

CIRCULAR 10 / 2018

FROM : CHIEF EXECUTIVE OFFICER

**TO : EXECUTIVE MAYORS/ MAYORS
MUNICIPAL MANAGERS**

DATE : 02 MARCH 2018

GENERAL INVITATION TO ALL MUNICIPALITIES TO ATTEND THE 2ND ESSENTIAL SERVICES COMMITTEE (ESC) STAKEHOLDERS' CONFERENCE: KOPANONG HOTEL AND CONFERENCE CENTRE ON 8-9 MARCH 2018

1. PURPOSE

The purpose of this circular is to inform municipalities that the 2nd Stakeholder Conference will be convened by the Essential Services Committee (ESC) from 8 – 9 March 2018, at Kopanong Hotel and Conference Centre, Benoni. Under the theme: ***“The Evolution of the Essential Services System from a Perspective of Minimum Service Agreements”***, this conference is convened against the backdrop of ongoing efforts to improve the level of compliance in those services designated as essential, as well as a desire to make minimum service agreements (MSAs) work effectively in the South African labour market context.

2. BACKGROUND INFORMATION ABOUT THE ESC STAKEHOLDERS CONFERENCE

It is expected that the conference will be attended by about 200 delegates drawn from a cross-section of sectors impacted upon by essential services designations, determinations and investigations such as organised labour, organised business, public sector representative organisations, non-governmental organisations, community-based organisations and international guests. The conference will deliberate on a range of topics emanating from the statutory work performed by the ESC, through presentations and panel discussions on the back of a keynote address and inputs by the Minister of Labour, the Chairperson of the Parliamentary Committee on Labour, the International Labour Organisation and important sectors impacted by the essential services system such as the public service and the municipal, aviation, old age home, health care, mining sectors, to mention but a few.

Amongst the more specific objectives of the conference is to increase awareness of the essential services regime amongst all its stakeholders in various sectors and interested parties and to foster an environment of improved compliance. The conference is therefore an important instrument of dialogue and engagement between the ESC and its stakeholders, and municipalities are one of the employers most affected in this regard. As stakeholders of the ESC are wide ranging the conference pulls together various topical issues drawn from diverse experiences gained since the establishment of the ESC and along its evolutionary path having regard to recent labour law amendments and researched perspectives from a policy making and judicial point of view interspersed with a facilitated panel discussion.

Recognizing this, the ESC has formally requested SALGA to communicate details of this conference to municipalities.

3. ESC BACKGROUND CONTEXT

An essential services is defined in Section 213 of the Labour Relations Act, in terms of which a service is deemed as an essential service if it can be shown that an interruption of that service would endanger the life, personal safety or health of the whole or any part of the population.

The Essential Services Committee (ESC) is established in terms of Section 70 of the Labour Relations Act to perform the following functions:

- To conduct investigations as to whether or not the whole or part of any services is an essential services, and then to decide whether or not to designate the whole or a part of that service as an essential service.
- To determine disputes as to whether or not the whole or a part of any service is an essential service.
- To determine whether or not the whole or a part of any service is a maintenance service.
- To monitor the implementation and observance with essential services determinations, minimum service agreements and maintenance services.
- To establish and appoint three member panels to conduct investigations, designate essential services, determine disputes, ratify and determine minimum service agreements.

The ESC consists of eight(8) persons appointed by the Minister of Labour comprising of an Independent Chairperson, a full – time Deputy Chairperson who must be a CCMA Senior Commissioner, two members each nominated by organized business, organized labour and government. In the current ESC one of the government nominated members represents local government.

