

"Never in private practice was a strike successful"

Sandton Medi-Clinic nurses prove otherwise

In August and September 2008 nurses at the Sandton Medi-Clinic in Johannesburg conducted a successful two-week strike, the first of its kind in the private sector in South Africa. Denosa's **Liana Grobler** looks at how nurses were pushed into striking and what they won.

Annual negotiations with Medi-Clinic are also an annual challenge, both physically and mentally... and the year of 2008 was no exception to the rule. Never before was it so clear that one has to try and negotiate with an employer that comes to the table with set principles and pre-determined wages. This is all done in order to frustrate the negotiators and the staff.

This was our experience of negotiations with Medi-Clinic in 2008, which eventually led to historic strike action in the private health sector.

HITTING A BRICK WALL

Negotiations at Sandton Medi-Clinic, according to the agreement, should have started in April 2008 for implementation on 1 July. The employer deliberately dragged its feet and purposely delayed negotiations by raising the excuse that they were still busy with calculations and therefore had no mandate.

Eventually negotiations started on 5 June. It was clear from the start that the Medi-Clinic negotiating team came unprepared and they

were not skilled in the field of negotiations. It was very clear that the employer never considered the demands of Denosa (Democratic Nursing Organisation of South Africa) when they were submitted in early April because no homework had been done on them. Sandton Medi-Clinic never counter proposed key demands and no cost calculation had been done.

It was the view of the Denosa negotiating team that management had pre-determined the outcome and was going to force their proposal on staff as they had successfully done in all previous years using the 'divide and rule' principle.

By entering late into negotiations there was little time for the union to negotiate with management. Denosa submitted numerous counter proposals and highlighted several discrepancies which we would have liked the employer to engage upon, but it arrogantly refused to consider them.

DISPUTE

Eventually a deadlock was reached and the employer gave Denosa an ultimatum to either accept their initial unchanged offer or they

threatened not to 'back-pay' employees, which was in total contravention of the agreement. Our demands and the main issues in dispute were:

- A minimum 12.5% (later reduced to 10.5%) increase across the board regardless of the category.
- Public holidays should be paid instead of added to annual leave, which is how it appears in the Basic Conditions of Employment Act. Neither employees nor Denosa were ever consulted on changes to this benefit and no one ever agreed to its implementation.
- Recognition for years of experience. Employees in Sandton Medi-Clinic with 16, 18 and 23 years of service are some of the lowest earning employees, yet new employees get appointed on higher salaries than those who have been loyal to the company for many years.

The response from the employer was:

- An increase to different categories of nurses, which amounted to an average of 11.71% if all percentages were added together as indicated in the table on page 10:

Grade	General Title	Average of % Increase (9%)	Average of % Adjusted	Average of % Increase
B2N	NURSING AUXILIARY	8.81%	3.05%	11.86%
B5N	ENROLLED NURSE	8.91%	1.02%	10.92%
C2N	PROFESSIONAL NURSE	8.67%	0.98%	10.89%
C3N	PROFESSIONAL NURSE	8.52%	4.14%	12.66%
C4N	SNR PROFESSIONAL NURSE	8.88%	3.92%	12.80%
Grand Total		8.74%	2.50%	11.71%

- Changing the 'principle' of annual leave would be a costly exercise especially as it was a national issue.
- Medi-Clinic does not pay for loyalty, not even to employees with many years of service even if those nurses are meeting standards set by the employer.

The matter had been referred to the Commission for Conciliation, Mediation and Arbitration (CCMA) for adjudication but none of the parties could reach agreement and a certificate was issued to Denosa and its members to embark on a lawful protected strike. A 'strike-notice' was issued to the employer and Medi-Clinic responded with a 'lock-out' notice.

Denosa communicated with the employer on a daily basis trying to persuade them to return to the negotiating table and saying that we would suspend the strike pending a possible resolution. The union even requested a section 150 intervention from the CCMA through a senior commissioner to facilitate the process, but no agreement could be reached and the mediation failed. Denosa adjusted all demands but Medi-Clinic rejected all proposals and *not once did the employer make a counter proposal!*

Sandton Medi-Clinic left the nurses no alternative but to embark on a total refusal to work. This is a sad day in the history of health in the private sector where the employer is so set on profit that



Nurses picket next to a Sandton Medi-Clinic main entrance in the second week of the strike

they would rather compromise healthcare to the public based on 'principles' than consider improved working conditions for their employees.

STRIKE!

Nurses went on strike on 28 August 2008. There were ridiculous proposals from the employer concerning picketing rules and Denosa refused to accept them. One of the rules stated: no more than 20 employees to participate and they may not sing or dance!

