

| NUUSBRIEF 58 NEWSLETTER  | 30/11/2015   |
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| <p data-bbox="225 535 679 568"><b>SALARISONDERHANDELINGE 2015</b></p> <p data-bbox="189 607 715 676"><b>TERUGBETALING VAN AGTERSTALLIGE DIENSVORDELE</b></p>   | <p data-bbox="970 535 1358 568"><b>SALARY NEGOTIATIONS 2015</b></p> <p data-bbox="962 607 1366 676"><b>RETROSPECTIVE PAYMENT OF SERVICE BENEFITS</b></p>   |
| <p data-bbox="113 719 791 853">Talle navrae is die afgelope ruk ontvang betreffende die verwagte datums vir die terugwerkende uitbetalings van die volgende diensvoordele. In die verband word soos volg gerapporteer:</p> <ol data-bbox="113 887 791 954" style="list-style-type: none"><li data-bbox="113 887 791 954">1. <u>Mediese subsidie vir pensionarisse wat aan GEMS behoort:</u><br/>Inligting is ontvang dat die <b>verwagting</b> is dat die terugwerkende aanpassing (miv 1/1/2015) op die mediese subsidies van pensionarisse wat aan GEMS behoort, einde van November 2015 in plek sal wees.<p data-bbox="161 1122 791 1290">Die aangepaste subsidie sal deel wees van November 2015 se maandelikse pensioenbetalings aan pensioenarisse. Die terugwerkende gedeelte sal deur GEFP aan die GEMS oorbetaal word, waarna GEMS dit aan die lid sal oorbetaal.</p><p data-bbox="161 1323 791 1424">Ongelukkig is bogenoemde steeds afhanklik van interne prosesse wat in plek moet wees by GEFP vir volle implimentering.</p><ol data-bbox="113 1458 791 1760" style="list-style-type: none"><li data-bbox="113 1458 791 1760">2. <u>Behuisingstoelaag:</u><br/>Die verhoogde toelaag (R1,200 per maand) was miv 1 Julie 2015 betaalbaar. Dit blyk egter asof die werkgewer nie ernstig is met die volle implimentering van die aangepaste toelaag nie, wat ook al die redes mag wees. Tydens 'n vergadering van die SKBR het Arbeid aangedui dat hulle geduld op is met die verskonings van die werkgewer en dat Arbeid dan 'n dispuut gaan verklaar mbt die nie-implimentering van die ooreenkoms nie.<p data-bbox="161 1794 791 1962">'n Dispuut is dan op 11 November 2015 by SKBR geregistreer, die eerste mediasievergadering vind op 3 Desember 2015 plaas. Indien lede probleme ondervind betreffende bogemelde, word hulle uitgenooi om met enige van die 9 provinsiale sekretarisse te skakel.</p><p data-bbox="113 1995 791 2063">Lede sal op hoogte gehou word met verwikkelinge in dié verband.</p></li></ol></li></ol> | <p data-bbox="810 719 1517 819">Several enquiries have been received regarding the expected date of the retrospective payments of the following service benefits. In this regard the following can be reported:</p> <ol data-bbox="810 853 1517 1021" style="list-style-type: none"><li data-bbox="810 853 1517 1021">1. <u>Medical subsidy for pensioners who belong to GEMS:</u><br/>Information has been received that the <b>expectation</b> is that the retrospective adjustment (wef 1/1/2015) on the medical subsidies of pensioners who belong to GEMS, will be in place at the end of November 2015.<p data-bbox="858 1055 1517 1189">The adjusted subsidy will be part of the November 2015 monthly pension payments to pensioners. The retrospective portion will be paid to GEMS by the GEFP where after, GEMS will forward the payment to the member.</p><p data-bbox="858 1223 1517 1290">For full implementation, all the above is unfortunately still dependent on internal processes being in place at the GEFP,</p></li><li data-bbox="810 1323 1517 1592">2. <u>Housing allowance:</u><br/>The increased allowance (R1,200 per month) was payable wef 1 July 2015. However, it appears that, for whatever reason, the employer is not serious about the full implementation of the adjusted subsidy. During a meeting of the PSCBC, Labour indicated that it had lost patience with the employer's excuses and that as a result it would declare a dispute regarding the non-implementation of the agreement.<p data-bbox="858 1626 1517 1794">A dispute was consequently registered by the PSCBC on 11 November 2015. The first mediation meeting will take place on 3 December 2015. If members have any problems with the above they are invited to contact any one of the 9 provincial secretaries.</p><p data-bbox="818 1827 1517 1895">Members will be informed of any further developments in this regard.</p></li></ol> |

