



health

Department:
Health
REPUBLIC OF SOUTH AFRICA



MEDIA STATEMENT

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Department welcomes court judgement against Solidarity to halt the NHI

Pretoria: The Department of Health welcomes with gratitude a decision by the Gauteng High Court to dismiss a legal attempt by trade union Solidarity to halt the department's ongoing efforts to strengthen the public health system. Solidarity sought to stop the filing of critical posts under the National Health Insurance (NHI) branch.

The trade union approached the court last year to challenge a decision taken by the department to advertise and fill 44 vacancies including five Chief Directors and competent technical specialists to assist with the preparation of the National Health Insurance Fund for the country to achieve universal health coverage.

The union argued that the NHI should be established only after the NHI Bill has been signed into law by the President. However, Section 85(2) of the Constitution of South empowers the Minister of Health to develop and implement national policies deemed critical to improve healthcare delivery to achieve a long and healthy life for all South Africans. Further National Health Act of 2003 (Act 61 of 2003), Section 3(1) provides that the Minister must within the limit of available resources determine the policies and measures necessary to protect, promote, improve, and maintain the health and wellbeing of the population".

The court found that the establishment of the NHI branch as part of the department's organisational structure does not amount to the implementation of a Bill. The functions of branch remain relevant for any health system in the world, public or private. Thus, the creation of these critical posts responsible for amongst others; health products procurement, health care benefits and provider management, health system digital information, risk and fraud management, and user and service provider management, are part of broader health system strengthening.

The court ruling paves way for the department to prepare for rollout of NHI once it is signed into law. The judgement simply means the department has got the right to continue with the work to strengthen public health system of the country to respond to the health care needs and demands of the population. We hope the applicant will abide by the ruling and allow the department space to execute its mandate of improving health by preventing illness and disease and promoting healthy lifestyles without interference.

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