

Refusal to withdraw *Circular 04 of 2021*

Members will recall that during the MANLAB meeting on 19 February 2021, labour demanded the withdrawal of the Departmental Circular that was issued without consultation wherein the employer requested time to consult with the principals. Subsequently, the employer reverted to labour with the response wherein the demand was declined, hence the circular would be implemented from 1 March 2021.

It must be noted that the said circular was not discussed in any forum with labour as it was unilaterally issued by the employer. It is shocking that the employer's response alludes to the fact that upon perusal of the circular, the Department did not see provision that was inconsistent with the *BCEA* as amended or any other legislation or collective agreement. Further, the stance that the employer is always available to present or clarify the circular is illogical as the same should have happened during the consultation prior to the issuance of the circular. Labour must be consulted as we are of the view that the circular unilaterally changes the conditions of employment.

The PSA has noted the constant disregard of legislative and regulatory framework by the Department and disrespect to labour, which is not acceptable. The employer is continuously provoking employees through the introduction of draconian rules that disregard the wellness of employees and the PSA cannot keep quiet when members continue to suffer injustice where their rights and interests are trampled by an uncaring employer.

Seeing that labour did not have the opportunity to present their concerns in any forum, the PSA has subsequently written a letter to the Department citing the contravention of *section 85* of the *LRA* and demanded the withdrawal of the Circular within 48 hours to allow for proper consultation. The PSA will, however, explore the options available, including litigation to advance the protection for members' rights and interests.

Members will be informed of developments.

GENERAL MANAGER