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SHOCKED!!!

CONSTITUTIONAL COURT JUDGEMENT ON PUBLIC SERVICE WAGE DISPUTE

NAPTOSA is shocked by the judgement delivered by the Constitutional Court today that the State as employer was within its rights to walk away from Public Service Co-ordinating Bargaining Council (PSCBC) Resolution 1 of 2018 by not implementing the third leg of the agreement to grant public servant the negotiated salary increases with effect from 1 April 2020.

The judgement means that the employer managed to convince the Court that its negotiators had not fulfilled all the legal mandate requirements for the third year of the agreement before appending a signature on behalf of the employer to the collective agreement.

This flies in the face of good faith bargaining. While NAPTOSA and the other public service trade unions were engaged in negotiations with the employer, believing that their negotiators bargained from a mandated position, the employer always kept an ace up their sleeve. By having a multi-layered mandating process, the employer was always in a position to argue that one or the other mandate had been lacking. It was impossible for the unions to know whether the employer's negotiators had the requisite mandates or not.

Although the employer won the court case, they have lost the trust of the unions to the PSCBC. In a single act (not to implement the agreed salary increase for 2020) the employer managed to dismantle the trust relationship that had been built between the public service trade unions and the employer over a period of more than 20 years since the inception of the PSCBC.

While we are unhappy with the outcome of the judgement, we are nevertheless glad that it came before the Collective Bargaining Summit, arranged by the PSCBC, is to take place from 28 to 30 March 2022. The issue of trust is sure to dominate proceedings at the Summit.

What NAPTOSA finds really frustrating is that, although the employer argued the non-implementation of the 2020 salary increase on a mandating technicality, we all know that it stems from a National Treasury austerity approach. The Minister of Finance, in comments to the press, attributed the "unacceptable" size of the public service wage bill to above inflation salary increases over a number of years. This is astonishing because it purports that the employer did not play any role in this. Or is the Minister arguing that those increases (which we dispute were excessive) were also not properly mandate on the employer side?

Salary negotiations for 2022 is to commence shortly in the PSCBC. The employer can be assured that the losses suffered by public servants from 2020 will feature strongly in the negotiation process.

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EXECUTIVE DIRECTOR