

**MEDIA RELEASE:** **PSA extremely disappointed by Constitutional Court Ruling on Public Service Salaries**

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**EMBARGO:** None

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The Public Servants Association (PSA) is extremely disappointed by the Constitutional Court judgement, which today ruled that the State will not have to pay public servants their salary increases for the 2020/2021 financial year. Briefly, the judgement confirmed that the agreement was invalid because Government had not followed proper mandating procedures prior to signing the agreement and that it was justifiable that the state could plead poverty by claiming that they could not afford to pay the increases owing to the dire economic situation facing the country.

The PSA is extremely concerned that the judgement will have adverse consequences for the future of collective bargaining and the state's commitment to honour collective agreements. It is also alarming that the Minister of Public Service and Administration authorised the signing of the agreement without the necessary authority and that there should be consequence management on Cabinet Ministers that allowed the invalid agreement to be implemented. In addition, the judgement cited the issue of the pandemic as one of the reasons the State could not afford to pay the increases. The obligation to pay salary increases and Government's unwillingness to do so emanated before Covid-19 became a reality in South Africa. Public servants were as a result denied salary increases that were due to them, which were negotiated in good faith by the PSA and other unions.

While the PSA still maintains that the employees deserve to get what was promised to them by the concluded agreement, it respects the decision of the Court and will study the judgement to determine the appropriate way forward.

The judgement ignored the fact that government saved billions through the non-filling of positions, which forced the remaining employees to carry the burden of additional responsibility without any real salary increases and diminishing benefits. Public servants remain the scapegoats of a government that squanders billions of rands through corruption.

In view of the agreement being declared invalid, the PSA has already reinstated its demands that had been tabled in October 2017 at the Public Service Co-ordinating Bargaining Council (PSCBC) which were acknowledged by the council already.

It must be noted that the PSA was on the verge of embarking on industrial action when the majority of unions signed the agreement in 2018. The PSA hopes that the outcome of this process will bring justice to Public Servants to receive their well-deserved increases and that this time around the relevant Ministers will do due diligence in the process. The PSA will also demand that Ministers involved in the unlawful agreement will be brought to justice.



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