

## Community health workers: arbitrator rules against Nehawu

An attempt by the National Education, Health and Allied Workers' Union (Nehawu) to have over 47,000 community health workers (CHWs) employed permanently by government has been shot down.



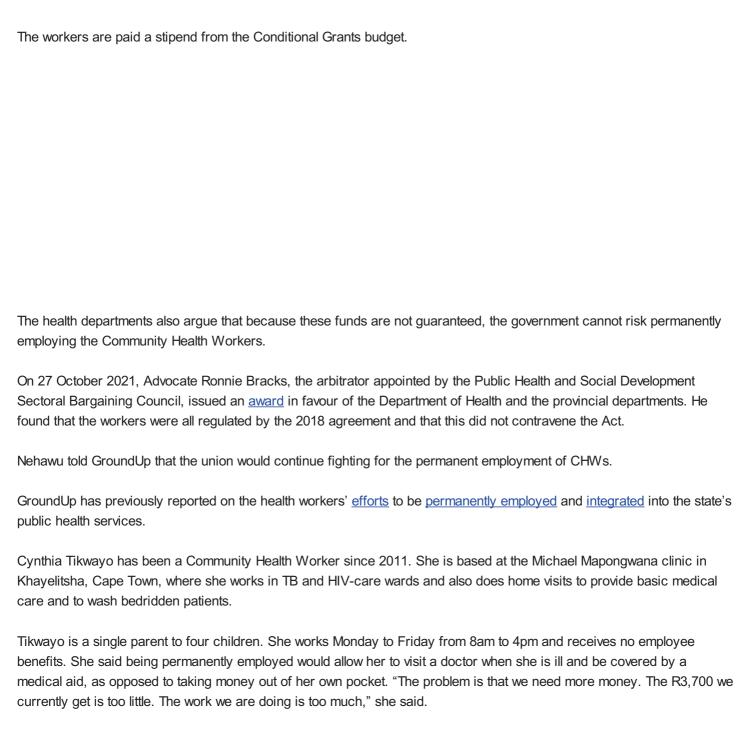
An arbitrator appointed by the Public Health and Social Development Sectoral Bargaining Council has dismissed Nehawu's bid to have community health workers permanently employed by the state. Archive photo: Thamsanga Mbovane

- An arbitrator appointed by the Public Health and Social Development Sectoral Bargaining Council has dismissed a trade union bid to have community health workers permanently employed by the state.
- These workers earn a stipend of about R3,500 a month and are employed on fixed-term, 12-month contracts. They work Monday to Friday in communities across the country.
- The National Education, Health and Allied Workers' Union (Nehawu) believes that their contracts contravene the Labour Relations Act.
- But the arbitrator found that the workers are employed through a 2018 collective agreement which validates the provisions of their contracts.

Nehawu believes that the fixed-term contracts of the workers contravene the provisions of the <u>Labour Relations Act</u>. The Act states that contracts of more than three months cannot be rolled over unless the employer can justify this. "An employer may employ an employee on a fixed-term contract or successive fixed-term contracts for longer than three months only if the employer can demonstrate a justifiable reason for the longer-term."

The union took the matter to the Public Health and Social Development Sectoral Bargaining Council.

In response, the Department of Health and eight provincial health departments, excluding the Western Cape, argued that the health workers' conditions are regulated by a <u>collective agreement</u> signed in 2018. This agreement binds the national Department of Health, the provincial health departments, trade unions and their members who fall within the scope of the council's jurisdiction, and community health workers who are not members of unions but who fall within the scope of the council's jurisdiction.



She said a permanent job with the Department of Health would mean "things will be very different for me".

"I would be able to buy a house for my children, and will also have access to medical aid and I'll have enough transport allowance for the month," she said.

Nontuthuzelo Mbuyazwe has worked at Lukhanyiso Clinic in Addo, Eastern Cape, for more than 20 years as a counsellor and in neonatal care, and helps with tracing sick babies and patients in informal settlements. "Every year they just keep renewing the contract, even after 20 years of working there, I'm still a contract worker," she said.

She works Monday to Friday from 7:30am to 4pm and is paid R3,500 per month.

Mbuyazwe said receiving R3,500 monthly for the amount of work that she does has been taxing. "I will feel so much better if the department can just make us permanent. I would have access to proper benefits like medical aid, a provident fund when I retire, access to paid leave, and just better job security."

The Department of Health did not respond to [GroundUp's] questions.

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