

Estimation of Shortfall in Salary from 1996 to 2018 from Health and University, South Africa

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Abstract

Background: Professional jealousy is known to be rife among academics in various universities, but hardly reduces their salaries. The productive staff is generally protected from external as well as internal threats by the higher management of the university, but this did not happen in the case of Mr. BM.

Case history: Mr. BM was appointed as acting head of department, a medical officer against the post of professor and head of forensic medicine. He was not paid according to the University's conditions of service policy document. This was ignored by Human Resource department despite a resolution of the council. Mr. BM kept on receiving low salary to which he was entitled until his retirement after almost 20 years (1996-2018). This brought him close to financial ruin, as his pension was consequently also reduced by half. The estimated salary shortfall could be calculated, but the pain and suffering caused by three disciplinary enquiries and suspension are difficult to assess without the help of an actuarial consultant.

Conclusion: The shortfall in salary must be paid by the health, which is the major (80%) funder of his salary in a dual employment. This shortfall entailed differences in payment of basic salary as well as allowances between 1996 and 2018.

Keywords: *dual employment, abuse of power, financial ruin*

Introduction

Mr. BM was appointed as an acting head in January 1996, but a letter was only issued by the faculty head and confirmed by the Senate on 1996. He was a medical officer in the health. Mr. BM was working on his own like a full-time staff member of university, doing the work and assuming all the responsibilities of a professor and head. This was confirmed by the Registrar in 1997. He was also working as a full-time staff member in the health rendering all services, where he was working on his own. University interviewed him for a post of professor but later appointed him as a lecturer, which was like a discredit him. He was again interviewed for a post of professor but appointed as an associate against the post of professor. However, the salary of a professor was negotiated.

Mr. BM wrote to the University about his payment as per the policy document of university conditions of

service, which was also later recognized by the council. The Council issued instructions to HR, which HR did not implement. Between 2005 and 2007, he started visiting the HR office, as someone had told him that it was always good to meet personally, as this was the culture at the university to solve problems, but in his case, it did not work out. In the end, Mr. BM was desperate for his outstanding payment, and wrote a letter stating his grievances to the head of the institution of the University, thinking that there had to be some light at the end of tunnel, but received no reply. Mr. BM was thinking that at least higher management would recognize his work, which had earned him five awards in research and had led to dozens of research publications between 2002 and 2007, which put 54 million rand in the pockets of ex-mineworkers.

When he was at the peak of research publications in 2008, disciplinary enquiries (DC) were instituted against

him, accusing him of plagiarizing somebody's work, although it was rather the reverse that was true. First DC, a Professor was a commissioner of enquiry from outside of university and gave a fair judgment. When Mr. BM then pointed out to the University that since he had not been found guilty, the person who used his work in his thesis had to be guilty, and his degree had to be revoked, it refused to carry out any enquiry against that person. This enquiry had just been concluded when another DC (2010) started, leading to suspension. This matter was supposed to be less punishable, as it was a self-plagiarism, but unfortunately the punishment was more severe. The charge was related to an article that had been published in two journals by mistake. It was a double jeopardy in terms of the law to have a similar enquiry in a short time. Mr. BM produced articles written by his 2 colleagues in the same faculty that were also self-plagiarized, but the head of faculty said that he wanted only to punish Mr. BM. It was surprising that Mr. BM was suspended and not allowed entering in university, but his research work poster displayed in a conference organized by the faculty. An independent assessor inspected the University and mentioned it was like Afghanistan, with failure of multiple organs in 2011. He specified the HR department. One department published 25% of all research publications of the university, and about 50% of those in the Faculty. This was Mr. BM's department, where he was the only staff member.

The more one published, the more jealousy this generated among professionals in Faculty. The head claimed Mr. BM was working under him. This led to increased jealousy among his professional colleagues. The suspension lifted all of sudden as the faculty needed me to conduct the examination of fourth year medical students, but DC was continued. Fortunately, the union refused to accept him after few meetings, as he refused to call the head of institution as a witness to appear in front of the enquiry committee. He said that he did not have the power to call the head of institution and when the union chairperson asked him for his letter of appointment; it transpired that he had only been appointed telephonically. Later, charges were withdrawn in the DC.

