

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF EMPLOYMENT AND LABOUR

NO. R. 2997

2 February 2023

BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

EXTENSION OF THE NOTICE OF THE INVESTIGATION INTO THE WAGES AND CONDITIONS OF EMPLOYMENT OF THE COMMUNITY HEALTH WORKERS (CHWS) IN SOUTH AFRICA

I, Adriaan van der Walt, Chairperson of the National Minimum Wage Commission, hereby extend the period of the notice published in *Government Gazette number 47758* dated 15 December 2022 in terms of Section 52(3) of the Basic Conditions of Employment Act, No 75 of 1997, of the commencement of the investigation into the Community Health Workers (CHWs) in South Africa.

The terms of reference of the investigation are:

“to investigate the wages and conditions of employment of the Community Health Workers in the health sector, with a view to establish a sectoral determination prescribing minimum wages and conditions of employment.”

Interested persons are hereby given an opportunity of making written representations to the National Minimum Wage Commission. Such representations should reach the Directorate: Employment Standards, Department of Employment and Labour, Private Bag X117, Pretoria, 0001 or be sent to SDinvestigations@labour.gov.za by 28 February 2023.



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Prof A. van der Walt
CHAIRPERSON: NATIONAL MINIMUM WAGE COMMISSION

Date: 01/02/2023

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Department of Employment and Labour

NO. R. 2876

15 December 2022

BASIC CONDITIONS OF EMPLOYMENT ACT, No. 75 OF 1997 INVESTIGATION INTO THE WAGES AND CONDITIONS OF EMPLOYMENT OF THE COMMUNITY HEALTH WORKERS (CHWs) IN SOUTH AFRICA.

I, Adriaan van der Walt, Chairperson of the National Minimum Wage Commission, hereby give notice, in terms of Section 52(3) of the Basic Conditions of Employment Act, No 75 of 1997, of the commencement of the investigation into the Community Health Workers (CHWs) in South Africa.

The terms of reference of this investigation shall be –

“to investigate the wages and conditions of employment of the Community Health Workers in the health sector, with a view to establish a sectoral determination prescribing minimum wages and conditions of employment”.

The following are the proposed conditions of employment for Community Health Workers:

1. Definitions

1.1. “Community Health Worker Programme” (CHWP) means:

- (a) A programme to provide public or community health services through a labour-intensive programme initiated by the government and funded by public, private or donor resources;
- (b) All projects and programmes accessing public funds, including those implemented by Non-Governmental Organisations (NGOs) and Community Based Organisations (CBOs) Faith Based Organisations (FBOs) and private companies; and
- (c) Any other programme deemed to be part of the CHWP as determined by the National Department of Health or a provincial Department of Health;

1.2. “Employer” means any government department, implementing agency, private employer or contractor that hires workers to work in a CHWP.

2. Activities

2.1. The following activities constitute Community Health Worker Programmes:

- (a) The CHWP is the foundation of the Ward Base Primary Health Care Outreach Teams (WBPHCOTs) which focus on maternal and child health, HIV/AIDS, TB, STIs, Non-Communicable diseases including diabetes, hypertension, cancer, mental health, substance abuse, eye health and prevention of injuries.

- (b) Each WBPHCOT offer integrated health care to households and individuals within a defined geographical catchment area.
- (c) The core components of the integrated services are to:
 - (I) Promote overall health and well-being within households and individuals and communities;
 - (II) Provide information, and health education, promote healthy behaviour and disease prevention;
 - (III) Provide appropriate direct basic services including screening for health problems/needs, counselling and psychological support for individuals or households;
 - (IV) Provide treatment for certain illnesses, as defined by the WBPHCOT Scope of Work;
 - (V) Facilitate appropriate referral for health, rehabilitation and social support services as needed for individuals;
 - (VI) Provide adherence support for people on medication and support follow-up care, including delivery of chronic medication;
 - (VII) Provide rehabilitative palliative care as their scope and training allow; and
 - (VIII) Facilitate community mobilisation and create awareness on health diseases through awareness campaigns and mobilise around community needs.

