

**THE SOUTH  
AFRICAN  
PARASTATAL AND  
TERTIARY  
INSTITUTIONS  
UNION**



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**MEMORANDUM**

**08 NOVEMBER 2007**

**TO: SAPTU MEMBERS**  
**RE: SALARY UPDATE -OCCUPATION SPECIFIC DISPENSATION (OSD)**  
**-ADMINISTRATIVE STAFF SALARY**  
**-PENSION AND MEDICAL AID**

**1. LEGAL PROFESSIONALS**

**BACKGROUND:**

The salaries of legal professionals has been a matter of discussion between the Legal Aid Board and the Department of Justice, DPSA Task Team and National Treasury over the past few years. As the only sufficiently representative trade union of the LAB, it is SAPTU's mandate to ensure that the alignment is completed accurately, without undue delay to ensure equity and fairness to our members of the public defender.

SAPTU has been involved with numerous submissions and processes to ensure that our members' views, issues and demands are tabled. Numerous requests were sent out to members to give input on the processes. The employer has facilitated the process but also adopted an approach of quiet diplomacy, and the only memorandum which reveals their concerted effort to inform employees was on 25 April 2006 when prosecutors benefited with the first round of MTEF.

[SEE Attachment A]

SAPTU addressed a letter to the Minister of Justice, marched to parliament, conducted press releases and organized placard demonstrations to highlight your mandate. SAPTU then called for your submissions with the grading, job-profiling and benchmarking processes. It was delivered to the DPSA to table our members' concerns. This was not a negotiation process, but rather a consultative process.

SAPTU also formed affiliation with HOSPERSA to gain representation at this forum. This is the first time in the history of the LAB that employees could voice their concerns and issues at this level. This has good prospects for the future of the LAB and collective bargaining. HOSPERSA was also very successful with the OSD for the Nursing profession.

## THE CURRENT STATUS

SAPTU received unconfirmed salary scales and translations on 31 October 2007, and refused to release this to members until it has been formally handed over to SAPTU by the DPSA, and verified as the finalized proposal for the Minister. SAPTU is aware of its mandate and sought an opportunity to point out the areas of non-alignment of the OSD. This was presented at a meeting at PSCBC on 05 November 2007. Please be advised that like the employer and the NPA, SAPTU's terms of engagement was constructive consultation and not negotiation. The approach of the DPSA officials is that there is R250 million rand budgeted for OSD in the Justice sector. NPA and LAB are not parties to the PSSBC and their determination of salary dispensation is by ministerial determination. If the NPA or LAB is dissatisfied let it be the case, as the department of Justice only has a limited budget. The Minister will then have to decide, as there are equal salary scales for all legal professionals, but different translations for each employer.

SAPTU pointed out the following to the DPSA officials:

1. The translations of some of the categories of staff are unfair and leads to non-alignment, eg. CA's vs Aspirant prosecutors (criteria)  
Experienced Reg crt PA's vs Reg crt Prosecutors  
Senior State vs S HCU PA

The unfair conditions of employment and unfair translation of salary creates the perception that the task team of the DPSA has not created accurate alignment and that the LAB employees are always prejudiced with budget constraints. In the last round of salary increases in 2006, the NPA benefited and LAB staff were excluded. Now again! How can the LAB retain our skilled staff then?

2. Paralegals and Legal aid officers are not cited
2. Performance bonus of LAB not cited.
3. The conditions of service are unequal as provision is made for prosecutors for: cellphones, car allowances, bags, togas, better home allowance etc.
4. Is the legal profession not downgraded with regard to levels of salaries?
5. Dispute mechanism of this OSD process.

DPSA responses were:

For (1) Agreed, it is not aligned in translation, but nothing they can do about it due to budget. SAPTU asked why can't the translation of prosecutors' salary be less this time round out of fairness, so that LAB defenders could reach parity. SAPTU has to make a formal proposal on this issue to DPSA and Minister of Justice.

DPSA then showed SAPTU how the translation works:

The current salary of incumbent is translated to new salary dispensation. The notches are counted down in terms of years of experience and the two years of internship are included.

Illustration:

If a Reg cri PA is on a scale of R166,795 presently, he translates to 170,952  
If this PA has 5 years experience plus two years of articles equals then 7 years.  
The PA then counts the notches down 7 and will earn then R186, 930 as LP-2.