In a third DC, wanted to be sure of success by appointing a confirmed X man as a commissioner of enquiry. There were in fact no valid charges, as Mr. BM

went on leave with permission from head, but the faculty head said that he had to get permission from him. The commissioner declared guilty abruptly and issued a letter immediately suspending one month's salary. The union made representations and the salary was paid after two weeks. Salary was stopped by instruction of faculty head by email. The faculty has also managed to be stopped from working in the laboratory although I was using it as a teaching platform for medical students. The University had been underpaying Mr. BM since 1996 and this continued till Mr. BM retirement in December 2018. In July 2009 the occupation-specific dispensation (OSD) scale was implemented for all health professionals registered with the Health Professions Council of South Africa and Mr. BM received a lump sum in December 2009.² The amount paid was less than it should have been, as Mr. BM was working on a higher level as a clinician. A HR staff member responsible for salaries increased his own salary, but constantly decreased the salary of Mr. BM. This was reported as prima facie evidence to the head of the institution, but no response was received. Subsequently, the same basic salary scale was maintained without any revision for almost five years. The University thus kept paying Mr. BM a lower basic salary, as well as overtime and rural allowance.

Methodology

The information on the shortfall in salary was collected from Mr. BM monthly pay slips from 1996 to 2018. Some gaps in determining the accurate salary of a month or year were dealt with by calculating the salary of the previous month and adding a 5% annual increase. The salary from 1996 to January 2001 was received directly from the health with fixed overtime. Mr. BM was a senior lecturer from 2001, getting 60% of salary from the health and 40% from the University, as per the agreement of the joint establishments. Overtime (53%) of basic salary, was also paid by health. In 2004, Mr. BM was appointed as associate professor, against the post of Professor receiving 60% of salary from the health through the University (dual employment). This post was against the post of professor, and Mr. BM was working in it till retirement in December 2018.

Results

The calculation to estimate the shortfall from 1996 to 2018 was conservative. The difference in salary between

a medical officer and a professor from 1996 to January 2001 was calculated based on a reference received from a professor appointed at the University. Estimates were calculated with approximately 5% annual increase or decrease in basic salary. From February 2001 to June 2009, the calculation was based on either pay slips or the appointment letter issued by the University. The gap in proof was covered by a 5% annual increase in salary that year.

Overtime calculation was carried out assuming that it was 53% of the basic salary, but for practical purposes it was accepted as 50% in calculations and decimal points was omitted. The salary paid to Mr. BM always followed a very irregular pattern and it is difficult to know how and why this happened. Most problems relating to the salary occurred between 2009 and 2018, which was also a troubled time of DCs. The scale of basic salary and over time changed at least three times in a year, despite

BM performing the same duties for decades. Replies on dispute resolution from the head of institution were contradictory and yielded interesting findings. Less and less overtime was paid between 2010 and 2016; it has been calculated separately, as it is not covered by the difference in salary payment.

The OSD scale concerned national government funding and it is assumed that it was fully paid by the national government through provincial health to the University, but this needs to be confirmed.¹ In July 2009, the OSD scale was implemented by the national government and it was paid in that year, but after that it was never revised, and continued till 2013 and part of 2014.² (Figure 1). There was a slight change in the second half of 2014, and then from 2015 to 2018, but not based on the OSD scale. Figure 2 showing year wise the pattern of total claim. It is mostly between 2009 and 2018, when OSD scale was not revised in the salary of Mr. BM.²

