



NEHAWU WELCOMES LABOUR COURT JUDGEMENT SETTING ASIDE THE APPOINTMENT OF NHBRC ACTING CEO

MEDIA STATEMENT - FOR IMMEDIATE RELEASE

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The National Education, Health and Allied Workers' Union [NEHAWU] welcomes the Labour Court Judgement setting aside the appointment of Acting Chief Executive Officer of the National Home Builders Registration Council [NHBRC], Ms N C Chiluvane.

As NEHAWU, we approached the Labour Court on an urgent basis and the matter was heard on 20 December 2024, to set-aside the acting appointment of the CEO after the Minister of Human Settlements and the Council of NHBRC had unconstitutional and unlawful appointed Ms Chiluvane as an acting CEO of the institution. Our entry-point to the matter was that the Minister and Council had failed to adhere to the governance principles, NHBRC policies and organisational integrity.

The NHBRC policies clearly stipulate on acting appointments of the company especially clause 6.29 of the NHBRC Acting Policy which explicitly prohibits temporary employees and [former] Council members being considered for acting appointments. In the instance of the acting appointment of Ms Chiluvane, she was appointed whilst being a former board member of the council. The Minister and the Council disregarded the policy and acted in blatant abuse of their powers and thereby undermining the governance framework of the NHBRC.

The Labour Court determined that the Council has no authority to waive provisions of the Acting Policy and the fact that the Minister believes that the Council has the power to waive the provisions of the policy is shocking.

Furthermore, the court indicated that it can never be in the interest of the NHBRC to act in contravention of its policies and procedures and to take decisions which undermine the principles of good governance and responsible decision take. The flouting of rules and policies in favour of arbitrary decisions in contravention of the prescripts and policies does not belong in the running of a state entity. It will undermine the rule of law and create chaos and uncertainty. The Labour Court declared that the appointment of Ms Chiluvane as acting CEO is unconstitutional and unlawful and the appointment is set aside. Furthermore, the court directed NHBRC to pay costs of the union.

Lastly, as NEHAWU, we shall not allow state entities to undermine the principles of good governance. We welcome the judgement of the Labour Court setting aside the appointment of Acting Chief Executive Officer of the National Home Builders Registration Council [NHBRC], Ms N C Chiluvane.

END

Issued by NEHAWU Secretariat.

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