

# NUPSAW

NATIONAL UNION OF PUBLIC SERVICE & ALLIED WORKERS

## Head Quarters

Nupsaw House, 814 Church Street, Eastwood Pretoria 0083

PO Box 11459, The Tramshed, 0126.

Tel.: 012 342 1674 Fax.: 086 667 8362 E-mail: [generalsecretary@nupsaw.co.za](mailto:generalsecretary@nupsaw.co.za)



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### NEWSFLASH

## UPDATE: JUDGEMENT FROM LABOUR APPEAL COURT REGARDING THE 2018/2019 PUBLIC SERVICE WAGE AGREEMENT

The National Union of Public Service and Allied Workers (NUPSAW) is dismayed by the outcome of the Labour a Court to dismiss our application to force the government to implement the last leg of the public service wage agreement.

Following the hearing that took place on the 02 December 2020, the judgement for the matter was reserved by the Labour Appeal Court. We do confirm that the judgement was handed down on Tuesday, 15 December 2020. NUPSAW is disappointed that the Labour Appeal Court has dismissed the application by NUPSAW and others to seek an enforcement order of clause 3.3 of the 2018 wage agreement.

The Labour Appeal Court found that the clause is unlawful. According to the judgement, the government does not have to hike public servants salaries this year. We are frustrated that the pandemic is used as an excuse for the government to renege from a signed agreement and has been waging this battle since the dawn of democracy. The judgement effectively bans collective bargaining in the public service since unions are not part of the government mandating process and always negotiated in good faith and assuming the government was also doing the same.

We would understand any other party except the government to raise the argument of unlawfulness. This shows we are dealing with a bunch of crooks who sign an agreement which they do not intend to implement. This is a real disgrace, and the ANC government must cover themselves in shame. To us, their action cannot be described by anything but corruption. We are also looking forward to consequence management on those people who deliberately entered into an "unlawful agreement".

NUPSAW is studying the judgement in consultation with our legal team to see other legal options, however prima facie errors committed by the Court points to appeal to the Constitutional Court. In the meantime, we call on public servants to prepare for SAFTU General Strike on 24 February 2021.

Public servants cannot remain victims and continue to suffer the consequences of unethical and corrupt political elements dealings in this country. Workers are left with the decision to either embark on a nationwide strike or approach the Constitutional Court.

Yours in the Worker Liberation

Success Mataitsane

**GENERAL SECRETARY**