2.2. The focus of CHWP is on **health promotion, disease prevention and minor curative care** defined by each project's scope of work.

3. Registration

- a. Workers employed as Community Health Workers (CHWs) in any CHWP must be registered by any employer with the National Department of Health as CHWs within 30 days of employment by completion of a prescribed online form.
- b. The National Department of Health may determine different CHW occupations based on education level, experience, training and other measurable requirements. If the need arises this will be done through the national policy formulation process.

4. Training

- a. Workers employed in any CHWP must receive the basic training prescribed by the Department of Health at the employer's cost prior to engaging with community members.
- b. Further additional and specialised training may be provided by the employer, at the employer's cost, as prescribed by the National Department of Health.
- c. All training received must be duly recorded and forms part of the CHWs record of employment.

5. Proposed sector-specific conditions for CHWs

	BCEA (s55(4))	PROPOSED CONDITIONS
(a)	Set minimum terms and conditions of	Anyone employing a person as a CHW must:

	employment, including minimum rates of remuneration;	<ul style="list-style-type: none"> • Register the person with the National Department of Health (NDOH) as a CHW • Adhere to these outlined conditions • Must provide basic training prescribed by the National Department of Health at the employer's cost prior to the CHW engaging with the community members • CHWs should ideally work in teams supervised and supported by a nurse who is affiliated with a PHC facility (Clinic, CHC or even an occupational practice or general practice) • There may in future be different CHW sub-occupations which focus on selected conditions or settings <p>There should be a transition period of 12 months that allows employers and CHWs to collect the necessary documentation and adjust remuneration to the proposed levels.</p>
(b)	Prohibit or regulate task-based work, piecework, home and contract work;	<ul style="list-style-type: none"> • Household visits may commence early or be conducted late in the day depending on the movement of community members to work so hours may be adapted for when people are at home. • It may be required of employees to work on weekends and /or public holidays when community members are at home. • Flexibility of working hours must be agreed upon between employer and employee. • Some CHWs have families and other obligations to attend to, so part-appointments should be allowed, but payment must always be for a minimum of 4hr a day even if on some days less than 4 hours is worked. • Working hours may not exceed forty hours a week. • If there is a specific health campaign or event that requires occasional overtime, then this must be with the agreement of the employees and paid additional to the salary on a pro-rata basis. <p>All work is task-based and must be within the scope of the training curriculum prescribed by the National Department of Health</p> <ul style="list-style-type: none"> • Piecework and contract work are not appropriate for CHWs as they need to develop a relationship with the community members where they work.

		<ul style="list-style-type: none"> Home work is not appropriate since the job is to visit households for various health promotion and prevention tasks.
(c)	Set minimum standards for housing and sanitation for employees who reside on their employer's premises;	Where an employer is a mine, farm or remote location that requires the CHW employee to reside on the employer's property then the employer must provide housing with proper sanitisation.
(d)	Regulate payment of travelling and other work-related allowances;	<p>Transport and travelling</p> <ul style="list-style-type: none"> The normal practice is for a CHW to be a part of an extended 'multi-disciplinary team' of health professionals and usually resides in the community in which s/he works. Travelling is not expected to be a daily requirement for work since the activities involve door-to-door walking distances. However, should an employer require a CHW to perform duties outside of the community for which s/he is employed the employer must provide transport or pay the transport costs agreed with the employee. <p>Tool of trade</p> <ul style="list-style-type: none"> CHWs do not need many tools to do their work but where employers use electronic data-capturing devices of any form then the employer must provide these tools and the digital connectivity costs.

Interested persons are hereby given an opportunity of making written representations to the National Minimum Wage Commission. Such representations should reach the Directorate: Employment Standards, Department of Labour, Private Bag X117, Pretoria, 0001 or be sent to SDinvestigations@labour.gov.za by 31 January 2023.

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Prof A. van der Walt

CHAIRPERSON: NATIONAL MINIMUM WAGE COMMISSION

Date: 06/12/2022