4. MUNICIPAL SERVICES DESIGNATED AS ESSENTIAL SERVICES

4.1 For the record, the following services rendered by municipalities have been designated as essential by the Essential Services Committee (as Gazetted on 12 September 1997 in Government Gazette 18276, Number 1216):

4.1.1 Municipal traffic services and policing;

4.1.2 Municipal health;

4.1.3 Municipal security;

4.1.4 The supply and distribution of water

4.1.5 The generation, transmission and distribution of power

4.1.6 fire-fighting; and

4.1.7 The following parts of sanitation services:

- (a) The maintenance and operation of water-bore sewerage systems, including pumping stations and the control of discharge of industrial effluent into the system;
- (b) The maintenance and operation of sewerage purification works;
- (c) The collection of refuse of an organic nature;
- (d) The collection of infectious refuse from medical and veterinary hospitals or practices;
- (e) The collection and disposal of refuse at a disposal site; and
- (f) The collection of refuse left uncollected for 14 (fourteen) days or longer, including domestic refuse and refuse on public roads and open spaces.

4.2 Notwithstanding the above designations, employees engaged in a designated essential service and who perform non-essential functions, the interruption of which do not directly endanger the life, personal safety or health of the whole or any part of the population, such as administrative functions, non-essential support functions and the like, shall not be deemed as essential in terms of this agreement.

5. BENEFITS OF ATTENDING THE CONFERENCE TO MUNICIPALITIES

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The benefits of attending the Annual ESC Stakeholders Conference cannot be over-emphasised enough as it has become an important platform for ongoing deliberation between the ESC as a creature of statute and a broad range of stakeholders with the aim of fostering awareness, relationship building, improve compliance and to grow the implementation footprint of the ESC's mandate.

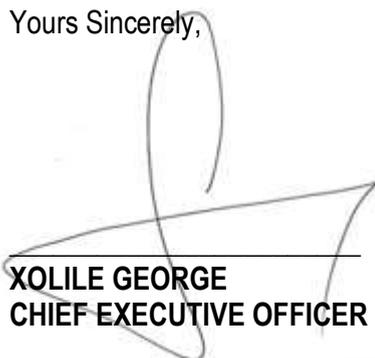
6. SALGA RECOMMENDATIONS REGARDING ATTENDANCE BY MUNICIPALITIES

SALGA recommends that municipalities give due consideration to sending delegates to attend this conference. The benefits of participating in the conference by municipalities will be increased awareness of the essential services regime, exposure of municipal delegates to compliance best practice across various industries and sectors in particular in respect of effective ways to negotiate and adhere to minimum services. This will include looking at various ways in which municipalities can look at creative ways in the context of minimum service collective agreement negotiations to deal with limitations on the right to strike by employees who render services designated as essential services. SALGA further recommends that municipalities release a maximum of three (3) delegates taking into account that the conference is at no cost to municipalities other than in respect of travel and related expenses. Due to their proximity to the work at hand, it is recommended that the political Portfolio Head of Corporate Services or HR, Heads of Corporate Services or HR, Heads of Technical Services Departments responsible for one or more of the municipal services designated as essential services and/or Chairperson of Local Labour Forum (LLF) which has a primary responsibility of negotiating minimum service agreements, attend the conference. Municipalities are encouraged to ensure interested and approved delegates register by not later than close of business of 6 March 2018 as booking slots are being taken up rapidly.

For any enquires, do not hesitate to contact **Mr. Rio Nolutshungu, Executive Director responsible for Municipal Institutional Development on Tel: 012 369 8000** and/or via e mail on rnolutshungu@salga.org.za. For bookings or confirmation of attendance, please contact **Ms. Beverley Ramoncha, the ESC Administrator on Tel: (011) 377 6953** or via e mail on esc@ccma.gov.za

It is trusted that you will find the above in order.

Yours Sincerely,



XOLILE GEORGE
CHIEF EXECUTIVE OFFICER

Tel: 012 369 8000 | Fax: 012 369 8001

PHYSICAL: Block B, Menlyn Corporate Park, 175 Corobay Ave, Waterkloof Glen Ext 11, Pretoria 0181

POSTAL: PO Box 2094, Pretoria 0001
www.salga.org.za