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COURT ACTION ON PSCBC RESOLUTION 1 OF 2018: GOVERNMENT'S DELAYING TACTICS

In National News Flash 27 of 2020, members were 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), had lodged 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.

Members were further informed that papers had been formally served on all respondents in the court action (*inter alia* the Ministers of Public Service and Administration and of Finance) and that a case number had been received from the Labour Court with the notice of motion and founding affidavits issued.

In terms of Labour Court Rules, respondents are allowed 10 days to file answering affidavits to the founding affidavit. In this case the due date for such answering affidavits was 1 July 2020. On 29 June 2020, the legal counsel representing us, however, received a letter from the State Attorney requesting an extension until 17 July 2020 to file the answering affidavit on behalf of the Finance Minister, Mr Tito Mboweni.

We view this as yet another Government tactic to delay the matter and a clear indication that Government simply does not care about the financial wellbeing of the public servants who are at the coalface of the pandemic, carrying the country's response thereto.

Although NAPTOSA believes that Government had more than ample time to respond to the founding affidavit, reality dictated that the extension be granted. It was the assessment of the applicant parties that the Labour Court would in all likelihood grant the Minister of Finance condonation for a late response and that it would therefore be of little value to oppose the extension.

This type of action by Government is, however, further damaging an already fragile collective bargaining relationship. If Government believes that they are justifiable to renege on a collective agreement there should be no reason to delay the process. In fact, they should be eager for the

Court to pronounce on the matter. Is it that they might not be so confident in their case, that we see them putting up these hurdles?

Together with the other unions in this matter we will be mindful of further delaying tactics by Government and will definitely not be as accommodating as we were in this instance.

BASIL MANUEL

EXECUTIVE DIRECTOR