



**PHSDSBC**

**PUBLIC HEALTH AND SOCIAL DEVELOPMENT  
SECTORAL BARGAINING COUNCIL**

**THE PUBLIC HEALTH AND SOCIAL DEVELOPMENT SECTORAL BARGAINING  
COUNCIL**

**RESOLUTION 2 OF 2014**

**AGREEMENT ON THE TRANSFER OF PORT HEALTH SERVICES FROM THE  
PROVINCIAL DEPARTMENTS OF HEALTH, TO THE NATIONAL DEPARTMENT  
OF HEALTH**

**1. NOTING THAT:**

- 1.1. The National Health Amendment Act, 2013 (Act No. 12 of 2013) ("the Act") assigns the responsibility of facilitating and promoting the provision of Port Health Service to the National Department of Health.
- 1.2. Factors that led to a decision to transfer Port Health Services from Provincial Departments of Health to National Health Department include the need for a uniform coordination and management of the service from a central point.
- 1.3. Port Health officials take high level decisions on behalf of the Minister of Health in all Points of Entry relating to clearing of Very Important Persons, Very Very Important Persons and other members of the Diplomatic Corps. This includes inadmissibility of such and other travellers with, amongst others, their goods, consignments, baggage, postal parcels, which requires to be handled with caution and uniformity within the country.

1.4. Uniform coordination and management of the service will strengthen Port Health Services in the country.

1.5. Parties recognise as complete, the consultation process of affected employees undertaken through the chambers, in line with the terms of reference as set out by the council.

1.6. Parties make an undertaking that there shall be no disruption of services and employment of affected employees.

## 2. SCOPE OF APPLICATION

This Agreement binds:

2.1. The Employer in the National and the Provincial departments of health;

2.2. Employees who are members of the Trade Unions parties to this Agreement;  
and


2.3. Employees who are NOT members of the Trade Unions parties to this Agreement, but who fall within the registered scope of the PHSDSBC.

## 3. PURPOSE

The purpose of this Agreement is:

3.1 To facilitate the transfer of employees performing Port Health Services from the Provincial Department of Health to the National Department of Health, in line with the provisions of the Act.

3.2 To provide for adequate protection of the rights of the employees who are affected by this transfer process.



#### 4. AGREEMENT

The parties agree as follows:

- 4.1 Employees who perform Port Health Services would be transferred in terms Section 14 of Public Services Act, 1994 (Act No. 103 of 1994) ("PSA"), as amended, as well as the applicable principles of Section 197 Labour Relations Act, 1995 (Act No. 66 of 1995) ("LRA"), as amended;
- 4.2 The relinquishing provincial department shall transfer all concomitant resources, including personnel, to the National department;
- 4.3 The National department shall co-ordinate the transfer;
- 4.4 The National department shall accept accountability for the functions on the date of the transfer;
- 4.5 The accounting officer of the provincial department shall retain accountability for matters originating prior to the date of transfer;
- 4.6 The transfer of personnel shall take place with due regard to the requirements of the LRA;
- 4.7 The transfer of funds shall take place in accordance with the requirements of paragraph 6.5 of the Treasury Regulations;
- 4.8 All the rights and obligations existing on the date of transfer between the Provincial Departments of Health and the affected employees shall be binding to the National Department of Health;
- 4.9 All transferred employees shall report to the National Department of Health upon transfer, on or herein after 01 September 2014;
- 4.10 Such transfer shall be carried out in a fair, equitable and transparent manner in terms of the criteria set out in Section 14 of PSA, provided such employees were so appointed and placed to execute functions as provided for in the Act;

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4.11 All vacant positions shall be subject to ordinary recruitment processes.

### 5. IMPLEMENTATION DATE

The agreement would come into effect on the date on which it attains majority signature.

### 6. DISPUTE RESOLUTION PROCEDURES

Any dispute about the interpretation or application of this Agreement may be referred to the PHSDSBC and shall be dealt with in terms of the dispute resolution procedure of the Council.

This done and signed at CENTURION on this the 26 day of September 2014

ON BEHALF OF THE EMPLOYER		
STATE AS THE EMPLOYER	NAME	SIGNATURE
	AGREEMENT	
ON BEHALF OF THE TRADE UNION PARTIES		
TRADE UNION	NAME	SIGNATURE
DENOSA	Thembiso Gwaga	
HOSPERSA	MASALE G. SELEMATSELA	
NEHAWU	ZOLA SAPHETHA	
NUPSAW	SUCCESS MATAITSEANE	
PSA		

