

TO: ALL MEDIA

DATE: 03 JULY 2009

THE STATEMENT OF THE MEC FOR HEALTH, DR SIBONGISENI DHLOMO, COSATU AND SAMA

The MEC for Health in KwaZulu-Natal, Doctor Sibongiseni Dhlomo and a delegation of other senior government officials, met with the delegation led by the Congress Of South African Trade Unions (COSATU) President, Sidumo Dlamini, the COSATU General Secretary, Zwelinzima Vavi and South African Medical Association (SAMA) National and KwaZulu-Natal provincial leadership on the July 2, 2009 at the request of COSATU leadership. This follows a decision taken by COSATU to intervene and mediate on the issues that led to the strike and the subsequent dismissal of over 276 doctors in KwaZulu Natal. The engagement was quite cordial and was handled in a matured manner.

The meeting resolved as follows:

1. All parties acknowledged that pay of the doctors and the rest of the health officials were not satisfactory. This combined with the staff shortages and other conditions place a heavy burden on the shoulders of the doctors and other health officials. The ANC has acknowledged this and as a result of the impact these factors have had on the state of public health care, decided that health should be one of the five top priorities of government.

2. The parties to the PSCBC had, as part of the resolution of the 2007/8 collective bargaining dispute, decided to introduce the Occupational Specific Dispensation (OSD) to address the anomalies that have arisen in certain categories of professional workers in the public service. The OSD should have been implemented on the 01 July 2008. The Minister of Health, Doctor Aaron Motsoaledi has previously acknowledged this and publicly apologised to the doctors and other professional workers in the public service for the delay in the implementation of the OSD. This he did not because he was personally responsible for the delay but because he felt he, and the current government, must take a collective responsibility for the delay.

3. All parties in the meeting acknowledged that the strike was unprocedural and therefore unprotected. It was a wildcat strike that has not been organised by any legal entity. Doctors perform an essential service. The Labour Relations Act (LRA) and our constitution are clear that doctors and other workers performing essential service may not embark on strike action. Withdrawal of labour on their part may lead to death and cause serious health problems.

4. The doctors themselves owing to the deep levels of frustrations took matters up in the manner that they have. Both SAMA and COSATU fully supported the demands of the doctors for the OSD to be implemented without any delay in order to address the poor conditions of work as part of improving public health care system. Government in line with its commitment to improve conditions of work for doctors and other public servants fully appreciate the frustrations of the doctors in this regard. This, however, does not reduce the fact that the strike was illegal and fell outside the architecture of the labour laws negotiated by all role players.

5. The parties acknowledged that the strike caused untold hardships and seriously inconvenienced the public who relied on the provision of the essential service by the doctors. SAMA unconditionally apologised to the public not because it organised the strike but because it was clearly associated with the strike.

6. The parties also acknowledged that in the course of the unprotected strike a number of incidences took place that angered and seriously undermined the public standing of parties involved. In this regard we regret that the Minister of Health was wrongly called a liar who is using the apartheid era tactics. Further the parties acknowledged that the Minister made the government offer in good faith.

7. In the interest of provision of public service, the meeting agreed that the strike should come to the end. The doctors from throughout KwaZulu Natal earlier met and on their own decided to accept the latest government offer subject to further twiggging to improve it. **The doctors have resolved to**

**return to work on Friday the 3rd July 2009.**

8. The parties agreed that all the **letters of dismissals** that have been issued to the 296 doctors in KwaZulu Natal **are withdrawn without prejudice** to the government as the employer. All letters that were still to be issued to other doctors will not be issued.

9. The parties agreed that **all doctors that had been dismissed will get letters of undertaking that they have to sign which refer to Labour Relations Act and their roles as team of members in the provision of essential services** in the country.

10. Government and SAMA will negotiate a protocol that will govern the relationship going forward. This protocol will acknowledge that the doctors perform essential service, and therefore legally cannot involve themselves in any strike action. The protocol will also create platforms for more interactive relationship between the doctors and government with the view of addressing the conditions of work and serve as an early warning mechanism for future problems.