



UNDERPAID DOCTORS STUCK ON UNEVEN PLAYING FIELD

In the absence of a minimum service level agreement with their employers, state doctors in South Africa cannot legally withhold their labour – even if their union negotiators jump through every procedural hoop required to strike.

In terms of the Labour Relations Act, medical professionals are essential service providers and may only strike once a minimum service level agreement (MSLA) has been endorsed by the Essential Services Committee. No such agreement exists.

The Department of Health has avoided entering one as this would weaken its negotiating hand. Should doctors decide on an unprotected strike, the responsibility to look after patients falls on them, exposing them to potential Health Professions Council (HPCSA) sanction and dismissal.

An MSLA spells out who takes care of patients during a strike and how. A party precluded from striking may refer a dispute to the relevant Council for conciliation and if this fails, arbitration.

If the relevant union wins, the Labour Minister has 14 days to table this in

a sitting Parliament. Should it have 'financial implications for the state', Parliament can pass a resolution making the award not legally binding.

Game, set and match – unless SAMA, with 42% of public sector members, embarks on a country-wide unprotected strike, challenging government to fire them and face collapsing its own health care delivery system. However, this is against SAMA's ethical stance. More probable are ongoing lunch-time pickets and more public protest marches as negotiations drag on.

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