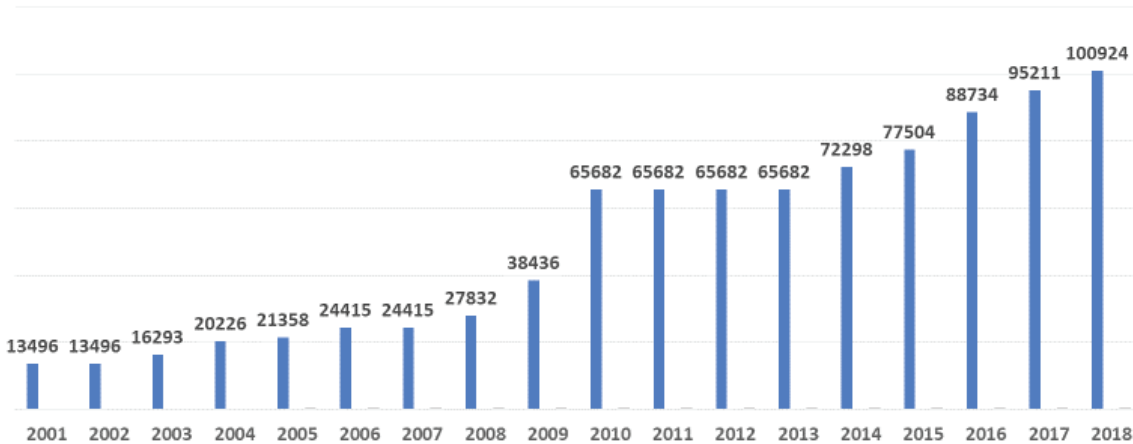


Figure 1. Year-wise pattern of salary paid from 2001 to 2018.

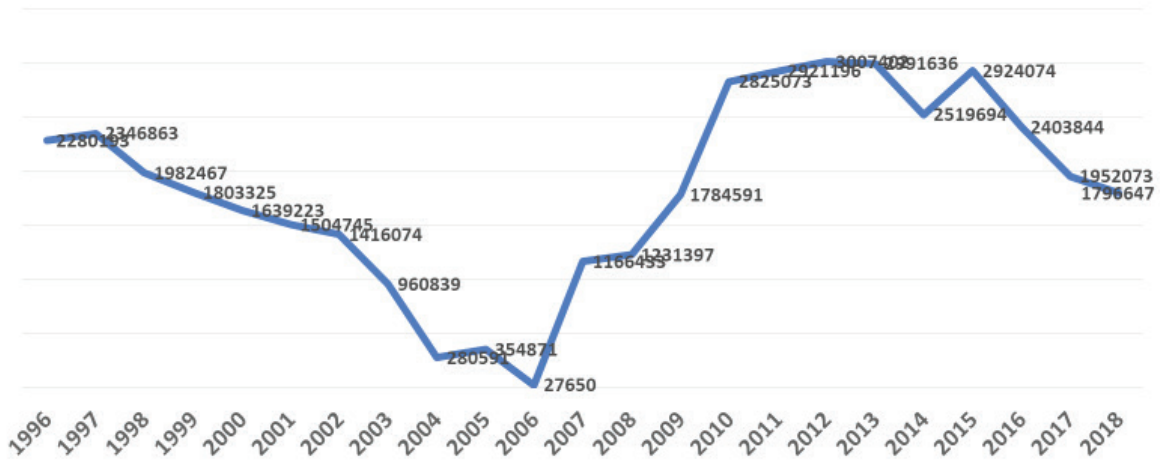


Figure 2. Year wise pattern of total claim from DOH between 1996 to 2018.

Since the basic salary paid was lower, the overtime and rural allowance were automatically also lower. The difference in each month’s amount was calculated very conservatively, as the basic salary was supposed to be that of the post of chief specialist, but Mr. BM used only the top notch and grade of a principal specialist (level 12) for calculation. The amount of overtime payment was lower especially from 2010 onwards. However, the duty hours of work carried by Mr. BM was the same from 1996 to 2018 (proof attached). The estimate of overtime (50%) was calculated based on the basic salary by determining the difference in the payment to Mr. BM who was paid up to 22% less from 2010 to 2016 or sometimes not paid for overtime at all (Figure 2).

