

# TRADE UNION MASS ACTION TO RAMP UP IN THE NEW YEAR

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Government may have won the battle when the Labour Appeals Court dismissed public-sector unions’ application seeking an enforcement of wage increases, but the war appears to be far from over as unions have now vowed to appeal the judgment, as well as embark on mass industrial action early next year.

The wage agreement that was meant to take effect on July 1 stated that the public-sector wage bill was due to increase by up to 7%, or - under the consumer price index - plus 1%, depending on job grade.

However, the Labour Appeals Court this week deemed that enforcing the agreement would be “unlawful” as it exceeded the wage envelope budgeted by National Treasury for the department of public service and administration, and the offer was made without receiving the necessary approval from Cabinet and National Treasury.

The ruling has left the Public Servants Association (PSA) and Cosatu-affiliated unions the National Professional Teachers’ Association of SA, the Health and Other Services Personnel Trade Union of SA, the SA Democratic Teachers’ Union (Sadtu) and the National Teachers’ Union incensed and plotting their course of action to force government to bow to their demands for a wage increase in the public sector.

According to the PSA and the Cosatu-affiliated unions, “mass industrial action as we enter the new year” is definitely on the cards.

Sadtu general secretary Mugwena Maluleke indicated that the country should indeed brace itself for mass protests come January, as a last resort for unions.

However, he also indicated that the union’s national executive committee (NEC) was meeting this week until Saturday, and a concrete plan of action would be communicated after this meeting.

A source within the Sadtu NEC meeting told City Press that “the union’s leadership feels strongly about embarking on mass protests while concurrently taking the legal route. The thinking is that it would place greater pressure of the ANC and force them back to the bargaining table”.

“Another heated discussion was regarding unity when we do embark on the protests early next year. The local government elections are happening and mass protests are the last thing the ANC needs. So the plan is to get Cosatu’s buy-in, as the trade union federation is already aggrieved that a memorandum was delivered to ANC ministers, and the alliance partner did not even bother responding. We also need to work hand-in-hand with the PSA as we will accomplish more united.”

An infuriated acting PSA general manager, Reuben Maleka, said: “How do we trust government and the bargaining process going forward if they led us to believe that the three-year wage deal was sanctioned by Cabinet, only to turn around when they no longer wanted to honour it?

“You must remember, we never wanted a multiyear deal, we wanted a year-on-year deal and government came with this offer. This has

huge ramifications for bargaining as a whole in the court.

“We have two options: to approach the Constitutional Court or embark on a nationwide strike, and for now it looks like embarking on a strike would be the likely option,” he said.

Aside from mass strike action, both the PSA and Sadtu will also be approaching the Constitutional Court to appeal this week’s judgment.

Speaking to City Press on Friday, Sadtu spokesperson Nomusa Cembu said: “We would love to approach the Constitutional Court and appeal the ruling, but our legal team is looking at the

judgment and would be advising us on a way forward once they have completed their assessment.”

She indicated that a resolution on whether to approach the highest court in the land would be made during the NEC’s sitting and would be communicated on Saturday.

The PSA also confirmed that their legal representatives would be looking at which particular areas in the judgment they could appeal.

According to insiders, “there are three areas of interest in the judgment that our [the PSA’s] legal team has identified”.

“The fact that the judge ruled that only one clause was unlawful and did not rule on other clauses is a cause for concern. The entire resolution ought to have been found unlawful if the ruling was based on facts and not moral standing.

“Another area of contention is that the court deemed that no Cabinet approval was obtained. At whose behest were the negotiators mandated, if not by Cabinet?” said a PSA leader who spoke to City Press on condition of anonymity.

Another area of the judgment that both the PSA and Sadtu could be appealing is the Labour Appeals Court ruling that further negotiations with regard to

a settlement of the salary cycle ending on March 31 2021 were issues beyond its competence.

“If the appeals court does not adjudicate on this, where do we go to? Back to the same bargaining council where government will again send an unmandated panel? We can’t do that. This judgment itself has deemed the bargaining council a liability that can no longer be trusted,” said the same source.

By the time of going to print, department of public service and administration spokesperson Kamogelo Mogotsi had not responded to City Press’ enquiries on the matter.