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NAPTOSA IN COURT ACTION ON PSCBC RESOLUTION 1 OF 2018

Members have previously been informed that NAPTOSA, in conjunction with the trade union parties to the Public Service Co-ordinating Bargaining Council (PSCBC) belonging to FEDUSA (HOSPERSA, PSA, SAOU, SAPTU and UNIPSAWU), would be lodging an application to the Labour Court regarding the State as Employer's failure to implement the salary adjustment that was due to employees with effect from 1 April 2020.

In 2018 the parties to the PSCBC concluded a 3-year, multi-term, agreement that *inter alia* defined the salary adjustments for public servants for the financial-years 2018/19, 2019/20 and 2020/21. In terms of clause 3.3. of the Resolution, it was agreed that with effect from 1 April 2020 the salary adjustments for employees on salary levels 1-12 would be as follows:

Level 1 to 7: Projected CPI +1.0%;

Level 8 to 10: Projected CPI + 0.5%; and

Level 11 to 12: Projected CPI.

Before the implementation date for the 2020/2021 financial year was due, the State as Employer attempted to re-negotiate the Resolution. The employer's proposals in this regard (*inter alia* utilising the funding for the 2020 pay progression to fund a substantially lower salary adjustment than was supposed to be implemented on 1 April 2020) were rejected by the unions to the PSCBC.

NAPTOSA called on the Minister of Public Service and Administration to honour the 2018 Resolution, but the Employer let the implementation date of 1 April 2020 silently pass. Some of the unions to the PSCBC chose the route of declaring a dispute (to which NAPTOSA as a party to the Council was automatically joined), but NAPTOSA, as well as PSCBC unions belonging to FEDUSA, believed that the correct way of dealing with this matter was to approach the Labour Court on the employer's failure to implement the Resolution. As a union in a working together arrangement with the FEDUSA unions, we agreed to join them in the court action.

Papers have been formally served on all respondents in the court action and a case number (J 500\20) has now been received from the Labour Court with the notice of motion and founding

affidavits issued. We are optimistic that a set down notice will be received soon. In the meantime, we wait to see if the employer will honour the annual pay progression due to qualifying employees on 1 July 2020 or whether we will be compelled to lodge a further court action.

Members will be kept informed of developments.

BASIL MANUEL
EXECUTIVE DIRECTOR