

# Labour Relations in the Public Health Sector

## Problem

Poor labour relations damage and disrupt health care and undermine the morale of health workers. This affects their quality of care and their relationships with their patients. They feel alienated and insecure.

## Causes of the Problem

Causes of the problem lie in the following areas:

1. Legislative
2. Management
3. Lack of freedom of association
4. Government promoted workers associations
5. Unequal access to benefits by all health workers

### 1. Legislative

- The exclusion of civil servants from the Labour Relations Amendment Act of 1991 is the root cause of poor labour relations between the state as an employer and health workers. The Public Service Act (Act III, 1984), which applies to public sector health workers sets standards and ethical codes which undermines fundamental rights of workers such as collective bargaining rights. The Act also perpetuates racial discrimination. Through its implementation of the Act, the government nurtures sweetheart worker associations like MASA, SANA, HOSPERSA, etc.

The shortcomings of the Act include the absence of:

- collective bargaining mechanisms
- proper and acceptable grievance and dispute resolution mechanisms
- freedom of association and/or freedom not to associate
- it provides poor salary scales and entrenches inadequate managerial and administrative personnel, maladministration and nepotism.

### 2. Management

- Managers in the health sector are drawn from a narrow political base within South African society and do not function in accordance with principles of public service but according to political dictates. They are poorly trained for their work and do not recognise employees as partners in management.

### 3. (Lack of) Freedom of Association

- Through the Nursing Act, No. 50 of 1978, nurses are forced to join the South African Nurses Association (SANA) and are not allowed to form their own representative bodies.

**We call upon the government to:**

- extend the Labour Relations Act to all public servants;
- legislate for compulsory dispute resolution mechanisms such as arbitration and mediation through negotiation and consultation;
- legislate a duty to bargain between the state as an employer and democratically elected worker representatives over salaries, conditions of service and other relevant issues;
- guarantee freedom of association;
- retrain the managers at all levels on modern industrial relations with particular emphasis on dispute resolution techniques in order to minimise the likelihood of strike action, alternatively replace them with people who have the necessary skills;
- establish health and safety policies and occupational health service programmes to health sector employees;
- guarantee the right to strike to all health workers; and
- equalise access to benefits for all health workers.