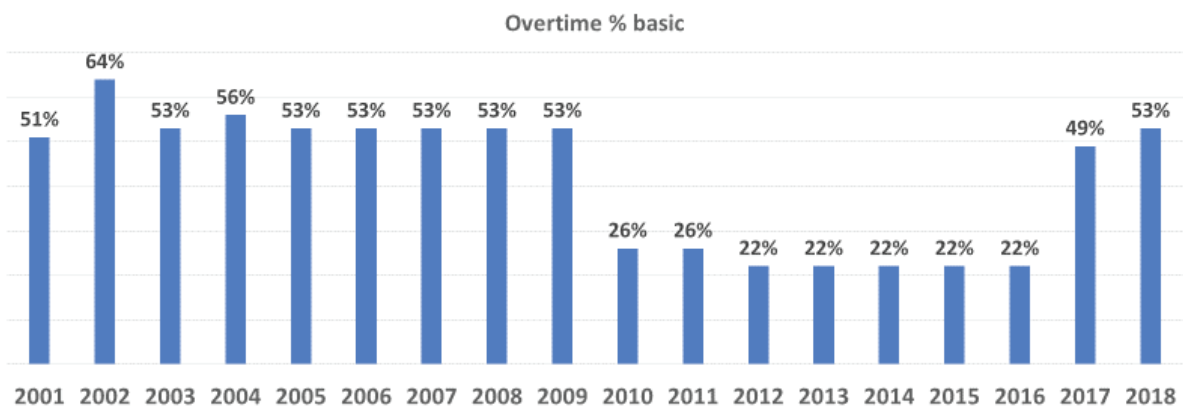


Figure 3. The pattern of Overtime paid in percentage of basic salary from 2001 to 2018.

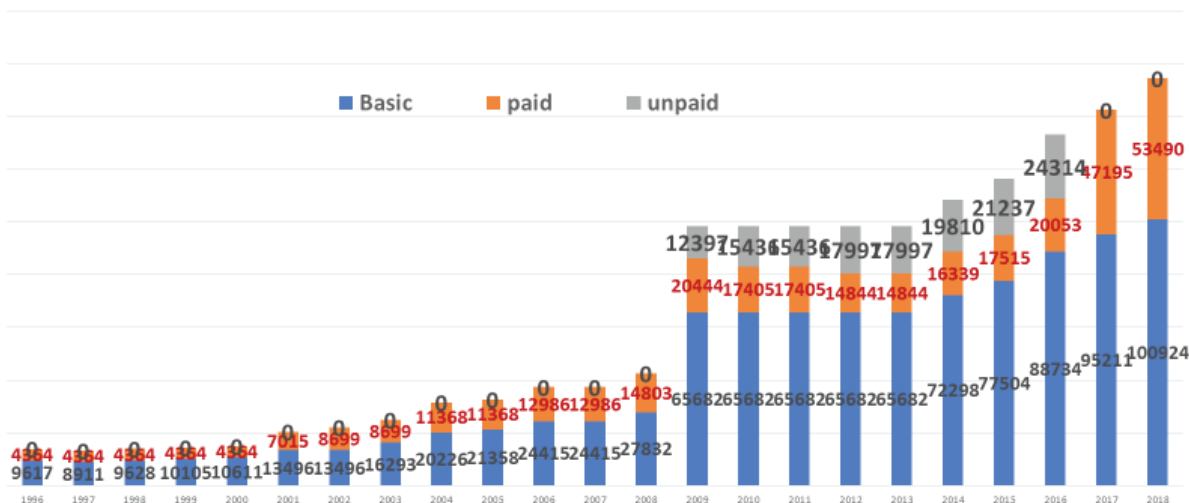


Figure 4. Deficit over time 1996 to 2018 which was not paid of basic salary especially from 2009 to 2016 by the University.

Similarly, the rural allowance was estimated by calculating a monthly and yearly discrepancy of 21% in the basic salary from 2001 to 2018 (Figure 3).

