

NUPSAW

NATIONAL UNION OF PUBLIC SERVICE & ALLIED WORKERS

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NEWSFLASH

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NUPSAW FIGHTS BACK ON “ STATE CANNOT AFFORD PAY HIKE FOR WORKERS”

The National Union of Public Service and Allied workers (NUPSAW) representing more than 80 000 of public servants in the Public Service Coordinating Bargaining Council (PSCBC) for the past 20 years has filed an answering affidavit in opposition of the counter-application filed by the Department of Public Service and Administration (DPSA) regarding the drawn-out Public Service wage dispute.

The counter-application intendeds to declare that clause 3.3 of the PSCBC wage agreement as unlawful and unenforceable, they are now asking the court to state that enforcing the relevant clause in the wage agreement would be unlawful and contravenes both the Constitution and the public service regulations. NUPSAW is of the view that Clause 2 of the Collective agreement binds the employer and regulating salary adjustments and improvements on conditions of service in the Public Service for the period 2018/19, 2019/20 and 2020/21 as incorporated in PSCBC Resolution 1/ 2018.

The actions by the employer are mutually destructive and cannot be tolerated, as they point to bad faith and desire to violate the collective agreement. The employer started pleading unenforceability of the agreement on the basis unlawfulness and then turn to plead impossibility of performance. The challenges with this statement hold many questions as clause 17.9 of the PSCBC Constitution says “ before a resolution of Council becomes binding, it must be signed by the employer and by a number of admitted trade unions who represent the majority of votes on the side of labour in the Council” indicating the signatures of the Resolution by the employer and admitted trade unions gave rise to a contractual obligation as foreseen in Section 23 of the Labour Relations Act, 66 of 1995 (LRA) which means that a collective agreement binds all the parties to it and for the whole period of its existence.

In light of the above, there is no indication of this agreement being against public policy or unlawful in any way. The Cabinet authorized the wage agreement and payments were effected for the first two terms of the wage agreement. The employer is playing delay tactics and there will be no next round of the wage negotiations until the last leg is implemented.

NUPSAW will do everything in its power to fight the government for attempting to reversing the increases of our members and ignoring binding collective bargaining agreements. This is a fight we are not prepared to lose and the government must brace itself for a constant war in defence of our members and workers in general

Yours in the Worker Liberation

Success Mataitsane

GENERAL SECRETARY