will not threaten job security for those who might fail to obtain the relevant security clearance at the point officials are vetted.*



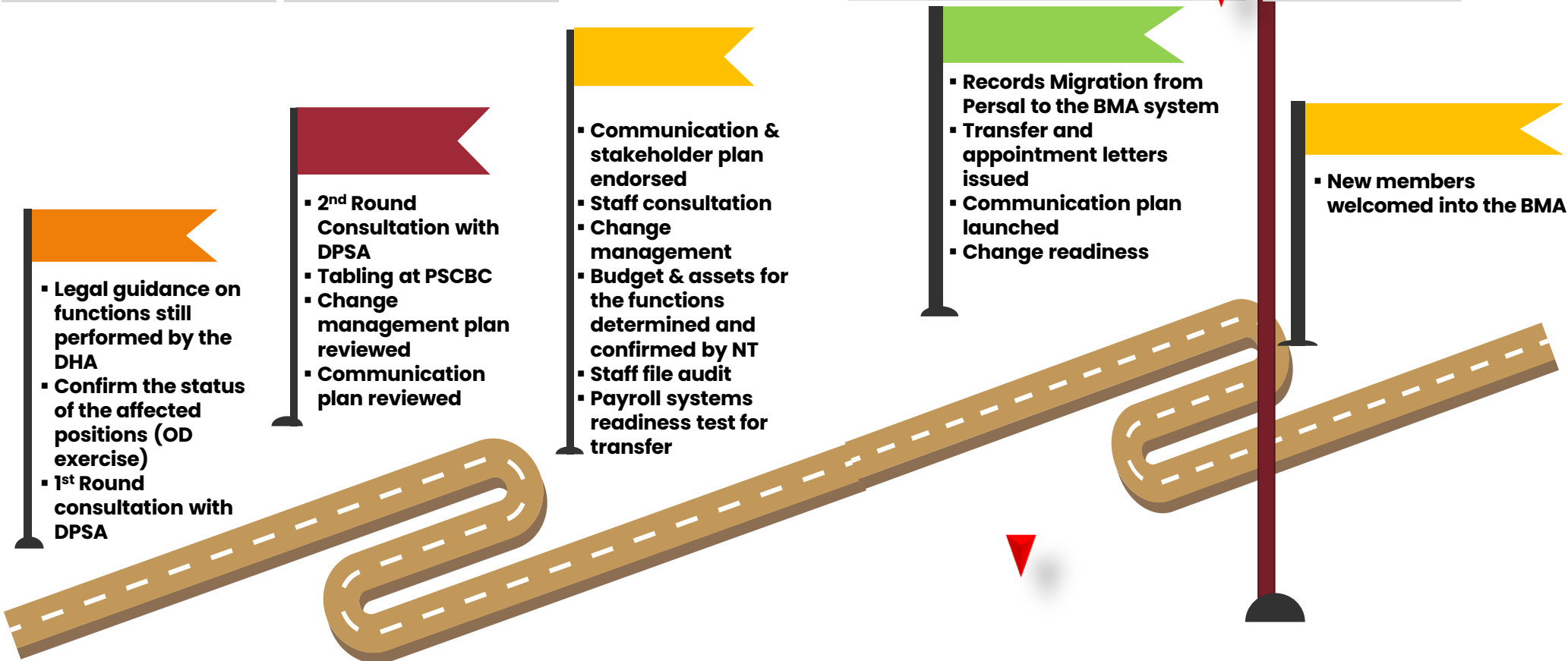


## PROJECT IMPLEMENTATION TIMELINES

# IMPLEMENTATION ROADMAP

**Day 1**  
**01/04/25**

Apr-Oct 2024      Nov-Dec 2024      Jan-Feb 2025      Mar 2025      April 2025



**TOGETHER EMBRACING AND WALKING THE CHANGE**





## RECOMMENDED WAY FORWARD



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That the PSCBC notes the presentation and support the consultation and engagements that seek to:

- *Facilitate a determination by the Minister of Public Service & Administration;*
- *Activate the general consultation with employees in the Department of Home Affairs, in order to increase awareness and understanding of the details and implications of their transfer to the BMA; and*
- *Roll-out the Change Management and Communication strategy.*





**THANK YOU**