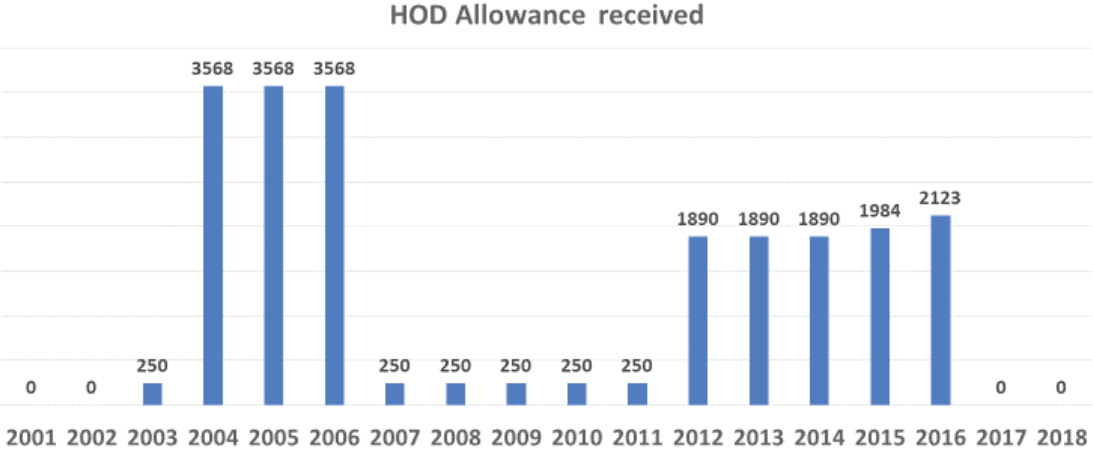


Figure 5. Pattern of Head of Department Allowance from 2001 to 2018.

Discussion

The health contributed the main portion of Mr. BM’s salary directly (1996 to January 2001) and through the University (February, 2001-2018). Therefore, it must be held primarily responsible. As proven in a NUMSA case, in dual employment the employee is always sandwiched between two employers and is exploited by one.³ In this case Mr. BM was exploited by both the

health and the University. The procedure followed for the head of institution research award gives an idea of the humiliation suffered. Mr. BM received head of institution research award in 2002 and 2003. In 2004, they did not allow Mr. BM to participate. In 2006 Mr. BM, got the platinum award, but it has not been handed over to date despite a dispute being declared with the head of institution. Again, the 2007, 2008, and 2009

awards were announced, but not finalized. The matter was dealt with by the head of institution, and after that Mr. BM problems multiplied in the form of three DCs, two suspensions, a forensic audit and stoppage of his birthday bonus. There were staff who has not published even a single research paper, got promoted through inaugural professorial lecture within an hour bypassing all the hurdles of interview and short listing. Mr. BM's main concern is that non-payment means not being paid according to the university conditions of service applicable from 1996 to 2018. A letter from Mr. F, who was registrar finance, and an e-mail from him both reconfirm the claim for payment. Mr. BM submitted details of his grievances to the head of institution on 18 March 2008 but did not receive a reply. On 24 October 2011, the head of the Faculty himself wrote a letter to the Finance Officer regarding salary concerns from the joint establishment clinical staff, including Mr. BM. Subsequently the faculty head also wrote a memorandum to the head of institution, mentioning that since the implementation of the OSD in 2009, no annual adjustment had been implemented.² The faculty head wrote a similar letter on the same date about the non-payment of the HOD allowance, and Mr. BM's name was also included in the attached list of HODs. The faculty sent a list of joint staff members to HR for the back payment of 2010 and 2011, but Mr. BM's name was excluded from that list. This is evident from the letter received from HR Director. He mentioned that the faculty took this decision along with the finance officer. When asked who the specialist on salaries in the faculty was, he did not answer.

Mr. BM was acting HOD for almost two decades (1996-2015). He received a letter from the HR director: Mr. X renewal of contract. He was surprised to read it, as Mr. BM service had continued without any interruption since 1996. When the director was asked for a policy document, he did not reply. In 2015, the University prepared to merge four departments, and interviews were conducted. They displaced Mr. BM from the post of HOD at the University, but Mr. BM remained the HOD in the hospital, paying overtime by DOH and completed PMDS of his staff in hospital.

On 12 February 2015 all the clinical staff of the joint establishment wrote a letter to the Director HR about a salary adjustment, but nothing was done to resolve

the problem. A letter was written to the HR Director regarding unfair labor practice, dated 26 February 2015, by an attorney, and later a CCMA hearing was held but not completed, as HR had lost Mr. BM's personal file. The CCMA was started but could not complete as HR supposed to bring that file to continue CCMA process. On 23 November 2015 the head of institution replied to a dispute referral to by the union lodged on 31 August 2015. He declined my claim without referring to the policy document. Mr. BM made great efforts in 2017 and 2018 as he was retiring, and the matter was going to affect his pension. A dispute resolution meeting was held with the head of institution. Mr. BM wrote many emails and letters, but he replied few of these. Mr. BM found it callous that a head of institution would not even answer questions on the shortfall of salary of a staff member. A dispute resolution meeting was held on 17 April 2017. The head of institution nominated himself as a facilitator. He also allowed a deputy director HR to write the minutes. Mr. BM was afraid and wanted to cut short the meeting as Mr. BM pension could be stopped. He could not solve the problem of the OSD scale, as he seemed to have made up his mind before the proceedings. The HR director mentioned that Mr. BM deserved to get his OSD scale and that the OSD scale money would come from the health.

