

## **STATEMENT TO GROUP OF PROTESTING CATERING WORKERS**

**10 MAY 2017**

Yesterday I signed a statement of undertakings before you, which read as follows

- “No catering staff will work until he comes back.
- No kitchen will operate from now until tomorrow.
- No intimidation [or] victimization of workers till meeting with the workers group tomorrow at 13h00”.

After my signature, the statement that: “No victimization of students.” was added.

I signed the statement under great duress as you had surrounded me and would not allow me to leave the protest gathering. I signed eventually in order to give myself the opportunity to get a full factual picture of the issues you raised as I had not been dealing directly with these issues myself, as I had not been present at any of the engagements on these issues since 17 March 2017. I made those undertakings despite the fact that your work stoppage was not lawful and that, during your demonstration in front of Bremner you held the Acting VC, Professor Daya Reddy, against his will in a completely unacceptable and unlawful way.

I have ensured that the commitments made in that statement have been honoured, in good faith. As the executive committed itself yesterday not to take any punitive measures against those involved in these actions until 13h00 today, the executive will also honour that commitment. This should not be interpreted in any way as the condonation of these actions by the university. The executive wants to place it on record that it finds such actions completely unacceptable and that if these actions are repeated in the future there will be consequences for those involved in them.

As demonstrated by the timeline which follows, the various demands relating to catering have been consistently and repeatedly attended to by the line managers with the assistance of the Human Resources Department. The executive has been and remains totally committed to addressing all of the issues raised in the memorandum, but this has to be done within the existing labour relations framework and protocols, with due respect for the proper processes that have to be followed, and the role of the line management that has to be observed.

There are procedures that have to be followed for declaring disputes, particularly work stoppages. The executive will not in the future tolerate unlawful work stoppages. Those found guilty of participating in an unlawful work stoppage will have their pay deducted and the necessary disciplinary procedures will be instituted. The executive will also take the necessary steps within the law to ensure that the operations of the university are not unduly disrupted.

There is an agreed framework for engagement between the executive and the workers represented through their trade unions. This is in fact the subject of continuing talks, involving all trade unions active at UCT. The executive appeals to everyone to respect this framework and to use it to resolve whatever differences there may be.

Unlawful actions, threats and intimidatory behaviour have no place under the labour relations law, and are contrary to the criminal law of the country. This is not conducive to building trust and healthy labour relations and creates a culture of impunity which in the end will lead to the destruction of the university.

### **Time Line of engagements with catering staff**

To deal now with the specific issues presented in the memorandum:

1. The first meeting convened between SALIPSWU and University management took place on 7 February 2017. In preparation for this meeting, the union delivered an 18 item agenda, which the parties agreed they would work through over several sittings.
2. During the first meeting, various matters were addressed which included amongst others, IOD claims, the roster for catering staff, hours of work and overtime, night shift allowance, shift allowances, medical aid and the insourcing of the Lung Institute and Big Chef workers. These matters were discussed in the course of the first meeting and feedback was given, where

possible. Where feedback was not given, it was agreed that this would be addressed in the next meeting.

3. A second meeting was arranged and held on 21 February 2017 (this being the earliest date that relevant stakeholders were available to meet). There was an agreement to continue working from the original agenda submitted by the union. The Chair indicated that the parties would proceed to work through the agenda items which were not covered in the first meeting and that further feedback on progress would be given on matters from the previous meeting, if time permitted.
4. Matters discussed in the second meeting included hours of work, a request for a 25% shift allowance, night shift allowance, roster issues, induction for ex C3 workers and the security provident fund. In the course of this meeting, the Chair committed to having a written response shared with the union based on what was explained verbally in the course of the meeting. The written response was sent to the Union on 8 March 2017.
5. A separate communication was also sent to the union on 22 February 2017 which dealt with proposed changes to the shift system.
6. The next meeting was scheduled Thursday, 16 March 2017, but had to be postponed as discussions around students participating in meetings had occurred. The meeting proceeded on 17 March, in which discussions around student participation were finalised.
7. On 22 March, the ER office in consultation with line proposed a meeting with the Union on 29 March 2017 to discuss the catering staffs concerns with the shift roster.
8. Following the Unions request for a meeting to discuss poor working conditions, the ER Office (via Ms Yolanda Reddy) wrote to the Union on 24 March 2017 requesting that they communicate in advance in writing which departments are affected, and what the conditions were, so that the relevant line managers can respond accordingly. This was not forthcoming by the Union.
9. The union replied on 31 March, restating the same 18 point agenda, with no explanation on the content of the agenda items. Ms Reddy dispatched a further email on 31 March to the Union reminding them to put the items in writing prior to requesting the next meeting. This was not attended to by the Union.
10. On 3 April, to assist the Union, the ER office resent its written responses of 8 March to Ms Malinga, so that the union can see what has been dealt with to date. No response was forthcoming from the Union.
11. On 5 April, the ER Office (via Mr Dampies) sent an email to the Union confirming the resolution of 3 items that were discussed between the parties at the meeting of 29 March. These included the use of casual employment over weekends to assist permanent staff and alleviate the workload, UCT providing assistance to pregnant employees to work day shifts, and confirmation that the concerns raised by the union regarding the principles and application of the current Acting Allowance Policy will be escalated, which it has been. Whilst the union deemed these unresolved, the University communicated its stance on the matters to the Union.
12. Also on 5 April 2017, Ms Malinga wrote to the ER Office (Ms Reddy) to inform her that the union could not respond to the request for further information before it had the opportunity to consult with all shop stewards of all departments. Ms Malinga committed to writing back to Ms Reddy on 12 April 2017 proposing a way forward.
13. Ms Malinga did in fact respond to Ms Reddy on 11 April 2017 but again without any particulars of the complaints being raised and simply restated the 18 item agenda. In response to this email, the ER Office wrote to the union (via Ms Reddy) reminding the union of its previous request (which was again attached to that email) in which UCT asked the union to provide further detail on the issues listed in its agenda, as well as its proposal on how we may bring matters together (per department or area) so that we can ensure attendance of relevant line managers.
14. On 12 April 2017, it was confirmed via email to the Union that the Sunday pay issue is currently with the Department of labour, and that we are formally awaiting a ruling. The union undertook to revert to the ER office with their further comments (email from Mr Agulhas on 12 April), but no feedback was received.

15. On 18 April 2017, a meeting was requested with the Union to discuss union membership verification. The union thought that the 18 item agenda could be discussed at this meeting, but it was clarified that this meeting was only to discuss union membership, as referred to the CCMA by UCT. The meeting was recorded by the Union, and at the end of the meeting, Mr Agulhas agreed to send the content of the 18 items in writing to the ER Office. This has still not been attended to by the Union.
16. On 26 April 2017 a further meeting was convened with the union to discuss the verification process. During this meeting the need for further information was raised by the ER Office (through Ms Reddy) and Mr Agulhas agreed to this request. Mr Agulhas confirmed that Ms Malinga was working on the detail UCT had asked for and this would be sent to us shortly. No such email has been received.

**Conclusion**

Management has decided to keep the kitchens closed for the rest of this day, 10<sup>th</sup> May. Catering staff are requested to report as usual for their shifts as from Thursday 11 May.

Thank you for your attention.

Professor Hugh Corder, Acting DVC responsible for Human Resources.