

PRESS STATEMENT: Civil Society Organisations Call for the State and Unions to Urgently Finalise the Minimum Service Level Agreement for the Health Sector

24 June 2011

We are a range of organisations who campaign for the right to health, and/or who provide health care services to poor people who depend on the public health sector. We fully support the efforts of the government to improve health care services. We also support unions and their members who are at the front line of health care provision, and who justifiably try and draw attention to the difficult conditions in which most health care workers operate.

However, we want to draw to your attention to our serious concern about the failure over many years to agree on a Minimum Service Level Agreement (MSLA) that would govern the provision of essential health services during industrial action by health and auxiliary workers.

The purpose of a MSLA is to balance the right to strike, in case of a labour dispute, with the right of access to health care services.

An MSLA is necessary because a large number of South Africans are dependent on the public sector for basic services, most notably health care. This is exacerbated in rural areas not only due to higher levels of the population being uninsured, but also due to the lack of available private sector services.

During the past 2 wage negotiation cycles many health facilities were closed due to the deadlocked negotiations and subsequent labour strike. This has had a disastrous effect on many people with emergencies, with not only death and undue suffering caused to individuals, but also with crippling costs to families trying to access private health care. Even patients on chronic medication in many instances became emergency crises due to defaulting on their medication. Furthermore, disruptions of treatment like ARV's or TB medication has likely increased drug resistance in patients to the medication.

All of these instances are clear violations of the constitutional right to health, as formulated in the Constitution of South Africa. We believe that it is unacceptable to hold the most vulnerable members of our society at ransom when wage negotiations deadlock.

Many hospitals currently operate with less than the minimum required human resources to deliver a quality service, and therefore the MSLA needs to describe the minimum SERVICE that is to be delivered and not to describe a percentage of staff that are to continue to provide services.

We support the constitutional right to fair labour practices of all employees and demand that this right is protected. For health care workers currently defined as 'essential workers' this right is infringed without any other mechanism in place once negotiations have deadlocked.

At the end of the strike in 2010, as part of the settlement agreement between the Public Sector Unions and the Department of Public Service Administration a resolution was adopted to address the issue of the MSLA as a matter of urgency and before the end of 2010. As far as we know this has not been done, while the next round of wage negotiations have already commenced, without such an agreement being in place.

We therefore call on the State, the Minimum Service Level Committee as well as Public Sector Unions to urgently engage in the process to establish a Minimum Service Level Agreement.

Given the urgency of the matter, we request a public commitment from all parties to the establishment of the MSLA before the conclusion of wage negotiations, and particularly before any strike action may be considered.

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Signatories and contact details:

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WE ARE CALLING ON MORE ORGANISATIONS TO ENDORSE THIS CALL, CONTACT MARIJE AT

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