

## Constitutional Court Judgement on Public Service salaries for the 2020/2021-Financial Year

The 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 fiscal 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 honor collective agreements. It is also alarming that the Minister of Public Service and Administration authorized 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 far 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.

Whilst the PSA still maintains that the employees deserve to get what was promised to them by the salary agreement that was concluded in 2018, 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 posts which resulted in the current workforce having to carry the burden of additional responsibility without any rewards of a salary increase. 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). It must be noted that the PSA was on the verge of embarking on industrial action when most 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 responsible in concluding the agreement in bad faith takes responsibility for hard working public servants who did not receive their salary increases in 2020.

GENERAL MANAGER