Mr. BM contacted the national director of remuneration and he emailed that Mr. BM deserved to be paid on the OSD scale. It was wrong and against labor law practice to start paying this and then stopping it. In Mr. BM's case it was started and paid in 2009 and then not revised. Several letters written by the hospital management from the HOD, clinical managers, directors and CEOs of hospitals recommended that since Mr. BM was a HOD, he deserved remuneration according to the OSD scale. After a lot of difficulty Mr. BM succeeded in organizing a meeting between HR of the health. The meeting took place in on 12 September 2018, two days before Mr. BM was to receive his birthday bonus. It was unfortunate that this meeting led to the stoppage of Mr. BM birthday bonus on 15 September 2018. A colleague, a union member, accompanied to Mr. BM and has also received his salary less. He wrote a letter to the head of institution. HR emailed a letter agreed to pay to Mr. BM 15 October 2018. He was paid, but only half the amount. An independent assessor inspected the University and mentioned it was like Afghanistan, with failure of

multiple organs in 2011.⁴

It is interesting to know that one of Mr. BM's students was getting the OSD scale and earning almost double of Mr. BM. Both were working in the same hospital. She was a senior lecturer at the University, and then moved full-time to the hospital in 2011. Many other favored University employees were also assisted to join the hospital full-time in 2012 and left behind only a few staff members (foreigners). The arrangement was quite secret from the rural University. He also drafted a new agreement between the University and the health. In Mr. BM case the worst was that the post of chief specialist was abolished in the establishment, which closed the doors to being appointed on the full-time staff of the hospital. Many senior lecturers were getting higher salaries than Mr. BM on the university payroll, as he reported to HR. This was repeatedly reported to the head of institution but honorable chief has not applied his mind. BM. Salary is the pride of a human being, and it must receive urgent attention.

Declaration

The information is close to accuracy, as it was calculated at the lower side of estimation especially between 2001 and 2008. Any margin of error is minimal and if there is one, it is to the advantage of the health and the University. The calculation in estimating the total shortfall has been very conservative. All statements in this report are accompanied by hard documentary proof, which could be produced whenever necessary.

Conclusion

Gross underpayment occurred, and this needs to be rectified by the health as the custodian of major funding. It paid 60% of the salary plus 100% overtime; therefore, it contributed 80% of the salary. This resulted in exploitation of the individual as staff member and also in terms of his pension.

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Ethical Issues: Proper care was taken in this manuscript, as not to disclose directly to any institution or an individual, but if is knowingly or unknowingly someone find it out then it is not author intention. It is failure of system in rural university, and that led to victimization of Mr. BM. The author would like to high light this system failure in this report, not an individual or institution.

Conflict of Interest: The facts in this report could be submitted in demand. The references were not labeled but can be produced if necessary.

Source of Funding: Self-funded

References

1. George G., Rhodes B. Is there really a pot of gold at the end of the rainbow? Has the occupational specific dispensation, as a mechanism to attract and retain health workers in South Africa, levelled the playing field? BMC Public Health. 2012; 12613.
2. Meel BL. Discrimination in the payment of occupational-specific dispensation scale and other allowances in a rural university of Eastern Cape's Human Resource Department. Malicious or ignorance? Indian Journal of Public Health Research and Development, December 2018, vol.1, No.2.
3. NUMSA. Numsa wins landmark constitutional court judgment. 26 July 2018. <https://www.numsa.org.za/article/constitutional-court-judgment-on-labour-brokers/>
4. Council on Higher Education (CHE). Audit report on Walter Sisulu University, September 2011. Website: <http://www.che.ac.za> (accessed 08.02.2018).