Needless to say the picketing continued for the duration of the strike. Some days nurses were given time off to attend to personal needs but for the most part all participated. About half the group consisted of registered nurses. Based on the wage offer from the employer, the lowest increase of 7.7% would have gone to registered

nurses with 23 years of service with the company.

In the beginning doctors supported the strike but later this shifted because of the impact of the absence of nurses on their business. Currently shop stewards are updating doctors and have found that many did not fully understand the reasons for the strike.

The public and the media however were supportive. A member of the public who supported the strike publicly was treated badly by management as Medi-Clinic refused her entry into the pharmacy to get her script.

Denosa kept in close contact with nurses who relied on daily updates about communication between the union and management. There was not one day that union officials were not on the picket line.

The union organised a protest march on 5 September where it

handed over a memorandum to the employer. The employer responded vaguely and again reiterated issues of 'principle' and other unfounded allegations against members. The strike had now continued for 11 days and yet the employer did not come forward with a counter proposal. The nurses were very disappointed with their employer but remained steadfast in order to make their voices heard for improved conditions.

Finally, the company caved in and the union met with the employer for the last time on 15 September. Here management and the union agreed to:

- A minimum increase of 10.5% although management very reluctantly agreed to this.
- Denosa to do a full presentation to Medi-Clinic head office in Stellenbosch to senior management in order to explain and motivate pay progression before 6 October.
- The union withdrew the public holiday issue and we reserved our right to take this up in another forum.
- The union reluctantly agreed to the employers' uniform proposal for 2008/2009 in order to resolve the dispute.
- On 17 October the nurses went back to work.

MIND BLOWING

Denosa achieved a reasonable increase for all categories of staff. We had the opportunity to address senior management and to try and secure a working relationship on policies and best practice regarding pay. The union convinced Medi-Clinic head office to re-look at our demand on pay progression and to commit to a follow-up meeting early in 2009 to track progress on the matter.

Other private health institutions

watched the strike closely because of 2009 upcoming negotiations, especially Netcare where Denosa negotiates nationally for hospitals in all nine provinces.

The biggest unsung heroes concerning the whole of the negotiation process were the nurses and the shop stewards. The shop stewards motivated and supported staff throughout the whole process and they maintained professionalism and order.

I would not do justice to this article if I did not include an abstract of one of the many letters that Denosa received from staff in favour of the industrial action. Here is a quote from one of them,

"The last time I was involved in a strike action was at Baragwanath in 1985. Having grown up and attended school at the Border gate of Mozambique where I was exposed to the rebels and the Frelimo, so being called 'rebel' has always been my second name.

... We've been through this before when I was still at school and I promised him (my father) that 'I will never be involved in such situations.'

So imagine what went through his mind when I told him that there might be a strike at Sandton Medi-Clinic and I'm supporting it...

Back to the strike at Sandton Medi-Clinic, I must say I was sceptical. My first concern was the numbers; I felt we, the Denosa members, would be outnumbered. My second concern was, never in the history of private practice was a strike successful, it was actually 'unheard of'. My third concern was my position at work. I am part of management now how the hell do I go on strike?!!! ...

The night of the 26th of August 2008, I couldn't sleep. I e-mailed my son in the UK and told him of my predicament and his answer was...

'Give it your best shot ma, if it's for a good cause and if you lose your job come and chill with me in the UK and you'll start over. Whatever decision you take I'm right behind your small butt.' ...

... Thoughts came flooding through my mind and I knew that it was now or never.

I cannot explain all the events that took place in the three weeks of the strike. All I'm saying is that we've made our own little history. Everyone thought it could never be done in the private practice. Everyone thought we were bluffing, no one took us seriously and we've proven them wrong.

... Seeing nurses not giving up, not backing down even though we were standing on very shaky ground was 'Mind Blowing'.

It was nonsense in the eyes of those who never understood my plight, but it made so much sense in me and everything I believed in.

It was labelled 'cruelty' in the eyes of all who misunderstood my cause, but it was justice to me and it felt righteous.

Some cried foul, they said I took an Oath. Yes, indeed, I took an Oath, but nowhere in the Oath does it say 'I will withstand abuse, injustice, unfairness and not be compensated for a job well done.'

With these few words comrades, I would like to thank Denosa for a job well done, and most of all my colleagues from Sandton Medi-Clinic and everyone from all over who came to support us. This was 'Mission Impossible' and now it's 'Mission Accomplished'.

It's about time we nurses stop hiding behind our Oath and demand to be heard." LB

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