

PSCBC Programme for the provision of redress for employees who suffered discrimination by pensions funds under apartheid.

Ten Things You Need To Know

Q & A

1. What is the process of redress?

Redress is the provision of compensation to government employees who suffered various forms of discrimination by government pension funds under apartheid. These offending pension funds were disestablished and amalgamated into the Government Employees Pension Fund on 1st May 1996. Government as employer and trade unions admitted to the Public Service Coordinating Bargaining Council signed two agreements: Resolutions 7 and 12 adopted in 1998 and 2002 respectively, to compensate employees affected. The PSCBC established task teams consisting of management and trade union representatives to implement the resolutions in every department. In the provinces these departmental task teams are coordinated by the offices of the premier.

The discrimination was based on race, gender, physical criteria, status of employment, and punitive measures arising from industrial action. The basis of discrimination varied but they had in common the same purpose and effect: to recognise as pensionable only part of the years of service that employees rendered.

In the most outrageous of the discriminatory practices, women of all races who fell pregnant would be forced to resign instead of being given maternity leave. To add insult to injury, upon their return to work after confinement, women would be forced to join a temporary employees pension fund, thus depriving them not only of the period before birth but also the post natal period for what ever length of time they were “sentenced” to spend detained in the temporary pension fund. These pre- and pos- confinement periods (including the period in the temporary pension fund) were not recognised as pensionable and would not be included in the calculations of the woman’s pension entitlement as if you were not employed at all and rendered no service. All employees who suffered the various forms of discrimination thus did not receive their full pension entitlement.

This redress programme provides compensation for the “lost” years.

2. How do I know if am eligible?

If

- (i) You were in service on 2nd September 1998, and
- (ii) You suffered any of the forms of discrimination the PSCBC Pension Redress Programme covers as listed on the PSCBC website (more details can be obtained from your workplace (the last one you were employed at if you have left the service or from the union you belong/ed to)

Then:

- (i) If you are no longer employed in the public service, visit your last place of employment and ask to be referred to the pensions task team (PTT) and request an application form and for assistance to fill it in. You may also approach the Office of the Premier if you are uncertain about which department to approach eg in cases where the name of the department you were employed by has changed, or it has been reconfigured to become part of another department.
- (ii) Applications forms are to be filled in on the premises and may not be taken away. If the applicant is infirm or otherwise incapacitated, a special arrangement must be made to get the form to the applicant or to transpose information obtained from that person onto an original application.
- (iii) If you are still in service approach your union or human resources department/section/unit and asked to be referred to the PTT. The PTT will avail the application form to you and assist you to fill it in.

3. What documentation do you need?

To prove that you were employed the documents required are:

- ✓ Copies of salary advices
- ✓ Copies of IRP 5 (for tax purposes)
- ✓ Staff records
- ✓ Any form of personal identification documents
- ✓ Pro forma affidavits

Every effort must be made to obtain documents supporting claims of employment. Affidavits will only be considered as last resort and all else has failed and are subject to verification.

4. Are employees of parastatals eligible for redress?

All employees who worked for government at any point in their working careers are entitled to redress provided they meet the criteria set out in 2 above.

5. How is compensation determined?

- (a) If you are still in government service, the periods that have been lost because they were not pensionable, will be recognised as pensionable. Your contribution for the lost years will be paid from a special fund established by agreement between the trade unions and the government. Your pension entitlements will then be recalculated to include the lost periods. Thus if you had been working for government for twenty years but subjected to a waiting period for five years, you will now receive the full twenty years service as pensionable service instead of only fifteen.
- (b) If you are no longer in government service, the lost years will be incorporated into the calculations of your pension entitlements and the difference between what you should have received and what you are receiving paid out to you.
- (c) If the applicant is deceased and meets all the requirements, a dependant who is able to prove his/her bona fides, (that is that they are genuinely related to the deceased) may claim

on behalf of the deceased. Payment will be made into the estate of the deceased in line with Government Employees Pension Fund procedures.

6. Why can't applications be processed immediately upon submission to the GEPF?

For the GEPF to take a "pay as you go" based on a "first come first served" approach, runs the risk of depleting the fund before all applicants have been compensated. As explained in 6 above, we must allow time for:

- all applications to be verified and processed
- for the total cost to be calculated
- for negotiations with government for additional funding in the event there is any shortfall to ensure that all eligible applicants are compensated.

Only after all these processes have been completed, will adjustments to the pensions of all those still in service be effected and payments be made to all those who have left the service, including to the dependants of those who have passed on.

7. How do I know whether my application has reached the PSCBC?

Every department is required to keep a record of all applications received. This information is forwarded to the PSCBC, together with the application forms. All applicants will receive an acknowledgment of receipt letter from the PSCBC.

The PSCBC is also developing a data base of all applications received that will be available online. If you do not have access to the internet, approach your department or the Office of the Premier in your province, where an official from the Pensions Task Team will assist you to check if your name appears on the data base. You may also approach your union to ask for assistance in accessing the PSCBC data base.

8. Will I be notified of the outcome of my application?

All completed applications are forwarded to the PSCBC directly by national departments, and via the Offices of the Premier in the case of provincial departments. The PSCBC will forward these applications to the GEPF. All applicants will be notified of the outcome of their applications.

9. Who do I contact for more information?

- Contact the Public Service Coordinating Bargaining Council by sending a sms to 43638 and leave your contact details and we will respond to you as soon as possible. You may also phone the PSCBC at (012) 644 8100.
- Approach the human resources department of your last place of employment and ask for the Pensions Task Team
- Approach the trade union you belong/ed to
- Contact the office of the Premier in your province
- Contact the chairperson of the PSCBC PTT, Weizmann Hamilton on (011) 355 6868 or 083 289 2069 or email him at Weizmann.Hamilton@gauteng.gov.za