



EMS DISPUTE ON AVERAGING OF WORKING HOURS

REPORT 21 OF 2024

24 OCTOBER 2024

This dispute relates to the averaging of working hours by employer without following procedure prescribed by the Basic Conditions of Employment Act and (Public Service Coordinating Bargaining Council) PSCBC Resolution 1 of 2007, in that:

“The mechanisms and conditions for the averaging of working hours, where required, be determined in the respective bargaining council.”

The employer in Gauteng Emergency Medical Services (EMS) has been averaging working hours without a resolution of the bargaining council, causing EMS employees to work unpaid overtime.

In 2023, Hospersa declared a dispute to the bargaining council which could not be resolved due to jurisdictional reasons and through our Legal Department, the matter was filed at the Labour Court to review and set aside the ruling by the Commissioner of the PSCBC.

After the union filed its papers, employer failed to oppose the matter within the prescribed timeframe of the court, where the matter was placed on an unopposed roll for hearing on 22 October 2024.

The Department filed its Notice to oppose and delivered its Opposing Affidavit on Friday, 11 October 2024.

THE COURT PROCEEDINGS:

During proceedings at the Labour Court, the Judge placed on record that the court never received an Opposing Affidavit from Employer and lambasted the Council of Employer for abusing court proceedings. Further placed on record that the Council of Employer is undermining the court and unfairly charging their client (employer) for a service not rendered as they deliberately submitted a motion late as a delaying tactic.

Based on fair proceedings, the court granted employer to remove the matter from the unopposed roll and place it on the opposed roll.

WAY FORWARD:

Hospersa to schedule an urgent meeting between the Provincial Leadership, the Legal Department, our Legal Counsel and EMS Leadership to support our Legal Counsel in preparing an answering affidavit to address the following on the employers opposing affidavit:

- The delayed opposition without condonation
- Material issues raised by employer in their answering affidavit

Hospersa remains confident of victory in this matter and doing all our best to ensure that our members get the deserved justice and end this exploitation by employer.

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Why join Hospersa?

Individual indemnity cover of up to **two million rand** per member (exclusion apply)

Death benefit of **R5 846** for principal members after 6 months of membership

Professional legal assistance for labour-related issues at the CCMA and Labour Court

Collective bargaining **negotiating salaries** and other substantive conditions of employment.

Trained, democratically elected **shop stewards**.

Representation at **disciplinary hearings**, grievance procedures and incapacity processes

Representation on **various committees**, including Employment Equity and OHS

General Meetings with members

Bilateral **meetings with management**

Service provider benefits including **discounts on services** and stays at holiday resorts.

HOSPERSA OFFICES

Eastern Cape (043-722-3776)
KwaZulu-Natal (033-342-6847)
Northern Cape (053-842-2001)

Free State (051-448-4659)
Limpopo (015-295-3272)
North-West (018-462-3692)

Gauteng (011-791-2243)
Mpumalanga (013-752-6199)
Western Cape (021-591-9283)