

IN WHOSE INTEREST?

Police unions and the 2006 restructuring of the SAPS

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Police unions have an obligation to represent their members' interests against the employer, especially when the employer is proposing major structural changes. When the changes do not accord with what has been agreed upon, and when there appears to be mistrust, a breakdown in communication is imminent. Ultimately, while police members may suffer as a result of this breakdown, the general public has to bear the brunt of the poor policing that is the inevitable consequence of disquiet and disorder in the organisation.

In September 2006 the Institute for Security Studies initiated a study of the South African Police Service (SAPS) Area Crime Combating Units (ACCUs) in Gauteng. The study started a few weeks into the implementation of the SAPS restructuring process. During the study it emerged that members of these units were angered and frustrated by the apparent lack of support they had received from their unions with regard to the restructuring process. They claimed that they had been 'sold out by the unions' and expressed the view that the 'unions don't care about us'. This exacerbated the already widespread feelings of anger and insecurity caused by the restructuring process.

This article examines the negotiations between unions and police management on the restructuring process. It considers how poor communication between police management and unions, and the confusion created by the changes in terminology used to refer to organisational changes in the SAPS, affected police morale and effectiveness.

'Negotiating' restructuring

The basic *raison d'être* of police unions is to ensure that their members are represented according to their best interests. The majority of members of the South

African Police Service belong to the Police and Prisons Civil Rights Union (POPCRU) and the South African Police Union (SAPU). The largest union, POPCRU, has approximately 75 294 registered members while SAPU has a membership of 59 962.

When the SAPS wishes to undertake any organisational change that will inadvertently affect its members, the process is brought before the Safety and Security Sectoral Bargaining Council (SSSBC) and the labour unions. Once the parties are satisfied with the process, the outcome culminates in an agreement.

In 2005 the proposed restructuring process was brought before the SSSBC and unions so that consensus could be reached regarding the process.

The restructuring was initiated by the SAPS Career Management Division. It was intended to address functional problems within the SAPS, including duplicity of functions, weak command and control, and poor service delivery. The restructuring process also sought to eliminate the area level management that had come to be viewed as an unnecessary level of authority. This meant that the SAPS management would now operate on a national,

provincial and station level, in line with the requirement of the Constitution of the Republic of South Africa (1996:119). The restructuring was intended to strengthen police stations and improve service delivery to the public.

In practice this meant that specialised units would be closed down and their members deployed to stations. The units that were affected were the Family Violence, Child Protection and Sexual Offences Unit (FCS), the Serious and Violent Crimes Unit (SVC), and the Area Crime Combating Units (ACCU).

How the process unfolded

Discussions on the restructuring process between the SAPS management and the unions started in mid-2005 at a SSSBC meeting. The SAPS management informed the SSSBC that in terms of the restructuring, areas would be abolished and area commissioners re-deployed to stations. It was decided that a model of accounting stations, with stations clustered around them, would be followed. It was also agreed that implementation of the restructuring would begin in April 2006 and be completed in February 2007 (SSSBC minutes March 2006: 7-8). The unions raised concerns about how the restructuring would affect their members.

In April 2006 the SAPS gave the SSSBC an overview of the new organisational structure that had already been approved by the SAPS management. However, the new structure did not address the concerns that the unions had raised. In addition, SAPU disputed the SAPS's claim that extensive consultation had taken place about the new structure, and argued that such consultation was still needed (SSSBC minutes April 2006:19).

SAPU questioned why it was necessary for the entire police service to be restructured, if the intention was to close down only the area offices. the union also expressed concern about the following:

- the reason for the closure of the specialised units
- the number of employees that would be affected by the restructuring
- the available grievance procedures for members at area bargaining councils

- the lack of agreement on transfer costs for members should they be redeployed
- matching and placing of members at stations as per a skills development audit
- the resource establishment plan regarding members' choice of where to be placed, and
- dispute mechanisms in place for members (SSSBC minutes April 2006:19).

SAPS management denied that they had not answered all the union's questions on the framework. They also denied the claim that there had not been extensive consultation on the restructuring process, stating that a number of workshops were held to discuss the process (SSSBC minute April 2006:20).

SAPU was adamant about the point and 'placed on record that in terms of the law there was never a meaningful consultation process on the matter' (SSSBC minutes. April 2006:20). The SAPS then agreed that a workshop would be held at the end of April 2006 for further discussion. But, according to the SAPU management, the meeting never took place (Omar 28 May 2007).

A change of language?

In August 2006 the SAPS management did an apparent about-turn on the restructuring. They told unions that they were no longer 'restructuring' because the process would take a long time (14 months), but said that they would continue the 'strengthening of police stations' in the various provinces (SSSBC minutes September 2006:9). Discussions about 'restructuring' still continued at subsequent meetings, but focused on 'redeployment and transfers'.

