

FOR PSA MEMBERS: PUBLIC SERVICE COORDINATING BARGAINING COUNCIL
(PSCBC)

16-12-2020

Public Service salary dispute – Judgement

Members are aware that public servants have not received their salary increases with effect from 1 April 2020. The PSA was left with no option but to approach the Labour Appeal Court to enforce clause 3.3. of Public Service Coordinating Bargaining Council (PSCBC) Resolution 1/2018.

The PSA received the judgement on 15 December 2020 and unfortunately the decision was not in favour of the PSA. In a nutshell, the Court ruled that clause 3.3. of the Resolution is declared unlawful and in contravention of sections 213 and 215 of the Constitution of South Africa and Regulations 78 and 79 of the Public Service Regulations.

The PSA is of the view that the judgement hinges more on moral sense than on law and facts. If Cabinet did not have a mandate to sign the Resolution, then why only declare clause 3.3 unlawful instead of the entire agreement that has other conditions of service, such as housing, which the employer implemented in 2020?

The PSA will study the judgement (*copy attached for ease of reference*) in detail and decide on the most appropriate way forward, which may include industrial action as the judgement has severe repercussions for the future of collective bargaining in the country. The PSA will leave no stone unturned to ensure that the right to collective bargaining, as enshrined in the Constitution of South Africa, is protected. Unfortunately, the PSA has lost trust in the Ministers and Cabinet who are responsible to ensure labour peace in South Africa.

Members will be informed of developments.

GENERAL MANAGER