For (2) These categories of staff are not included as profiles do not require them to have a legal degree. The same as a maintenance officer in Justice. SAPTU noted that some staff do have degrees and they are classified by LAB as legal staff. DPSA disagreed.

For (3) Yes, the performance runs on two workstreams.  
Normal performance every year according to notch for average performance.  
Accelerated performance for the excellent and hard workers who can climb there notches from LP-1 to LP-2 with consecutive excellent performance in a short period. SAPTU noted that this is a positive for employees who work hard and smart. The future of the 14<sup>th</sup> cheque will be discussed with employer.

For (4) The OSD is only about salary dispensation. The tools of the trade and conditions of service except pension, is in the employer's domain. "Your employer must budget for these tools and equal conditions and allow for it in their budget."  
DPSA has hints on its website about how to structure packages.

For (5) No, Entry level is higher at R81K and prosecutors and CA's will have the same period of training and apply for the next post level at R125K.  
Some LAB defenders were earning R40 K and R88K and this will change.  
Also Phase 2 will recognize the experienced staff in the legal sector and retain their skills as the salary scales make allowance for this and also backdated to 01 July 2007. LAB the only fortunate employer to have LP4 and LP5.

There is accurate alignment for the legal sector for all the staff joining the LAB, NPA or Justice. Only those who occupy posts who must be translated, which will only occur once off, and it may be different. The NPA are ahead from the last round. See Attachment 2 –Proposed Scales of LAB  
See Attachment 3- Proposed Scales of NPA

For (6) The LAB is not part of the PSCBC. The CCMA is then the forum to approach to declare a dispute. It will take some time to obtain a date for conciliation and then there is a 90 day period within which arbitration may occur. Most of the categories of LAB staff will gain and some increases are very good. SAPTU's affiliate union representative asked SAPTU to consider the staff component in totality before considering this option.

#### **THE WAY FORWARD:**

SAPTU will submit a letter to the Minister of Justice and DPSA by Monday 12<sup>th</sup> November 2007. The DPSA would like to sign off the proposals for the Minister of Justice to approve. The unions have 21 days to consider the proposals and provide feedback from its members. The 21 day period ends 21 November 2007. The prescribed date that LAB usually closes for the processing of salaries for December 2007 is the 21<sup>st</sup> November 2007. You decide then about the prospect of backpay before XMAS.

#### **ADMIN STAFF SALARIES**

##### **BACKGROUND:**

Admin staff salary issue is not dependant on the OSD process and DPSA. This is an internal LAB issue to be decided by LAB EXCO. SAPTU has placed this issue on the agenda of LAB EXCO-SAPTU meetings since July 2007.

SAPTU was informed at one of these meetings that the benchmarking for Admin staff is underway and that the Board of directors approved the narrowing of Admin staff salary bands. One of the EXCO members expressed the view that Admin Staff salaries are market related. The NARROWED scales would be implemented simultaneously with the OSD. No backpay. The scales being circulated are not for Admin staff, but only for legal professionals.

### **THE CURRENT STATUS**

SAPTU at the last LAB EXCO-SAPTU meeting in October 2007 mandated a representative to present the Admin staff issues. She was not video linked in Bloemfontein. SAPTU requested that this issue be carried over to the agenda of the next meeting. The employer also requested that SAPTU compile a working document to be submitted by the next meeting. SAPTU has tasked two EXCO members to carry the flame of no surrender for our Admin staff members.

### **THE WAY FORWARD:**

Admin staff must give input and all relevant information to Elginita Moodley and Ethney Nortje soonest. The working document must be submitted by end of business on Monday 12 November 2007.

### **THE PENSION AND MEDICAL AID ISSUES**

The employer indicated to SAPTU at the last LAB EXCO-SAPTU meeting in October that the ATPF and Gems issues are being addressed and that the employer would issue a memorandum to staff. SAPTU has suspended all the pension grievances of its members until the proposed memorandum by the employer is issued.

*As my one comrade in George signed off:*

**The Almighty answers prayers in three ways...**

**He says yes & gives u what u want,  
He says no & gives you something better,  
He says wait ..& gives the best in his own time...**

**Long live the unity of workers!**

Andre Paries

SAPTU CHAIRPERSON