At this point the lines between what was restructuring and what was redeployment were becoming blurred, and unions raised additional concerns about the process. POPCRU was quite clear about a number of things: that too many police members would be affected by the proposed transfers and therefore the transfer policy could not be utilised, that management should first resource stations in order to place employees at well-equipped stations, that management should not use 'transfers' as a method of strengthening police

stations, and that labour and the SSSBC should continue to be a part of the restructuring process (SSSBC minutes September 2006:9).

In response SAPS management claimed that the restructuring and the strengthening of police stations were two separate processes that should not be confused (SSSBC minutes September 2006:10).

POPCRU remained adamant that their members' interests were of paramount importance in both processes, and that they required clarity on dispute mechanisms and representations. SAPU said they needed clarity regarding the two processes and discussions on the way forward. They further stated that the SAPS needed to respond urgently to their concerns before starting the process of transferring members to strengthen police stations (SSSBC minutes September 2006:10).

An agreement

With apparent disregard for the concerns of the unions, Divisional Commissioner Nchwe of SAPS Career Management made a presentation to the SSSBC on 7 September 2006. She spoke about the extent of the problem of crime in the country and proposed a way to address it through redeployment of police members (Special SSSBC minutes September 2006:21).

The proposal, a draft agreement (3/ 2006) on the 'Performance and Reduction of Crime' that involved putting the best people at the right places, was circulated at that meeting. According to the president of SAPU, Divisional Commissioner Nchwe was vociferous that the redeployment referred to in the agreement was not the same as the restructuring (Omar 28 May 2007), despite there being little difference in terms of the effect the process would have on members of the SAPS.

SAPU reiterated that it was necessary to put a mechanism in place for members to raise their concerns about the transfers. In response the SAPS management made a commitment that members would be deployed within reasonable travelling distances, and that the transfer policy would include a dispute mechanism. SAPU also asked SAPS management to clarify issues of radius,

relocation and skills, in writing so that they could get a mandate for the agreement. They agreed to sign the document a few days later. POPCRU also signed the agreement 3/ 2006 (Special SSSBC minutes September 2006:22).

The terms of SSSBC Agreement 3 of 2006 are as follows:

- Identified employees will be redeployed to the identified police stations.
- The principles embodied in the transfer policy will be adhered to in the redeployment process.
- Employees will as far as possible be redeployed within reasonable distances from their current workplaces. Only in exceptional cases will redeployment entail a physical relocation of an employee, in which case the employer will implement the policy.
- All employees identified to be redeployed in terms of the needs of the organisation and the skills that they possess will be treated fairly and equitably (sic) (SSSBC Agreement 7 September 2006).

SAPS management and the unions agreed that members would not have to travel more than 30 km from their homes (Omar 28 May 2007).

Upon signing, the letter of agreement (Agreement 3 of 2006) was sent from the National Commissioner to the Ministry of Safety and Security, all managers at the national office, and all provincial commissioners (SAPS correspondence 2006).

Labour unions asked for a task team to be established to monitor the process of strengthening police stations. SAPS management agreed to this but indicated that 'the focus should be on the monitoring of agreement 3 of 2006 and not the breaches of agreement' (SSSBC minutes 2007:8). The reason behind this was that the unions were in dispute with SAPS management over the implementation of Agreement 3 of 2006. 'With the task team monitoring the agreement, SAPS could then rectify the wrongs of the implementation'. And: 'If the SAPS management had agreed to

monitoring of the breaches of the agreement, then the unions could withdraw from the agreement legally, and have cause for action against the SAPS management' (Omar 23 August 2007).

The SAPS management further indicated that phase one of the implementation of strengthening police stations had already been undertaken in Gauteng and rolled out in the other eight provinces, and that members were deployed to workplaces in terms of service arrangements. They explained that they were evaluating the achievements of strengthening the police station process. The establishment of a task team as agreed to between the parties was also imminent; its task was to monitor the implementation of agreement 3 of 2006, and to address any complaints with regards to deployment (SSSBC minutes 2007:8)

A sub-committee meeting of the newly appointed task team regarding Agreement 3 of 2006 was held in April 2007. Unions indicated that they wanted a list from SAPS management of the number of members that were deployed, where they had been placed, and how far the new placements were from their previous positions (SSSBC minutes 2007:1). They said that they had found that members were being transferred to components where their skills were not needed. Also, most employees who received notices were told that they would have to make representations only after they had been transferred.

Unions also stated that the issue of service arrangements was never agreed to in terms of agreement 3/2006 (SSSBC minutes 2007:1). This factor is pertinent in that in police management terminology, a service arrangement is a temporary movement of a member from a currently held position to another position for any period of time. It is defined as a temporary measure and can therefore be rescinded at any time. In terms of Agreement 3 of 2006, members were meant to be 'transferred' to their new positions. The implication of a transfer, according to SAPS policy, is that it can be undertaken by a member him- or herself, or may be conducted by the employer in the interests of the service (Omar May 2007). If a member is then opposed to the transfer, s/he is allowed to put in a grievance.

