

SABC seeks to gag its staff

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SABC seeks to gag its staff and introduce harsh conditions of employment. A gag on staff members discussing the affairs of the South African Broadcasting Corporation with the media or publishing articles on broadcasting affairs is proposed in new personnel regulations drawn up by SABC management which will drastically alter the conditions of employment and employee benefits. The restriction - which is intended to apply to employees for two years after they have left the service of the SABC - can only be lifted with the written permission of the Group Chief Executive, a post occupied now in an acting capacity by the corporation's former head of Human Resources, Cecilia Khuzwayo.

The gag, which is contained in a section dealing with the duties of employees, states that an employee "shall not, without prior written consent of the Group Chief Executive, make any comment in the media or publish any article on SABC broadcasting affairs, or on his/her terms and conditions of employment - neither while in the service of the corporation, nor within two years of leaving the service". Another clause bans employees from taking an active part in political affairs which the Group Chief Executive "believes to be to the detriment of the Corporation". This clause states that disciplinary action may be taken against an employee if his or her political activities do not have the approval of the GCE.

The clause explains that "active participation (in politics) shall include, but not be confined to, the holding of an official political office, or any office with duties requiring exposure of such participation to the public." Two trade unions Bemawu (Broadcast, Electronic Media and Allied Workers' Union) and Mwasu (Media Workers Association of SA) have angrily criticised the management for not only trying to impose censorship but also for trying to foist harsher conditions of service on employees and reducing their benefits. Bemawu has declared a dispute with the SABC management though it has temporarily placed the process on hold until it has discussed the proposed changes with the SABC management.

Bemawu President Hannes du Buisson describes the new regulations as "the worst we have ever come across" and a "gross violation" of the Basic Conditions of Employment Act which specifically includes the right of employees to discuss their conditions of employment among themselves, with their employer or with "any other person". Among the benefits that have been removed or reduced are: maternity leave reduced from six months to four months; full pay for first three months of this leave reduced to a third of the employee's salary; the current remaining portion of this leave - three months - which is at 68% of salary is reduced to one month at one-third of salary; three months' notice of termination of service for some employees reduced to one month's notice for all employees employed for longer than a year and for those employed for less than four weeks, to one week's notice, and for those employed for four weeks to a year, to two weeks' notice; ten days' family responsibility leave reduced to three days; and paternity leave of five days per child every six months eliminated.

The union has rejected a new rule that an employee may "neither directly nor indirectly" have an interest in another business or profession, nor "do any other work part time or otherwise", nor hold a public office, without the prior written permission of the GCE. The union has interpreted this to mean that an employee can be disciplined or dismissed "if your spouse or family is conducting a business without the written permission of the GCE" or if the employee aids the spouse or family in a business enterprise. Another clause which requires an employee to devote all time and attention during scheduled working hours to the business and interests of the corporation, performing the duties assigned to him or her, is contested where it states further "and any other related duties that might be assigned from time to time".

This addition, the union says, gives overly wide scope for imposing extra, unspecified duties on staff. The preamble to the regulations points out that if there are contradictions between the terms and conditions contained in an employee's letter of appointment and the terms of the new regulations, the new regulations shall prevail, which nullifies whatever contractual benefits an employee may have had. The unions have angrily denounced an internal news release which refers to the SABC being prepared to hold "consultation meetings" with the unions over the proposed changes.

The unions are not prepared to tolerate "consultation" and demand that the corporation enter into negotiations with them. The management states that the amendments are in line with, or better than, the requirements of the Basic Conditions of Employment Act of 1997 and are deemed necessary so that the SABC will remain competitive in a changing economic environment. This is rejected by Bemawu which states that it has lost confidence in the management of Khuzwayo and questions the purposes of the clause requiring secrecy for two years after an employee has left the corporation. What secrets, it asks, does the SABC wish to cover up?

The proposed changes are questionable on constitutional grounds because they infringe on the freedoms guaranteed in the Bill of Rights. Questionable also is the role of the SABC Board. The internal news release states that the board gave the management "a mandate to consult the staff and unions" on the proposed changes. This implies that the proposed changes were considered by the board and have its approval. Observers who have been dismayed at the

mismanagement, incompetence and destruction of staff morale at the SABC had high hopes that the new board headed by Vincent Maphai would bring about the changes that would ensure that the corporation conducted itself as a competent, independent public broadcaster. The impression given that the board goes along with the proposed draconian measures is not a happy augury for reform at the SABC.