**BL-AANSTELLINGS VIR 2016****EDUCATORS APPOINTED BY THE SGB FOR 2016****WAT IS DIE BEPALINGS VAN DIE WAV?****WHAT DOES THE LRA DETERMINE?**

Die jongste wysigings van die Wet op Arbeidsverhoudinge, 1995, gedurende 2015, het 'n bepalende invloed op die status van opvoeders wat aangestel is deur beheerliggame.

The most recent amendments of the Labour Relations Act, 1995, have a determining effect on the status of educators appointed by SGBs.

Dit is belangrik om van die jongste wysigings aan Artikel 198B wat handel met die beskerming van werknemers wat op tydelike basis of vaste termyn basis aangestel is, kennis te neem omdat BLe feitlik deur die bank opvoeders op tydelike/vaste termyn basis aanstel.

It is important to note the most recent amendments to Section 198B regarding protection to employees who are appointed on a temporary or fixed term basis as SGBs primarily appoint educators on a temporary or fixed-term basis.

Die jongste wysigings bepaal dat 'n werknemer (*in die geval ook 'n opvoeder wat deur 'n BL aangestel word*) se aanstelling permanent kan word indien daar aan die volgende kriteria voldoen kan word:

The most recent amendments determine that an employee (*in this case also an educator appointed by the SGB*) may become permanent if the following criteria are complied with:

- Die werksplek oor meer as tien aangesteldes beskik;
- Die werknemer minder as die verdienste-drempel soos gestel deur die Wet Op Basiese Diensvoorwaardes, 1997, verdien (tans R205 433.33 per jaar); en
- Die aanstelling langer as drie maande is.

- The workforce must comprise more than ten employees;
- The employee must earn less than the minimum threshold set by the Basic Conditions of Employment Act, 1997 (currently set at R205 433.33 per year); and
- The appointment must be longer than three months.

Die toets van nie-permanentwording is dat die werkgewer (in die geval die BL) 'n regverdigde rede moet kan aanvoer waarom die jongste bepalings betreffende permanentwording nie op die betrokke werkgewer van toepassing is nie.

If the above facts are present the employer is required to give a legally justifiable reason for the temporary appointment.

Die SAOU besef terdeë dat BLe as werkgewers nie sonder meer oor dieselfde kam geskeer kan word as ander werkgewers nie, maar dit is eweneens belangrik dat SAOU-lede goeie regsadvies ontvang, en daarom nie net die nuwe kontrakte vir 2016 blindelings teken nie - al is dit dieselfde as die 2015 kontrak.

The SAOU fully realizes that SGBs as employers cannot just be approached on the same basis as other employers regarding the latest provisions that pertain to the conversion of temporary contracts to permanent contracts, but it is vitally important that SAOU members must receive sound legal advice in this regard. It is therefore important that members should not blindly sign the 2016 contracts even if it is a copy of the 2015 contract.

Die SAOU verneem van sommige SAOU-lede dat druk op hulle uitgeoefen word om nie die nuwe kontrakte met regsadviseurs of vakbonde te bespreek nie. Sodanige "opdragte van BLe" word betreur aangesien die inhoud van 'n dienskontrak nie vertroulik kan wees nie en dat sodanige "opdrag" wesenlik onbillik is. Dit is in die belang van lede om die inhoud van kontrakte met die SAOU te bespreek en gemoedsrus daarvoor te bekom.

The SAOU has learnt from SAOU members that they have been pressurised not to discuss their contracts with legal advisors or unions. Such "instructions by SGBs" are regretted as the content of a contract cannot be regarded as confidential and therefore such "instructions" are substantially unfair. The contents of a contract of employment is not confidential - and it is in your interest to seek advice thereon from the SAOU.