According to the SAPS Efficiency Services Division, 'The focus is on the organisational and functional structures of the provincial offices. The posts will be looked at, and a strategy to place people based on their skills, will be developed and implemented' (Omar 13 August 2007).

The effect of the agreement

The queries raised by unions at the SSSBC remain unanswered, as do their objections about the lack of proper consultation. This does not bode well for further negotiations between the unions and police management.

SAPU is of the firm opinion that the unions were misled by the signing of SSSBC Agreement 3 of 2006. It is not difficult to follow their reasoning. Events following the signing of the agreement attest to the fact that Agreement 3 of 2006 was used to further the initial plan of the SAPS management, namely to proceed with the restructuring process. In practical terms all the changes required by the proposed restructuring process have been implemented: the closing down of the area level offices, the closing down of specialised units, and the deployment of members to police stations.

The SAPS Efficiency Services Division however has refuted the fact that the restructuring process, the strengthening of police stations and Agreement 3 of 2006 are part of the same process (Omar 13 August 2007). 'The restructuring was started, then stopped, because of the Minister's (Nqakula's) report on the impact of violent crime. The focus had to be placed on the strengthening of police stations. The model used to place members was the model that was available; it is the same model that is used to do the restructuring (Omar 13 August 2007).

The different terminology used by the SAPS to define the process: beefing up of stations, restructuring, strengthening of police stations and reorganisation was confusing to the unions, the council, members and the general public.

The audit report of the Task Team established to assess implementation has now been completed but was not available at the time of printing.

SAPU's communication with members

Notwithstanding the above, SAPU has also been remiss in its responsibility towards its members. During interviews with the researcher, members affiliated to the unions were very vocal that the unions had failed to support them during the restructuring and were not available to alleviate their concerns.

SAPU communicates messages to its members via a newsletter, the Union Post, published every two months, and/or via letters. These are sent to the provincial branches and distributed to members. SAPU also has shop stewards or representatives at provincial, area and local level who deal with members directly, regarding issues of concern.

A perusal of the SAPU newsletters demonstrated that union members were informed about the unions' consultations with the police. But it appears that the newsletters were either not reaching the members at their units or stations, or that members are not reading those newsletters.

Issues of the Union Post from April and May 2006 clearly show that SAPU supported the closing down of area offices and the movement of members to stations in the immediate vicinity. It however, does not support a restructuring of the whole SAPS, and emphasises that the process of restructuring must be properly consulted with organised labour (2006:6).

A later edition of the Union Post (2006) informed members about the initial plan to close down area offices without undertaking a substantial restructuring. The article explained that SAPU had agreed to the initial plan to close down the area offices because these structures merely duplicated correspondence from the provincial office to the stations. The article then stated that SAPS management had announced the implementation of a zone model, to which SAPU objected and which resulted in the process being put on hold. Members were informed through the article that the SAPS management then announced a restructuring of the whole SAPS that included the closure of the FCS units, SVC units, CCUs, National Intervention Units, and Crime Intelligence Units. The intention was to deploy these members to stations to boost visible

policing, according to a skills analysis that was to be completed at the end of 2006. The article further stated that, while SAPU supported a skills audit, two previous attempts at this had ended disastrously.

In the July 2006 issue of the Union Post (2006) SAPU informed its members that for the previous two months, the SAPS had not been responding to its questions in the SSSBC. Details of the new structure were not forthcoming, the number of units that were to close down was not provided, nor the number of accounting stations to be established. SAPU also stated that they did not support the 'matching and placing' of members, but wanted choices for their members and demanded a dispute process.

The above articles attest to the fact that SAPU did inform members of the restructuring process. That members were not aware of it implies that the message is not reaching members, and that SAPU needs to consider alternative, more effective means of communicating with their members.

Conclusion

The effect of the confused messages has been dramatic. Unions and SAPS management have lost credibility with members, and the relationship between union leadership and police management has been weakened.

The SSSBC agreement 3 of 2006, an agreement purporting to reduce the state of crime in the country, and appealing to unions' sense of sympathy, could be understood as a deliberate attempt by SAPS management to mislead unions into agreeing to the restructuring. The agreement refers to the National Commissioner's constitutional obligation to prevent, combat and investigate crime, and forces an obligation on unions to agree to the conditions. It can, in fact, be interpreted as an inventive method to gain approval of the restructuring process which had been stalled by objections from the unions.

The SAPS intention with the strengthening of police stations was to address concerns regarding the issue of crime. 'Eleven months later, the Performance

Chart of the SAPS is showing a drop since the last four years, although violent crime has increased slightly. The impact will however only be visible by July 2008' (Omar 13 August 2007).

If the process is successful, as envisaged by the SAPS, then the restructuring will be claimed as a victory.

However, the process has taken place at the expense of members and of policing. Issues close to members' hearts, like transfer costs, travel distances and placement, have not been given due consideration and failure to recognise this smacks of disregard for member well-being. The result is members' inattention to duty, which hampers effective policing.

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Endnote

- 1 The figures were obtained from an SSSBC meeting, 12 April 2007.